NOTICE OF MEETING

Notice is hereby given that the next ordinary meeting of Council will be held on 21 July 2020 in the Council Chambers, 43 – 51 Tanunda Road, Nuriootpa, commencing at 9.00am and recorded and posted online on Friday 24 July 2020.

Martin McCarthy
CHIEF EXECUTIVE OFFICER
THE BAROSSA COUNCIL

AGENDA

1. THE BAROSSA COUNCIL
   1.1 Welcome by Mayor Lange - meeting declared open
   1.2 Present
   1.3 Leave of Absence
   1.4 Apologies for Absence
   1.5 Minutes of previous meetings – for confirmation: Council meeting held on Tuesday 16 June 2020 and Special Council meeting held on Monday 29 June 2020 at 9.00am
   1.6 Matters arising from previous minutes
   Nil
   1.7 Petitions
   Nil
   1.8 Deputations
   Nil
   1.9 Notice of Motion
   Nil
   1.10 Questions with or without Notice

2. MAYOR
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   3.1 Nil

4. Consensus Agenda
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         4.2.1.3 Local Government Association of South Australia Mutual (LGASA Mutual – Workers Compensation and Mutual Liability Scheme Rules 20

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5. Consensus Agenda Adoption
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5.3 DEBATE OF ITEMS EXCLUDED FROM CONSENSUS AGENDA

6. VISITORS TO THE MEETING/ADJOURNMENT OF MEETING

6.1 VISITORS TO THE MEETING

Nil

6.2 ADJOURNMENT OF COUNCIL MEETING

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7.1 MAYOR

Nil

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7.3.1 DIRECTOR CORPORATE AND COMMUNITY SERVICES

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Nil

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Nil

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Nil

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9. URGENT OTHER BUSINESS


10. NEXT MEETING

Tuesday 18 August 2020 at 9.00am

11. CLOSURE
Mayor’s Report to Council – July Meeting 2020

June

5/06/2020 Legatus - Webinar meeting
11/06/2020 GRFMA meeting – Barossa Council office
15/06/2020 Leader interview & photo – Nuriootpa Oval change room construction
17/06/2020 Webinar Meeting with CEO Martin McCarthy & TAFA SA Chief Executive Officer
18/06/2020 Airstrip inspection and discussion options with Hugh McCallum – Glen Devon Road

23/06/2020 Leader Interview - Tourist Train opportunities
Meeting DEW - representatives & CEO Martin McCarthy - Proposal Road Closure - Kaiserstuhl Conservation Park

24/06/2020 On-site discussions 354 McCallum Road Rosedale - Matt Elding, Steve Kaepler will all and applicant consultant Elinore Walker

25/06/2020 Flow FM Radio interview – Promoting Barossa visitation

27/06/2020 BBB FM Wine Show interview with David de Vries and others

30/06/2020 Leader Promotional Photo Barossa Adventure Station – Angaston
Webinar meeting with His Excellency the Governor & CEO Martin McCarthy

July

1/07/2020 Stock Journal reporter interview - Council’s current position on Generically Modified Crops
ABC radio interview - Promotion Barossa Adventure Station

2/07/2020 Webinar Meeting RDA Barossa in conjunction with Barossa Partnerships Genetically Modified Crops Management Webinar
RDA BGLAP’s Webinar Meeting – Barossa Partnerships

3/07/2020 Legatus Group Special Meeting - 2020/2021 Business Plan and Budget – Refer 7.2.1

3/07/2020 Grassroots Photo Promotion Minister Knoll & Sporting Club Representatives - Old Talunga courts Mount Pleasant
Grassroots Photo Promotion Minister Knoll & Sporting Club Representatives – Lyndoch Oval
Meeting with Graham Ahrens, Neville Kies and Eddie Schield – Proposed new Lyndoch Pedestrian Crossing installation concerns with farm machinery movements. Contacted DPTI install put on hold for design reassessment

Meeting Member for Barker Tony Pasin & CEO Martin McCarthy - Building Better Regions funding application assessment. Highlight to the Member for Barker;

- Very strong application and highly competitive – rated highly against each of the 4 assessment criteria
- Achieved / exceeded the benchmark score for each of the 4 Assessment criteria (ie: economic benefit, social benefit, capacity and capability to deliver and Impact of funding)
- Project was recommended for the second time for funding based on its based on its score ‘s

I acknowledge and congratulate Council staff for preparing and submitting a high quality application ticking all the boxes in the assessment criteria.

I am seeking further feedback as to how we can progress this project in the next round of funding. This project will re-purpose and add significant value to the historic Barossa Regional Gallery to create a landmark Culture Hub and creative industry precinct to be the cultural beacon connecting to our regional towns that will truly showcases the heritage culture and creative industries of our world renowned community which is recognised regionally, nationally and internationally. The incredible benefits that this project will bring to a region cannot be understated when considering the opportunities to maximise and monetise our cultural and creative industry potential: securing jobs, tourism and community health and well-being for the region, state and Australia. These are several factors that will contribute to this projects financial and social viability.

5/07/2020 On site meeting resident Elliott Boundary Road, Mount Pleasant – Road Reserve access Adelaide Wine Cycling Trail

7/07/2020 Footpath site meeting residents Corella Street Nuriootpa

Meeting Landscape Board representative, CEO Martin McCarthy & Gary Mavrinac

8/07/2020 Meeting 100 Barossa Artist Event representatives & Director Jo Thomas

Zoom Meeting Adelaide Hills Council Mayor Jan-Claire Wisdom, CEO Andrew Aitken and CEO Martin McCarthy to be advised the AHC has embarked on a review of its entire boundary, comprising 9 neighbouring councils and the approach the Barossa Council has taken with its consideration to boundary reform.
4.1.1 CONSENSUS AGENDA – MAYOR

4.1.1.1 LIGHT REGIONAL COUNCIL BOUNDARY REFORM PROPOSAL B5538
Correspondence, as attached, has been received notifying Council that the proposal of Light Regional Council has not met the requisite standards as assessed by the Local Government Boundary Commission and “therefore, under Stage 1 of Guideline 3, the Commission has advised the Council (being Light) that a general proposal as outlined in the Potential Proposal cannot be referred for consideration”.

RECOMMENDATION
That report item 4.1.1.1 be received and noted.
Ms Karen Redmen  
Mayor  
Town of Gawler  
PO Box 130  
GAWLER SA 5118

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

Mr Glenn Docherty  
Mayor  
The City of Playford  
12 Bishopstone Road  
DAVOREN PARK SA 5113

Notification of stage 1 potential boundary proposal

I write to inform you that the Boundaries Commission (the Commission) has been notified by the Light Regional Council (the Council) of a potential boundary change proposal (the Potential Proposal). This Potential Proposal relates to a boundary change affecting the Light Regional Council, The Barossa Council, the Town of Gawler, and the City of Playford.

The process by which the Commission deals with boundary proposals is set out under Chapter 3 Part 2 of the Local Government Act 1999 (the Act) and in the nine guidelines that the Commission has published that detail certain aspects of the boundary change process.

At its meeting on 11 June 2020, the Commission considered the Potential Proposal along with relevant information, including all correspondence received in relation to the Potential Proposal.

When discussing potential proposals, the Commission gives close consideration to the principles contained under section 26 of the Act. These principles are of fundamental importance to boundary change proposals and ultimately form the basis of any recommendation that the Commission makes to the Minister.

It is for this reason that the Commission’s Guidelines require prospective initiators to consider these principles at the outset of a potential proposal.

The Commission has determined that the Council’s Potential Proposal would be a general proposals, however, it does not easily align with the principles under section 26.

In particular the Commission notes that the Potential Proposal does not address the broader concept of a ‘community of interest’ nor does it specifically identify common interests between the affected communities.
Therefore, under Stage 1 of Guideline 3, the Commission has advised the Council that a general proposal as outlined in the Potential Proposal cannot be referred for consideration.

The information about the Potential Proposal from the Council along with the Commission’s nine guidelines are available at the Office of Local Government’s (OLG’s) website—www.dpti.sa.gov.au/local_govt/boundary_changes.

Please note that under the Commission’s publication policy it publishes documentation relating to council boundary change proposals received by the Commission as well as the Commission’s correspondence providing notification of proposals. This documentation is also available at OLG’s website.

If you have further questions, please contact the Commission’s Executive Officer on (08) 7109 7148.

Yours sincerely

Bruce Green
Chair, SA Local Government Boundaries Commission

9 July 2020
4.2.1 CONSENSUS AGENDA – CHIEF EXECUTIVE OFFICER

4.2.1.1 LEGATUS MINUTES
B10496

The Minutes of the Legatus meeting held on 3 July 2020 are attached for Council’s information.

RECOMMENDATION
That Minutes of the Legatus meeting of 3 July 2020 be received and noted.
Unconfirmed Minutes of the Legatus Group Special Meeting

3 July 2020

Meeting held via Zoom on-line conference commencing 10.30am

I Meeting Preliminaries

The meeting was advised that each of the Board Members taking part in the meeting, must at all times during the meeting be able to hear and be heard by each of the other Board Members present. At the commencement of the meeting each Board Member announced their presence to all other Board Members following a roll call. Board Members were advised they must not leave the meeting by disconnecting their audio-visual or other communication equipment unless that Board Member has previously notified the Chair of the meeting.

Present

Board members: Mayor Peter Mattey OAM – Chairman (Goyder), Mayor Leonie Kerley (Barunga West), Mayor Wayne Thomas (Clare & Gilbert Valleys), Mayor Bill O’Brien (Light), Mayor Bim Lange (Barossa), Mayor Peter Slattery (Flinders Ranges), Mayor Denis Clark (Northern Areas), Mayor Rodney Reid (Wakefield), Mayor Ruth Whittle OAM (Peterborough), Mayor Darren Braund (Yorke Peninsula), Mayor Mark Wasley (Adelaide Plains), Mayor Roslyn Talbot (Copper Coast) and Mayor Leon Stephens (Port Pirie).

In Attendance

Council CEO’s Dr Helen Macdonald, (Clare & Gilbert Valleys), Mr Peter McGuiness (Peterborough), Mr Peter Ackland (Port Pirie), Mr Andrew Cameron (Yorke Peninsula) Mr David Stevenson (Goyder), Mr James Miller (Adelaide Plains) and Mr Simon Millcock (CEO Legatus Group).

Apologies

Mayor Phillip Heaslip (Mt Remarkable), Mayor Kathie Bowman (Orroroo Carrieton) and Councils CEOs Maree Wauchope (Barunga West), Sam Johnson (Mt Remarkable) and Martin McCarthy (Barossa).

The Chairman declared the meeting open at 10.33am.

2 Legatus Group 2020/2021 Business Plan and Budget

2.1 Approval of Budget

The Legatus Group CEO provided a report with the agenda outlining the progress of the 2020/2021 Business Plan and Budget since the Legatus Group Ordinary meeting held on 5 June 2020. The Legatus Group CEO spoke to the report and the meeting noted approval from Northern Areas and Barunga West Councils takes the approval of the business plan and budget to 14 of the 15 constituent councils.

The Legatus Group CEO included the response provided to the Barossa Council and the advice from the Legatus Group Independent Auditor with his report in the agenda.

Mayor Bim Lange advised that he cannot commit to the current budget and business plan on behalf of The Barossa Council but that this will be an agenda item at their July 2020 Council meeting. He expanded on the issues he raised at the 5 June 2020 meeting on behalf of The Barossa Council. General discussion was held on these matters and the ability for the Legatus Group to operate without the approval from The Barossa Council.
Motion: That the meeting notes the report including that the Legatus Group is able to operate after 1 July 2020 without the adoption of a budget due to the reference to the Legatus Group Charter with specific requirements that must be considered outlined at: Clause 5.1.2, the budget must be adopted within 6 weeks of endorsement of the draft budget by all of the Constituent Councils and Clause 5.1.3 Legatus Group may incur expenditure before adoption of its budget for the year but the spending must be provided for in the appropriate budget for the year. In that event, any spending which is expected to be incurred after 1 July 2020 which has not been approved by all of the Constituent Councils in an adopted budget, must be provided for in the budget which is to be adopted by the Constituent Councils.

Moved: Mayor Leon Stephens Seconded: Mayor Mark Wasley

CARRIED

2.2 Charter variations re Budget.

The Legatus Group CEO provided an update on the responses being received from Constituent Council.

2.3 2020/2021 Project Updates.

The Legatus Group CEO provided a report with the agenda that outlined since the 5 June 2020 meeting there has been:

- Success with two grants: (1) “Inclusive and accessible tourism experiences for the Yorke Peninsula” and (2) stage 2 of the “Yorke Mid North Coastal Management Action Plan”.
- Drought Futures Fund and meeting noted that the Smart Irrigation Scheduling and Temperature Sensor System and Stormwater Harvesting Projects may not be included the broader Yorke Mid North Alliance application due to timing.
- Open Your World - Community Wellbeing and Resilience Grants program which closes on 17 July. The meeting was also provided with a file note by the Legatus Group CEO titled State Wellbeing Grant which outlined meetings held with Dylan Strong (CEO Orroroo Carrieton) and Angela Ruddenklau (PIRSA) and with regional wellbeing service providers.

General discussion was held on the value of the Legatus Groups support and commitment to Wellbeing across the region.

Motion: The Legatus Group supports the Legatus Group CEO progressing with a regional approach for an application to the Community Wellbeing and Resilience Grants as outlined in the file note to the meeting.

Moved Mayor Roslyn Talbot Seconded Mayor Rodney Reid

CARRIED

3 Next Meeting

The meeting noted that the next meeting of the Legatus Group is Friday 4 September 2020 but that a further special meeting to adopt the budget may need to be called subject to the response from The Barossa Council.

3 Close of meeting

Meeting closed by the Chair at 11.25am

Signed as a true and correct record by:

Chairman Mayor Peter Mattey

Date
4.2.1 CONSENSUS AGENDA – CHIEF EXECUTIVE OFFICER

4.2.1.2 NOTICE OF ANNUAL GENERAL MEETING – LOCAL GOVERNMENT FINANCE AUTHORITY OF SOUTH AUSTRALIA

B9229

Correspondence, as attached, has been received notifying Council that the Annual General Meeting of the Local Government Finance Authority (LGFA) will be held on Thursday 29 October 2020. Mayor Lange is Council’s representative.

Notices of Motion must be submitted by Friday 21 August 2020 if Council wishes.

Should a member wish to nominate please contact the Chief Executive Officer and the matter would need to be withdrawn.

RECOMMENDATION
That report item 4.2.1.2 be received and noted.
TO: Chief Executive Officers

RE: Annual General Meeting – Thursday 29th October 2020

Advance notice is hereby given that the Annual General Meeting of the Local Government Finance Authority of South Australia will be held on Thursday 29 October 2020. Due to the COVID-19 restrictions, the format of this year’s meeting will be advised closer to the date.

1. Appointment of Council Representative

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

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

As the meetings of the Local Government Association of South Australia will also be held on the above day, it is suggested that the same person be appointed to represent your council on the Association and the Authority.

A form is attached for your convenience to notify us of your representative. (Appendix 1) Please return same to this Authority no later than Friday 21 August 2020.

2. Nominations for Members of the Board

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

"(a) two are persons elected in accordance with the rules of the Authority;"

and to Section 8(1) which provides:

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

Kindly note that in accordance with the Rules of the Authority if more than two persons are nominated an election for two representative members will again be determined by postal ballot. The successful candidates will be declared elected at the Annual General Meeting.
Nominations are hereby called to fill the two positions provided by Section 7(1)(a) currently held by Ms Annette Martin (City of Charles Sturt) and by Mr Michael Sedgman (The Rural City of Murray Bridge).

Nominations must be lodged at the Local Government Finance Authority of South Australia office not later than 21 August 2020.

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

“At least one member of the board must be a woman and at least one member must be a man”

Our current gender status is 4 men and 2 women, 1 vacancy.

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

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

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

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

3. Notice of Motion

The Rules of the Authority in relation to Annual General Meeting procedures require that a Notice of Motion specifying the resolution which is to be proposed has been given in writing to the Chief Executive Officer not less than forty two days prior to the meeting and to comply with this Rule, it is necessary for Notices of Motion to be submitted to the Local Government Finance Authority of South Australia office on or prior to Friday 21 August 2020.

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

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

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

DAVIN LAMBERT
Chief Executive Officer
Local Government Finance Authority of SA

7 July 2020
APPOMNTMENT OF COUNCIL REPRESENTATIVE

LOCAL GOVERNMENT FINANCE AUTHORITY OF SOUTH AUSTRALIA

2020 ANNUAL GENERAL MEETING

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

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<td>Council Delegate (Full Name)</td>
<td>Mayor / Chairperson / Councillor / Officer</td>
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<td>Delegate Email Address</td>
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<td>Name of Chief Executive Officer</td>
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<td>Signature of Chief Executive Officer</td>
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Please return completed Appointment of Council Representative Form to admin@lgfa.com.au
by CLOSING DATE: Friday 21 August 2020

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

PURSUANT to a Resolution duly passed

The ..................................................................................................................................................
(Name of Council)

hereby nominate ................................................................................................................................
(Full Name)

of ...................................................................................................................................................

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

Date this .................................................. day of ......................................................... 2020

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

and I the person nominated hereby agree to accept such nomination

..........................................................................................................................................................
(Signature of Candidate)

Please return completed Nomination Form to admin@lgfa.com.au by CLOSING DATE: Friday 21 August 2020

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

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<td>Current Employer</td>
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<td>Qualifications</td>
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**Current Position in Local Government:**
- Mayor / Chairman / Councillor / Other

**Name of Council**

**Period in Local Government**

**Other Committees / Bodies of Local Government Involvement:**
- Past
- Present

Please return completed Resume Form to admin@lgfa.com.au by CLOSING DATE: **Friday 21 August 2020**

(or post to Local Government Finance Authority of SA, Suite 1205, 147 Pirie Street, Adelaide SA 5000)
NOTICE OF MOTION
LOCAL GOVERNMENT FINANCE AUTHORITY OF SOUTH AUSTRALIA
2020 ANNUAL GENERAL MEETING

NAME OF COUNCIL: ........................................................................................................................................

NOTICE OF MOTION:
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REASON:
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SUGGESTED ACTION:
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Please return completed Notice of Motion Form to admin@lgfa.com.au by CLOSING DATE: Friday 21 August 2020
(or post to Local Government Finance Authority of SA, Suite 1205, 147 Pirie Street, Adelaide SA 5000)
4.2.1 CONSENSUS AGENDA – CHIEF EXECUTIVE OFFICER

4.2.1.3 LOCAL GOVERNMENT ASSOCIATION OF SOUTH AUSTRALIA MUTUAL (LGASA Mutual) – WORKERS COMPENSATION AND MUTUAL LIABILITY SCHEME RULES B8185

Correspondence, as attached, has been received notifying Council that the LGASA Mutual scheme rules for the workers compensation and mutual liability arrangements have been updated to be consistent with the scheme changes over the past year. Council enjoys the benefits of pooled risk and self-insured models through being a member of the scheme. The scheme rule changes are for members of the schemes information.

RECOMMENDATION
That report item 4.2.1.3 be received and noted.
8 July 2020

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

Emailed: mmccarthy@barossa.sa.gov.au

Dear Mr McCarthy

Amendment to Scheme Rules

As you may be aware, LGASA Mutual Pty Ltd was set up by the Local Government Association of South Australia (LGA) following the restructure of the LGA’s self-insurance schemes in 2018. LGASA Mutual Pty Ltd combines the management of the existing LGA Mutual Liability Scheme and the LGA Workers Compensation Scheme into one entity.

LGASA Mutual was established to create a new and robust corporate governance structure for the combined Schemes as well as to protect and create value for its stakeholders. The LGA objectives was to set up a board that will provide strategic oversight of the contractor engaged to provide day to day services for the Schemes under a master service agreement (JLT/LGRS), provide financial management and corporate governance over the company as well as set the strategic direction of the Schemes in consultation with stakeholders.

As part of the restructure of the two schemes, the LGA have undertaken a review of the Scheme Rules with a view to ensuring that the recent governance changes to the schemes are reflected in their rules. As a member of the Schemes, I wish to formally advise you that the LGAMLS Scheme Rules and the LGAWCS Scheme Rules have been amended and were placed in the Government Gazette on 2 July 2020.

A copy of the amended LGAMLS Scheme Rules and LGAWCS Scheme Rules as Gazetted on 2 July 2020 are annexed to this letter.

Please feel free to contact me if you have any questions in relation to the amended Scheme Rules.

Yours sincerely

Dr Andrew Johnson
Chief Executive Officer
LGASA Mutual Pty Ltd
Telephone: (08) 8224 2094
Email: andrew.johnson@lga.sa.gov.au

Attach: ECM 667166 - LGAMLS Scheme Rules
      ECM 667167 - LGAWCS Scheme Rules
Local Government Association Workers Compensation Scheme (LGAWCS)

Scheme Rules

1. Operation of Rules

These Rules operate from 12:00am on 2 July 2020.

2. Definitions

In these Rules, the following words have the following meanings given to them:

2.1 "Claim" means any claim made upon a Member by an employee in respect of a compensable disability under the RTW Act, or a claim by another entity seeking recovery from a Member in respect of a compensable disability by any person.

2.2 "Delegate" has the meaning given to that term in Rule 3.1.

2.3 "Eligible Body" means:

2.3.1 LGA;

2.3.2 LGASA Mutual Pty Ltd (ACN 625 310 045);

2.3.3 LGCS Pty. Ltd. (ABN 21 094 805 964);

2.3.4 The Local Government Finance Authority of South Australia;

2.3.5 All Councils (including their subsidiaries) constituted pursuant to the provisions of the LG Act;

2.3.6 Any other body so prescribed by the provisions of the LG Act that is admitted to the membership of the Workers' Scheme; or

2.3.7 Any other entity admitted to the membership of the Workers' Scheme by LGA in accordance with Rule 5.2.

2.4 "Fund" means the fund established in accordance with Rule 6 and maintained in accordance with these Rules.

2.5 "Indemnity Cover" means insurance or reinsurance cover purchased or procured by LGA for and on behalf of Members to satisfy and manage the Claims admitted to indemnity in the amount determined from time to time by LGA.

2.6 "LG Act" means the Local Government Act 1999 (SA), and any Act of Parliament in addition to or in substitution for that Act.

2.7 "LGA" means Local Government Association of South Australia (ABN 83 058 386 353) which for the purposes of the Workers' Scheme is treated as the employer of all workers employed by the Members pursuant to Section 129(12) of the RTW Act.

2.8 "LGA Board" means the board of directors of LGA.

2.9 "LGA Member" means any Council (including its subsidiaries) constituted pursuant to the LG Act that is admitted as a member of the LGA in accordance with clause 8 of the Constitution of the LGA from time to time.

2.10 "Member" means an Eligible Body admitted to membership of the Workers' Scheme in accordance with Rule 5:

2.11 "Notifier" has the meaning given to that term in Rule 19.1.

2.12 "Objectives" means the objectives of the Workers' Scheme contained in Rule 4.

2.13 "Ordinary Resolution" means a resolution passed by at least the majority of the votes cast by all persons present and entitled to vote at the meeting at which the resolution is put.

2.14 "Recipient" has the meaning given to that term in Rule 19.1.

2.15 "RTW Act" means the Return to Work Act 2014 (SA), and any Act of Parliament in addition to or in substitution for that Act.

2.16 "Special Resolution" means a resolution passed by at least 75% of the votes cast by all persons present and entitled to vote at the meeting at which the resolution is put.

2.17 "Workers' Scheme" means The Local Government Association Workers' Compensation Scheme first established in 1994 and conducted pursuant to the LG Act and in accordance with these Rules.

3. Delegation

Subject to Rule 3.2, LGA may (but is not obliged to) delegate any power, function or duty under these Rules (including the power to sub-delegate) to an entity controlled by LGA which is responsible for the management of the Workers' Scheme ("Delegate") subject to such limitations and conditions as may be determined by LGA.
3.2 LGA is not permitted to delegate any power, function or duty under Rules 5.2, 8.3, 9.6.1, 14.4, 15.1, 18.3, 18.7, 18.8, 19 and 20.1.

3.3 LGA may revoke or amend a delegated power, function or duty at any time. LGA may at any time exercise, in its own right, any of the powers or functions delegated by it and any such exercise will not, without more, amount to the revocation of any delegation in favour of a Delegate.

3.4 Subject only to any limitations or conditions in the delegation, the Delegate, in exercising delegated power, will be empowered under these Rules as if it were LGA.

4. Objectives of the Workers’ Scheme

4.1 The Objectives are to provide to Members assistance in respect of their potential and actual liabilities for any Claim for the rehabilitation of and/or payment of compensation to an employee or any other person so entitled for compensable disabilities under the RTW Act and including, but without limiting the generality of the foregoing, to provide:

4.1.1 advice in respect of minimising the risk of occurrence and severity of all compensable disabilities;

4.1.2 assistance in the administration, investigation and resolution of any Claim;

4.1.3 assistance in the rehabilitation of employees suffering from compensable disabilities; and

4.1.4 legal representation in respect of any Claim.

4.2 financial assistance by way of discretionary grants in respect of Member liabilities for the rehabilitation and compensation of all employees suffering from compensable disabilities.

5. Admission to Membership

5.1 The Eligible Bodies listed in Rules 2.3.1 to 2.3.6 inclusive are automatically entitled to membership of the Workers’ Scheme.

5.2 The LGA Board may from time to time by Ordinary Resolution, and subject to the terms of these Rules, admit to membership of the Workers’ Scheme for a financial year any other entity which makes an application to LGA and upon their admission, such entity will be an Eligible Body for the purposes of Rule 2.3.7.

In exercising discretion to admit an entity to membership of the Workers’ Scheme pursuant to Rule 5.2, the LGA Board may take into account any matter which it considers relevant.

Notwithstanding the admission of a Member to membership of the Workers’ Scheme pursuant to Rule 5.1 or Rule 5.2, a Member shall only be entitled to the benefits of the Workers’ Scheme if, at the relevant time, that Member has paid in full any contribution payable by it under Rule 11 or otherwise as required in accordance with these Rules.

Payment of a contribution by a Member shall be evidence of the Member’s agreement to be bound by these Rules.

6. Fund

6.1 LGA shall establish and maintain the Fund to meet the Objectives and for that purpose, subject to Rule 5.4, may apply the Fund to meet:

6.1.1 such Claims as may be made against any one or more of the Members during that year;

6.1.2 such Claims as may have been made against any one or more of the Members during any previous year and which at the commencement of these Rules and any new financial year have not been settled;

6.1.3 the premium payable to an appropriate indemnity insurer to provide Indemnity Cover for the Members during that year;

6.1.4 the operating expenses of the Workers’ Scheme for that year, including:

6.1.4.1 the remuneration of LGA referred to in Rule 12.1; and

6.1.4.2 any expenses of LGA or a Delegate referred to in Rule 12.2; and

6.1.5 any grants or allocations to Members, or any other person or body for or on behalf of any Member, which LGA in its discretion may make.

The Members must contribute to the Fund in the proportions and the amounts determined annually by LGA.

LGA shall administer the Fund with the intent that upon the settlement of all Claims made in any financial year:
6.3.1 any surplus remaining in the Fund attributable to that year shall be allocated at the absolute direction of LGA toward liabilities of the Fund for any other year whether future or past; and

6.3.2 any deficiency in the Fund in that year may be met by additional contributions levied by LGA against each Member for that year in the proportion in which contributions were made to the Fund by each Member for that year.

7. Admission of Claim to Indemnity

LGA shall consider any Claim for which a Member seeks indemnity from the Fund and may in its sole and absolute discretion and either in whole or in part and upon such terms and conditions as LGA may consider appropriate determine whether it will grant indemnity and assistance for the Member from the Fund in respect of any such Claim.

8. Powers, Duties and Functions of LGA

8.1 LGA will administer and manage the Workers’ Scheme in the pursuit of the Objectives.

8.2 LGA shall be empowered for and on behalf of the Members to do all the following things namely:

8.2.1 levy Members for contributions in accordance with Rule 11, including differential contributions in respect of each Member to the Fund having regard to any matter which it considers relevant;

8.2.2 invest all contributions received from Members and other monies received comprising the Fund which are not immediately required to meet the liabilities of the Workers’ Scheme;

8.2.3 expend the contributions of, and income earned by, the Fund in respect of each financial year in and towards:

8.2.3.1 the general administration of the Workers’ Scheme;

8.2.3.2 assistance to Members by way of any advice in respect of their potential and actual liabilities in respect of compensable disabilities;

8.2.3.3 assistance to Members in respect of the rehabilitation of employees suffering from compensable disabilities;

8.2.3.4 assistance to Members in the administration, investigation and resolution of Claims;

8.2.3.5 legal representation for Members in respect of any Claims;

8.2.3.6 financial assistance by way of discretionary grants to Members in respect of their liabilities to rehabilitate and compensate employees suffering from compensable disabilities;

8.2.3.7 any remuneration of LGA referred to in Rule 12.1; and

8.2.3.8 any expenses of LGA or a Delegate referred to in Rule 12.2.

8.3 LGA may make such additional rules to be observed by a Member or the Members as it may deem fit with respect to the terms and conditions upon which a Member or Members will be eligible for assistance from the Workers’ Scheme provided that no such rule shall be made in terms inconsistent with these Rules and further provided that no such rule shall operate and take effect in respect of any Member until a copy thereof shall have been served upon such Member or Members.

8.4 LGA will enter into all such agreements for and on behalf of Members as are necessary for or incidental to the proper administration of the Workers’ Scheme in the pursuit of the Objectives.

8.5 LGA will carry out investigations of such relevant matters and make submissions to such relevant bodies as LGA may deem to be necessary for or incidental to, the proper administration of the Workers’ Scheme in the pursuit of the Objectives.

8.6 The duties of LGA shall include:

8.6.1 to achieve and implement the Objectives;

8.6.2 to ensure from a financial perspective that the Workers’ Scheme is viable;

8.6.3 to keep records of all activities for and on behalf of the Workers’ Scheme;

8.6.4 to review the performance and function of the Workers’ Scheme;

8.6.5 to be responsible for the financial management of the Workers’ Scheme to the extent that it shall:

8.6.5.1 annually determine the total amount of contributions to be levied against all Members in respect of the Fund;
8.6.5.2 from time to time undertake an assessment of Members or any of them and their activities to assist in the determination, in conjunction with actuarial advice, of the proportion in which the Members are to contribute to the Fund in any year and may upon the conclusion of any such investigation direct the Members as to the procedures to be adopted by them to prevent losses or to minimise Claims;

8.6.5.3 annually prepare the operating budget and the financial statements of the Workers' Scheme and report to the Members on any items arising from those statements;

8.6.5.4 annually determine the extent of Claims to be indemnified from the Fund;

8.6.5.5 annually determine the amount and nature of Indemnity Cover to be purchased for the Members from the Fund for any term and to determine the indemnity insurer for this purpose; and

8.6.5.6 be responsible for the assessment of the Members to determine, in conjunction with actuarial advice, the proportion in which they are to contribute to the Fund in each year from the total contributions determined in accordance with Rule 8.6.5.1;

8.6.6 to manage Claims made against each Member including:

8.6.6.1 the investigation and assessment of those Claims;

8.6.6.2 the provisions of loss prevention and risk minimisation guidelines;

8.6.6.3 the keeping of the accounts of the Fund for each year; and

8.6.7 the conduct of any investigation or audit of the activities of a Member so as to identify and assess risk, to give notice to a Member to take action to minimise risk and to report to the Board the outcome of such investigation or audit including detail of any notice given to a Member and the Member's response to such notice.

8.7 The annual operating budget and financial statements referred to in Rule 8.6.5.3 shall deal separately with the following items:

8.7.1 the projected income of the Fund by way of contributions interest or other sources;

8.7.2 the liabilities of the Fund for estimated Claims and Claims adjustment costs;

8.7.3 the amounts to be allowed to provide for the cost of arranging Indemnity Cover;

8.7.4 general and administrative costs to be charged against the Fund; and

8.7.5 any grants in accordance with Rules 6.1.5 and 10.7.

8.8 LGA may at its discretion alter the amounts to be expended in respect of the items listed in the budget for each year where necessary to meet the purposes of the Workers' Scheme. Where it becomes apparent to LGA that for any year the Fund will be insufficient to meet Claims payable from the Fund, LGA may at any time require the payment by the Members for that year of an additional contribution in the same proportions as the contribution paid by each of the Members to the Fund for that year in order to ensure that all Claims upon the Fund for that year are able to be met.

8.9 LGA shall report annually to the Members on all aspects of the operation of the Workers' Scheme for the preceding year, including details in relation to:

8.10 outstanding Claims (including an assessment as to the liability of outstanding Claims and the ability of the Fund to meet the assessment of liability);

8.10.1 further contributions required, if any;

8.10.2 the investment of the moneys of the Fund not immediately required;

8.10.3 the allocation of surplus moneys in the Fund, if any;

8.10.4 any remuneration received by LGA pursuant to Rule 12.1; and

8.10.5 any expenses of LGA (or its Delegate) referred to in Rule 12.2.

8.11 LGA shall be available at all times to the Members to answer any questions on the conduct of the activities of the Workers' Scheme.

8.12 LGA may establish such committees as it considers necessary to be constituted by such persons as LGA may determine to investigate
and report to LGA on any matter relevant to the Workers' Scheme.

9. Claims and Indemnity

9.1 Indemnity Cover

LGA shall purchase Indemnity Cover to an amount determined by LGA from year to year.

9.2 Excess

Each Member will be liable for the first amount of any Claim to be known as the "Excess" which shall be determined by LGA. The Excess may be a differential amount for each Member and for each Claim or a combination of both.

9.3 Defaulting Member

LGA may by written notice to a Member in default of these Rules exclude that Member from any or a defined entitlement to indemnity from the Fund for a particular year or years.

9.4 Special Risks

LGA may by written notice to a Member exclude a Member from any or a defined entitlement to indemnity from the Fund for a Claim in respect of a "special risk" as determined by LGA.

9.5 Other Insurance

A Member is not entitled to indemnity from the Fund for any Claim for which, at the time of the happening of the event giving rise to the Claim, the Member was otherwise indemnified or insured by or would, but for the existence of this Workers' Scheme be indemnified or insured by any other Policy or Policies of Insurance or otherwise, except in respect of any liability beyond the amount which would have been payable under such other Policy or Policies had this Workers' Scheme not been in existence.

9.6 Failure to Notify and False Notification

9.6.1 Where a Member fails to notify LGA as required by Rules 10.1 and 10.3, breaches Rule 10.2, submits a false Claim or provides false information contrary to Rule 10.4 or fails to comply with any requirement or notice issued pursuant to Rule 13, LGA may (in lieu of terminating the membership of the defaulting Member pursuant to Rule 18 and in addition to any other power under these Rules) levy an additional contribution to be paid by a defaulting Member or remove any benefit which may otherwise have accrued to the benefit of the Member under these Rules as a condition precedent for the Claim against the Member to be considered for indemnity from the Fund.

A decision by LGA to levy an additional contribution against a Member in default, or to remove any benefit in lieu of termination of membership or any other sanction, does not preclude LGA from exercising the power to terminate the membership of the defaulting Member if there is any repeat of the default or failure by the Member to adequately address the issue of concern identified by LGA (including the payment of the additional contribution) or any other relevant performance or risk management issue.

10. Claims Procedure

10.1 Notice

A Member shall, as a condition precedent to a Claim to be indemnified under these Rules and, subject to the default provisions, as a condition of continued entitlement to the benefits of membership of the Workers' Scheme, forthwith give to LGA written notice of each of the following:

10.1.1 any circumstance or occurrence of which the Member shall become aware or should reasonably be aware which is likely to give rise to a Claim;

10.1.2 receipt of any notice, written or oral, from any person of any intention to make a Claim; and

10.1.3 every Claim whether the quantum of the Claim exceeds the Excess or not.

10.2 Not admit liability

A Member shall not admit liability for, compromise, settle or make or promise any payment in respect of, any Claim which may be the subject of indemnity hereunder or incur any costs or expenses in connection therewith without the written consent of LGA which if it so wishes shall be entitled to take over and conduct in the name of the Member the defence and/or settlement of any such Claim for which purpose the Member shall give all such information and assistance as LGA may reasonably require.

10.3 Increase in Risk
A Member shall forthwith give to LGA full particulars in writing of any material increase in the risk of any Claim and shall pay such additional contribution and shall comply with such other terms and conditions, if any, as may be required by LGA in respect of such Claim.

10.4 Fraudulent Claim and False Information
If a Member shall submit a Claim for indemnity from the Fund knowing the Claim to be false or fraudulent as regards amount or otherwise or shall provide any false information with respect to a Claim the entitlement to indemnity from the Fund shall become void and all benefits hereunder relating to that Claim shall be forfeited.

10.5 Continued support
During the continuance of any Claim which is to be indemnified from the Fund the Member shall provide LGA with whatever information and support (including technical and professional support if requested) as is requested to enable the adequate investigation defence and resolution of any such Claim.

10.6 Subrogation
Every Member seeking indemnity from the Fund shall by membership of the Workers' Scheme have agreed to subrogate to LGA its rights to investigate, defend and resolve any Claim.

10.7 Special Assistance
Any Member requiring special assistance by way of a grant or otherwise to manage any risk which may result in a Claim may make written application for such to LGA whereupon LGA shall deal with the matter and in doing so may request any information from the Member and may resolve to refuse the grant or make the grant on such terms and conditions as it deems appropriate.

11. Contributions

11.1 Contributions for each year shall be as determined by LGA having regard to any matter which it determines relevant. Contributions so determined must be paid by each Member as requested by LGA.

11.2 Contributions once paid by a Member to the Fund shall not be recoverable in whole or in part by the Member for any reason, including in the event of the resignation or early termination of membership of the Workers' Scheme under Rule 18, or a decision by LGA not to indemnify a Claim or to impose a condition for indemnity.

Contributions by each Member shall be applied by LGA at its discretion toward the accumulation of the Fund, the purchase for and on behalf of each Member (as one of a group of Members of the Workers' Scheme) of Indemnity Cover in respect of Claims of each Member and otherwise in furtherance of the Objectives.

Contributions for each Member shall be determined by LGA from year to year and may be differential in respect of each Member to the Fund. For the purpose of determining the appropriate contribution for each Member, the Member shall provide LGA such information as is required to determine:

11.4.1 the history of Claims against the Member;
11.4.2 operating and risk management procedures of the Member in all of its activities; and
11.4.3 any other matter requested by LGA.

11.5 Additional contributions for any year may be levied by LGA against any Member or Members or all of the Members at any time for any of the following reasons:

11.5.1 purchasing additional Indemnity Cover in any year;
11.5.2 to cover special risks as determined by LGA;
11.5.3 to cover an increase in risk of Claims of a Member;
11.5.4 to compensate the Fund for the actions of a defaulting Member or Members;
11.5.5 to compensate the Fund for conditional risk, non-compliance with a request resulting in a loss to the Fund, or the failure by a Member to abide by a reasonable direction of LGA;
11.5.6 for any of the reasons contemplated by Rule 9.6.1; and
11.5.7 any other reason determined by LGA to be a relevant reason.

11.6 LGA may, having regard to the advice of an actuary, operate a “bonus/penalty” scheme and
the Members shall be bound to accept such a decision by LGA.

12. **LGA's Remuneration, Costs and Expenses**

12.1 The LGA is entitled to reserve for itself from the contributions an amount in consideration of the conduct and management of the Workers' Scheme (*LGA's Remuneration*). LGA's Remuneration will be determined on an annual basis by LGA and reported to Members annually as contemplated by Rule 8.10.5.

12.2 LGA or its Delegate (as the case requires) shall be entitled to be reimbursed from the Fund for any operating expenses incurred by it in respect of the conduct and management of the Workers' Scheme.

13. **Member's Obligations**

13.1 The primary obligation of a Member is to comply strictly with the technical requirements, and the spirit and intent of these Rules so as to ensure the integrity and viability of the Workers' Scheme which has been established as a discretionary mutual indemnity scheme for the benefit of all Members.

13.2 In the spirit of mutual obligation every Member must not only comply with the technical requirements of these Rules and the direction of LGA but must also respect the spirit and intent of the Workers' Scheme by ensuring that timely and comprehensive notification is given to LGA of any incident, circumstance or matter which may give rise to a Claim or be a circumstance or matter which may be a risk capable of causing a compensable disability to any person, and by ensuring that adequate risk management and prevention strategies are put in place so as to absolutely minimise the risk of such a claim or compensable disability to any person.

13.3 It is also the obligation of every Member to notify LGA in advance of any activity to be undertaken by a Member or by any other person on a Member's premises or under a Member's control or influence which has by its nature a risk profile which is different to the risk profile of the usual and known activities of the Member, that is, usual activities of the Member actually known about by LGA.

13.4 LGA may at any time undertake a risk management audit of a Member's activities, including those activities over which a Member has control or influence, and every Member is obliged to fully and honestly assist LGA to conduct such an audit by providing LGA with all information as requested by LGA and by giving LGA access to all property, premises, records and any other material requested by LGA for the purposes of the audit.

A Member must modify or cease activities which LGA determines to be an unacceptable risk and about which LGA has issued a notice to the Member.

A Member must comply with any notice given by LGA under these Rules.

14. **Financial Provisions**

14.1 LGA shall in the name of the Workers’ Scheme open an account with a Bank of its choice.

14.2 LGA may authorise a person to operate the bank account.

14.3 All moneys received in respect of the Workers’ Scheme shall be immediately deposited to the credit of the bank account:

14.3.1 with the Local Government Finance Authority of South Australia;

14.3.2 subject (to the extent practicable in the circumstances) to consulting with the Treasurer, in any security or investment authorised by the Trustee Act; or

14.3.3 in any security or investment authorised by the LG Act or prescribed for the purposes of that Act.

14.4 LGA may borrow moneys for the purposes of meeting the Objectives and for that purpose may secure the repayment of such loans by granting security over the assets of the Workers' Scheme or the Fund.

14.5 LGA shall keep or cause to be kept all such accounting records for the Workers’ Scheme as fully and correctly explain the transactions and financial position of the Workers’ Scheme.

14.6 The accounting records shall be prepared and maintained in such a manner as will enable:

14.6.1 true and fair accounts of the Workers’ Scheme to be prepared from time to time; and

14.6.2 the accounts of the Workers’ Scheme to be conveniently and properly audited annually.
15. **Auditor**

15.1 LGA shall appoint an auditor to audit the book of account kept in respect of the Workers' Scheme and the Fund.

15.2 The Members (and the authorised representatives of each of the Members) and the Auditor shall be entitled at all times to have access to the accounting and all other records of the Workers' Scheme.

15.3 The Auditor:

15.3.1 shall audit the Workers' Scheme's accounting records;

15.3.2 shall examine and report on the adequacy of the Workers' Scheme's internal controls, including whether the internal controls provide a reasonable assurance that the relevant financial transactions have been recorded accurately and reliably; and

15.3.3 may, at the request of LGA, examine and report on the efficiency and economy with which the resources of the Workers' Scheme are managed or used, annually during the currency of the Workers' Scheme or more frequently as LGA may direct.

15.4 The Auditor shall cause a written report to be sent to LGA on the completion of each annual audit in respect of the accounting, records of the Workers' Scheme and other records relating to the accounts prepared therefrom.

15.5 The Auditor's report shall state whether in the Auditor's opinion the accounting records aforesaid have been kept in accordance with generally accepted accounting principles and if the Auditor considers that the records have not been so kept the Auditor shall specify the reason for not being satisfied with them.

16. **Actuary**

16.1 LGA shall appoint an actuary to advise LGA on all aspects of the Workers' Scheme.

16.2 LGA will procure actuarial advice as and when required and at least annually for the purpose of preparing the annual budget.

16.3 The annual actuarial report will be provided to LGA.

17. **Accumulation**

LGA is permitted to accumulate and to retain for purposes consistent with these Rules any money or contributions from Members in any one or more financial year for any purpose consistent with the Objectives.

18. **Cessation of Membership**

18.1 Subject to Rule 18.2, each Member's membership of the Workers' Scheme will automatically renew at the commencement of each financial year.

A Member may resign as a Member at any time by notice in writing to LGA. Any resignation under this Rule 18.2 will take effect from the date that is ninety (90) days from the date on which the notice of resignation is received by the LGA or such later date as is specified in the notice.

The LGA Board may by Ordinary Resolution terminate a Member's membership of the Workers' Scheme in the event that a Member:

18.3.1 fails to comply with any notice issued under these Rules or the reasonable direction of LGA as to the conduct of its operations so as to minimise Claims and the risk of exposure to Claims or compensable disability of any person;

18.3.2 fails to allow and/or accommodate a risk management audit to be undertaken by LGA or its nominee;

18.3.3 fails to pay any contributions, additional contributions, costs or expenses within the time prescribed by LGA;

18.3.4 commences or continues to undertake an activity which in the opinion of LGA is an activity which should not be undertaken or continued by the Member because it creates an unreasonable risk for the Member and the Workers' Scheme;

18.3.5 conducts its activities in such a way as to put at risk the self-insurance status of LGA and the Members under the RTW Act;

18.3.6 fails to notify LGA of any incident which may give rise to a Claim;

18.3.7 commits any other breach of these Rules; or

18.3.8 has, in the reasonable opinion of the LGA Board, brought the Workers' Scheme into disrepute.
18.4 Any termination pursuant to Rule 18.3 is effective forthwith upon the decision being made by the LGA Board or on such other later date as is determined by the LGA Board whereupon the Member is thereafter from the effective date of the decision of the LGA Board not entitled to any benefits of membership under the Workers’ Scheme.

18.5 The resignation or termination of a Member’s membership of the Workers’ Scheme in accordance with Rule 18.2 or Rule 18.3 shall not vary or waive the obligations of the continuing Members. For the avoidance of doubt, any Member who resigns as a Member in accordance with Rule 18.2 or has its membership terminated in accordance with Rule 18.3:

18.5.1 remains liable to pay any unpaid contribution in accordance with these Rules for the financial year in which the resignation or termination takes effect; and

18.5.2 is not entitled to a refund of any contribution previously paid in respect of the Workers’ Scheme.

18.6 The resignation or termination of a Member’s membership of the Workers’ Scheme in accordance with Rule 18.2 or Rule 18.3 (as the case may be) shall not otherwise affect any entitlement to indemnity for any Claim already admitted to indemnity by virtue of Rule 7 nor vary or waive the obligations of the Member to comply with the provisions of the Rules in respect of any year during which the Member was a member of the Workers’ Scheme.

18.7 If a Member is in default in payment of any contribution, additional contribution, costs or expenses, or in any other way so that the Fund suffers or is likely to suffer any financial loss or incur additional expense, LGA may, as an alternative to termination under Rule 18.3, require the defaulting Member to pay to the Fund an amount to be determined by LGA to reimburse the Fund for the loss or additional expense. A certificate issued by LGA specifying the amount so payable by the defaulting Member shall be final and binding upon the Member. The amount in the Certificate may be recovered against the member by LGA as a debt payable by the defaulting Member.

18.8 If Member fails to comply with a notice or direction as contemplated by Rule 18.3.1, LGA may (in its absolute discretion), as an alternative to termination, require the Member pay an additional contribution to the Fund to cover the additional risk of Claims or as compensation for the default.

18.9 A decision by the LGA Board under Rule 18.3 to terminate membership of any Member is final and binding on all Members, including the terminated Member.

18.10 In any situation where membership is terminated or limited LGA shall forthwith provide formal notification of the fact to the Minister responsible for Local Government and the Minister responsible for Industrial Relations.

19. Determination of Disputes

19.1 If any dispute or difference (other than a decision of the LGA Board under Rule 18.3 to terminate a membership) shall arise between any Member and LGA out of or in connection with the operations of the Workers’ Scheme then either the Member or LGA (“Notifier”) may give written notice of dispute which adequately identifies and provides details of the dispute to the other person (“Recipient”). Notwithstanding the existence of a dispute the Notifier and the Recipient shall continue to perform their respective obligations under the Rules.

19.2 Within fourteen (14) days after receiving a notice of dispute, the Notifier and Recipient shall confer at least once and in good faith to resolve the dispute or to agree on methods of doing so. All aspects of every such conference, except the fact of the occurrence of the conference, shall be privileged. If either of the Notifier or the Recipient has not made a reasonable or meaningful attempt at a resolution within 28 days of service of the notice of dispute, that dispute shall be referred to arbitration.

19.3 Within fourteen (14) days after receiving a notice of dispute, the Notifier and Recipient shall confer at least once and in good faith to resolve the dispute or to agree on methods of doing so. All aspects of every such conference, except the fact of the occurrence of the conference, shall be privileged. If either of the Notifier or the Recipient has not made a reasonable or meaningful attempt at a resolution within 28 days of service of the notice of dispute, that dispute shall be referred to arbitration.

19.4 If, within a further fourteen (14) days of the dispute being referred to arbitration under Rule 19.2, the Notifier and the Recipient have not agreed upon an arbitrator, the dispute shall be referred to a Solicitor or Barrister of the Supreme Court of South Australia appointed for this purpose by the President for the time being of the Law Society of South Australia and all
proceedings shall be subject to the provisions of the Commercial Arbitration Act 1986.

19.4 Except where the Notifier and the Recipient otherwise agree in advance in writing, the Notifier and the Recipient shall each bear its own costs and pay one half of the fees and expenses of the arbitration.

19.5 The decision of the Arbitrator shall be final and binding upon the Notifier and the Recipient.

20. Amendment to Rules

20.1 These Rules may be amended at any time by Special Resolution of the LGA Board.

20.2 Amendments to these Rules shall operate prospectively and not retrospectively and will be binding on all Members from the date on which the amended Rules are published in the South Australian Government Gazette.

20.3 Notice of any amendment shall be given forthwith to all Members and to the Minister responsible for Local Government and the Minister responsible for Industrial Relations.

21. Term of Workers' Scheme and Termination

21.1 The Workers' Scheme will continue until it is terminated by an Act of the Parliament of the State of South Australia.

21.2 Upon termination of the Workers' Scheme, unless the Parliament of the State of South Australia determines otherwise, the Fund remaining after satisfying all liabilities will be paid by LGA for the benefit of the Members at that time in such manner as is determined by LGA in its absolute discretion for the purpose of minimising the risk of Claims arising in the future.
Local Government Association Mutual Liability Scheme (LGAMLS)

Scheme Rules

1. Operation of Rules

These Rules operate from 12:00am on 2 July 2020.

2. Definitions

In these Rules, the following words have the following meanings given to them:

2.1 “Civil Liability” means any liability not being criminal resulting from an obligation, function, power or duty of a Member arising under law.

2.2 “Claim” means any claim for Civil Liability made upon a Member during the term of this Mutual Scheme.

2.3 “Delegate” has the meaning given to that term in Rule 3.1.

2.4 “Eligible Body” means:

- LGA;
- LGASA Mutual Pty Ltd (ACN 625 310 045);
- LGCS Pty. Ltd. (ABN 21 094 805 964);
- The Local Government Finance Authority of South Australia;
- All Councils (including their subsidiaries) constituted pursuant to the provisions of the LG Act;
- Any other body so prescribed by the provisions of the LG Act that is admitted to the membership of the Mutual Scheme; or
- Any other entity admitted to the membership of the Mutual Scheme by LGA in accordance with Rule 5.2.

2.5 “Indemnity Cover” means insurance or reinsurance cover purchased or procured by LGA for and on behalf of Members to satisfy and manage the Claims admitted to indemnity in the amount determined from time to time by LGA.

2.6 “LG Act” means the Local Government Act 1999 (SA), and any Act of Parliament in addition to or in substitution for that Act.

2.7 “LGA” means Local Government Association of South Australia (ABN 83 058 386 353).

2.8 “LGA Board” means the board of directors of the LGA.

2.9 “LGA Member” means any Council (including its subsidiaries) constituted pursuant to the LG Act that is admitted as a member of the LGA in accordance with clause 8 of the Constitution of the LGA from time to time.

2.10 “Member” means an Eligible Body admitted to membership of the Mutual Scheme in accordance with Rule 5.

2.11 “ML Fund” means the fund established in accordance with Rule 6 and maintained in accordance with these Rules.

2.12 “ML Indemnity” means protection or security against loss or damage resulting from Civil Liability.

2.13 “ML Objectives” means the objectives of the Mutual Scheme contained in Rule 4.3.

2.14 “Mutual Scheme” means The Local Government Association Mutual Liability Scheme conducted pursuant to Schedule 1 of the LG Act and in accordance with these Rules.

2.15 “Notifier” has the meaning given to that term in Rule 19.1.

2.16 “Ordinary Resolution” means a resolution passed by at least the majority of the votes cast by all persons present and entitled to vote at the meeting at which the resolution is put.

2.17 “Pooled Cover” means the discretionary indemnity cover provided from the ML Fund to satisfy and manage the Claims admitted to indemnity in the amount determined from time to time by LGA.

2.18 “Recipient” has the meaning given to that term in Rule 19.1.

2.19 “Special Resolution” means a resolution passed by at least 75% of the votes cast by all persons present and entitled to vote at the meeting at which the resolution is put.

3. Delegation

Subject to Rule 3.2, LGA may (but is not obliged to) delegate any power, function or duty under these Rules (including the power to sub-delegate) to an entity controlled by LGA which is responsible for the management of
the Mutual Scheme ("Delegate") subject to such limitations and conditions as may be determined by LGA.

3.2 LGA is not permitted to delegate any power, function or duty under Rules 5.2, 8.3, 9.8.1, 14.4, 15.1, 18.3, 18.7, 18.8.1, 19 and 20.1.

3.3 LGA may revoke or amend a delegated power, function or duty at any time. LGA may at any time exercise, in its own right, any of the powers or functions delegated by it and any such exercise will not, without more, amount to the revocation of any delegation in favour of a Delegate.

3.4 Subject only to any limitations or conditions in the delegation, the Delegate, in exercising delegated power, will be empowered under these Rules as if it were LGA.

4. **Objectives of the Mutual Scheme**

4.1 The Mutual Scheme comprises the ML Fund which provides coverage to Members in relation to Claims.

4.2 LGA may establish funds under the Mutual Scheme in addition to the ML Fund to provide coverage to Members in relation to potential and actual claims relating to liability, loss or damage of Members, other than the Claims.

4.3 In relation to the ML Fund, the ML Objectives are to provide to Members of the Mutual Scheme assistance in respect of their potential and actual Claims more particularly set out in these Rules and including but not limited to:

4.3.1 advice in respect of minimising the occurrence and severity of all Claims;

4.3.2 assistance in the administration, investigation, management and resolution of all Claims;

4.3.3 legal representation in respect of all Claims; and

4.3.4 financial assistance by way of discretionary grants in respect of the Claims.

5. **Admission to Membership**

5.1 The Eligible Bodies listed in Rules 2.4.1 to 2.4.6 inclusive are automatically entitled to membership of the Mutual Scheme.

5.2 The LGA Board may from time to time by Ordinary Resolution, and subject to the terms of these Rules, admit to membership of the Mutual Scheme for a financial year any other entity which makes an application to LGA and upon their admission, such entity will be an Eligible Body for the purposes of Rule 2.4.7.

5.3 In exercising discretion to admit an entity to membership of the Mutual Scheme pursuant to Rule 5.2, the LGA Board may take into account any matter which it considers relevant.

5.4 Notwithstanding the admission of a Member to membership of the Mutual Scheme pursuant to Rule 5.1 or Rule 5.2, a Member shall only be entitled to the benefits of the Mutual Scheme if, at the relevant time, that Member has paid in full any contribution payable by it under Rule 11 or otherwise as required in accordance with these Rules.

5.5 At the discretion of LGA, the benefits of membership of the Mutual Scheme may be limited to defined Claims, limited to Pooled Cover, limited to Indemnity Cover or any combination of those matters.

5.6 Payment of a contribution by a Member shall be evidence of the Member’s agreement to be bound by these Rules.

6. **ML Fund**

6.1 LGA shall establish and maintain the ML Fund to meet the ML Objectives and for that purpose, subject to Rule 5.4, may apply the ML Fund to meet:

6.1.1 such Claims as may be made against any one or more of the Members during that year to the extent of the Pooled Cover;

6.1.2 such Claims as may have been made against any one or more of the Members during any previous year and which at the commencement of these Rules and any new financial year have not been settled;

6.1.3 the premium payable to an appropriate indemnity insurer to provide Indemnity Cover for the Members during that year;

6.1.4 the operating expenses of the Mutual Scheme for that year, including:

6.1.4.1 the remuneration of LGA referred to in Rule 12.1; and
6.1.4.2 any expenses of LGA or a Delegate referred to in Rule 12.2, in each case insofar as they relate to the ML Fund; and

6.1.5 any grants or allocations to Members, or any other person or body for or on behalf of any Member, which LGA in its discretion may make.

6.2 Each Claim shall be met:

6.2.1 to the extent that the Claim does not exceed the amount of the Pooled Cover, from the ML Fund;

6.2.2 to the extent that the Claim exceeds the amount of the Pooled Cover:

6.2.2.1 to the amount of the Pooled Cover, from the ML Fund;

6.2.2.2 thereafter from Indemnity Cover to the extent of that cover;

6.2.3 to the extent that the Claim exceeds the amount of the Pooled Cover and the Indemnity Cover:

6.2.3.1 to the amount of the Pooled Cover, from the ML Fund;

6.2.3.2 to the amount of the Indemnity Cover, to the extent of that cover;

6.2.3.3 the balance by the Member against which the Claim was made.

6.3 The Members must contribute to the ML Fund in the proportions determined annually by LGA.

6.4 LGA shall administer the ML Fund with the intent that upon the settlement of all Claims made in any financial year:

6.4.1 any surplus remaining in the ML Fund attributable to that year shall be allocated at the absolute direction of LGA toward liabilities of the ML Fund for any other year whether future or past; and

6.4.2 any deficiency in the ML Fund in that year may be met by additional contributions levied by LGA against each Member for that year in the proportion in which contributions were made to the ML Fund for that year.

7. Admission of Claim to Indemnity

LGA shall consider any Claim for which a Member seeks indemnity from the ML Fund and may in its sole and absolute discretion and either in whole or in part and upon such terms and conditions as LGA may consider appropriate determine whether it will grant indemnity for the Member from the ML Fund in respect of any such Claim.

8. Powers, Duties and Functions of LGA

8.1 LGA will administer and manage the Mutual Scheme in the pursuit of the ML Objectives.

8.2 LGA shall be empowered for and on behalf of the Members to do all the following things namely:

8.2.1 levy Members for contributions in accordance with Rule 11, including differential contributions in respect of each Member to the ML Fund having regard to any matter which it considers relevant;

8.2.2 invest all contributions received from Members and other monies received comprising the ML Fund which are not immediately required to meet the liabilities of the Mutual Scheme;

8.2.3 expend the contributions of, and income earned by, the ML Fund in respect of each financial year in and towards:

8.2.3.1 the general administration of the Mutual Scheme;

8.2.3.2 assistance to Members by way of any advice in respect of their potential and actual Claims;

8.2.3.3 assistance to Members in the administration, investigation and resolution of Claims;

8.2.3.4 legal representation for Members in respect of any Claims;

8.2.3.5 financial assistance by way of discretionary grants in respect of any Claims;

8.2.3.6 any remuneration of LGA referred to in Rule 12.1; and

8.2.3.7 any expenses of LGA or a Delegate referred to in Rule 12.2.

8.3 LGA may make such additional rules to be observed by a Member or the Members as it may deem fit with respect to the terms and conditions upon which a Member or Members
will be eligible for assistance from the Mutual Scheme, provided that no such rule shall be made in terms inconsistent with these Rules and further provided that no such rule shall operate and take effect in respect of any Member until a copy thereof shall have been served upon such Member or Members.

8.4 LGA will enter into all such agreements for and on behalf of Members as are necessary for or incidental to the proper administration of the Mutual Scheme in the pursuit of the ML Objectives.

8.5 LGA will carry out investigations of such relevant matters and make submissions to such relevant bodies as LGA may deem to be necessary for or incidental to, the proper administration of the Mutual Scheme in the pursuit of the ML Objectives.

8.6 The duties of LGA shall include:

8.6.1 to achieve and implement the ML Objectives;

8.6.2 to ensure from a financial perspective that the Mutual Scheme is viable;

8.6.3 to keep records of all activities for and on behalf of the Mutual Scheme;

8.6.4 to review the performance and function of the Mutual Scheme;

8.6.5 to be responsible for the financial management of the Mutual Scheme to the extent that it shall:

8.6.5.1 annually determine the total amount of contributions to be levied against all Members in respect of the ML Fund;

8.6.5.2 from time to time undertake an assessment of the Members or any of them and their activities to assist in the determination, in conjunction with actuarial advice, of the proportion in which the Members are to contribute to the ML Fund in any year and may upon the conclusion of any such investigation direct the Members or any of them as to the procedures to be adopted by them to prevent losses or to minimise Claims;

8.6.5.3 annually prepare the operating budget and the financial statements of the Mutual Scheme and report to the Members on any items arising from those statements;

8.6.5.4 annually determine the extent of Claims to be indemnified from the ML Fund;

8.6.5.5 annually determine the amount of Pooled Cover to be provided for the Members from the ML Fund;

8.6.5.6 annually determine the amount and nature of Indemnity Cover to be purchased for the Members from the ML Fund for any term and to determine the indemnity insurer for this purpose; and

8.6.5.7 be responsible for the assessment of the Members to determine, in conjunction with actuarial advice, the proportion in which they are to contribute to the ML Fund in each year from the total contributions determined in accordance with Rule 8.6.5.1;

8.6.6 to manage Claims made against each Member including:

8.6.6.1 the investigation and assessment of those Claims;

8.6.6.2 the provisions of loss prevention and risk minimisation guidelines; and

8.6.6.3 the keeping of the accounts of the ML Fund for each year.

8.7 The annual operating budget and financial statements referred to in Rule 8.6.5.3 shall deal separately with the following items:

8.7.1 the projected income of the ML Fund by way of contributions, interest or other sources;

8.7.2 the liabilities of the ML Fund for estimated Claims and Claims adjustment costs;

8.7.3 the amounts to be allowed to provide for the cost of arranging Indemnity Cover;

8.7.4 general and administrative costs to be charged against the ML Fund; and

8.7.5 any grants in accordance with Rules 6.1.5 and 10.7.

8.8 LGA may at its discretion alter the amounts to be expended in respect of the items listed in the budget for each year where necessary to meet the purposes of the Mutual Scheme.

8.9 Where it becomes apparent to LGA that for any year the ML Fund will be insufficient to meet Claims payable from the ML Fund, LGA may at any time require the payment by the
Members of an additional contribution in the same proportions as the contribution paid by each of the Members to the ML Fund for that year in order to ensure that all Claims upon the ML Fund for that year are able to be met.

8.10 LGA shall report annually to the Members on all aspects of the operation of the Mutual Scheme for the preceding year, including details in relation to:

8.10.1 outstanding Claims (including an assessment as to the liability of outstanding Claims and the ability of the ML Fund to meet the assessment of liability);

8.10.2 further contributions required, if any;

8.10.3 the investment of the moneys of the ML Fund not immediately required;

8.10.4 the allocation of surplus moneys in the ML Fund, if any;

8.10.5 any remuneration received by LGA pursuant to Rule 12.1; and

8.10.6 any expenses of LGA (or its Delegate) referred to in Rule 12.2.

8.11 LGA shall be available at all times to any of the Members to answer any questions on the conduct of the activities of the Mutual Scheme.

8.12 LGA may establish such committees as it considers necessary to be constituted by such persons as LGA may determine to investigate and report to LGA on any matter relevant to the Mutual Scheme.

9. Claims and Indemnity

9.1 Pooled Cover

In accordance with Rule 7, LGA shall consider granting indemnity with respect to any Claim from the ML Fund up to a level of Pooled Cover to be determined annually by LGA.

9.2 Indemnity Cover

LGA shall purchase Indemnity Cover in excess of Pooled Cover to an amount determined by LGA from year to year.

9.3 Excess

Each Member will be liable for the first amount of any Claim to be known as the "Excess" which shall be determined by LGA. The Excess may be a differential amount for each Member and for each Claim or a combination of both.

9.4 Limit of Exposure

Subject to admitting a Claim to indemnity under Rule 7, a Member’s entitlement to indemnity from the ML Fund shall never exceed the Pooled Cover for each Claim. Entitlement to claim from Indemnity Cover shall be as contracted by LGA on behalf of all Members. The quantum of any Claim in excess of Indemnity Cover shall be the responsibility of the Member.

9.5 Defaulting Member

LGA may by written notice to a Member in default of these Rules exclude that Member from any or a defined entitlement to Pooled Cover or Indemnity Cover.

9.6 Special Risks

LGA may by written notice to a Member exclude the Member from any or a defined entitlement to Pooled Cover or Indemnity Cover with respect to a “special risk” of Claims as determined by LGA.

9.7 Other Insurance

A Member is not entitled to indemnity from the Pooled Cover for any loss, damage or liability which at the time of the happening of such loss, damage or liability or the Claim for such was otherwise indemnified or insured by or would, but for the existence of this Mutual Scheme be indemnified or insured by any other Policy or Policies of Insurance or otherwise except in respect of any liability beyond the amount which would have been payable under such other Policy or Policies had this Mutual Scheme not been effected. This Rule is to be construed to exclude Claims made with respect to professional indemnity claims and occurrences for all other claims, made or occurring prior to 30 June 1989.

9.8 Failure to Notify and False Notification

Where a Member fails to notify LGA as required by Rules 10.1 and 10.3, breaches Rule 10.2, submits a false Claim or provides false information contrary to Rule 10.4 or fails to comply with any requirement or notice.
issued pursuant to Rule 13, LGA may (in lieu of terminating the membership of the defaulting Member pursuant to Rule 18 and in addition to any other power under these Rules) levy an additional contribution to be paid by a defaulting Member or remove any benefit which may otherwise have accrued to the benefit of the Member under these Rules as a condition precedent for the Claim against the Member to be considered for indemnity from the ML Fund.

9.8.2 A decision by LGA to levy an additional contribution against a Member in default, or to remove any benefit in lieu of termination of membership or any other sanction, does not preclude LGA from exercising the power to terminate the membership of the defaulting Member if there is any repeat of the default or failure by the Member to adequately address the issue of concern identified by LGA (including the payment of the additional contribution) or any other relevant performance or risk management issue.

10. Claims Procedure

10.1 Notice
A Member shall, as a condition precedent to a Claim to be indemnified under these Rules and, subject to the default provisions, as a condition of continued entitlement to the benefits of membership of the Mutual Scheme, forthwith give to LGA written notice of each of the following:

10.1.1 any circumstance or occurrence of which the Member shall become aware which is likely to give rise to a Claim against the Member;
10.1.2 any receipt of notice, written or oral, from any person of any intention to make a Claim against the Member; and
10.1.3 any Claim made against the Member whether the quantum of the Claim exceeds the Excess or not.

10.2 Not admit liability
A Member shall not admit liability for, compromise, settle or make or promise any payment in respect of, any Claim which may be the subject of indemnity hereunder or incur any costs or expenses in connection therewith without the written consent of LGA which if it so wishes shall be entitled to take over and conduct in the name of the Member the defence and/or settlement of any such claim for which purpose the Member shall give all such information and assistance as LGA may reasonably require.

Increase in Risk
A Member shall forthwith give to LGA full particulars in writing of any material increase in the risk of any Claim and shall pay such additional contribution and shall comply with such other terms and conditions, if any, as may be reasonably required by LGA in respect of such Claim.

Fraudulent Claims and False Information
If a Member shall make any Claim knowing the Claim to be false or fraudulent as regards amount or otherwise or shall provide any false information with respect to a Claim the entitlement shall become void and all benefits hereunder relating to that Claim shall be forfeited.

Continued Support
During the continuance of any Claim against a Member which is to be indemnified from the ML Fund the Member shall provide LGA with whatever information and support (including technical and professional support if requested) as is requested to enable the adequate investigation, defence and resolution of any such Claim.

Subrogation
Every Member seeking indemnity from the ML Fund shall by membership of the Mutual Scheme have agreed to subrogate to LGA its rights to investigate, defend and resolve any Claim against the Member.

Special Assistance
Any Member requiring special assistance by way of a grant or otherwise to manage any risk which may result in a Claim may make written application for such to LGA whereupon LGA shall deal with the matter and in doing so may request any information from the Member and may resolve to refuse the grant, or make the grant on such terms and conditions as it deems appropriate.
10.8 Confidentiality

All communications between a member and the Mutual Scheme, and any investigator, lawyer or other persons engaged by or assisting the ML Fund, in relation to the claim, shall be confidential, and shall not be disclosed to any person without the prior written consent of the Mutual Scheme.

11. Contributions

11.1 Contributions for each year shall be as determined by LGA having regard to any matter which it determines relevant. Contributions so determined must be paid by each Member as requested by LGA.

11.2 Contributions once paid by a Member to the ML Fund shall not be recoverable in whole or in part by the Member for any reason, including in the event of the resignation or early termination of membership of the Mutual Scheme under Rule 18, or a decision by LGA not to indemnify a Claim or to impose a condition on the grant of an indemnity.

11.3 Contributions by each Member shall be applied by LGA at its discretion toward the accumulation of the ML Fund, the purchase for and on behalf of each Member (as one of a group of Members of the Mutual Scheme) of Indemnity Cover in respect of Claims of each Member in excess of the level of Pooled Cover and otherwise in furtherance of the ML Objectives.

11.4 Contributions for each Member shall be determined by LGA from year to year and may be differential in respect of each Member to the ML Fund. For the purpose of determining the appropriate contribution for each Member, the Member shall provide LGA such information as is required to determine:

11.4.1 the history of Claims against the Member;

11.4.2 operating and risk management procedures of the Member in all of its activities; and

11.4.3 any other matter requested by LGA.

11.5 Additional contributions for any year may be levied by LGA against any Member or Members or all of the Members at any time for any of the following reasons:

11.5.1 increasing Pooled Cover in any year;

11.5.2 purchasing additional Indemnity Cover in any year;

11.5.3 to cover special risks as determined by LGA;

11.5.4 to cover an increase in risk of Claims of a Member;

11.5.5 to compensate the ML Fund for the actions of a defaulting Member;

11.5.6 to compensate the ML Fund for conditional risk, non-compliance with a request resulting in a loss to the ML Fund, or the failure by a Member to abide by a reasonable direction of LGA;

11.5.7 for any of the reasons contemplated by Rule 9.8.1; and

11.5.8 any other reason determined by LGA to be a relevant reason.

11.6 LGA may, having regard to the advice of an actuary, operate a “bonus/penalty” scheme and the Members shall be bound to accept such a decision by LGA.

12. LGA’s Remuneration, Costs and Expenses

12.1 The LGA is entitled to reserve for itself from the contributions an amount in consideration of the conduct and management of the Mutual Scheme (LGA’s Remuneration). LGA’s Remuneration will be determined on an annual basis by LGA and reported to Members annually as contemplated by Rule 8.10.5.

12.2 LGA or its Delegate (as the case requires) shall be entitled to be reimbursed from the ML Fund for any operating expenses incurred by it in respect of the conduct and management of the Mutual Scheme.

13. Member’s Obligations

13.1 The primary obligation of a Member is to comply strictly with the technical requirements, and the spirit and intent of these Rules so as to ensure the integrity and viability of the Mutual Scheme which has been established as a discretionary mutual indemnity scheme for the benefit of all Members.

13.2 In the spirit of mutual obligation every Member must not only comply with the technical requirements of these Rules and the direction of LGA but must also respect the spirit and intent of the Mutual Scheme by ensuring that
timely and comprehensive notification is given to LGA of any incident, circumstance or matter which may give rise to a Claim, and by ensuring that adequate risk management and prevention strategies are put in place so as to absolutely minimise the risk of such a Claim.

13.3 It is also the obligation of every Member to notify LGA in advance of any activity to be undertaken by a Member or by any other person on a Member's premises or under a Member's control or influence which has by its nature a risk profile which is different to the risk profile of the usual and known activities of the Member, that is, usual activities of the Member actually known about by LGA.

13.4 LGA may at any time undertake a risk management audit of a Member's activities, including those activities over which a Member has control or influence, and every Member is obliged to fully and honestly assist LGA to conduct such an audit by providing LGA with all information as requested by LGA and by giving LGA access to all property, premises, records and any other material requested by LGA for the purposes of the audit.

13.5 A Member must modify or cease activities which LGA determines to be an unacceptable risk and about which LGA has issued a notice to the Member.

13.6 A Member must comply with any notice given by LGA under these Rules.


14.1 LGA shall in the name of the Mutual Scheme open an account for the ML Fund and any other fund established by LGA with a Bank of its choice.

14.2 LGA may authorise a person to operate the bank accounts.

14.3 All moneys received in respect of the ML Fund shall be immediately deposited to the credit of the bank account for the ML Fund:

14.3.1 with the Local Government Finance Authority of South Australia;

14.3.2 subject (to the extent practicable in the circumstances) to consulting with the Treasurer, in any security or investment authorised by the Trustee Act; or

14.3.3 in any security or investment authorised by the LG Act or prescribed for the purposes of that Act.

14.4 LGA may borrow moneys for the purposes of meeting the ML Objectives and for that purpose may secure the repayment of such loans by granting security over the assets of the Mutual Scheme or the ML Fund.

14.5 LGA shall keep or cause to be kept all such accounting records for the Mutual Scheme as fully and correctly explain the transactions and financial position of the Mutual Scheme.

14.6 The accounting records shall be prepared and maintained in such a manner as will enable:

14.6.1 true and fair accounts of the Mutual Scheme to be prepared from time to time; and

14.6.2 the accounts of the Mutual Scheme to be conveniently and properly audited annually.

15. Auditor

15.1 LGA shall appoint an auditor to audit the books of account kept in respect of the Mutual Scheme.

15.2 The Members (and the authorised representatives of each of the Members) and the Auditor shall be entitled at all times to have access to the accounting and all other records of the Mutual Scheme.

15.3 The Auditor:

15.3.1 shall audit the Mutual Scheme’s accounting records;

15.3.2 shall examine and report on the adequacy of the Mutual Scheme’s internal controls, including whether the internal controls provide a reasonable assurance that the relevant financial transactions have been recorded accurately and reliably; and

15.3.3 may, at the request of LGA, examine and report on the efficiency and economy with which the resources of the Mutual Scheme are managed or used,

annually during the currency of the Mutual Scheme or more frequently as LGA may direct.
15.4 The Auditor shall cause a written report to be sent to LGA on the completion of each annual audit in respect of the accounting records of the Mutual Scheme and other records relating to the accounts prepared therefrom.

15.5 The Auditor’s report shall state whether in the Auditor’s opinion the accounting records aforesaid have been kept in accordance with generally accepted accounting principles and if the Auditor considers that the records have not been so kept the Auditor shall specify the reason for not being satisfied with them.

16. Actuary

16.1 LGA shall appoint an actuary to advise LGA on all aspects of the Mutual Scheme.

16.2 LGA will procure actuarial advice as and when required and at least annually for the purpose of preparing the annual budget.

16.3 The annual actuarial report will be provided to LGA.

17. Accumulation

LGA is permitted to accumulate and to retain for purposes consistent with these Rules any money or contributions from Members in any one or more financial year for any purpose consistent with the ML Objectives.

18. Cessation of Membership

18.1 Subject to Rule 18.2, each Member’s membership of the Mutual Scheme will automatically renew at the commencement of each financial year.

18.2 A Member may resign as a Member at any time by notice in writing to LGA. Any resignation under this Rule 18.2 will take effect from the date that is ninety (90) days from the date on which the notice of resignation is received by the LGA or such later date as is specified in the notice.

18.3 The LGA Board may by Ordinary Resolution terminate a Member’s membership of the Mutual Scheme in the event that the Member:

18.3.1 fails to comply with any notice issued under these Rules or the reasonable direction of LGA as to the conduct of its operations so as to minimise Claims;

18.3.2 fails to allow and/or accommodate a risk management audit to be undertaken by LGA or its nominee;

18.3.3 fails to pay any contributions, additional contributions, costs or expenses within the time prescribed by LGA;

18.3.4 commences or continues to undertake an activity which in the opinion of LGA is an activity which should not be undertaken or continued by the Member because it creates an unreasonable risk for the Member and the Mutual Scheme;

18.3.5 fails to notify LGA of any incident which may give rise to a Claim;

18.3.6 commits any other breach of these Rules; or

18.3.7 has, in the reasonable opinion of the LGA Board, brought the Mutual Scheme into disrepute.

18.4 Any termination pursuant to Rule 18.3 is effective forthwith upon the decision being made by the LGA Board or on such other later date as is determined by the LGA Board whereupon the Member is thereafter from the effective date of the decision of the LGA Board not entitled to any benefits of membership under the Mutual Scheme.

18.5 The resignation or termination of a Member’s membership of the Mutual Scheme in accordance with Rule 18.2 or Rule 18.3 shall not vary or waive the obligations of the continuing Members. For the avoidance of doubt, any Member who resigns as a Member in accordance with Rule 18.2 or has its membership terminated in accordance with Rule 18.3:

18.5.1 remains liable to pay any unpaid contribution in accordance with these Rules for the financial year in which the resignation or termination takes effect; and

18.5.2 is not entitled to a refund of any contribution previously paid in respect of the Mutual Scheme.

18.6 The resignation or termination of a Member’s membership of the Mutual Scheme in accordance with Rule 18.2 or Rule 18.3 (as the case may be) shall not otherwise affect any entitlement to indemnity for any Claim already
admitted to indemnity by virtue of Rule 7 nor vary or waive the obligations of the Member to comply with the provisions of the Rules in respect of any year during which the Member was a Member of the Mutual Scheme.

18.7 If a Member is in default in payment of any contribution, additional contribution, costs or expenses, or in any other way so that the ML Fund suffers or is likely to suffer any financial loss or incur additional expense, LGA may, as an alternative to termination under Rule 18.3, require the defaulting Member to pay to the ML Fund an amount to be determined by LGA to reimburse the ML Fund for the loss or additional expense. A certificate issued by LGA specifying the amount so payable by the defaulting Member shall be final and binding upon the Member. The amount in the Certificate may be recovered against the member by LGA as a debt payable by the defaulting Member.

18.8 If a Member fails to comply with a notice or direction as contemplated by Rule 18.3.1 LGA may (in its absolute discretion), as an alternative to termination:

18.8.1 require the Member pay an additional contribution to the ML Fund cover the additional risk of Claims or as compensation for the default;

18.8.2 exclude the additional risk of Claims from the Pooled Cover and the Indemnity Cover; or

18.8.3 otherwise limit the exposure of the ML Fund and the reinsurer to such Claims.

18.9 Subject to compliance with the termination procedures a defaulting Member may have its entitlements to Pooled Cover and Indemnity Cover limited by LGA under this Rule.

18.10 A decision by the LGA Board to terminate membership of any Member is final and binding on all Members, including the terminated Member.

18.11 In any situation where membership is terminated or limited LGA shall forthwith provide formal notification of the fact to the Minister responsible for Local Government and to the Treasurer.

19. Determination of Disputes

19.1 If any dispute or difference (other than a decision of the LGA Board under Rule 18.3 to terminate a membership) shall arise between any Member and LGA out of or in connection with the operations of the Mutual Scheme then either the Member or LGA ("Notifier") may give written notice of dispute which adequately identifies and provides details of the dispute to the other person ("Recipient"). Notwithstanding the existence of a dispute the Notifier and the Recipient shall continue to perform their respective obligations under the Rules.

19.2 Within fourteen (14) days after receiving a notice of dispute, the Notifier and Recipient shall confer at least once and in good faith to resolve the dispute or to agree on methods of doing so. All aspects of every such conference, except the fact of the occurrence of the conference, shall be privileged. If either of the Notifier or the Recipient has not made a reasonable or meaningful attempt at a resolution within 28 days of service of the notice of dispute, that dispute shall be referred to arbitration.

19.3 If, within a further fourteen (14) days of the dispute being referred to arbitration under Rule 19.2, the Notifier and the Recipient have not agreed upon an arbitrator, the dispute shall be referred to a Solicitor or Barrister of the Supreme Court of South Australia appointed for this purpose by the President for the time being of the Law Society of South Australia and all proceedings shall be subject to the provisions of the Commercial Arbitration Act 1986.

19.4 Except where the Notifier and the Recipient otherwise agree in advance in writing, the Notifier and the Recipient shall each bear its own costs and pay one half of the fees and expenses of the arbitration.

19.5 The decision of the Arbitrator shall be final and binding upon the Notifier and the Recipient.

20. Amendment to Rules

20.1 These Rules may be amended at any time by Special Resolution of the LGA Board.

20.2 Amendments to these Rules shall operate prospectively and not retrospectively and will
be binding on all Members from the date on which the amended Rules are published in the South Australian Government Gazette.

20.3 Notice of any amendment shall be given forthwith to all Members and to the Minister responsible for Local Government and to the Treasurer as long as the reinsurance from the State Government exists.

21. Term of Mutual Scheme and Termination

21.1 The Mutual Scheme will continue until it is terminated by an Act of the Parliament of the State of South Australia.

21.2 Upon termination of the Mutual Scheme, unless the Parliament of the State of South Australia determines otherwise, the ML Fund remaining after satisfying all liabilities will be paid by LGA for the benefit of the Members at that time in such manner as is determined by LGA in its absolute discretion for the purpose of minimising the risk of Claims arising in the future.
4.2.2 CONSENSUS AGENDA – COMMUNICATIONS AND ENGAGEMENT OFFICERS

4.2.2.1 COMMUNICATION AND ENGAGEMENT – QUARTERLY REPORT

This report provides a quarterly snapshot of C&EO activity for Elected Member information:

- COVID19 response – communications, media, signage, joint stakeholder support
- Grant funding applications:
  - Lyndoch Oval upgrade – Grassroots Football Cricket & Netball Facility Program
  - Mount Pleasant courts and lighting upgrade – Grassroots Football Cricket & Netball Facility Program
  - Stockwell Recreation Park – Open Spaces & Places for People
  - Mount Pleasant town centre upgrade – Open Spaces & Places for People
- Barossa Cares website development, implementation, promotion and working group representation
- Tourism marketing campaign – Adelady Barossa episode
- Barossa Adventure Station opening – media and marketing
- Your Say community engagement platform – site build and launch
- Website refresh – steering group representation
- Angas Recreation Park grant funding – Grassroots Football Cricket & Netball Facility Program – media and communications
- National Volunteer Week – Mayor’s message video
- Annual Budget and Business Plan engagement – consultation materials
- Mobile Food Vendor Policy engagement – consultation materials

RECOMMENDATION
That Report 4.2.2.1 be received
4.3.1 CONSENSUS AGENDA – DIRECTOR

4.3.1.1 ADVICE FROM MINISTER FOR RECREATION, SPORT AND RACING – SUCCESSFUL FUNDING APPLICATIONS

Letter received from the Hon Corey Wingard MP, Minister for Recreation, Sport and Racing, advising that Council’s applications for grant funding through the Round 3 Grassroots Football, Cricket and Netball Facility Program, for the following projects, have been successful:

- Old Talunga Park, Mount Pleasant - Upgrade to six courts and install sports flood lighting - $197,000 (Total project value of $525,400 ex GST)

- Lyndoch Recreation Park - Installation of new LED oval lighting; installation of four new cricket nets; remediation of oval gradient and playing surface - $265,000 (Total project value of $661,020 ex GST)

Copy of letter attached.

RECOMMENDATION:
That report 4.3.1.1 be received.
Dear Ms Thomas

I refer to your recent request for funding through Round 3 of the Grassroots Football, Cricket, and Netball Facility Program.

I am delighted to inform you that your application has been successful in receiving funding for the following project:

**Project Title:** To upgrade six courts, and install sports flood lighting, at Old Talunga Park, Mount Pleasant.

**Grant Amount:** $197,000

**Project Title:** To install new LED oval lighting to a minimum 100 lux, install four new cricket nets, and to re-mediate the oval gradient and playing surface at the Lyndoch Recreation Park, Lyndoch.

**Grant Amount:** $265,000

This funding will be subject to your organisation entering into a Grant Agreement with the Government of South Australia. The Office for Recreation, Sport and Racing will forward the formal Grant Agreement to you through SmartyGrants in due course.

To ensure you are well informed I wish to advise some key requirements that your Grant Agreement will contain:

- Construction of the project must begin within six months of receipt of funding.
- You are required to report quarterly at a minimum on the progress of the project.
- You are required to report annually on the expenditure of the grant.

If you would like further information in relation to this funding, please contact Funding Services on 1300 714 990 or ORSR.Grants@sa.gov.au.
I trust the financial assistance provided will have a positive impact on your organisation, as well as see many positive benefits for active recreation and sport within the community.

Yours sincerely

Hon Corey Wingard MP
Minister for Recreation, Sport and Racing

12/6/2020
4.5.2 CONSENSUS AGENDA – ENVIRONMENTAL SERVICES REPORT

4.5.2.1 WILLIAMSTOWN, LYNDOCH LANDCARE GROUP INC.
B2791, 20/34302
Minutes of the Williamstown, Lyndoch Landcare Group Inc. meeting held 24 June 2020, are attached for information.

RECOMMENDATION:
That report items 4.5.2.1 be received.
**Meeting Minutes**

PO Box 694
Lyndoch, SA 5351

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**Purpose**
General Meeting

**Prepared by**
Tina Woods

**Phone No.**
0421 616 444

**Location**
Council Rooms,
29 Barossa Valley Way,
Lyndoch, SA 5351

**Date/Time**
24 June 2020, 7:45pm – 8.30pm

**Attendees**
Angus Atkinson (Chair)
Tracy Sinclair
Mick Kobryn
Don Wegener
Elke Wiese
Joerg Wiese
Shirley Wegener
Tina Woods

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

**File**
20200624_GeneralMeetingMinutes.docx

---

<table>
<thead>
<tr>
<th>Item</th>
<th>Action by</th>
<th>Date Due</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Meeting Opened</td>
<td>7.45pm.</td>
</tr>
<tr>
<td>2</td>
<td>Apologies</td>
<td>– Margaret Teskey, Brian Teskey and Rod Baker.</td>
</tr>
<tr>
<td>3</td>
<td>Minutes of previous Meeting</td>
<td>held 28 May 2020 – Accepted</td>
</tr>
<tr>
<td></td>
<td>Moved by Tracy Sinclair, seconded by Mick Kobryn – Carried.</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Business Arising last meeting:</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Actions now closed:</strong></td>
<td></td>
</tr>
</tbody>
</table>

**ACTION:** Organise printing of 500 off Reserve Brochures as per approved quote from Officeworks, using the existing up to date PDF file available on the Facebook page. Members voted to approve the payment of $756.51 for the supply and printing costs of 500 units.

**Update:** Additional quotation was obtained from Office National, Gawler. Their quotation was significantly less than Officeworks at $464 per 500 so Office National was provided the printing work.

**ACTION:** Send a thank you note Judy and Kym Knight for donation.

**Update:** A handwritten letter of thanks was provided with a receipt for the donation.

**ACTION:** Contact Willy Wagtail and Lyndoch Grapevine to correct listings.

**Actions still open:**

**ACTION:** Follow up with Friends of Para Wirra Conservation Park for possible joint Working Bee. Tracy Sinclair and Angus Atkinson to visit Friends of Para Wirra Conservation Park.

**Update:** Awaiting the COVID 19 restrictions to be lifted to enable joint working bee.

---

T. Sinclair/ A Atkinson

Ongoing
ACTION: Seed Collection List - 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.

Update: Review timing and need with Brian Green

ACTION: Signage updates for walking tracks - Plan the updates required and estimate numbers, signage details and posts required for replacement track markers similar to the maps on the WalkingSA website for Altona. Follow Up costing with sign makers next season.

Update: All new signage has been ordered and paid for. Delivery expected week commencing 29 June. Signage will be installed during normal Volunteering maintenance hours.

ACTION: Investigate costs of advertising in the local Barossa and Gawler papers.

ACTION: Camping – investigate group camping excursion as social activity.

New Actions from Business Arising this meeting:
- No new actions arising this meeting

Correspondence:

In:
- 2020-06-03 Barossa & Light Council Volunteering Services – Re-engaging with volunteers after COVID-19
- 2020-06-10 Landcare Association of South Australia (LASA), providing invoice for renewal of membership
- 2020-06-16 All Trails, advising that the “dog on leash” tag for Altona CSR Landcare Reserve Loop had been removed.
- 2020-06 Department of Environment, Water and Natural Resources, advising renewal of Independent Community Group insurance for 2020/21 needed to be paid by 12 June

Out:
- 2020-06-13 All Trails, advising that the description for Altona CSR Landcare Reserve Loop was incorrect as contained advise that dogs were permitted in the Reserve.
- 2020-06-24 Thank you letter to Judy and Kym Knight for their donation of $30

Chair Report:
- Nil to report.

Treasurers Report – as presented by Joerg Wiese:
Moved by Tina Woods, seconded by Don Wegener – Carried.
● **Monthly Income & Expenditure** – since last General Meeting in May 2020

<table>
<thead>
<tr>
<th>MAY 20</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Balance Brought Forward</td>
<td>$13,591.57</td>
</tr>
<tr>
<td>Income</td>
<td>$0.64</td>
</tr>
<tr>
<td>Expenses</td>
<td>$9,212.50</td>
</tr>
<tr>
<td><strong>End Month Balance</strong></td>
<td><strong>$4,379.71</strong></td>
</tr>
</tbody>
</table>

● **Account Balances** – since last General Meeting in May 2020

<table>
<thead>
<tr>
<th>MAY 20</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Administration</td>
<td>$1,193.41</td>
</tr>
<tr>
<td>Credit Union Share</td>
<td>$2.00</td>
</tr>
<tr>
<td>Project No.2 (Altona)</td>
<td>$3,184.30</td>
</tr>
<tr>
<td><strong>Total End Month Balance</strong></td>
<td><strong>$4,379.71</strong></td>
</tr>
</tbody>
</table>

Approval sought for the following expenditure:
Moved by Tina Woods, seconded by Don Wegener – Carried.

<table>
<thead>
<tr>
<th>Vendor</th>
<th>Reason for expenditure</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Landcare Association of South</td>
<td>Renewal of membership</td>
<td>$50.00</td>
</tr>
<tr>
<td>Australia (LASA)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Don Wegener</td>
<td>Petty Cash top-up (primarily for repairs to</td>
<td>$200.00</td>
</tr>
<tr>
<td>truck)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Amanda Pearce</td>
<td>Weed Control</td>
<td>$8,250.00</td>
</tr>
<tr>
<td>Gawler Art &amp; Signs</td>
<td>New signs</td>
<td>$918.50</td>
</tr>
<tr>
<td>Tina Woods</td>
<td>Refund for Office National printing of new</td>
<td>$464.00</td>
</tr>
<tr>
<td></td>
<td>walking trail brochures</td>
<td></td>
</tr>
</tbody>
</table>

8 Publicity:
Nil to report.

9 General Business:

● Don Wegener requested that from now on cheques for petty cash to be provided as cash and non-negotiable to enable them to be cashed in Gawler to alleviate the need for him to travel to Muno Para (which is now where his personnel bank is located).

● Mick Kobryn advised that he had difficulty sourcing some parts required to service the tractor. All parts now order, delivered and paid for. One supplier from
Bega NSW was not supportive and offered Landcare a discount on the parts ordered. Total value of parts $144.96. Moved that Mick be given $150 to cover fuel in sourcing the parts. Moved by Don Wegener, seconded by Tracy Sinclair—Carried.

<table>
<thead>
<tr>
<th></th>
<th>Next Meeting – Wednesday 22 July 2020, 7.30pm Council Rooms, Lyndoch. Which will also be when the AGM will be held.</th>
</tr>
</thead>
<tbody>
<tr>
<td>11</td>
<td>Meeting Closed 8.30pm.</td>
</tr>
</tbody>
</table>
COUNCIL

DEVELOPMENT AND ENVIRONMENTAL SERVICES

ENVIRONMENTAL SERVICES REPORT

21 JULY 2020

4.5.2  CONSENSUS AGENDA – ENVIRONMENTAL SERVICES REPORT

4.5.2.2  GAWLER RIVER FLOODPLAIN MANAGEMENT AUTHORITY
B10461, 20/31940

Minutes and Key Outcome Summary of the Gawler River Floodplain Management Authority meeting held 11 June 2020, are attached for information.

RECOMMENDATION:
That report items 4.5.2.2 be received.
1. Meeting of the Board

1.1 Welcome by the GRFMA Chairperson

Mr Ian Baldwin formally welcomed Board Members, Deputy Board Members, Observers and the Executive Officer and opened the 118th meeting of the Board.

1.2 Present

- Mr Ian Baldwin, Independent Board Member, Chair
- Mr James Miller, Adelaide Plains Council, Board Member (via telephone)
- Cr John Lush, Adelaide Plains Council, Deputy Board Member
- Mr. Andrew Philpott, Light Regional Council, Deputy Board Member
- Cr Malcolm Herrmann, Adelaide Hills Council, Board Member
- Mr Marc Salver, Adelaide Hills Council, Board Member
- Mayor Bim Lange, The Barossa Council, Board Member
- Mr Gary Mavrinac, The Barossa Council, Board Member
- Cr Paul Koch, Town of Gawler, Board Member
- Mr Sam Dilena, Town of Gawler, Board Member
- Mr Greg Pattinson, City of Playford, Board Member
- Mr David Hitchcock, Executive Officer

1.3 Apologies

- Cr Terry-Anne Keen, Adelaide Plains Council, Board Member
- Cr William Close, Light Regional Council, Board Member
- Mr Brian Carr, Light Regional Council, Board member
- Cr Peter Rentoulis, City of Playford, Board Member

1.4 Appointment of Observers

GRB 20/39 Observers
Moved: Mayor B Lange
Seconded: Mr G Mavrinac

That Cr. R Johnstone be appointed as Observer.

CARRIED UNANIMOUSLY

1.5 Declarations of Interest

Nil
2. Confirmation of Minutes

2.1 GRFMA Ordinary Meeting Minutes

GB20/40 GRFMA Ordinary Meeting Minutes
Moved: Cr Herrmann
Seconded: Mr M Salver

Recommendation: That the Minutes of the Gawler River Floodplain Management Authority Board meeting held 16/4/20 as amended be confirmed as a true and accurate record of that meeting.

CARRIED UNANIMOUSLY

2.2 GRFMA Confidential Meeting Minutes

GB20/41 GRFMA Confidential Minutes
Moved: Mr S Dilena
Seconded: Mr G Mavrinac

Recommendation: That the Minutes of the Gawler River Floodplain Management Authority Board confidential meeting held 16/4/20 as amended be confirmed as a true and accurate record of that meeting.

CARRIED UNANIMOUSLY

2.3 GRFMA Special Meeting Minutes

GB20/42 GRFMA Special Meeting Minutes
Moved: Mr J Miller
Seconded: Mr G Pattinson

Recommendation: That the Minutes of the Gawler River Floodplain Management Authority Board special meeting held 12/5/20 as amended be confirmed as a true and accurate record of that meeting.

CARRIED UNANIMOUSLY

2.4 Actions on Previous Resolutions

Executive Officer to follow up on a SA Water- South Para Reservoir presentation for a future Board meeting

3. Questions on Notice

Nil

4. Motions on Notice

Nil

5. Presentations

Mr Stephen Hains, Presiding Member, and Mr David Trebilcock, General Manager Stormwater Management Authority were scheduled to attend the meeting at 11:30am to discuss stormwater management planning for the lower Gawler River. At the request of members, the Chairman altered the meeting order of business and moved to discuss Item 8.1.
6. **Audit Committee Minutes 9 June 2020**

Board Members agreed to defer this item to the next scheduled meeting of the Board.

7. **Technical Assessment Panel**

Nil

8. **Reports**

8.1 **GRFMA Charter Review 2**

<table>
<thead>
<tr>
<th>GB20/43</th>
<th>GRFMA Charter Review 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Moved:</td>
<td>Cr J Lush</td>
</tr>
<tr>
<td>Seconded:</td>
<td>Mr G Mavrinac</td>
</tr>
</tbody>
</table>

**Recommendation:** That the GRFMA

2. Endorses Mr Jeff Tate proceeding to workshop the report with Constituent Councils.

**CARRIED**

8.2 **Northern Floodway Project**

Members discussed Agenda Item 8.2 in anticipation of the pending presentation by Mr Stephen Hains.

11:20am Mr J Miller left the meeting and the meeting adjourned for a short break.

11:33am the meeting resumed and the GRFMA Chair welcomed Mr Hains and Mr Trebilcock to the meeting.

Key items of note by Mr Hains included:

- The Stormwater Management Authority (SMA) is supportive of the GRFMA’s endeavor to mitigate flooding within the Gawler River catchment.
- The GRFMA is required to develop a Stormwater management Plan (SMP) for the lower Gawler River in order to achieve any funding from the SMA for the Northern Floodway project.
- An SMP will assist in scope and definition of required flood mitigation works, including the Northern Floodway project.
- An SMP will also allow the SMA to understand likely forward funding requirements.
- Any resultant funding may not be total requirement for the Northern Floodway Project; however, it should allow process to seek other complementary funding.
- SMA generally funds 50% of approved projects, including SMPs.
- GRFMA should take immediate steps to start the SMP process and to be quite clear about the scope of relevant responsibilities and work required.
- The SMA can assist with the scope definition.

12:33pm Mr Hains, Mr Trebilcock and Cr Koch left the meeting.
8.2 Northern Floodway Project

GB20/44  Northern Floodway Project
Moved:  Mr Pattinson
Seconded:  Mr Dilena

**Recommendation:** That the GRFMA:
1. Receives the description of costs to undertake Stage 1 (project scope and 30% design) Northern Floodway Project as provided by Chris Sale Consulting.
2. Notes the presentation by Mr Stephen Hains, Presiding Member, Stormwater Management Authority and requests the Executive Officer to seek response from Mr Hains
   a. confirming the scope of the required SMP; and
   b. providing formal response to the 6 questions previously provided to him for preparation of his presentation.
3. Following receipt of the information from Mr Hains, convenes a Special GRFMA Meeting for the purpose of discussing the identified SMP scope and options for further consideration.

**CARRIED UNANIMOUSLY**

Members noted that Mr S Dilena and Mr G Pattinson would liaise with the Executive Officer to work through and develop a process to identify the SMP scope and how the GRFMA might engage SMA assistance to develop the Plan and subsequently report back to the proposed special meeting.

12:50pm Mr Mavrinac left the meeting.

8.3 Finance Report

Board Members agreed to defer this item to the next scheduled meeting of the Board.

8.4 GRFMA Business Plan 2020-21

GB20/45  GRFMA Business Plan 2020-21
Moved:  Mr G Pattinson
Seconded:  Mr M Slaver

**Recommendation:** That pursuant to Clause 12.2 of the Charter, the GRFMA Business Plan 2020-21 be adopted.

**CARRIED UNANIMOUSLY**

8.5 GRFMA Budget 2020-21

GB20/46  GRFMA Budget 2020-21
Moved:  Mr A Philpott
Seconded:  Cr J Lush

**Recommendation:** That the GRFMA:
2. Pursuant to Clause 11.1 of the Charter, approves the subscriptions scheduled below to be subscriptions payable for the 2020-2021 year:
The Schedule:

- **Part A: Flood Mitigation Works** – No subscriptions.
- **Part B: Capital works and Maintenance** – A total of $50,300 calculated by the percentage shares prescribed in Clause 10.1 of the Charter:

<table>
<thead>
<tr>
<th>Council</th>
<th>Share</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adelaide Plains Council</td>
<td>14,541</td>
</tr>
<tr>
<td>Adelaide Hills Council</td>
<td>871</td>
</tr>
<tr>
<td>The Barossa Council</td>
<td>4,361</td>
</tr>
<tr>
<td>Town of Gawler</td>
<td>8,722</td>
</tr>
<tr>
<td>Light Regional Council</td>
<td>4,361</td>
</tr>
<tr>
<td>City of Playford</td>
<td>17,444</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$50,300</strong></td>
</tr>
</tbody>
</table>

- **Part C: Operation** – A total of $145,935 calculated by even shares prescribed in Clause 11.1 of the Charter

<table>
<thead>
<tr>
<th>Council</th>
<th>Share</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adelaide Plains Council</td>
<td>$24,322</td>
</tr>
<tr>
<td>Adelaide Hills Council</td>
<td>$24,322</td>
</tr>
<tr>
<td>The Barossa Council</td>
<td>$24,322</td>
</tr>
<tr>
<td>Town of Gawler</td>
<td>$24,322</td>
</tr>
<tr>
<td>Light Regional Council</td>
<td>$24,322</td>
</tr>
<tr>
<td>City of Playford</td>
<td>$24,325</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$145,935</strong></td>
</tr>
</tbody>
</table>

CARRIED UNANIMOUSLY

8.6 Achievements Against the Business Plan

Board Members agreed to defer this item to the next scheduled meeting of the Board.

8.7 ARTC Bridge

GB20/47 ARTC Bridge

Moved: Mr Pattinson
Seconded: Cr Herrmann

**Recommendation:** That the GRFMA;
1. Receives the report from Tonkin Consulting in relation to replacement of the rail bridge across the Gawler River.
2. Notes separate advice from Water Technology identifying more detail is required from ARTC/Tonkin Consulting to facilitate a more thorough review of initial issues identified.
3. Requests the Executive Officer to:
   a) further engage Water Technology to undertake a more thorough review and report.
   b) engage with Tonkin Consulting on the report (per (a) above) to ensure the channel capacity in the vicinity of the bridge is not compromised by the new structure.
   c) authorises expenditure of up to $5,000 to facilitate the report.

CARRIED UNANIMOUSLY

8.8 GRFMA Strategic Plan

Board Members agreed to defer this item to the next scheduled meeting of the Board.

9. Correspondence

Late correspondence from AUSVEG regarding the Northern Floodway Project was tabled at the meeting.

GB40/48 Late Correspondence
Moved: Cr Herrmann
Seconded: Cr Lush

Recommendation: That the late correspondence be received

CARRIED UNANIMOUSLY

10. Confidential

Nil

11. Urgent Matters Without Notice

Nil

12. Next Meeting

Date and Time: 13 August 2020, 9:45am
Host: Town of Gawler

13. Closure

The Chairperson thanked the Barossa Council for hospitality as host and also thanked members for their attendance and contributions and closed the meeting at 1:03pm.

Chair _______________ Date ____________
KEY OUTCOMES SUMMARY
GRFMA Board Meeting 11 Jun 2020

Charter Review 2- Governance Report
The meeting received the Charter Review 2 Governance report from Jeff Tate Consulting and endorsed Mr Jeff Tate proceeding to workshop the report with Constituent Councils.

Stormwater Management Planning
Mr Stephen Hains, Presiding Member, and Mr David Trebilcock, General Manager Stormwater Management Authority attended the meeting at 11:30am to discuss Stormwater Management planning for the lower Gawler River.

Key items of note by Mr Hains included:
- The Stormwater Management Authority (SMA) is supportive of the GRFMA’s endeavour to mitigate flooding within the Gawler River catchment.
- The GRFMA is required to develop a Stormwater management Plan (SMP) for the lower Gawler River in order to achieve any funding from the SMA for the Northern Floodway project.
- An SMP will assist in scope and definition of required flood mitigation works, including the Northern Floodway project.
- An SMP will also allow the SMA to understand likely forward funding requirements.
- Any resultant funding may not be total requirement for the Northern Floodway Project; however, it should allow process to seek other complementary funding.
- SMA generally funds 50% of approved projects, including SMPs.
- GRFMA should take immediate steps to start the SMP process and to be quite clear about the scope of relevant responsibilities and work required.
- The SMA can assist with the scope definition.

In noting the presentation by Mr Hains the GRFMA will seek further information confirming the scope of the required SMP and a formal response to the six (6) questions previously provided to him for preparation of his presentation. A Special GRFMA Meeting to further discuss the SMP scope and options for further consideration will be convened when the information is received. The meeting also received a description of costs to undertake Stage 1 (project scope and 30% design) of the Northern Floodway Project as provided by Chris Sale Consulting.

GRFMA Business Plan 2020-2201 and GRFMA annual Budget 2020-2021
Following unanimous support from Constituent Councils the meeting adopted the GRFMA Business Plan 2020-2021 and GRFMA annual Budget 2020-2021.

ARTC Bridge over the Gawler River
The meeting received the report from Tonkin Consulting in relation to replacement of the rail bridge across the Gawler River. Further detail is required from ARTC/Tonkin Consulting to facilitate a more thorough review of initial issues identified. The Executive Officer was requested to engage Water Technology to undertake a review and report on the proposal to ensure the channel capacity in the vicinity of the bridge is not compromised by the new structure.

Correspondence
Late correspondence from AUSVEG regarding the Northern Floodway Project was received.

Next Ordinary Board Meeting
The next Ordinary Board Meeting will be held at 9:45am on Thursday 13 August 2020.
4.5.3  CONSENSUS AGENDA – HEALTH SERVICES REPORT

4.5.3.1  FOOD RECALLS
B10499

Consumer Level recalls were monitored for:

- Leggo’s Tuna Bake with Spinach and Garlic 500g
- Natural Spring Water, Work Out Water – Who Rae Pty Ltd
- Pana Organic Peanut Butter Chocolate Spread 200g – Pana Organic Pty Ltd

RECOMMENDATION:
That the report item 4.5.3.1 be received.
4.5.3 CONSENSUS AGENDA – HEALTH SERVICES REPORT

4.5.3.2 FOOD PREMISES INSPECTIONS
B4573

During the month of June 2020 the following food businesses were inspected for their compliance with the Food Act 2001.

- Vintage Chef Co Cafe – Routine inspection
- Vintage Chef Catering Pty Ltd - Routine inspection

FOOD SAFETY AUDITS

- Wirramimma Care

RECOMMENDATION:
That the report items 4.5.3.2 be received.
7.2.1 DEBATE REPORT - CHIEF EXECUTIVE OFFICER

7.2.1.1 COVID – 19 - SERVICE LEVEL UPDATE
B10833

PURPOSE
To review and report current service level changes enacted by the Chief Executive Officer in conjunction with consultation with the Mayor in accordance with Council’s instructions contained in resolution number 2014-18/87 of the Special Meeting of 26 March 2020.

RECOMMENDATION
That Council receive and endorse:

(a) the service level changes undertaken in accordance with Council’s Budget and Business Plan and Review Policy clause 4.3.9; and

(b) that the Chief Executive Officer continues to review, monitor and assess the risks and implement further service delivery solutions or changes as the Public Health Emergency proceeds and the State and Federal Government implement new changes to manage COVID-19 in conjunction with the Mayor and report changes back to Council in due course.

REPORT
The ongoing changes and response to COVID-19 has changed over the past weeks with change focussed on reopening our activities such as libraries, The Rex, public spaces, clubrooms and the like. Also the return of staff working from home has been undertaken in a staged process which is now practically complete.

The current detailed service level changes and position along with notes are provided at the Attachment. These are being updated online and Facebook with links to our website as changes occur. Summaries have also been advertised throughout the response to COVID-19.

Our current response aligns with Stage 3 relaxation of restrictions and managing risks of continuity of services.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES
Summary of Key Changes as at 29 June 2020.
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

All

Legislative Requirements
State Australian Public Health Act
Work Health Safety Act
Local Government Act

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Managing the risk of a pandemic has been outlined in our risk assessment which has informed the Business Continuity Plan and the current responses outlined in the Summary of Key Changes document.

There are no further resource or financial issues resulting from this report.

COMMUNITY CONSULTATION

There is no requirement to undertake consultation as response to the threat of COVID-19 warrants rapid response.
Summary of Key Changes to the delivery of Council Services during Covid-19 (Coronavirus)

Update as at Monday 29 June 2020

All enquiries to be directed via our Customer Support Team who will direct as necessary.

Phone: 8563 8444  
Email: barossa@barossa.sa.gov.au

Physical distancing and good hygiene remain the immediate defence approach, along with evolving changes to face-to-face contact to minimise the risk to the community, customers and our staff and volunteers.

Commonwealth & State Updates – Covid – 19

For up to date information please refer to the following website:


The following advice is correct as at 29 June 2020 until advised further and if you are unwell you must not attend any public location and if you exhibit symptoms of COVID-19 infection seek medical support and get tested. Council reserves the right to refuse entry or seek the public to leave our locations if we have reasonable belief you are unwell no matter the symptoms.

<table>
<thead>
<tr>
<th>Service</th>
<th>Action and change to service provision</th>
</tr>
</thead>
<tbody>
<tr>
<td>Customer Support</td>
<td>Principal office at Nuriootpa remains open. Strict hygiene and physical distancing provisions remain in place and cashless payments are preferred.</td>
</tr>
<tr>
<td></td>
<td>To access online services click the following link:</td>
</tr>
<tr>
<td>Branches open – refer Libraries for dates and operating hours.</td>
<td></td>
</tr>
<tr>
<td>Home and Community Care</td>
<td>Operating as per normal with increased engagement with contractors to ensure adequate management of their own and client health and safety.</td>
</tr>
<tr>
<td>Community Transport</td>
<td>Risk assessment complete. Phased reintroduction of car, bus, shopping and flashcab services to manage risk and demand. Single passengers in cars only. Reintroduction of cash payments and paperwork.</td>
</tr>
<tr>
<td>Barossa Visitor Centre</td>
<td>Normal services resumed but with staff and volunteers on a split workforce to manage risks.</td>
</tr>
</tbody>
</table>

Adherence to the 1 person per 2 square metre rule. An approved COVID Management Plan will be required for some activities including large public gatherings: [https://www.covid-19.sa.gov.au/](https://www.covid-19.sa.gov.au/)

### Libraries

**State Government’s Covid-19 Roadmap to Recovery: Step 3**

Adherence to the 1 person per 2 square metre rule. An approved COVID Management Plan will be required for some activities including large public gatherings: [https://www.covid-19.sa.gov.au/](https://www.covid-19.sa.gov.au/)

No programs will be delivered face-to-face as they will remain online.

No delivery to nursing homes until restrictions change – likely Step 3.

No volunteers returning – likely Step 3.

COVID-Safe Plans completed. Where required, attendance records to assist with contact tracing will be maintained as per State Government requirements.

### Barossa Regional Gallery

Reopening from 1 July on Mondays, Wednesdays and Saturdays. Volunteers returning.

COVID-Safe Plan completed.

### Recreation and Sporting Parks and Ovals

**State Government’s Covid-19 Roadmap to Recovery: Step 3**

Adherence to the 1 person per 2 square metre rule. An approved COVID Management Plan will be required for some activities including large public gatherings: [https://www.covid-19.sa.gov.au/](https://www.covid-19.sa.gov.au/)

Clubs and groups should refer to any advice from relevant peak state or national bodies and must undertake a COVID-Safe Plan even if a prior risk assessment template has been provided to Council.

Where required, attendance records to assist with contact tracing will be maintained as per State Government requirements.

### Leisure Centre (Rex) and Pools (indoor and outdoor)

The Rex gym facilities (24-7) reopened Friday, 5 June.

The Rex aquatic facilities reopened Tuesday, 9 June in a reduced and staged capacity.

The Leisure Pool is fully operational including Learn to Swim programs. The Lap Pool remains closed to facilitate retiling, with a reopening date to be advised, anticipated in July.

Bookings are essential for classes, gym and leisure pool. There are extensive restrictions on numbers, spectators and use of showers and change rooms is prohibited. Please contact The Rex for further information on availability and services and bookings.
<table>
<thead>
<tr>
<th>The Rex:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Phone Number: 8563 2766</td>
</tr>
<tr>
<td>Website: <a href="https://www.barossarfc.com.au/">https://www.barossarfc.com.au/</a></td>
</tr>
<tr>
<td>COVID-Safe Plans completed. Where required, attendance records to assist with contact tracing will be maintained as per State Government requirements.</td>
</tr>
</tbody>
</table>

| Parks, Gardens, Reserves, Dog Parks and Playgrounds |
| Adherence to the 1 person per 2 square metre rule. An approved COVID Management Plan will be required for some activities including large public gatherings: [https://www.covid-19.sa.gov.au/](https://www.covid-19.sa.gov.au/) |
| Practice physical distancing (1.5m) and manage own self-cleaning and hygiene practices. |

<table>
<thead>
<tr>
<th>Public Conveniences</th>
</tr>
</thead>
<tbody>
<tr>
<td>Normal services restored.</td>
</tr>
</tbody>
</table>

| Event Management |
| Adherence to the 1 person per 2 square metre rule. An approved COVID Management Plan will be required for some activities including large public gatherings: [https://www.covid-19.sa.gov.au/](https://www.covid-19.sa.gov.au/) |

| Council halls (and leases and licences of these facilities) |
| Adherence to the 1 person per 2 square metre rule. An approved COVID Management Plan will be required for some activities including large public gatherings: [https://www.covid-19.sa.gov.au/](https://www.covid-19.sa.gov.au/) |
| Halls can be used on the following conditions: |
| • Mange own self cleaning and hygiene practices; |
| • Users shall clean utilised surfaces after every use; |
| • No food or beverages. |
| • COVID-Safe Plans must be completed and a certificate of completion provided to Council |
| • Attendance records to assist with contact tracing must be completed as per State Government requirements. |
| Lease and licence fees will be waived for a 12 month period. |

<p>| Barossa Bushgardens |
| Up to 156 people (excluding staff) in nursery workstation/Natural Resource Centre and up to 285 people (excluding staff) in community nursery, in line with 1 person per 2 square metre rule and 1.5m physical distancing. |</p>
<table>
<thead>
<tr>
<th>Section</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Volunteer Support and Programs</td>
<td>No change, volunteers’ exposure to risk will be managed on a case by case basis and there is no requirement for volunteers to continue to provide support if they are following their own physical distancing plans.</td>
</tr>
<tr>
<td>Caravan Parks</td>
<td>Resume service provision at Nuriootpa Caravan Park from 12 May. Williamstown, Eden Valley and Mount Pleasant Caravan Parks will continue operations and Council will review on an ongoing basis with amenities cleaning to be increased and applying all required social distancing and gathering measures. COVID Safe Plans not required.</td>
</tr>
<tr>
<td>Youth Services</td>
<td>All Youth Advisory Committee (YAC) meetings, activities and events are temporarily on hold.</td>
</tr>
<tr>
<td>Aged Care Services</td>
<td>No change at this time.</td>
</tr>
<tr>
<td>Justice of the Peace service</td>
<td>Services returned to normal operation in line with social distancing and hygiene practices: Friday – 11am – 1pm Saturday – 10am – 12 noon</td>
</tr>
</tbody>
</table>
| Men’s Sheds (Tanunda and Mount Pleasant)   | **State Government’s Covid-19 Roadmap to Recovery:**  
Step 3  
Adherence to the 1 person per 2 square metre rule. An approved COVID Management Plan will be required for some activities including large public gatherings: [https://www.covid-19.sa.gov.au/](https://www.covid-19.sa.gov.au/)
Social support services will proceed with appropriate plans in place. |
| Planning, Building and Health Services     | Mandatory inspections – currently awaiting sector advice  
Barossa Assessment Panel – No legislative changes, however, advice will be sought regarding predicted attendance numbers and how this will be managed. |
| Public Safety, Dog and Cat Management, By-law Management, Parking | No change at this time.                                                                                                                                                                          |
| Waste Management                           | No change to waste contract services. Suspension of school and community visits.  
Springton Transfer Station reopened Saturday 13 June with EFTPOS facilities and appropriate cash handling measures in place. |
<p>| Waste-water management                     | No change at this time.                                                                                                                                                                          |
| Maintenance and Works such as road, footpath, parks and gardens | No change at this time.                                                                                                                                                                          |</p>
<table>
<thead>
<tr>
<th>Capital Programs and Projects</th>
<th>No change at this time.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Environmental Programs</td>
<td>Reduced Natural Resource Centre activities - No Natural Resource Management visits to schools and community.</td>
</tr>
<tr>
<td>Financial Process including payments and rates.</td>
<td>No change at this time.</td>
</tr>
<tr>
<td>Council meetings and workshops</td>
<td>Will be held in accordance with relevant notices and ability to service streaming or recording practices. Council ordinary meetings will be livestreamed and a copy posted to our website after the meeting. Council workshops will be either face-to-face in the Council chamber or recorded and posted to our website on the day following the meeting. All non-essential briefing and reports will be postponed.</td>
</tr>
</tbody>
</table>

**Business Continuity Plan for Pandemic**
Council has updated its Business Continuity Plan. Should there be insufficient staff available for work, or other instructions and directions are issued by the Commonwealth or the State, we may have to invoke our plan and restrict services to those that are most critical.

**Communications**
Council will provide relevant updates in relation to your services via:

- Facebook – Council, Library sites [https://www.facebook.com/thebarossacouncil](https://www.facebook.com/thebarossacouncil)
- Media Outlets
- Notices in Offices / Buildings
**WHAT SHOULD YOU DO...**

<table>
<thead>
<tr>
<th>What You Should Do</th>
<th>COVID-19</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>If you have returned from overseas in the past 14 days</strong></td>
<td><strong>Monitor your health for any changes and stay in quarantine for 14 days</strong></td>
</tr>
<tr>
<td>You are feeling sick with fever, cough, sore throat, shortness of breath or fatigue?</td>
<td><strong>Seek testing</strong></td>
</tr>
<tr>
<td>Call your GP to book an assessment and testing. Provide your symptoms and travel history over the phone. Your GP may offer to see you while you are in your car.</td>
<td><strong>If your GP is unable to assist you, visit a COVID-19 Clinic</strong></td>
</tr>
<tr>
<td><strong>Stay in self-isolation for 14 days</strong></td>
<td></td>
</tr>
<tr>
<td><strong>If you have arrived from interstate in the past 7 days</strong></td>
<td><strong>Arrived before 22 March</strong></td>
</tr>
<tr>
<td><strong>Monitor health</strong></td>
<td><strong>Self-quarantine for 14 days and monitor health</strong></td>
</tr>
<tr>
<td><strong>If you become sick with new symptoms (e.g. fever, cough, sore throat, shortness of breath, fatigue)</strong></td>
<td><strong>Seek testing</strong></td>
</tr>
<tr>
<td><strong>Stay in self-isolation and follow medical advice</strong></td>
<td></td>
</tr>
<tr>
<td><strong>If you have been in close contact with a confirmed case of COVID-19</strong></td>
<td><strong>You are feeling sick with fever, cough, sore throat or fatigue OR you have been instructed by a healthcare professional to get tested for COVID-19</strong></td>
</tr>
<tr>
<td><strong>Self-isolate</strong></td>
<td><strong>Seek testing</strong></td>
</tr>
<tr>
<td><strong>Call your GP to book an assessment and testing. Provide your symptoms and travel history over the phone. Your GP may offer to see you while you are in your car.</strong></td>
<td><strong>If your GP is unable to assist you, visit a COVID-19 Clinic</strong></td>
</tr>
<tr>
<td><strong>Remain in self-isolation until negative test result and for 14 days from date of last exposure with a confirmed case of COVID-19 (whichever is longer)</strong></td>
<td></td>
</tr>
<tr>
<td><strong>If you are a healthcare worker with direct patient contact</strong></td>
<td><strong>Do you have a fever (≥38°C) or history of fever AND an acute respiratory infection (e.g. shortness of breath, cough, sore throat)?</strong></td>
</tr>
<tr>
<td><strong>Yes</strong></td>
<td><strong>Self-isolate</strong></td>
</tr>
<tr>
<td><strong>Negative result:</strong> Stay in isolation and follow medical advice.</td>
<td><strong>Negative result:</strong> Avoid contact with others until recovered.</td>
</tr>
<tr>
<td><strong>If you are feeling unwell but have not travelled or been in contact with a confirmed case</strong></td>
<td><strong>Call 000 (Triple Zero)</strong></td>
</tr>
<tr>
<td><strong>Severe illness (e.g. difficulty breathing)</strong></td>
<td><strong>Call your GP for advice as you may need an appointment</strong></td>
</tr>
<tr>
<td><strong>Stay home and where possible avoid contact with others until recovered. If your symptoms worsen, contact your GP or call 000 in an emergency (e.g. difficulty breathing)</strong></td>
<td></td>
</tr>
<tr>
<td><strong>If you are worried but feel well</strong></td>
<td><strong>Visit the Commonwealth or SA Health website to learn more about the facts of COVID-19 and what you can do to stay well</strong></td>
</tr>
<tr>
<td><strong>OR Talk to friends, family or a professional if you need help</strong></td>
<td><strong>Call the National Coronavirus Helpline (1800 020 080)</strong></td>
</tr>
</tbody>
</table>

**UPDATED 23 MARCH 2020**

sahealth.sa.gov.au/COVID2019
7.2.1 DEBATE REPORT – CHIEF EXECUTIVE OFFICER

7.2.1.2 LEGATUS ANNUAL BUSINESS PLAN AND BUDGET
B10496

PURPOSE
To consider the responses from Legatus and approve or not approve the Legatus Annual Business Plan and Budget.

RECOMMENDATION
That Council:

1. Noting the responses from Legatus and the undertaking of a review of the Charter in November 2020 approve the Annual Business Plan and Budget for the 2020-21 financial year.

2. Place on notice for the next ordinary meeting of Legatus Board of Management that the impending review include the review of the strategic role of Legatus, all projects be assessed as to duplication with any other State or not-for-profit agencies such as Regional Development Boards and the proposal for how Legatus intends to reduce its extensive cash reserves over the long term financial plan period.

REPORT
Council received the business plan and budget at its May meeting of Council and resolved as follows:

MOVED Cr de Vries that Council having reviewed the Legatus Group draft Budget and Business Plan for 2020-21 makes the following comments, given times of potentially constrained revenue generation:

1. Seek response on the following matters:
   (a) what the long term financial position of the organisation is based on this budget;
   (b) why superannuation is being paid at 10% when the superannuation guarantee is 9.5% and legislated increases do not commence until the 2021/22 financial year;
   (c) a comparison of regional executive office wages and duties is undertaken over the next 12 months and provided to each Council for review similar to that undertaken by the Local Government Association previous for Council Chief Executive Officer packages and the McArthur Australian survey;
2. That Legatus reduce its fees by 5% to facilitate the utilisation of cash reserves and continues to address the cash surplus position and provide relief to its member Councils; and

reserves it right to endorse the Budget and Business Plan until the above matters are addressed.

Seconded Cr Johnstone

CARRIED 2018-22/127

Legatus response is provided at Attachment 1 and updated budget and long term financial plan are at Attachment 2. Further I have tabled annual business plan and budget at Attachment 3.

Council needs to determine if it now supports the budget and business plan. After briefing with the Mayor it is suggested the documents be approved and the impending review be the vehicle to addressing the long term questions and purpose of Legatus and more broadly regional representation under the current Local Government system.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES
Attachment 1 – Legatus response
Attachment 2 – Updated budget and long term financial plan
Attachment 3 – Draft 2020/21 annual business plan and budget

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS
Community Plan
How We Work – Good Governance

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

Legislative Requirements
Local Government Act

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS
Nil

COMMUNITY CONSULTATION
Nil
Hi Martin,

Will note this in the report with the agenda and will seek guidance on the ability to be able to progress with our operations in being able to spend before the budget is adopted as the budget requires endorsement by all of the Constituent Councils.

The Charter does say at item 5.1.3 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.

I also note that the review of the role of Legatus and a review across the regional sector was to be done before May 2021 as per the request which said:

“A comparison of regional executive office wages and duties is undertaken over the next 12 months and provided to each Council for review similar to that undertaken by the Local Government Association previous for Council Chief Executive Officer packages and the McArthur Australian survey.”

My plan was to have this work undertaken in conjunction with the Review of the Strategic Plan and the Long-Term Financial Plan. The Legatus Group work plan has these reviews scheduled for November 2020.

With regards response to not making agenda I provided the response on Friday 5 June straight after the Legatus Group meeting (as per email listed below) as I was aware that your meeting and Northern Areas Council were both on 16 June. I asked if there was any further information required and if you would like me to attend your meeting to let me know. I didn’t receive any response.

I note that the Legatus Group minutes which I supplied on Monday 8 June did make into the Barossa Council agenda and they contained following information:

The Legatus Group CEO provided a report with the agenda outlining the process and responses from constituent councils to the draft business plan and budget and that endorsement had been received from twelve of the councils. The meeting noted that the draft business plan and budget has yet to be considered by Northern Areas and Barunga West Council. The meeting noted the response from the Barossa Council and that an update of the Long-Term Financial Plan has been provided. Mayor Bim Lange indicated that the Barossa Council were looking forward to receiving the response to their questions and that they were re-thinking services in general to their council.

Motion:

1) That the Legatus Group agrees in principal to the draft Business Plan and Budget for 2020/2021 subject to endorsement by all Constituent Councils.
2) That all Constituent Councils who have not responded regarding the draft 2020/2021 Business Plan and Budget and Strategic Plan and three-year Action Plan provide their response by Friday 26 June 2019.
3) That the Legatus Group CEO provides a response to the Barossa Council on their resolution regarding the Legatus Group Business Plan and Budget from their meeting held on 19 May 2020.
4) That the Legatus Group hold a telephone conference meeting on Friday 3 July 2020 to consider any comments from Constituent Councils and to adopt the draft 2020/2021 Annual Business Plan and Budget.
You indicated in your email on 11 June listed below it wasn’t on the agenda as it will most likely go to a special meeting in late June as the Mayor is still thinking about what he wants to explore.

Re the CWMS project there is no request for the funding to come from members fees as the Legatus Group has been approved funding to extend the Joint CWMS Services Arrangements by the LGA CWMS Management Committee who have provided funding. This included the MoU with UniSA on research into waste, wastewater, remote sensing and asset management in CWMS and to continue to identify areas of research that will benefit the sector. This was included under the heading of Resource Sharing that Legatus will oversee a demonstration/research project in remote sensing as part of a larger move to work on asset management. I was seeking approval from the board after the Advisory Committee meetings had discussed and recommended to have this work undertaken with Copper Coast on pumps and to expend some of these funds as the amount exceeds my authority to approve which is up to $5,000.

Kind regards, Simon

---

From: Martin McCarthy  
Sent: Tuesday, 23 June 2020 8:03 PM  
To: Simon Millcock  
Cc: Mayor Lange  
Subject: RE: Legatus Group 2020/2021 Business Plan and Budget response to The Barossa Council + CWMS Asset Management by Remote Sensing project

Hi

No it did not make our agenda as it was past our date – I confirm Council prior position on both matters:

1. Council at this time does not support the budget and business plan and has reserved it decision;
2. The CWMS project should be funded from CWMS service and rate charges and not general rates distributed to Legatus from fees.

I reiterate prior correspondence that we await a full response to the issues raised most notably a review of the role of Legatus and a review across the regional sector.

Regards Martin

---

From: Simon Millcock [mailto:ceo@legatus.sa.gov.au]  
Sent: Tuesday, 23 June 2020 6:05 PM  
To: Martin McCarthy <mmccarthy@barossa.sa.gov.au>  
Subject: Legatus Group 2020/2021 Business Plan and Budget response to The Barossa Council + CWMS Asset Management by Remote Sensing project

Hi Martin,

Any updates on a response sought by this Friday on the Business Plan and Budget so I can provide report with the Legatus Group agenda.

Note that the two councils who had not responded - Barunga West and Northern Areas have now both confirmed their approval.

Also FYI re CWMS Asset Management by Remote Sensing project that the CWMS Committee was recommending with a trial at Copper Coast: The information Paul Chapman has provided me is that the Barossa Council have confirmed you do not use machine learning and condition monitoring that is being proposed. Advice from LGA is they know of no Council doing so. I have suggested we hold off on introducing the proposal till the Legatus Group meeting in Sept and be able to provide a broader picture.
From: Martin McCarthy <mmccarthy@barossa.sa.gov.au>
Sent: Thursday, 11 June 2020 11:38 AM
To: Simon Millcock <ceo@legatus.sa.gov.au>
Subject: RE: Legatus Group 2020/2021 Business Plan and Budget response to The Barossa Council

No it will most likely go to a special meeting in late June. Mayor is still thinking about what he want to explore.

There will be further questions coming I believe but the Mayor is really taking carriage of that, we will advise in due course.

Thanks Martin

From: Simon Millcock [mailto:ceo@legatus.sa.gov.au]
Sent: Thursday, 11 June 2020 10:22 AM
To: Martin McCarthy <mmccarthy@barossa.sa.gov.au>
Subject: RE: Legatus Group 2020/2021 Business Plan and Budget response to The Barossa Council

Hi Martin,

Is this being discussed at your council meeting next week as I didn’t see on agenda?

Was there any further information required.

Kind regards, Simon

From: Simon Millcock
Sent: Friday, 5 June 2020 3:52 PM
To: mmccarthy@barossa.sa.gov.au; Maree Wauchope <maree@barungawest.sa.gov.au>; 'colin byles' <colin.byles@nacouncil.sa.gov.au>
Cc: Colin Davies <finance@legatus.sa.gov.au>
Subject: Legatus Group 2020/2021 Business Plan and Budget response to The Barossa Council

Hi Martin, Maree and Colin.
Todays board meeting approved the following with regards the Legatus Group 2020/2021 Business Plan and Budget:

1. That the Legatus Group agrees in principal to the draft Business Plan and Budget for 2020/2021 subject to endorsement by all Constituent Councils.
2. That all Constituent Councils who have not responded regarding the draft 2020/2021 Business Plan and Budget and Strategic Plan and three-year Action Plan provide their response by Friday 26 June 2019.
3. That the Legatus Group CEO provides a response to the Barossa Council on their resolution regarding the Legatus Group Business Plan and Budget from their meeting held on 19 May 2020.
4. That the Legatus Group hold a zoom conference meeting on Friday 3 July 2020 to consider any comments from Constituent Councils and to adopt the draft 2020/2021 Annual Business Plan and Budget.

This was based on the following.

The Charter requires that the Legatus Group must before the 30 April prepare and submit a draft annual business plan and budget to councils for the ensuing financial year for endorsement by the Constituent Councils and must adopt after 31 May and within 6 weeks of endorsement by councils.

The Board along with the Audit and Risk Management Committee, Legatus Management Group, Road Transport and Infrastructure Advisory Committee and Community Wastewater Management Committee were aware through previous recommendations and feedback from a working group with the need to expend some of the carry over reserves and accumulated surplus. This includes the requirement to expend all the funds as per the agreements of the LGA for Rubble Royalties and Capacity Building Grants by June 2021. These funds are required to be expended in the year received although they can be extended to one further year but need to be commenced in the second year. It has been noted previously that there is no funding from Rubble Royalties after June 2020.

The Legatus Group CEO distributed on 16 April 2020 the draft business plan and budget to all Constituent Councils and offered to meet with all Councils to provide them with an update and discuss questions on the 2020/2021 Business Plan. The Legatus Group CEO was invited to attend some council meetings undertaken via on-line formats.

The report provided to Councils includes that it has been recognised by the Board, Audit Committee and Management Group 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 are now to be 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 to gain increased dollars for the region via grants. Noted there will need to be flexibility in the 2020/2021 process due to the impacts of drought and coronavirus which can be addressed in the midterm review.

The proposed deficit is based on utilising the income generated during the past four year and requirement that the Rubble Royalties reserves gained in the past two years need to be acquitted in 2020/2021. The projects have been identified through the recent reports and research projects. As such this would still place the Legatus Group by 30 June 2021 in a sound financial position with cash reserves of around $745,000 which was the position it was in on 30 June 2017.

**Key Assumptions**

1. Membership fees no increase.
2. LGA regional capacity grant of $42,000 continues with no other annual funds from LGA.
3. LGA R&D funding will need to be applied for.
4. RDAYMN unlikely to provide and NY Landscape Board have yet to confirm climate change contribution.
5. CWMS funding for the year is confirmed.
6. State Government and councils yet to confirm a new Brighter Futures project.
7. There would be no contracts entered for project officer roles or commencement of projects until external funding secured for those identified projects.
8. There will be a carryover of funds $22,000 for Brighter Futures and $10,000 Youth Volunteering plus subject to when the 2 grants from Green Industries SA and LGA for the Regional Waste Strategy of
$60,000 combined but this is identified as income for 20/21 and if it does come in 19/20 it will just need to be carried over.

On the 3 June 2020 the Legatus Group CEO following receipt from the Finance Officer and with reference to item 11 of the agenda of the Legatus Group Ordinary Meeting being held on 5 June distributed the attached 20/21 Legatus Group Business Plan and Budget and in response to the request from The Barossa Council seeking to know what the Long Term Financial Position (LTFP) was relating to the draft budget. Noting this included the and the following adjustments:

- Superannuation adjusted back from 10 per cent to 9.5 per cent for 20/21
- Note I4 Regional Waste Strategy - $30k has been taken out of the Budgeted Income (LGA Grant) as it is included in the current year actuals and full year forecast figures now that it has been received
- $15k project management income

Responses endorsing the business plan and budget were received from the following 12 councils: Adelaide Plains, Clare & Gilbert Valleys, Copper Coast, Flinders Ranges, Goyder, Light, Mt Remarkable, Orroroo Carrieton, Peterborough, Port Pirie, Wakefield and Yorke Peninsula.

Northern Areas Council advised this will be an agenda item at their 16 June 2020 meeting
Barunga West Council advised this will be an agenda item at their 9 June 2020 meeting

The Barossa Council advised the Legatus Group CEO on 26 May 2020 of the resolution from their meeting held 19 May 2020.

That Council having reviewed the Legatus Group draft Budget and Business Plan for 2020-21 makes the following comments, given times of potentially constrained revenue generation:

1. Seek response on the following matters:

   (a) what the long term financial position of the organisation is based on this budget;

   (b) why superannuation is being paid at 10% when the superannuation guarantee is 9.5% and legislated increases do not commence until the 2021/22 financial year;

   (c) a comparison of regional executive office wages and duties is undertaken over the next 12 months and provided to each Council for review similar to that undertake by the Local Government Association previous for Council Chief Executive Officer packages and the McArthur Australian survey.

2. That Legatus reduce its fees by 5% to facilitate the utilisation of cash reserves and continues to address the cash surplus position and provide relief to its member Councils; and

Reserves it right to endorse the Budget and Business Plan until the above matters are addressed.

The meeting was made aware that the next Barossa Council meeting is scheduled for Tuesday 16 June 2020 and please see below the attached response to the Barossa Council questions.

Question 1

   a) attached
   b) correction noted and updates made
   c) comparison of regional executive office wages and duties will be undertaken over the next 12 months and provided to each Council for review similar to that undertake by the Local Government Association previous for Council Chief Executive Officer packages and the McArthur Australian survey. Whilst noting the current comparison of remuneration as of 5 June 2020 is:

<table>
<thead>
<tr>
<th>Organisation</th>
<th>Hours</th>
<th>Hourly rate</th>
<th>National vehicle value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legatus Group</td>
<td>Full time</td>
<td>$77.96</td>
<td>$15,000</td>
</tr>
<tr>
<td>15 member councils</td>
<td>Full time</td>
<td>$79.85</td>
<td>$8,500</td>
</tr>
<tr>
<td>-----------------------------------------------</td>
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</tr>
<tr>
<td>Limestone Coast 7 member councils</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Murray and Riverland 8 member councils</td>
<td>30 hrs / week</td>
<td>$75.00</td>
<td>Nil</td>
</tr>
<tr>
<td>Southern &amp; Hills 6 member councils</td>
<td>25 hrs / week</td>
<td>$95.00</td>
<td>$13,623</td>
</tr>
<tr>
<td>Eyre Peninsula 11 member councils</td>
<td>23 hrs / week</td>
<td>$60.72</td>
<td>$9,000</td>
</tr>
<tr>
<td>Spencer Gulf Cities</td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

Information from Upper Spencer Gulf is that given that the details of the contract between their CEO and USGCPG for supply of services is confidential, it was appropriate for their CEO to consult with the Chair before providing any information. The view is, that the USGCPG is unique in terms of how it engages Executive Officer services, and noting the confidential nature of the information, there is no advantage in benchmarking the terms of that engagement as a comparison.

Q2 - That the proposed subscriptions in the draft budget were set at the same rate as 19/20 and as such no increase is forecasted in the 20/21 budget. The Charter says the Board can raise revenue through subscriptions and levies from Constituent Councils. Every Constituent Council shall be liable to contribute monies to the Legatus Group each financial year. The amount of each Constituent Council’s subscription will be decided at the Annual General Meeting and will be due and payable within one month of a written request from the Chief Executive Officer for payment. The draft budget for 20/21 was developed based on the current year’s subscription of $11,135. The Barossa Council recommendation of a 5% reduction if proposed at the AGM would make the subscription fee $10,580. If this is supported it which would require a reduction of income of $8,325 to the budget.

Please let me know if there is any further information is required and if you would like me to attend your meetings.

Kind regards, Simon

Simon Millcock
ACEcD
Chief Executive Officer

155 Main North Road, Clare, SA 5453
PO Box 419 Clare, SA, 5453
m +61407819000
e ceo@legatus.sa.gov.au

Martin McCarthy
Chief Executive Officer
T: 08 8563 8399
### Income

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<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td>Council Contributions</td>
<td>$165,191</td>
<td>$165,225</td>
<td>$167,025</td>
<td>$168,670</td>
</tr>
<tr>
<td>Grants, Subsidies and Contributions</td>
<td>$362,000</td>
<td>$509,232</td>
<td>$425,800</td>
<td>$364,800</td>
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<tr>
<td>Investment Income</td>
<td>$12,133</td>
<td>$16,573</td>
<td>$15,000</td>
<td>$18,000</td>
</tr>
<tr>
<td>Reimbursements</td>
<td>$16,000</td>
<td>$23,564</td>
<td>$32,800</td>
<td>$40,364</td>
</tr>
<tr>
<td>Other Income</td>
<td>$2,500</td>
<td>$4,206</td>
<td>$7,000</td>
<td>$9,000</td>
</tr>
<tr>
<td>Total Income</td>
<td>$557,824</td>
<td>$732,899</td>
<td>$514,125</td>
<td>$571,080</td>
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</tbody>
</table>

### Expenses

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<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td>Employee Costs</td>
<td>$218,160</td>
<td>$182,009</td>
<td>$197,827</td>
<td>$203,366</td>
</tr>
<tr>
<td>Materials, Contracts &amp; Other Expenses</td>
<td>$285,472</td>
<td>$365,207</td>
<td>$503,200</td>
<td>$634,000</td>
</tr>
<tr>
<td>Depreciation, Amortisation &amp; Impairment</td>
<td>$6,671</td>
<td>$6,311</td>
<td>$8,000</td>
<td>$7,000</td>
</tr>
<tr>
<td>Finance Costs</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Total Expenses</td>
<td>$510,303</td>
<td>$553,577</td>
<td>$709,377</td>
<td>$900,000</td>
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</tbody>
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### Operating Surplus / (Deficit)

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</thead>
<tbody>
<tr>
<td>Asset Disposal &amp; Fair Value Adjustments</td>
<td>-</td>
<td>-</td>
<td>(8,340)</td>
<td>-</td>
</tr>
<tr>
<td>Amounts Rec. Specifically for New / Upgraded Assets</td>
<td>-</td>
<td>-</td>
<td>(5,268)</td>
<td>-</td>
</tr>
<tr>
<td>Physical Resources Received Free of Charge</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
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<tr>
<td>Operating Result from Discontinued Operations</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Total Expenses</td>
<td>$510,303</td>
<td>$553,577</td>
<td>$709,377</td>
<td>$900,000</td>
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</tbody>
</table>

### Net Surplus / (Deficit)

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<tbody>
<tr>
<td>Total Comprehensive Income</td>
<td>$47,521</td>
<td>$179,372</td>
<td>$203,242</td>
<td>$235,367</td>
</tr>
</tbody>
</table>

*Note: Draft Long Term Financial Plan values are for illustrative purposes only and may not represent the actual financials.*
## Statement of Financial Position for the year ended 30 June 2020

| $ | Budget | Actual | Budget | YTD Actual | Rev Budget | FY Forecast | Draft 1 | Draft 2 | 2022 | 2023 | 2024 | 2025 | 2026 | 2027 | 2028 | 2029 | 2030 | 2031 |
| **ASSETS** | | | | | | | | | | | | | | | | | | | |
| **Current Assets** | | | | | | | | | | | | | | | | | | | |
| Cash and Cash Equivalents | 885,069 | 972,087 | 796,217 | 1,271,365 | 750,267 | 1,233,538 | 733,659 | 733,118 | 726,675 | 714,242 | 711,611 | 705,794 | 675,699 | 653,999 | 607,872 | 569,785 | 549,882 | 527,186 |
| Trade & Other Receivables | 8,758 | 88,801 | 10,000 | 33,000 | 10,000 | 10,000 | 10,000 | 10,000 | 10,000 | 10,000 | 10,000 | 10,000 | 10,000 | 10,000 | 10,000 | 10,000 | 10,000 | 10,000 | 10,000 |
| **Total Current Assets** | 871,827 | 1,041,888 | 806,217 | 1,304,365 | 760,267 | 1,243,538 | 743,659 | 743,118 | 746,675 | 724,242 | 721,611 | 715,794 | 685,699 | 673,999 | 617,872 | 579,785 | 559,882 | 537,186 |
| **Non-Current Assets** | | | | | | | | | | | | | | | | | | | |
| Equity Accounted Investments in Council Businesses | 13,340 | 11,177 | 32,000 | 28,967 | 21,000 | 14,000 | 14,000 | 7,000 | 23,000 | 16,000 | 9,000 | 23,000 | 16,000 | 9,000 | 23,000 | 16,000 | 9,000 | 23,000 | 16,000 | 9,000 |
| **Total Non-Current Assets** | 13,340 | 11,177 | 32,000 | 28,967 | 21,000 | 14,000 | 14,000 | 7,000 | 23,000 | 16,000 | 9,000 | 23,000 | 16,000 | 9,000 | 23,000 | 16,000 | 9,000 | 23,000 | 16,000 | 9,000 |
| **Total Assets** | 885,167 | 1,053,065 | 838,217 | 1,333,332 | 781,267 | 1,264,538 | 757,659 | 757,118 | 753,675 | 747,242 | 737,611 | 724,794 | 689,399 | 662,872 | 602,785 | 575,882 | 546,186 | 527,186 | 508,186 |
| **LIABILITIES** | | | | | | | | | | | | | | | | | | | |
| **Current Liabilities** | | | | | | | | | | | | | | | | | | | |
| Trade & Other Payables | 6,277 | 46,729 | 10,000 | 2,911 | 10,000 | 10,000 | ... | 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 | 7,397 | 2,568 | 5,266 | 5,266 | 5,250 | 5,250 | 5,250 | 5,250 | 5,250 | 5,250 | 5,250 | 5,250 | 5,250 | 5,250 | 5,250 | 5,250 | 5,250 | 5,250 | 5,250 |
| **Total Current Liabilities** | 13,674 | 49,297 | 15,266 | 5,479 | 15,266 | 15,250 | ... | 15,490 | 15,572 | 15,656 | 15,741 | 15,827 | 15,914 | 16,003 | 16,093 | 16,093 | 16,093 | 16,093 |
| **Non-Current Liabilities** | | | | | | | | | | | | | | | | | | | |
| Trade & Other Payables | 2,524 | 2,947 | 12,501 | 2,947 | 12,501 | 12,500 | 17,000 | 17,000 | 20,895 | 24,887 | 28,880 | 33,174 | 37,473 | 41,880 | 4,517 | 13,914 | 13,893 | 18,757 | 18,757 |
| **Total Non-Current Liabilities** | 2,524 | 2,947 | 12,501 | 2,947 | 12,501 | 12,500 | 17,000 | 17,000 | 20,895 | 24,887 | 28,880 | 33,174 | 37,473 | 41,880 | 4,517 | 13,914 | 13,893 | 18,757 | 18,757 |
| **Total Liabilities** | 16,198 | 52,244 | 27,767 | 8,426 | 27,767 | 27,750 | 32,250 | 32,250 | 36,224 | 40,296 | 44,469 | 48,746 | 53,129 | 57,621 | 20,344 | 25,061 | 29,895 | 34,850 | 34,850 |
| **NET ASSETS** | 868,969 | 1,000,821 | 810,451 | 1,324,906 | 753,501 | 1,238,788 | 725,409 | 724,868 | 717,451 | 706,346 | 693,141 | 676,046 | 655,560 | 632,378 | 606,329 | 577,724 | 545,987 | 511,336 |
| **EQUITY** | | | | | | | | | | | | | | | | | | | |
| **Total Equity** | 868,969 | 1,000,821 | 810,451 | 1,324,906 | 753,501 | 1,238,788 | 725,409 | 724,868 | 717,451 | 706,346 | 693,141 | 676,046 | 655,560 | 632,378 | 606,329 | 577,724 | 545,987 | 511,336 | 511,336 |
## ACCUMULATED SURPLUS

**Balance at end of previous reporting period**

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</thead>
<tbody>
<tr>
<td></td>
<td>Actual</td>
<td>Budget</td>
<td>YTD Actual</td>
<td>Rev Budget</td>
<td>FY Forecast</td>
<td>Draft 1</td>
<td>Draft 2</td>
<td>2022</td>
<td>2023</td>
<td>2024</td>
<td>2025</td>
<td>2026</td>
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<td></td>
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<tr>
<td>Balance at End of Reporting Period</td>
<td>10,006</td>
<td>186,358</td>
<td>237,681</td>
<td>490,443</td>
<td>170,731</td>
<td>717,018</td>
<td>455,639</td>
<td>455,639</td>
<td>447,681</td>
<td>437,176</td>
<td>423,371</td>
<td>406,278</td>
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### Net Surplus (Deficit) for year

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<tr>
<td></td>
<td>Actual</td>
<td>Budget</td>
<td>YTD Actual</td>
<td>Rev Budget</td>
<td>FY Forecast</td>
<td>Draft 1</td>
<td>Draft 2</td>
<td>2022</td>
<td>2023</td>
<td>2024</td>
<td>2025</td>
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</tr>
<tr>
<td>Transfers to Reserves (from Acc Surplus)</td>
<td>(107,000)</td>
<td>(75,000)</td>
<td>(654,492)</td>
<td>-</td>
<td>(1,094,247)</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Transfers from Reserves (to Acc Surplus)</td>
<td>14,150</td>
<td>6,650</td>
<td>869,185</td>
<td>-</td>
<td>1,408,940</td>
<td>1,408,940</td>
<td>-</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Balance at End of Reporting Period</td>
<td>10,006</td>
<td>186,358</td>
<td>237,681</td>
<td>490,443</td>
<td>170,731</td>
<td>717,018</td>
<td>455,639</td>
<td>455,639</td>
<td>447,681</td>
<td>437,176</td>
<td>423,371</td>
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</tbody>
</table>
### Cash Flows from Operating Activities

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<tr>
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<tbody>
<tr>
<td>Receipts</td>
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<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Operating Receipts</td>
<td>545,691</td>
<td>583,125</td>
<td>539,125</td>
<td>766,825</td>
<td>846,321</td>
<td>562,000</td>
<td>547,000</td>
<td>268,670</td>
<td>280,807</td>
<td>262,063</td>
<td>265,138</td>
<td>267,332</td>
<td>269,546</td>
<td>271,781</td>
<td>274,035</td>
<td>276,309</td>
</tr>
<tr>
<td>Investment Receipts</td>
<td>12,133</td>
<td>18,714</td>
<td>15,000</td>
<td>10,119</td>
<td>10,340</td>
<td>9,080</td>
<td>9,080</td>
<td>3,668</td>
<td>3,683</td>
<td>3,571</td>
<td>3,558</td>
<td>3,529</td>
<td>3,378</td>
<td>3,320</td>
<td>3,039</td>
<td>2,849</td>
</tr>
<tr>
<td>Finance Payments</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Net Cash provided by (or used in) Operating Activities</td>
<td>54,193</td>
<td>163,211</td>
<td>142,583</td>
<td>322,338</td>
<td>(193,533)</td>
<td>284,542</td>
<td>(488,426)</td>
<td>(500,426)</td>
<td>3,557</td>
<td>587</td>
<td>(2,631)</td>
<td>(5,817)</td>
<td>(9,169)</td>
<td>(11,890)</td>
<td>(56,127)</td>
<td>(17,187)</td>
</tr>
</tbody>
</table>

### Cash Flows from Investing Activities

|                      |                    |                    |                    |                                 |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |
| Receipts             |                    |                    |                    |                                |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |
| Amounts Received Specifically for New/Upgraded Assets | - | - | (5,000) | (3,058) | (2,000) | (3,093) | - | - | - | (2,000) | - | - | (2,000) | - | - | (2,000) | - | - | (2,000) |
| Sale of Surplus Assets | 5,000 | 5,908 | 5,000 | 5,909 | 7,000 | 9,000 | 9,000 |        |        |        |        |        |        |        |        |        |        |        |
| Payments             |                    |                    |                    |                                |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |
| Expenditure on Renewal/Replacement of Assets | (40,000) | (28,987) | (29,000) | (29,000) | (30,000) | (30,000) | (30,000) |        |        |        |        |        |        |        |        |        |        |        |
| Net Cash provided by (or used in) Investing Activities | - | - | (35,000) | (31,058) | (24,000) | (33,093) | - | - | - | (23,000) | - | - | (21,000) | - | - | (21,000) | - | - | (21,000) |

### Cash Flows from Financing Activities

|                      |                    |                    |                    |                                 |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |
| Receipts             |                    |                    |                    |                                |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |
| Payments             |                    |                    |                    |                                |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |
| Nil                 |                    |                    |                    |                                |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |
| Net Cash provided by (or used in) Financing Activities | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |

### Net Increase (Decrease) in Cash Held

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<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Cash &amp; Cash Equivalents at beginning of period</td>
<td>808,876</td>
<td>808,876</td>
<td>973,800</td>
<td>972,087</td>
<td>973,800</td>
<td>972,087</td>
<td>1,220,079</td>
<td>1,233,538</td>
<td>733,118</td>
<td>736,675</td>
<td>736,675</td>
<td>736,675</td>
<td>736,675</td>
<td>736,675</td>
<td>736,675</td>
<td>736,675</td>
</tr>
<tr>
<td>Cash &amp; Cash Equivalents at End of Reporting Period</td>
<td>863,069</td>
<td>972,087</td>
<td>796,217</td>
<td>1,271,369</td>
<td>750,267</td>
<td>1,233,538</td>
<td>733,659</td>
<td>733,118</td>
<td>736,675</td>
<td>714,242</td>
<td>711,610</td>
<td>705,794</td>
<td>675,889</td>
<td>663,999</td>
<td>607,872</td>
<td>569,785</td>
</tr>
</tbody>
</table>

**Legatus Group**

Budget Worksheets

Statement of Cash Flows

for the year ended 30 June 2020

82
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.

<table>
<thead>
<tr>
<th>Income</th>
<th>2021</th>
<th>2022</th>
<th>2023</th>
<th>2024</th>
<th>2025</th>
<th>2026</th>
<th>2027</th>
<th>2028</th>
<th>2029</th>
<th>2030</th>
<th>2031</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expenses</td>
<td>557,824</td>
<td>732,899</td>
<td>514,125</td>
<td>761,825</td>
<td>796,860</td>
<td>571,080</td>
<td>556,080</td>
<td>571,080</td>
<td>556,080</td>
<td>571,080</td>
<td>556,080</td>
</tr>
<tr>
<td>less</td>
<td>(510,303)</td>
<td>(553,527)</td>
<td>(709,027)</td>
<td>(1,013,677)</td>
<td>(555,625)</td>
<td>(1,069,000)</td>
<td>(1,068,000)</td>
<td>(1,069,000)</td>
<td>(1,068,000)</td>
<td>(1,069,000)</td>
<td>(1,068,000)</td>
</tr>
<tr>
<td>Operating Surplus / (Deficit)</td>
<td>47,521</td>
<td>179,372</td>
<td>(194,902)</td>
<td>329,353</td>
<td>(251,852)</td>
<td>241,235</td>
<td>(7,417)</td>
<td>(10,585)</td>
<td>(13,605)</td>
<td>(17,094)</td>
<td>(20,488)</td>
</tr>
</tbody>
</table>

less Net Outlays on Existing Assets

Capital Expenditure on Renewal and Replacement of Existing Assets | - | - | - | - | - | - | - | - | - | - | - |

Depreciation, Amortisation and Impairment | (6,671) | (6,311) | (8,000) | (8,000) | (8,000) | (8,000) | (8,000) | (8,000) | (8,000) | (8,000) | (8,000) |

Proceeds from Sale of Replaced Assets | - | - | (5,000) | (5,000) | (5,000) | (5,000) | (5,000) | (5,000) | (5,000) | (5,000) | (5,000) |

Net Outlays on Existing Assets | (6,671) | (6,311) | 27,000 | 23,058 | 16,000 | 15,091 | (7,000) | (7,000) | (7,000) | (7,000) | (7,000) |

less Net Outlays on New & Upgraded Assets

Capital Expenditure on New & Upgraded Assets | - | - | - | - | - | - | - | - | - | - | - |

Amounts Received Specifically for New & Upgraded Assets | - | - | - | - | - | - | - | - | - | - | - |

Net Outlays on New & Upgraded Assets | - | - | - | - | - | - | - | - | - | - | - |

Net Lending / (Borrowing) for Financial Year | 54,192 | 185,683 | (221,902) | 391,925 | (267,852) | 226,144 | (490,920) | (504,920) | (417) | (26,805) | (8,005) |

The table above provides a detailed overview of the organisation’s financial activities for the year ended 30 June 2020.
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

<table>
<thead>
<tr>
<th>Year</th>
<th>Budget</th>
<th>Actual</th>
<th>Budget</th>
<th>YTD Actual</th>
<th>Rev Budget</th>
<th>FY Forecast</th>
<th>Draft 1</th>
<th>Draft 2</th>
<th>2022</th>
<th>2023</th>
<th>2024</th>
<th>2025</th>
<th>2026</th>
<th>2027</th>
<th>2028</th>
<th>2029</th>
<th>2030</th>
<th>2031</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018 / 2019</td>
<td>8.5%</td>
<td>24.3%</td>
<td>(17.9%)</td>
<td>43.5%</td>
<td>(33.1%)</td>
<td>30.3%</td>
<td>(87.2%)</td>
<td>(92.1%)</td>
<td>(2.8%)</td>
<td>(4.0%)</td>
<td>(5.2%)</td>
<td>(6.4%)</td>
<td>(7.6%)</td>
<td>(8.5%)</td>
<td>(9.4%)</td>
<td>(10.4%)</td>
<td>(11.4%)</td>
<td>(12.3%)</td>
</tr>
</tbody>
</table>

Operating Surplus


Total Operating Revenue

| Year     | 557,824 | 732,899 | 514,125 | 756,639 | 761,825 | 796,860 | 571,080 | 556,080 | 262,338 | 264,490 | 266,534 | 268,696 | 270,861 | 272,925 | 275,101 | 277,074 | 279,158 | 281,353 |

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

2. Net Financial Liabilities Ratio

| Year     | (153.4%) | (135.0%) | (151.4%) | (171.3%) | (96.2%) | (152.6%) | (124.6%) | (137.8%) | (275.9%) | (258.6%) | (251.1%) | (248.3%) | (235.5%) | (325.8%) | (217.2%) | (189.9%) | (175.5%) |

Net Financial Liabilities


Total Operating Revenue

| Year     | 557,824 | 732,899 | 514,125 | 756,639 | 761,825 | 796,860 | 571,080 | 556,080 | 262,338 | 264,490 | 266,534 | 268,696 | 270,861 | 272,925 | 275,101 | 277,074 | 279,158 | 281,353 |

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

| Year     | 0.6% | 0.0% | 437.0% | 100.0% | 208.6% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% |

Net Asset Renewals

| Year     | 0 | 0 | 15,000 | 23,058 | 24,000 | 23,091 | 0 | 0 | 23,000 | 0 | 0 | 21,000 | 0 | 0 | 21,000 | 0 | 0 |

Infrastructure & Asset Management Plan required expenditure

| Year     | 6,671 | 6,111 | 8,000 | 0 | 8,000 | 8,000 | 7,000 | 7,000 | 7,000 | 7,000 | 7,000 | 7,000 | 7,000 | 7,000 | 7,000 | 7,000 | 7,000 |

Net asset renewal 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. Depreciation is used as a substitute where a I&AMP does not exist.
Legatus Group
Budget Worksheets
Statement of Comprehensive Income - Functions & Projects Consolidated
for the year ended 30 June 2020
2018 / 2019
$

Budget

2019 / 2020

Actual

Budget

YTD Actual

2020 / 2021 Budget

Rev Budget

FY Forecast

Draft 1

Draft 2

Final

Budget Notes

Income
41000
42000

Council Contributions
Grants : Federal Government

42001
42002
42003
42004
43000
43001
44000
49000
49001
49002

Grants : State Government
Grants : LGA
Grants : NRM
Grants : CLGR
Interest : Bank Account
Interest : LGFA
Reimbursement
Other Income
Project Management
Procurement Administration

165,191
347,000
15,000
12,133
16,000
2,500
-

165,225
394,232
115,000
65
16,507
37,664
4,206
-

167,025
15,000
185,800
43,000
15,000
80,600
7,700
-

177,025
34,000
427,836
36,500
38
10,081
54,787
16,372
-

167,025
15,000
386,800
36,500
15,000
92,500
9,000
40,000
-

177,025
34,000
427,836
36,500
40
10,300
54,787
16,372
40,000
-

192,000
50,000
105,000
131,000
15,000
80
9,000
48,000
21,000
-

192,000
50,000
105,000
101,000
15,000
80
9,000
48,000
21,000
15,000
-

-

557,824

732,899

514,125

756,639

761,825

796,860

571,080

556,080

-

177,099
15,383
2,000
18,999
4,680
16,000
7,537

141,645
15,540
2,586
5,689
15,217
1,333
16,664
8,644

159,485
13,290
4,319
16,414
4,319
1,000
7,700

143,627
9,890
5,394
15,727
2,087
400
5,369

174,485
14,490
4,669
17,814
4,719
1,000
7,700

159,168
13,190
4,625
6,300
18,025
2,087
400
7,250

174,200
18,200
4,500
7,600
20,000
3,500
1,000
7,700

174,200
18,200
4,500
7,600
19,000
3,500
1,000
7,700

-

4,000
2,250
200
75,000
100,000
28,000
2,500
6,000
6,000
8,335
6,000
10,000
2,500
-

7,135
1,650
2,000
8
185,515
94,517
9,009
716
4,894
1,305
2,270
7,735
4,600
6,937
1,270
-

5,000
1,000
2,500
200
278,000
100,000
14,500
20,000
4,500
6,000
2,500
6,000
7,800
6,000
25,000
5,000
-

5,591
2,100
121
126,142
61,500
8,373
2,430
3,169
1,093
2,605
7,934
4,425
6,267
6,351
-

5,000
1,000
2,500
200
303,000
296,300
14,500
60,000
4,500
6,000
2,500
6,000
7,800
6,000
25,000
30,000
-

5,650
2,100
140
161,332
61,500
9,554
40,000
2,430
3,637
1,100
3,137
7,934
4,425
6,267
20,298
-

5,000
1,000
2,500
200
307,000
258,000
16,500
6,500
4,200
1,500
5,000
7,500
6,000
45,000
146,700
-

5,000
1,000
2,500
200
307,000
258,000
16,500
6,500
4,200
1,500
5,000
7,500
6,000
45,000
146,700
-

-

650
5,500
3,000
6,671

632
4,734
2,862
47
6,311

6,000
3,000
8,000

2,918
362
-

6,000
3,000
8,000

3,303
362
8,000

700
5,000
2,000
300
7,000

700
5,000
2,000
300
7,000

-

2,000
-

323
768
425
548

300
1,200
-

863
1,022
338
834
64
290

300
1,200
-

863
1,022
338
834
64
290

300
1,200
2,500
200
500

300
1,200
2,500
200
500

-

510,303

553,527

709,027

427,286

1,013,677

555,625

1,069,000

1,068,000

47,521

179,372

(194,902)

329,353

-

-

(8,340)

Net Surplus / (Deficit)

47,521

179,372

(203,242)

324,085

(260,192)

Total Comprehensive Income

47,521

179,372

(203,242)

324,085

(260,192)

Total Income
Expenses
Employment Costs

61001
61002
61003
61004
61005
61006
61007
61009
64001

Payroll : Gross
Annual Leave
Sick Leave
Long Service Leave
Public Holidays
Superannuation

Workers Comp Premium
Professional Development
FBT
Operational Expenses

62001
62002
62003
62004
62005
62006
62007
62009
62010
63001
63006
63007
63012
69004
69005
69007
69009
69902

Accounting Services
Advertising & Promotion
Audit Fees
Bank Fees & Charges
Consultants
Contractors
Legal Fees
Rent/Hire of Premises/Equip
Project Management
Catering
Telephone & Internet
Postage & Stationery Supp
IT & Web
Insurance
Members Allowances
Conferences
Other Expenses
Depn : Software & Computers
Motor Vehicle

63004
63009
63011
63013
69901

Registration
Fuel ‐ Unleaded
Vehicle Maintenance
Vehicle Cleaning
Depn : Motor Vehciles
Travel & Accomodation

63003
63010
69001
69002
69006
69008
69010

Meals (non FBT)
Meals (FBT)
Accommodation
Airfares
Travel : Reimbursement
Taxi & Other Fares
Parking

Total Expenses

Operating Surplus / (Deficit)
92001

Asset Disposal & Fair Value Adjustments

(5,268)

(251,852)
(8,340)

85

241,235

-

(497,920)

(511,920)

0

-

-

-

235,967

(497,920)

(511,920)

0

235,967

(497,920)

(511,920)

0

(5,268)


### Income

<table>
<thead>
<tr>
<th>S</th>
<th>Budget</th>
<th>Actual</th>
<th>Budget</th>
<th>YTD</th>
<th>Budget</th>
<th>Rev Budget</th>
<th>FY</th>
<th>Forecast</th>
<th>Draft 1</th>
<th>Draft 2</th>
<th>Final</th>
<th>Notes</th>
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<tr>
<td>41000</td>
<td>Council Contributions</td>
<td>165,191</td>
<td>165,225</td>
<td>167,025</td>
<td>167,025</td>
<td>167,025</td>
<td>167,025</td>
<td>167,000</td>
<td>167,000</td>
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<td></td>
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<tr>
<td>42002</td>
<td>Grants - LGA</td>
<td>40,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>43000</td>
<td>Interest - Bank Account</td>
<td>65</td>
<td>38</td>
<td>40</td>
<td>80</td>
<td>80</td>
<td>16</td>
<td></td>
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</tr>
<tr>
<td>43001</td>
<td>Interest - LGFA</td>
<td>12,133</td>
<td>16,507</td>
<td>15,000</td>
<td>10,081</td>
<td>15,000</td>
<td>10,300</td>
<td>9,000</td>
<td>9,000</td>
<td>17</td>
<td></td>
<td></td>
</tr>
<tr>
<td>43000</td>
<td>Interest - Bank Account</td>
<td>65</td>
<td>38</td>
<td>40</td>
<td>80</td>
<td>80</td>
<td>16</td>
<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>42002</td>
<td>Grants - LGA</td>
<td>40,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
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</tr>
<tr>
<td>49000</td>
<td>Other Income</td>
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<td>1,339</td>
<td>21,000</td>
<td>21,000</td>
<td>19</td>
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<td></td>
<td></td>
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</tr>
<tr>
<td>49001</td>
<td>Project Management</td>
<td>40,000</td>
<td>40,000</td>
<td>15,000</td>
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<td></td>
<td></td>
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</tbody>
</table>

**Total Income:** 217,324 181,961 192,829 178,771 235,025 218,992 212,080 227,080 -

### Expenses

#### Employment Costs

<table>
<thead>
<tr>
<th>S</th>
<th>Payroll - Gross</th>
<th>138,462</th>
<th>129,185</th>
<th>143,077</th>
<th>122,648</th>
<th>143,077</th>
<th>138,133</th>
<th>137,500</th>
<th>137,500</th>
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<td>16,886</td>
<td>11,923</td>
<td>11,688</td>
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<td>15,000</td>
<td>15,000</td>
<td>E1</td>
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<tr>
<td>61003</td>
<td>Sick Leave</td>
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<td>Public Holidays</td>
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<td>4,740</td>
<td>5,500</td>
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<td>14,375</td>
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<td>Workers Comp Premium</td>
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<td>1,333</td>
<td>3,875</td>
<td>2,087</td>
<td>3,875</td>
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<td>FBT</td>
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<td>7,700</td>
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#### Operational Expenses

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<th>5,591</th>
<th>5,000</th>
<th>5,650</th>
<th>5,000</th>
<th>5,000</th>
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<td>1,000</td>
<td>1,000</td>
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<td>61003</td>
<td>Audit Fees</td>
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<td>2,500</td>
<td>2,100</td>
<td>2,100</td>
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<tr>
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<td>200</td>
<td>121</td>
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<td>200</td>
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<tr>
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<tr>
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<tr>
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<td>Legal Fees</td>
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<td>10,000</td>
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<tr>
<td>62006</td>
<td>Telephone &amp; Internet</td>
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<td>6,000</td>
<td>3,169</td>
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<td>3,637</td>
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<tr>
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<td></td>
<td>1,093</td>
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<td>1,100</td>
<td>1,500</td>
<td>1,500</td>
<td>E22</td>
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<td>6,000</td>
<td>3,137</td>
<td>5,000</td>
<td>5,000</td>
<td>E23</td>
</tr>
<tr>
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#### Motor Vehicle

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#### Travel & Accommodation

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<td>500</td>
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**Total Expenses:** 262,652 238,913 279,175 207,187 279,175 244,668 263,200 262,408 -

### Operating Surplus / (Deficit)

| S | (45,328) | (56,952) | (87,150) | (28,416) | (44,159) | (25,696) | (51,120) | (51,120) | 0 | (51,120) | (51,120) | 0 |

#### Asset Disposal & Fair Value Adjustments

| S | (8,340) | (5,200) | (5,200) | (5,200) | | |

**Net Surplus / (Deficit):** (45,328) (56,952) (50,490) (32,654) (52,490) (30,964) (51,120) (51,120) 0

**Total Comprehensive Income:** (45,328) (56,952) (50,490) (32,654) (52,490) (30,964) (51,120) (51,120) 0
### Income

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### Expenses

#### Employment Costs

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#### Operational Expenses

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#### Travel & Accommodation

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### Total Expenses

- Total Expenses: $39,151, $41,385, $26,852, $27,295, $45,202, $29,046, $191,600, $191,393, $0

### Operating Surplus / (Deficit)

- Operating Surplus: $(8,651), $(7,478), $13,498, $8,238, $286, $6,487, $(156,600), $(156,393), $0

### Total Comprehensive Income

- Total Comprehensive Income: $(8,651), $(7,478), $13,498, $8,238, $286, $6,487, $(156,600), $(156,393), $0

**Notes:**
- I4, E1, P4-2, E2, E3, P4-4, P4-1, E31
## Budget Worksheets
### Project - P022 - Roads & Transport
for the year ended 30 June 2020

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<tr>
<td>Grants: State Government</td>
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<td>Grants: LGA</td>
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<td>Reimbursement</td>
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### Operating Expenses

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### Travel & Accommodation

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<td>Travel - Reimbursement</td>
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### Total Expenses

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### Operating Surplus / (Deficit)

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### Total Comprehensive Income

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Notes:
- P3-2, P3-4, P3-5
- P3-1
- P3-3

---

**Incomes**
- Grants - Federal Government
- Grants - State Government
- Grants - LGA
- Reimbursement
- Other Income

**Expenses**
- Operating Expenses
- Travel & Accommodation
## Income

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## Expenses

### Employment Costs

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### Operational Expenses

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### Travel & Accommodation

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### Total Expenses

Total Expenses: (7,500) 14,228 (40,000) (6,895) (78,500) (6,895) 0 0 0 0

### Operating Surplus / (Deficit)

Operating Surplus / (Deficit): (7,500) 14,228 (40,000) (6,895) (78,500) (6,895) 0 0 0 0

### Total Comprehensive Income

Total Comprehensive Income: (7,500) 14,228 (40,000) (6,895) (78,500) (6,895) 0 0 0 0

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### Notes

- Income includes grants from the Federal Government and NRM.
- Expenses include various categories such as payroll, advertising, and travel.
- The budget notes section is blank.

---

### Additional Information

- The budget is for the year ended 30 June 2020.
- The budget includes forecasts and actuals for income and expenses for the years 2019-2020 and 2020-2021.

---

### Conclusion

The budget plan for Project P024 - Climate Change 2015-2017 outlines the anticipated income and expenses for the upcoming fiscal years, providing a clear financial roadmap for the project's operational needs.
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## Total Comprehensive Income

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## Expenses

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## Expenses

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- 44000 Reimbursement: Budget 17,000, Actual 17,000, YTD 17,000
- 49000 Other Income

### Total Income
- Budget: -
- Actual: -
- YTD: 27,000

### Expenses
- **Operational Expenses**
  - 62002 Advertising & Promotion
  - 62005 Consultants: Budget 17,000, Actual 17,000, YTD 17,000
  - 62006 Contractors: Budget 17,000, Actual 17,000, YTD 17,000
  - 62009 Rent/Hire of Premises/Equip
  - 62010 Project Management
  - 63001 Catering
  - 68009 Other Expenses: Budget 103, Actual 103, YTD 103

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- YTD: 17,103

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- Budget: 0
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<td>63001 Catering</td>
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<td>63003 Meals (non FBT)</td>
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<td>63006 Accommodation</td>
<td>15,000</td>
<td>15,000</td>
<td>15,000</td>
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<td>P1-1,P3-1</td>
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<td>63008 Travel - Reimbursement</td>
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<td>69007 Postage &amp; Stationery Supp</td>
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<td><strong>Total Expenses</strong></td>
<td>-</td>
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<td>65,000</td>
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<td>254,700</td>
<td>254,700</td>
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<td><strong>Operating Surplus / (Deficit)</strong></td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>30,000</td>
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<td>(41,700)</td>
<td>(71,700)</td>
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<td><strong>Total Comprehensive Income</strong></td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>30,000</td>
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<td>(41,700)</td>
<td>(71,700)</td>
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</table>
ANNUAL BUSINESS PLAN AND BUDGET 2020 / 2021

Un-Confirmed

Date: to be confirmed

Purpose

1. Consultation – Business Plan

Before the 2020/2021 business plan can be adopted it requires consultation with the constituent councils.

2. Endorsement – 2020/2021 Budget

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

The business plan and budget will be presented to the Legatus Group Audit and Risk Management Committee meeting on 22 May 2020 prior to the final recommendations to the board meeting to be held on 5 June 2020.

Background


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 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.

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 this is planned to occur in March 2021.

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
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
District Council of the Copper Coast
Light Regional Council
Port Pirie Regional Council
Regional Council of Goyder
The Barossa Council
The Flinders Ranges Council
Wakefield Regional Council
Yorke Peninsula 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

The Board comprises of the 15 Mayors with the following set of advisory committees to assist in developing, monitoring, reviewing and recommending the business plan and budget.

- Audit and Risk Committee
- Management Group (CEOs)
- Road Transport and Infrastructure
- Community Wastewater Management – Project Officer (part time funded by LGA)
- Visitor Information Services

Staffing – CEO (full time) and its finances are managed by Flinders Ranges Council.
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 in alignment with the Legatus Group 3-year Action Plan and reference also to the Yorke and Mid North Regional Plan.

This Business Plan considers the South Australian Regional Organisation of Councils Strategic and Business Plans and the alliance the Legatus Group has with Regional Development Australia (RDA) Yorke and Mid North and the Northern and Yorke Landscape Board for the Yorke and Mid North Regional Plan and the informal alliances with RDA Barossa, Light, Gawler and Adelaide Plains and RDA Far North with regards other regional plans.

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 2020/2021

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.


c) Implement board governance and operations in accordance with legislative and policy provisions through the annual work plan.
d) Develop and maintain a secure online system that allows for all communications and committees and board meetings to be held electronically if required.

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 South Australian Regional Organisation of Councils through to the Local Government Association and State and National Government Authorities and regularly present the views of Legatus Group to these organisations.

d) Support the YMN Regional Alliance including any changes that result from the Landscape Board boundaries and continued partnerships with, 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 and progress opportunities regrading data gathering, artificial intelligence and cyber security.

g) Work with the LGA to advance the recommendations from the 2018 and 2020 Rating Equity reports.

h) Assist with Disability Awareness and Inclusion Planning.

i) Assist with the progress of the SA Coastal Council Alliance and assist with implementing the Yorke Mid North Costal Management Action Plan.

j) Monitor and gather data on the impacts and support programs re the drought and coronavirus that are relevant to the constituent councils and regional partners.
3. Regional and Community Sustainability

**Target:**

1. Economic, environmental and social sustainability is fostered through pro-active, 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 review, monitoring and implementation of the Yorke Mid North Regional Plan with Regional Development Australia (RDA) Yorke Mid North and Northern and Yorke Landscape Board.

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 capacity building programs including Volunteering, Community Building and the Creative Industries.

f) Identify and provide support for regional funding programs.

g) Support the MoU’s with 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 develop a report on the competitiveness of the region based on the road deficiencies identified in the Legatus Group 2030 Regional Transport Plan.

k) Lead the Regional Climate Change Sector Agreement and develop a 3-year action plan.

l) Progress the Regional Community Wastewater Management support program.

m) Progress the SA Regional Waste Management Strategy and develop a Legatus Group Waste Management Action Plan re local opportunities for waste reduction.

n) Progress actions with partners on development of a regional sustainability centre.

o) Collaborate on regional water issues.

p) Implement outcomes from the 2020 Reconciliation Action Project.

q) Implement actions for the 2019 Visitor Information Services Report.

**Regional Alliance**
The Legatus Group is a member of the Mid North and Yorke Regional Alliance in partnership with RDA Yorke and Mid North and the Northern and Yorke Landscape Board to work 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. The membership to the Alliance comprises the Chair and Executive Officer (or their proxy) of each organisation. The Legatus Group is supportive of the inclusion of the RDA Barossa, Light, Adelaide Plains and Gawler to the Alliance given the 2020 boundary changes. The Legatus Group will continue to liaise with RDA Far North which includes Flinders Ranges Council. The Port Pirie Council is also a member of the Legatus Group and the Upper Spencer Gulf Common Purpose Group (‘Spencer Gulf Cities’).

Budget 2020/2021

It has been recognised by the Board, Audit Committee and Management Group 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 are now to be 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 to gain increased dollars for the region via grants. Note there will need to be flexibility in the 2020/2021 process due to the impacts of drought and coronavirus which can be addressed in the midterm review.

The proposed deficit is based on utilising the income generated during the past four year and requirement that the Rubble Royalties reserves gained in the past two years need to be acquitted in 2020/2021. The projects have been identified through the recent reports and research project. As such this would still place the Legatus Group by 30 June 2021 in a sound financial position with cash reserves of around $745,000 which was the position it was in on 30 June 2017.

Key Assumptions

1. Membership fees no increase.
2. LGA regional capacity grant of $42,000 continues with no other annual funds from LGA.
3. LGA R&D funding will need to be applied for.
4. RDAYMN unlikely to provide and NY Landscape Board have yet to confirm climate change contribution.
5. CWMS funding for the year is confirmed.
6. State Government and councils yet to confirm a new Brighter Futures project.
7. There would be no contracts entered for project officer roles or commencement of projects until external funding secured for those identified projects.
8. There will be a carry over of funds $22,000 for Brighter Futures and $10,000 Youth Volunteering plus subject to when the 2 grants from Green Industries SA and LGA for the Regional Waste Strategy of $60,000 combined but this is identified as income for 20/21 and if it does come in 19/20 it will just need to be carried over.
<table>
<thead>
<tr>
<th>Goal</th>
<th>2019-2020</th>
<th>2020-2021</th>
<th>2021-2022</th>
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<tbody>
<tr>
<td><strong>1: Speak with united voice on matters of regional importance</strong></td>
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<tr>
<td>3-year action plan</td>
<td>Q1 &amp; 2 monitor Q3 – review Q4 – develop budget / business plan</td>
<td>Q1 &amp; 2 monitor / Q3 – commence review strategic plan and 3 year action plan Q4 – Adopt new Strategic plan and 3 years action plan and develop budget / business plan</td>
<td>Q1 &amp; 2 monitor Q3 – review Q4 – develop budget / business plan</td>
</tr>
<tr>
<td>Marketing and Communications Plan</td>
<td>Q 4 – Identify and develop an on-line communications plan and e-newsletter format</td>
<td>Q1 – implement recommendations from review Q4 – review the effectiveness of communications plan</td>
<td>Q1 – implement recommendations from review Q4 – review the effectiveness of communications plan</td>
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<tr>
<td>Working relationship with constituent councils</td>
<td>Attendance at council meetings twice per year and proactive partner including attending or hosting forums / workshops</td>
<td>Attendance and proactive partner including attending or hosting forums / workshops Q2 – survey of constituent councils and regional partners (use to develop updated strategic plan in 21/22)</td>
<td>Attendance and proactive partner including attending or hosting of forums / workshops</td>
</tr>
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</table>

**2: Support Social Infrastructure and Community Services**
| Regional Health | Q1 – Progress actions from 2018 NDIS report.  
Q2 - Identify support required based for LG Wellbeing Officer | Q 1 – Assist with Disability Inclusion Access Planning  
Q 3 – 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 | Q4 – Workshops on Reconciliation Action Plans (RAP) | Q1 – Develop support for individual councils and or LG re adoption of RAPs  
Q2 – Develop programs | Implement, monitor and review RAP |
| Community including 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 of projects and develop business cases where needed.  
Regularly monitor and support applications for funding based on these topics. | Q1 & 2 Deliver & review the Youth into Volunteering and Brighter Futures Projects & identify other subregional projects  
Q3 – Seek funding  
Q4 – Commence projects | Q1 Review the projects  
Regularly monitor and support applications for funding based on these projects. |
| Digitally mature | Q4 - Support the implementation and monitoring of recommendations from the report. | Q2 – Develop programs  
Q4 - Delivery a review of the Digital maturity report | 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 | Support the implementation and monitor of the Coastal Management Action Plan. | Support the implementation and monitor and review programs. |
<table>
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<tr>
<th><strong>Costal Management Action Plan.</strong></th>
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<tr>
<td>Q3 Hold a LG Coastal workshop to identify key recommendations from reports and identify funding opportunities. Q4 Progress with recommendations.</td>
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<tr>
<th><strong>Rating Equity</strong></th>
<th><strong>Q1 Review the progress by LGA of the recommendations.</strong></th>
<th><strong>Q1 &amp; 2 work with LGA and SAROC to progress the recommendations to SA Govt.</strong></th>
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<tr>
<th><strong>Drought</strong></th>
<th><strong>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 &amp; 4 Implement and or assist with progress of any recommendations and support a regional Futures Drought Fund.</strong></th>
<th><strong>Support the implementation and monitor and review programs.</strong></th>
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<tr>
<th><strong>Coronavirus</strong></th>
<th><strong>Q4 Identify / research the impacts to LG councils from the coronavirus conditions and partner with other regional organisations on support programs.</strong></th>
<th><strong>Q1 Hold a LG workshop on the findings for the research and develop recommendations and programs. Q2 &amp; 3 Implement and or assist with progress of any recommendations and support for any funding programs.</strong></th>
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### 3. Development and Infrastructure

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<tr>
<th><strong>Regional Planning</strong></th>
<th><strong>Monitor the regional approaches being considered for planning and support where required.</strong></th>
<th><strong>Deliver a stream on planning as part of the regional forum that focuses on support to economic development.</strong></th>
</tr>
</thead>
</table>
| 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 | Q1 – Develop a report on the road deficiencies and their impact on the regions competitiveness to assist with increased funding that support the implementation and monitoring of actions from the Regional Transport Plan  
Q3 & 4 – 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 | Q3 – Identify the key actions for progressing form the VIS report.  
Q4 - Form the Legatus Group VIS Advisory Committee | 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. | Review the VIS recommendations. |
| Community Wastewater 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 (1) Hold subregional workshop and review the progress of CWMS joint services arrangements  
(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. | Q 1- Sessions held with all five SA Regional Local Government areas.  
Q2 - State-wide annual conference, develop a trial for a simplified model of reporting and work with TAFE and the regulators to develop an online, anytime course for compliance officers  
Q3 - Investigate the options for joint management of CWMS and further the possibility of a biosolids processing plant.  
Q 4 – Review and seek further extension to joint arrangements with LGA. | Implement and monitor the outcomes from previous 2 years. |
<table>
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<tr>
<th>Waste Management</th>
<th>Q3 – Form working group for SA Regional Waste Management Strategy and seek funding from Green Industries SA</th>
<th>Q1 &amp; 2 – Draft Regional Waste strategy developed and adopted. Q3 – Develop a Legatus Group Regional Waste Management Action Plan</th>
<th>Implement and monitor the outcome of the strategy and action plans.</th>
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<tr>
<td></td>
<td>Q4 – Seek consultant to undertake the delivery of the strategy</td>
<td>Q4 – Seek consultant to undertake the delivery of the strategy</td>
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</tbody>
</table>

4. **Sustainability within natural environment**

<table>
<thead>
<tr>
<th>Regional Climate Change</th>
<th>Refer to the 3-year action plan associated with the Sector Agreement – Subject to securing funding for Project Officer to assist with implementation.</th>
<th>Maintain the partnerships with NRM through the regional alliance and partnering on regional and local forums.</th>
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<tbody>
<tr>
<td>Partnerships</td>
<td>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. Q4 – Develop a draft Climate Change Sector Agreement and 3 year action plan</td>
<td>Q1- Secure approval of the Sector Agreement Q2-4 Secure funding and implement and monitor the actions.</td>
<td>Implement and monitor the actions / recommendation report.</td>
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<tr>
<td>Protect areas of biodiversity</td>
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<tr>
<td>Water</td>
<td>Q4 – Scope and develop water projects with SA Water for monitoring parks/gardens and with ThincLab, Waite Campus, University of Adelaide, re Stormwater Harvesting</td>
<td>Q1 &amp; 2 – Implement the programs Q3 – Review the data and progress of projects Q4 – Recommendations developed for expanding trials</td>
<td>Implement and monitor the actions / recommendation report.</td>
</tr>
<tr>
<td>Emergency Management Planning</td>
<td>Support the LGA Officers where requested</td>
<td>Support the LGA Officers where requested. Q3 – Review the effectiveness of the LGA program for the Legatus Group</td>
<td>Q1 Review the progress.</td>
</tr>
<tr>
<td>MoUs</td>
<td>Q3 – MoU developed with University of SA Q4 – Develop Strategic Research Plan with University of SA</td>
<td>Implement the Strategic Research Projects with UniSA Q1 – Confirm MoUs with Adelaide</td>
<td>Implement the Strategic Research Projects and MoUs.</td>
</tr>
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<td>and MoUs with Adelaide University and Flinders University</td>
<td>University and Flinders University Q 3 - Develop Strategic Research Plan with Adelaide University and Flinders University Q – 4 Review plans with UniSA and develop 2021/2022 projects</td>
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**5. Manage a robust and financially sustainable model.**

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<tr>
<th>Strong robust governance and sustainability models</th>
<th>Refer to the Legatus Group Audit and Risk Committee work plan which is designed to comply with the Legatus Group Charter.</th>
</tr>
</thead>
</table>

**Skills training and support for Constituent Councils**

<table>
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<tr>
<th>Q4 – Undertake a survey of council administration and councillors on the types of training required in on-line meetings and reporting plus data gathering and cyber security and develop program.</th>
<th>Q 1 &amp; 2 – Develop and implement training from Q4 2019-2020 Q3 - Undertake a survey of council administration on skills training requirements and assist with the development and implementation of the programs.</th>
</tr>
</thead>
</table>

**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. |
COUNCIL
EXECUTIVE SERVICES
CHIEF EXECUTIVE OFFICER’S REPORT
21 JULY 2020

7.2.1 DEBATE REPORT - CHIEF EXECUTIVE OFFICER

7.2.1.3 STATUTES AMENDMENT (LOCAL GOVERNMENT REVIEW) BILL 2020 (LOCAL GOVERNMENT REFORM BILL)
B9484

PURPOSE
To review the Local Government Reform Bill (the Bill) and its impacts on Council and determine its position on the Bill. To instruct the Mayor to write to the President of the Local Government Association outlining Council’s position on the Bill.

RECOMMENDATION
That Council having reviewed the materials relevant to the Statutes Amendment Bill 2020 (Local Government Review) endorse the policy positions at the Attachment that the Mayor write to the President of the Local Government Association outlining the endorsed position of Council.

REPORT
Background and Introduction
As members are aware, the Government introduced a rate capping Bill into Parliament which was defeated. Thereafter, the opposition also introduced a Local Government Reform Bill into parliament.

The Minister for Local Government initiated a complete review of the Local Government Act through sector and community engagement.

Furthermore the Premier also sought the South Australian Productivity Commission to undertake a review of the efficiency of the sector.

Discussion
Council took part in the engagement processes of the Minister and Productivity Commission review and made extensive submissions to both. They have been previously tabled with Council:

1. Local Government Reform – submission 1 16 April 2019 report 7.2.1.1;
2. Local Government Reform – submission 2 15 October 2019 report 7.2.1.2;

The Minister for Local Government has now tabled a Bill into Parliament for debate.

An analysis of the Bill has been provided at the Attachment 1 for member’s debate supported by the Local Government Association of South Australia analysis at Attachment 2. Further links are provided for the legislative resources including the explanatory notes, marked up legislation and the Bill.
Summary and Conclusion
The Bill is extensive in its reach and aims, the Attachment provides the basis for Council’s review and debate and to outline its position on the Bill.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES
Attachment 1 – The Barossa Council Analysis of the Bill
Attachment 2 – Local Government Association Analysis of the Bill

References:
The Bill:

Explanatory Paper:

Marked-up Version of the Local Government Act

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

All

Legislative Requirements
Local Government Act 1999

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS
It is outlined in the attached policy position where there is an impact. True costs and benefits will not be fully understood until some matters are clarified especially the rate monitoring processes and the legislation is passed.

COMMUNITY CONSULTATION
The Minister undertook wide section and community engagement. There is no further community engagement proposed by either the Minister or Council as the matter is now with the Parliament of South Australia to debate.
### Review of the Local Government Reform Bill – Draft for Council and Management Comment

#### July 2020

<table>
<thead>
<tr>
<th>Indicators</th>
<th>General support</th>
<th>Caution needs further understanding and consideration on a policy basis by Council</th>
<th>Significant concern</th>
</tr>
</thead>
</table>

## Indicators

### Section 6

**Principal role of council.**

**New.**

"6(b) to make decisions about the provision of various public services and facilities that will benefit the community in the context of the capacity and willingness of ratepayers to pay for those services and facilities."

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### Section 7

**Functions of a Council**

**New.**

(ba) to determine the appropriate financial contribution to be made by ratepayers to the resources of the council.

### Section 8

**Principles to be observed by a council**

(ea) Seek to collaborate, form partnerships and share resources with other councils...

(h) seek to ensure that council resources are used fairly, effectively and efficiently and council services, facilities and programs are provided effectively and efficiently.

(ia) seek to balance the provision of services facilities and programs with the financial impact of the provision of those services, facilities and programs on ratepayers.

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| 11A Number of elected members | The number of members of a council (including the Mayor) will be capped at 12.  
Remove current Representation Review clauses.  
New requirement to review number of wards and number of electors per ward. But no longer need to review the number of members.  
If a council conducts a review by 2022, they can implement this change for 2022 council elections.  
If not, then must implement by the 2026 elections. | Green     | No impact. However, the position of having banded Councils based on various factors has not been supported.                                                                                               |
| 12 Rep review process -deleted | If a council has area councillors but not wards, they will not need to perform a representation review.  
Councillors must consult with the public re the representation report. The resulting report must include public submissions. | Green     | Benefit is no need to undertake review – saving over 8 year cycle is approximate $40,000 plus internal resources.                                                                                           |
| 44 Delegations | Amendment to include Joint Planning Boards as a possible delegate.                                                                                                                                                      | Green     | Support the concept but it is not known how the engagement charter may expand, contract or indeed introduce complexity in community engagement.  
Until the charter (which is very similar concept to the planning act charter concept) is understood this is ultimate a concept with the risk being with the detail. |
| 50 Current public consultation sections deleted | **New.**  
Introduces one Community Engagement Charter for the whole local government sector.  
This will replace many individual sections requiring councils to report info, consult, publish in newspapers, keep hard copy at principal office, etc  
The Charter will be decided by the Minister and Gazetted and will apply across all councils.  
Some parts will be mandatory, others will be up to council policy (See 50A).  
The Minister approves and varies the Charter, after consultation with the LGA. | Green     | Support the concept but it is not known how the engagement charter may expand, contract or indeed introduce complexity in community engagement.  
Until the charter (which is very similar concept to the planning act charter concept) is understood this is ultimate a concept with the risk being with the detail. |
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<tr>
<td>50A</td>
<td>Each council must have its own policy on how to implement the Community Engagement Charter.</td>
<td></td>
<td>See comments above in S50.</td>
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<tr>
<td>54</td>
<td>Casual vacancy</td>
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<td>If a council member resigns to take up another position (eg Mayor) their position as member becomes vacant.</td>
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<td>Councils can go to next election without filling the casual vacancy if an election is to be held within the next 12 months (currently 7 months) or January 1.</td>
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<tr>
<td>55A</td>
<td>Elected Members running for Parliament</td>
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<td>If a council member runs for State Parliament, they are automatically granted a “leave of absence”.</td>
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<td>The leave commences at the close of nominations – even if the member/candidate is campaigning earlier.</td>
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<td>The provision applies to any council office - including council committees and subsidiaries.</td>
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<td></td>
<td>If a candidate withdraws their nomination, - they are automatically reinstated to their council position.</td>
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<td>Members will not receive remuneration/ allowances during the leave period.</td>
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<td>In subsection 5, candidates can’t use council facilities in this leave period.</td>
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<td>58</td>
<td><strong>Role of Principal Member (usually called Mayor)</strong>&lt;br&gt;New sections clarifying the role of a principal member of council. This includes:&lt;br&gt;• “Providing leadership and guidance to the council.&lt;br&gt;• To lead the promotion of positive and constructive working relationships amongst members of the council&lt;br&gt;• To provide guidance to council members on the performance of their role; and&lt;br&gt;• To support council members understanding on the separation of responsibilities between elected representatives and employees of the council.”</td>
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<td>59</td>
<td><strong>Role of members of council</strong>&lt;br&gt;New.&lt;br&gt;It will be a role of council members to act with integrity.</td>
<td></td>
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<tr>
<td>62</td>
<td><strong>General Council Member duties</strong>&lt;br&gt;The prohibitions on disclosure of confidential council information are extended to documents that the council member “knows or ought reasonably to have known is …required to be treated confidentially”.</td>
<td></td>
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<td>68</td>
<td><strong>Council Member Register of Interests</strong>&lt;br&gt;(1a) If a council member fails to return their Register after a defined period (in most cases 12 months) the member will be suspended.&lt;br&gt;(1b) If a member is suspended under this section, so are their member allowances.&lt;br&gt;(3a) If the member subsequently submits a return, to the satisfaction of the CEO, the CEO will publish a notice on website to this effect.&lt;br&gt;(3a)(b) The suspension is revoked upon publication of this notice.&lt;br&gt;(3b) If the failure to submit a return continues, the CEO may refer to SACAT</td>
<td></td>
<td>The proposed clause gives council CEOs a role in imposing consequences, including exercising a degree of discretion (ie determining whether the return is satisfactory). The ability of a CEO to impose a consequence on their employer seems illogical, however if it is an administrative matter perhaps that is less risk. The LG CEO Reform Reference group has raised this with the Minister who is considering alternatives.</td>
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<td>70</td>
<td><strong>Inspection of a Register</strong>&lt;br&gt;The Register will now no longer publish the home address of a councillor.&lt;br&gt;Additional information can be suppressed for personal safety.</td>
<td></td>
<td>Agreed for safety purposes.</td>
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<td>73</td>
<td><strong>Register of gifts and benefits</strong>&lt;br&gt;The Minister will declare the threshold amount for the purpose of this clause.&lt;br&gt;The Minister must consult the LGA prior to making this declaration.</td>
<td></td>
<td>No real change.</td>
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<tr>
<td>74-75C</td>
<td><strong>Conflicts of Interest</strong>&lt;br&gt;The three categories of Conflict of Interest are reduced to two: ‘General Conflicts of Interest’ and ‘Material Conflicts of Interest’.  &lt;br&gt;A member of a council will not be regarded as having a conflict of interest in a matter if the interest is held in common with a ‘substantial proportion’ of the ratepayers, electors or residents of the council area (if that interest is equal).&lt;br&gt;Onus is on the council member to declare/decide whether they have a conflict. Failure to declare a conflict can result in penalties.</td>
<td></td>
<td>Agree with LGA Comments which are: &lt;br&gt;The new sections are simpler and less confusing. They should allow greater council member participation in decision-making where there is no actual conflict, or the conflict can be managed appropriately. &lt;br&gt;Areas where further clarification is required include:&lt;br&gt;  - circumstances where the council has nominated an elected member to the board of another legal entity,&lt;br&gt;  - mechanisms for abstaining; and&lt;br&gt;  - the ‘substantial proportion’ test.</td>
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<td>75E</td>
<td><strong>Member ‘Behaviour Standards’</strong>&lt;br&gt;The Minister may publish and vary ‘Member Behaviour Standards’. These Standards are not set out in the Bill.&lt;br&gt;They apply State-wide.&lt;br&gt;The Minister must consult the LGA first.&lt;br&gt;Minister’s decision will be published in the Government Gazette.</td>
<td></td>
<td>Agree with LGA Comments which are: &lt;br&gt;There will continue to be multiple (but slightly different) sources of rules that govern member behaviour. This includes:&lt;br&gt;  - the Act,&lt;br&gt;  - in these proposed ‘Member ‘Behaviour Standards’; and&lt;br&gt;  - in the ‘Council Behavioural Support Policies’ (see s75F).&lt;br&gt;This could be confusing, and it will be important for the LGA to provide support and guidance.&lt;br&gt;These standards will be reviewable by Parliament, which provides a level of oversight of the decisions made by a Minister.</td>
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| 75F              | Council may implement their own policies on how to support “appropriate behaviour by members of the council”. These can’t be inconsistent with the Behavioural Standards. Council must review these within 6 months of general elections. Council must consult the public on these. Council members must comply with their CBSPs.                                                                                                                   |           | Agree with LGA Comments which are:  
Sector feedback indicated that dedicated meetings (usually just after elections), where councillors deliberated and then agreed on behavioural standards, led to strong improvements in meeting culture. The Bill will enable each council to address these issues and to approve their own policy. Members may face sanctions for a breach of a CBSP. The Council itself can impose limited sanctions (see s262C). A breach of the CBSP could constitute ‘misbehaviour’ (s262E), could be referred to the new Behavioural Standards Panel and could result in more serious sanctions or penalties.  
CEO Comments:  
Council is required to review these policies within 6 months of an election. 6 months may not be sufficient time for meaningful consultation with new Elected Members and the public, especially given we don’t know what the community engagement charter looks like. The review would be especially problematic if the new EMs have a lot of input or the public are consulted more than once due to amendments (either from EM changes or changes due to public consultation). It is also unclear what happens if the timeframe for review is exceeded. |
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<td>75G</td>
<td><strong>Council member health and safety obligations</strong>&lt;br&gt;New.&lt;br&gt;Council members are not ‘workers’ for the purpose of&lt;br&gt;the WHS Act. But they will now have specific WH&amp;S obligations.&lt;br&gt;Council members must not adversely affect the health and safety of other members of council or employees.&lt;br&gt;Could include a direction that a member of a council not attend a meeting of the council.&lt;br&gt;Council members must follow the reasonable directions of a responsible person (usually the CEO) in this respect.</td>
<td>Yes</td>
<td>Agree with the intent, if a matter has reached this level of seriousness no doubt it has been to the Council Behaviour Standards Panel and again as with clause 68 above it means a CEO has the power to impose a consequence on their employer which seems illogical. The LG CEO Reform Reference group has raised this with the Minister who is considering alternatives.</td>
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<td>76</td>
<td><strong>Member Allowances</strong>&lt;br&gt;Remaining:&lt;br&gt;Member Allowances set by Remuneration Tribunal.&lt;br&gt;LGA to pay Remuneration Tribunal their “reasonable costs”.</td>
<td>No</td>
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<td>80A</td>
<td><strong>Training &amp; Development</strong>&lt;br&gt;‘LGA Training Standards’ will still be specified in the Regs.&lt;br&gt;Each council must adopt their own policy for conduct and completion of training and development by their members.&lt;br&gt;If a council member has not completed the training, the CEO must suspend the council member unless the council member satisfies the CEO that good reasons exist.&lt;br&gt;(See s262 for referral to Behavioural Standards Panel and penalties.)</td>
<td>No</td>
<td>The proposed clause gives council CEOs a role in imposing consequences, including exercising a degree of discretion (ie determining whether the return is satisfactory). The ability of a CEO to impose a consequence on their employer seems illogical, however if it is an administrative matter perhaps that is less risk. The LG CEO Reform Reference group has raised this with the Minister who is considering alternatives.</td>
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<td>80B</td>
<td>Suspension of Council Member subject to an intervention order</td>
<td>Suspend a council member who is the subject of an intervention order. The CEO will have a discretion to suspend a member</td>
<td>Agree with the intent, if a matter has reached this level of seriousness no doubt it has been the Council Behaviour Standards Panel and to again as with clause 68, 80A above it means a CEO has the power to impose a consequence on their employer it seems illogical. The LG CEO Reform Reference group has raised this with the Minister who is considering alternatives.</td>
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<tr>
<td>90(3)(o)</td>
<td>Meetings held in public</td>
<td>New exemption, allowing councils to discuss potential award recipients in confidence.</td>
<td>This is a minor but welcomed amendment. This will allow the names of award-winners to not enter the public domain until the award is presented.</td>
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<tr>
<td>S90(8)</td>
<td>Informal Meetings held in public</td>
<td>The rules relating to informal gatherings are simplified. The Bill replaces 'informal gatherings or discussions' with a simpler scheme of clearly defined 'information and briefing sessions'.</td>
<td>Agree easier and less bureaucratic.</td>
</tr>
<tr>
<td>New S90A</td>
<td></td>
<td>The concept of ‘Information or briefing session’ is described more carefully. If it is one of these, it needs to be open to the public and a record made. The CEO makes decisions regarding whether a matter will be on the agenda and if the group has ‘effectively made the decision’.</td>
<td>As S90(8) above.</td>
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<td>S92 Access to meetings and documents</td>
<td>Councils must already have a Code of Practice about meetings and access to documents. The new obligation requires councils to consult with the public before adopting, altering or substituting this Code. Council reporting obligations are taken out of the various sections of the Act and will be replaced by a schedule, making it easier for councils and the public to understand what needs to be reported (and how).</td>
<td>Agree with LGA Comments which are: Almost all of the reporting consultation provisions are removed from the Act and will be replaced by a schedule. Similarly, the Bill also removes requirements to have documents available to the public (online or in office) e.g. sections 77, 79, 105, 252, 259.</td>
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<td>97(3)(a) Terminate a CEO</td>
<td>Before council can terminate a CEO’s employment, they must have regard to advice from a “qualified independent person”. Definition: “a legal practitioner OR someone determined by the council to have appropriate qualifications or experience in human resource management”.</td>
<td>One would assume a responsible organisation would do so in any case considering the organisational, personal, political and community considerations of such a decision.</td>
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<tr>
<td>98 Fill CEO Vacancy</td>
<td>Councils no longer need to advertise in a newspaper - instead, can use a website. Selection Panel: At least one is not a council member or member of staff. Before the CEO appointment, council must obtain and consider independent advice on the assessment of applications and recommendation on appointment</td>
<td>One would assume a responsible organisation would do so in any case considering the organisational, personal, political and community considerations of such a decision. Councils will typically engage a suitably qualified and experienced third party to assist with CEO recruitment. The use of antiquated processes such as advertising in a newspaper around the state is an illogical method as there are more modern ways of attracting suitable staff including CEO's.</td>
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| 99 (ia) and (ib) | **Role of CEO**  
New subsections relating to CEO functions.  
A CEO must:  
- ensure council has effective policies systems procedures, etc  
- Report annually to the relevant audit and risk committee on the council’s internal audit process.                                                                                                                                                                                      |           | Agree with LGA Comments which are:  
The section clarifies a role that most council CEOs perform already.                                                                                                                                                                                                                                                                              |
| 99A             | **Remuneration Tribunal extends to CEOs**  
The Remuneration Tribunal will determine minimum and maximum remuneration for CEOs.  
The Remuneration Tribunal may have regard to any matter set out in the Regulations.  
ss(4) remuneration may differ based on geographical factors or other factors.  
Amounts may be indexed.  
The LGA will pay for the Remuneration Tribunals’ reasonable costs.  
Councils must ensure the remuneration they pay is within the range set by the Remuneration Tribunal.                                                                                                                                                                                      |           | Agree with LGA Comments which are:  
The proposed provisions are modelled on the Western Australia legislative scheme were broadly supported by councils and the LGA in previous local government reform submissions.  
Clarification is required about how additional allowances (such as mobile phone, travel/fuel for country CEOs etc) will be considered/determined by the Tribunal.  
The Bill allows for a determination to be made ‘from time to time’. Greater certainty should be provided about the minimum / maximum frequency of determinations, particularly as the cost of this process will be borne by councils (via the LGA).  
100% of South Australian councils are currently members of the LGA. However, provisions need to be made that enable an equitable proportion of the costs to be recovered from a council that may withdraw or be expelled from the LGA in the future. |
| 102A            | **CEO Performance review**  
New.  
A CEO Performance Review must occur at least once a year and “if relevant” before reappointment.  
Council must obtain independent advice by “qualified independent person” who is not a member of council and determined by the council (same as the requirements for CEO termination but a legal practitioner is not listed as an option. see 97(3), above).                                                                                                                                                  |           | This is limited to advice which I have clarified with the Department, therefore Council should be able to run its own internal process but would need to have the outcomes reviewed independently.  
This is an additional cost for Council. If a fully independent performance review is undertaken it costs in the order of $10K per annum, advice would be less but ultimately unknown at this time. |
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<td>110 Code of conduct for employees</td>
<td>This is replaced by s119A</td>
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<td>Should have never been removed in the first place – The Barossa Council executive team argued against this move when it was removed.</td>
</tr>
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<td>110A Duty to protect confidential information</td>
<td>Duty of employees to protect confidential information. Adds a new limb “employee knew or ought to have known that the information is to be treated confidentially”.</td>
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<td>See S110 comments.</td>
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<td>119A Register of Gifts and Benefits for Employees</td>
<td>This was previously dealt with by Code of Conduct. The limit is intended to be the same as is currently declared by Minister.</td>
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<td>See S110 comments.</td>
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<td>120A Employee Behavioural standards</td>
<td>Council must prepare and adopt standards. An employee must comply with these standards. These standards will set out: - grounds for suspending or dismissing, disciplinary action against the employee. Before a council adopts or alters these standards, they must consult with relevant industrial association re the Employee Behavioural standards and any subsequent variation. Within 6 months of periodic election, council must review these standards.</td>
<td></td>
<td>See S110 comments and further: The 6 month timeframe for review after an election may be OK here, but should note that:  - The unions will be consulted by every single SA council in roughly the same timeframe;  - Staff consultation and work on the standards would need to start before the elections; It is also unclear why the review period is after an election. Is the standard adopted by the Elected Body, or CEO under section 107 (legislation states “A council” must review within 6 months)? If CEO, is the review cycle purely symbolic? If Elected Body adoption required, it would be particularly challenging to have meaningful consultation within a 6 month period. Possibly going off in a tangent if I’ve misinterpreted, but if the Elected Body are required to adopt the Employee behavioural standards, I would question how this sits with section 107 provisions and separation of CEO and Elected Body powers (operational v strategic).</td>
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<td>122</td>
<td>A Council’s Long-Term Financial Plan - must be for a 10yr period. The LTFP must: (New) - outline council’s approach to funding services and infrastructure - Set out council total revenue for the period - Outline the sources of revenue including fees, grants, rates and charges. (3a) Regulations may require the inclusion of other information.</td>
<td>Agree with LGA Comments which are: The LGA acknowledges the significant work that almost all councils have undertaken in developing their LTFPs and is comfortable with this codification of existing practice. Note that the Consultation Charter arrangements: • will require councils to consult with their communities on their LTFPs; and • are likely to require councils to undertake further consultation before changes are made to the LTFP.</td>
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<tr>
<td>123</td>
<td>An Annual Business Plan (ABP) must include: - New: a statement on the proposed change in total revenue from general rates for the financial year and if ABP sets out a growth component in relation to general rates it may only relate to growth in the no of rateable properties and must not relate to the growth in the value of rateable properties. - an explanation of how the proposed change is consistent with the council’s LTFP. - A summary of other reasons for the proposed change. - Details of impact of the proposed change on average rates for each land use category. - The advice received from the ‘Designated Authority’ (which looks like being the Essential Services Commission of SA); and - The council’s response to the advice which must set out whether the proposed change in total revenue from general rates is consistent with the advice and if not the reasons for the inconsistency.</td>
<td>These are the LGA Comments: This section would impose a series of expensive and unwarranted new requirements on councils in drafting and adopting their Annual Business Plan and Budget. This proposal introduces another layer of bureaucracy and gives a significant role to an unelected body that has no relationship with or accountability to the local community. This process will place councils in a continuous cycle of administrative planning and reporting that will detract from the councils’ role in providing local services and facilities that benefit the local community. The timeframes outlined in this section are unrealistic and unworkable. A council will be required to adopt a draft Annual Business Plan and Budget in December – 6 months prior to the commencement of the new financial year. This provides limited flexibility to respond quickly and effectively to changing economic and social circumstances, such as those we have experienced in 2020 during the Covid-19 public health emergency.</td>
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| (3a)    | The **draft** ABP must be provided to the Designated Authority by 31 Dec in the FY preceding and must include:  
- The proposed change in total revenue from general rates.  
- The council’s view of the impact of the change.  
- Information about consideration given by council to alternatives to the proposed change including total revenue resulting from such alternative measures.  
(d) information as to how the proposal is consistent with the Council’s LTFP.  
- Any other matter set out in the in Regs.  
The Designated Authority must provide its advice back to the council by 31 March of each year.  
The Designated Authority must have regard to:  
- Information provided by, AND any matter directed by the Minister; and  
- Any other matter considered relevant by the Designated Authority.  
The Designated Authority must publish a copy of any direction given by the Minister as soon as practicable.  
If the Designated Authority considers a council has failed to respond to its advice - it **May** provide a report to the Minister. | | In 2019, the South Australian Productivity Commission undertook an Inquiry into Local Government Costs and Efficiency. The Inquiry found that SA councils are achieving high levels of efficiency and did not make any recommendations that are consistent with the rate capping proposals contained within the Bill. The Commission did, however, find that regulatory compliance costs and the expansion of mandated responsibilities under state legislation have created additional cost pressures for councils. This Bill introduces a range of new compliance requirements that will need to be funded by councils. The costs of this process are likely to be significant. A ‘Designated Authority’ (likely to be ESCOSA) will need to undertake an individual assessment of every councils plans and budget, every year. As a reference, the Essential Services Commission in Victoria spent $2 million in 2018/19 administering its local government regulatory role. Every extra dollar that is needed to fund new reporting requirements in an extra dollar that needs to be paid by ratepayers, or one less dollar that is invested in local services and facilities. This proposal is inconsistent with the LGA’s longstanding policy position to oppose rate capping in any form. |
<table>
<thead>
<tr>
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<th>CEO Comments</th>
</tr>
</thead>
</table>
|         |                       |           | CEO Comments:  
After clarification at two meetings the concern remains the ability to produce information and the moving goal posts overtime of the information that maybe requested. Legislative reform in this space should be based on the LTFP and not the production of a full business plan and budget but 31 December as that will incur significant cost as simple we wouldn’t have the resources. Present accounting lifecycle sees the financial accounts normally completed by late October, annual reporting then commented by November. To achieve a full budget and business plan by December is impossible without an additional accountant and will place significant other impact on all budget staff who should be delivering on the current year’s budget and plan. To achieve the outcome we would effectively have to start budgets in August.  
The assurance I have received to date is the information is limited and can be drawn from the LTFP with major updates for events leading up to December each year. This is likely achievable but the concern continues to be further additional creep of reporting requirements overtime by the ‘Designated Agency’.  
Proposed changes and timeframes may be impossible during an election year. If timeframes remain for election years, we could potentially have an outgoing Elected Body determining budget issues for an incoming Elected Body – may not be possible during caretaker period.
<table>
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</thead>
<tbody>
<tr>
<td>Ch 13 s273</td>
<td>Reviews Initiated by Minister</td>
<td></td>
<td>Agree with the LGA Comments which are, but with the balancing factor that the Council ultimately is accountable to the community but also the Minister.</td>
</tr>
<tr>
<td></td>
<td>Minister may ask the council to report.</td>
<td></td>
<td>Councils already publicly consult and report on Annual Business Plans and Budgets, which outline proposed rate increases.</td>
</tr>
<tr>
<td></td>
<td>If the council has “failed to adequately respond” to the Minister / Designated Authority advice, then….</td>
<td></td>
<td>Councils also have Audit Committees and are subject to an annual external audit. The Auditor General also has broad powers to review a councils’ financial decision making.</td>
</tr>
<tr>
<td></td>
<td>The Minister can give directions to the council to “rectify the matter” or to prevent recurrence of the “act, failure or irregularity”.</td>
<td></td>
<td>Ultimately, councils are accountable to the community and are held to account via democratic elections that are held every 4 years.</td>
</tr>
<tr>
<td></td>
<td>This is not limited to situations where there has been a breach or failure by a council. It could relate to any council budgetary decision -eg where the Minister and council merely have different financial priorities.</td>
<td></td>
<td>This proposal centralised more power with an individual Minister, who will be given extremely broad scope to direct a council in relation to its budget and the delivery of local services and projects.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>This proposal is inconsistent with the LGA’s longstanding policy position to oppose rate capping in any form.</td>
</tr>
<tr>
<td>125</td>
<td>Internal Control policies</td>
<td></td>
<td>Agree with the LGA Comments which are:</td>
</tr>
<tr>
<td></td>
<td>New Regulation making powers. Councils must ensure their policies, practices and procedures comply with these Regulations.</td>
<td></td>
<td>This is a potentially significant power and has the potential for the State government to significantly encroach on the decision-making of local representatives.</td>
</tr>
<tr>
<td></td>
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<td></td>
<td>The scope of the section extends to any policy, procedure, etc.</td>
</tr>
<tr>
<td></td>
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<td></td>
<td>The section could be used to effectively take away almost all council discretion and undermines the role of local government as an independent, democratic sphere of government.</td>
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<tr>
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<td>Comments</td>
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</tr>
<tr>
<td>126</td>
<td>Audit and Risk Committee</td>
<td></td>
<td>A majority of members of council Audit and Risk Committees must not be members of the council and may not be an employee of the council. The role of these committees is expanded to include 'risk'. ‘Functions’ of Audit and Risk Committees expanded: <strong>New</strong> functions include: - Monitoring expenses of council. - to make recommendations for improvements based on previous audit/risk assessments. - Review powers when CEO assists audit committee. - Liaise with council auditor in accordance with the Regulations. (g) if a council has an internal audit function - to review/comment on an annual report by CEO in internal report re the scope of internal audit work; and - The objectivity and standard demonstrated in the carrying out of the function. If a council does <strong>not</strong> have internal audit function, the CEO must report on polices of council etc The must be one meeting of the Audit and risk Committee each quarter. Audit and risk Committee must provide a report to council every 3 months.</td>
</tr>
<tr>
<td>126A</td>
<td></td>
<td></td>
<td>Regional audits permitted, where 2 or more councils share audit resources. This is optional.</td>
</tr>
</tbody>
</table>

Already following this best practice structure and reporting and management of internal audit. Fundamentally a name change with some slight additional reporting requirements.
<table>
<thead>
<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>128 Auditor</td>
<td>Councils must use a different audit firm at least every 5 years. Then a council must wait five years before re-engaging that same auditor.</td>
<td></td>
<td>Clarifies that the firm must be changed every 5 years.</td>
</tr>
<tr>
<td>129 Conduct of Audit</td>
<td>If the SA Auditor-General exercises (existing) powers to perform the council audit, then a normal audit is not required. If the Auditor-General conducts the audit, the council must pay for the reasonable costs incurred.</td>
<td></td>
<td>Agree with the LGA Comments which are: Note that the Auditor-General also has new powers to conduct a ‘review’ which is not a full audit but might be, for example, an investigation into a particular aspect of a council’s affairs. The broad powers that are already available to the Auditor General to review or audit a council’s financial management are further justification that the additional, expensive rates oversight processes outlined in the Bill are unnecessary and unwarranted.</td>
</tr>
<tr>
<td>151 Basis of rating</td>
<td>Delete council power to use ‘site value’ as a means of rating. All councils will use ‘capital value’ method.</td>
<td></td>
<td>No impact.</td>
</tr>
<tr>
<td>170 Notice of declaration of rates</td>
<td>Requirements to give the public notice of the declaration of rates.</td>
<td></td>
<td>No impact.</td>
</tr>
<tr>
<td>194 Revocation of community land</td>
<td>Simplification of current unwieldy process to revoke community lands. Cases where the Minister will be required to make the decision is clarified. More situations where councils can make the decision to revoke uncontroversial community land (eg unmade roads). Does not apply to Adelaide Parklands.</td>
<td></td>
<td>Agree with the LGA Comments which are: On an initial review of this proposed clause the LGA is not convinced that the drafting achieves the policy intention. With assistance from Norman Waterhouse Lawyers, we hope to clarify this and ensure the Minister is not required to approve minor or uncontroversial applications.</td>
</tr>
<tr>
<td>222 (1a) – permits for mobile food vending business</td>
<td>Removal of automatic granting of permits to mobile food vendors (food trucks).</td>
<td></td>
<td>Agree with the LGA Comments which are: Mobile food vending business will now be treated like any other business seeking a council permit. This is consistent with ongoing submissions from the sector and LGA advocacy.</td>
</tr>
<tr>
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<tr>
<td>262A</td>
<td>Council Member Behaviour</td>
<td></td>
<td>Agree with the LGA Comments which are:</td>
</tr>
<tr>
<td></td>
<td>First step requires the council deal with issue in accordance with their (new) behaviour management policy and behaviour support policy.</td>
<td></td>
<td>Council has initial obligation to deal with council member behavioural issues, according to their own ‘Code’.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>This is consistent with previous LGA local government reform submissions.</td>
</tr>
<tr>
<td>262C</td>
<td>Member Behaviour - Action</td>
<td></td>
<td>Agree</td>
</tr>
<tr>
<td></td>
<td>Council has powers to insert consequences/ penalties into their policy for breaches of their Council policy. Councils may:</td>
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</tr>
<tr>
<td></td>
<td>(a) censure</td>
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<td></td>
<td>(b) Require a public apology.</td>
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<td></td>
<td>(c) Require the councillor to undertake a specified course of training or instruction.</td>
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<td></td>
<td>(d) remove or suspend the member from 1 or more offices held by the member</td>
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<td></td>
<td>In dealing with these, council must proceed with as little as possible formality and technicality.</td>
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<td></td>
<td>The clause has been designed in an attempt to enable councils to operate without requiring lawyers.</td>
<td></td>
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<td></td>
<td>Councils are not bound by the rules of evidence but must provide procedural fairness.</td>
<td></td>
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<tr>
<td></td>
<td>Council can refuse to deal with a matter because it is frivolous, vexations, trivial. Council can also decide to take a matter no further.</td>
<td></td>
<td></td>
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<tr>
<td>262D</td>
<td>Member Behaviour - Reasons</td>
<td></td>
<td>Agree</td>
</tr>
<tr>
<td></td>
<td>If a council refuses to deal with a complaint or determines to take no further action, then the council must provide written reasons.</td>
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<tr>
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</table>
| 262E Behaviour Panel | Misbehaviour means:  
- A failure by a member of council to comply with a requirement under 262C(1) (ie the council determination about the complaint)  
- Failure to comply with a council behaviour management policy.  
A failure to comply with an agreement reached following mediation, conciliation arbitration, dispute resolution process (ie a councillor has agreed and reneged).  
Repeated misbehaviour.  
Misbehaviour, repeated behaviour and serious misbehaviour are defined.  
'Serious misbehaviour' means bullying or harassment of another member or employee of council. | Agree     | Agree with the LGA Comments which are:  
This proposal is consistent the LGA’s previous local government reform submissions.  
CEO Comments:  
Agree with the intent but need to understand the funding implications for the Panel, as this will be an additional cost and will not be offset based on the current and past patterns of behaviour of The Barossa Council (being there are very little costs that will be avoided due to the lack of complaints). |
| S262F Panel   | Local Government Behaviour Panel will have 3 members:  
1. Jointly appointed by Minister and LGA  
2. appointed by Minister  
3. appointed by LGA | Agree     | Agree with the LGA Comments which are:  
This proposal is consistent the LGA’s previous local government reform submissions.  
CEO Comments:  
Agree with the intent but need to understand the funding implications for the Panel, as this will be an additional cost and will not be offset based on the current and past patterns of behaviour of The Barossa Council (being there are very little costs that will be avoided due to the lack of complaints). |
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<tbody>
<tr>
<td>262J</td>
<td>Remuneration and expenses of the Panel will be determined by Governor.</td>
<td></td>
<td>Agree with the LGA Comments which are: Early estimates (based on Local Government Grants Commission Model) indicate costs will be $300-350K for all three Panel Members (and including an Executive Officer and one administrative person). It is proposed that the LGA pay these fixed costs with councils paying on a fee for service basis when their matters come before the Panel. CEO Comments: Agree with the intent but need to understand the funding implications for this will be an additional cost which presently is a low cost process through the use of Australian and South Australian independent reporting data from McArthur, by providing our data we there receive the annual report, the cost being an officers time to provide the data.</td>
</tr>
<tr>
<td>S262N</td>
<td>The Panel must: - Publish guidelines - Publish model behavioural management policies - Practice directions Panel can perform other functions assigned.</td>
<td></td>
<td>See S262F above.</td>
</tr>
<tr>
<td>Section</td>
<td>Description of Reform</td>
<td>Indicator</td>
<td>CEO Comments</td>
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<tr>
<td>S262Q</td>
<td>Referral: Matters can be referred to the Panel by</td>
<td></td>
<td>Agree with the LGA Comments which are:</td>
</tr>
<tr>
<td></td>
<td>- Resolution of council</td>
<td></td>
<td>Council policies should have processes to deal with complaints from the public, council staff and council members. However, appeals do not need to be treated consistently.</td>
</tr>
<tr>
<td></td>
<td>- CEO of council</td>
<td></td>
<td>This clause needs to distinguish members of the public complaining about council member behaviour (already dealt with by s273 with appeals to Ombudsman) and complaints from staff and council members. The public already have the ability to complain about council member behaviour. There is no need (and have been no calls) for an additional grievance process for members of the public.</td>
</tr>
<tr>
<td></td>
<td>- at least 3 members of council</td>
<td></td>
<td>Council staff and members should have access to the Panel where internal council processes have not been successful. This is the specific problem that the Panel is established to solve.</td>
</tr>
<tr>
<td></td>
<td>- the Minister</td>
<td></td>
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<tr>
<td></td>
<td>+ any person dissatisfied with council decision</td>
<td></td>
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<tr>
<td>S262S</td>
<td>Panel may arrange for investigations, compel reports from council, etc.</td>
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<td></td>
</tr>
<tr>
<td>Section</td>
<td>Description of Reform</td>
<td>Indicator</td>
<td>CEO Comments</td>
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</tr>
<tr>
<td>262W</td>
<td>The Panel may:</td>
<td></td>
<td>Agree with the LGA Comments which are:</td>
</tr>
<tr>
<td></td>
<td>- Reprimand</td>
<td></td>
<td>The LGA queries why the Panel refers censures back to councils and doesn’t have the power to censure, itself.</td>
</tr>
<tr>
<td></td>
<td>- Direct a council to censure</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Require a public apology</td>
<td></td>
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<tr>
<td></td>
<td>- Require a councillor to undertake a course of training or development.</td>
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<td></td>
<td>- Require a councillor to reimburse an amount of money.</td>
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<td></td>
<td>- Remove or suspend an office in capacity as member of another body</td>
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<td></td>
<td>- Suspend for up to 3 months</td>
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<td></td>
<td>- Direct council to lodge complaint with SACAT (SACAT can suspend for longer or remove a person from council).</td>
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<tr>
<td></td>
<td>If a councillor fails to comply with an order, this is defined as an integrity issue and goes to SACAT (not OPI) and the Panel must make a report to the Minister.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>S262Y</td>
<td>If corruption or integrity issue - it goes to Office of Public Integrity.</td>
<td></td>
<td>Agree with the LGA Comments which are:</td>
</tr>
<tr>
<td></td>
<td>Council or Panel can refer a matter to OPI.</td>
<td></td>
<td>Clarification is required regarding where appeals from Panel go, where there is not corruption.</td>
</tr>
<tr>
<td>Section</td>
<td>Description of Reform</td>
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</table>
| S273    | A Minister may, on the basis of information received from:  
- ICAC  
- Ombudsman  
- A Designated Authority under s123  
- A report of the Small Business Commissioner  
- A report of the behavioural standards panel; or  
- A report of a council administrator,  
ask council why s/he shouldn’t direct the council.  
If not satisfied, the Minister can **direct** the council                                                                                                                                                                                                                                       | **Red**   | In my view the Minister has the ability to do this in any case be it legislative or political.                                                                                                                                                                                                                                                     |

**Links to detailed documentation:**

*The Bill:*

*Explanatory Paper:*

*Marked-up Version of LG Act:*
Local Government Review Bill 2020

Summary of major changes

The Local Government Review Bill 2020 (‘the Bill’) was introduced in the House of Assembly by the Minister for Transport, Infrastructure and Local Government on 17 June

The following table sets out the substantive changes proposed in the Local Government Review Bill 2020 and provides preliminary LGA comments on the proposed reforms. The LGA will consult with member councils before finalising a position on the Bill.

The ‘LGA Guidance’ colour code is based upon previous consultation with member councils, decisions of LGA General Meetings and positions taken by the LGA Board.

The LGA has been advocating for sensible and effective legislative change and adopted a local government reform agenda in 2017. The Bill includes some of the reforms advocated by the LGA, particularly in relation to an improved framework for managing issues of behaviour.

Unfortunately, the Bill also includes unwarranted and expensive proposals that can replace local decision making on council budgets and services with broad powers for a Minister to direct a council in these matters, such as setting a cap on council rates. The local government sector has a longstanding policy position to oppose rate capping in any form. Information about why rate capping is bad public policy can be found here.

The Bill is expected to be debated in the House of Assembly in July 2020 and the Legislative Council in September. If passed by the Parliament, the new clauses would probably not commence for several further months.

The LGA is seeking submissions from councils on the Bill by Friday 9 August 2020.

Details about consultation workshops being held for metropolitan and regional councils will be available shortly.
<table>
<thead>
<tr>
<th>Which section of the Act does it amend?</th>
<th>What does it do?</th>
<th>LGA Guidance</th>
<th>LGA Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td><strong>New.</strong></td>
<td></td>
<td>The LGA is seeking clarification on what that means in practice and whether this additional principal creates grounds for council budgetary decisions to be contested.</td>
</tr>
<tr>
<td>Principal role of council.</td>
<td>“6(b) to make decisions about the provision of various public services and facilities that will benefit the community in the context of the capacity and willingness of ratepayers to pay for those services and facilities.”</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7</td>
<td><strong>New.</strong></td>
<td></td>
<td>A number of additions in the ‘role’ and ‘functions’ sections tie into later changes relating to rate setting and Ministerial directions. These preliminary sections related to the role and functions of council are considered to be acceptable, but the later sections on rate capping and new Ministerial ability to override council policies are strongly opposed.</td>
</tr>
<tr>
<td>Functions of a Council</td>
<td>(ba) to determine the appropriate financial contribution to be made by ratepayers to the resources of the council.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>(ea) Seek to collaborate, form partnerships and <em>share resources</em> with other councils…</td>
<td></td>
<td>The additional wording introduced by this clause is in <em>italics</em>.</td>
</tr>
<tr>
<td>Principles to be observed by a council</td>
<td>(h) seek to ensure that council resources are used fairly, effectively and efficiently <em>and council services, facilities and programs are provided effectively and efficiently</em>.</td>
<td></td>
<td>A number of additions in the ‘role’ and ‘functions’ and ‘principles’ sections tie into later changes relating to rate setting processes.</td>
</tr>
<tr>
<td></td>
<td>(ia) seek to balance the provision of services facilities and programs with the financial impact of the provision of those services, facilities and programs on ratepayers.</td>
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<td></td>
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<td>Which section of the Act does it amend?</td>
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<tr>
<td>11A Number of elected members</td>
<td>The number of members of a council (including the Mayor) will be capped at 12. Remove current Representation Review clauses. New requirement to review number of wards and number of electors per ward. But no longer need to review the number of members. If a council conducts a review by 2022, they can implement this change for 2022 council elections. If not, then must implement by the 2026 elections.</td>
<td>This proposal needs to be tested with member councils before the LGA forms a position. During sector consultation in 2019, most councils preferred to retain their current arrangements. If councils have started a Representation Review under current Act, they can use this process for purpose of this section. This proposal is designed to be a simpler process and respond to feedback from councils that the current Representation Review process is overly complex.</td>
<td></td>
</tr>
<tr>
<td>12 Rep review process deleted</td>
<td>If a council has area councillors but not wards, they will not need to perform a representation review. Councils must consult with the public re the representation report. The resulting report must include public submissions.</td>
<td>If a council has wards, they may still need to conduct a representation review on the optimal number of electors in each ward. The Bill includes transitional provisions that will capture reviews that have already commenced or will commence before the 2022 council elections.</td>
<td></td>
</tr>
<tr>
<td>44 Delegations</td>
<td>Amendment to include Joint Planning Boards as a possible delegate.</td>
<td>Councils retain the ability to make decisions about delegations and the terms and conditions of a delegation. There is no requirement to make a delegation.</td>
<td></td>
</tr>
<tr>
<td>Which section of the Act does it amend?</td>
<td>What does it do?</td>
<td>LGA Guidance</td>
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<tr>
<td>50</td>
<td><strong>New.</strong></td>
<td></td>
<td>This proposal needs to be tested with member councils before the LGA forms a position</td>
</tr>
</tbody>
</table>
| Current public consultation sections deleted | Introduces one Community Engagement Charter for the whole local government sector. This will replace many individual sections requiring councils to report info, consult, publish in newspapers, keep hard copy at principal office, etc The Charter will be decided by the Minister and Gazetted and will apply across all councils. Some parts will be mandatory, others will be up to council policy (See 50A). The Minister approves and varies the Charter, after consultation with the LGA. | | The concept of a state-wide Community Engagement Charter is consistent with the LGA’s previous local government reform submission. Consolidating consultation arrangements within one state-wide charter could lead to savings and efficiencies by reducing duplication and allowing for more targeted and effective consultation to occur. Local government will be consulted on the development of and any variation to the Charter, via a process facilitated by the LGA. To be effective, it is considered that the Charter needs to:  
- Clarify the matters that councils must consult on, but not require councils to consult on minor or uncontroversial decisions; and  
- Ensure complaints about non-compliance with the Charter are dealt with in an efficient manner through an administrative process. |
<p>| 50A                                   | Each council must have its own policy on how to implement the Community Engagement Charter. | | A large number of sections in the Act relating to specific consultation on specific matters are deleted, as a consequence of new ss 50 and 50A. Councils must consult with the community regarding adoption of their Policy or if they want to vary it. This policy must be consistent with the Charter. A failure to comply with a Community Engagement Charter or the council’s related community engagement policy still exposes the subsequent council decision to judicial review. |</p>
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<tr>
<th>Section</th>
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<tr>
<td>54</td>
<td>Casual vacancy</td>
<td>- If a council member resigns to take up another position (eg Mayor) their position as member becomes vacant. &lt;br&gt; - Councils can go to next election without filling the casual vacancy if an election is to be held within the next 12 months (currently 7 months) or January 1.</td>
<td>This proposal is consistent with the LGA’s previous local government reform submission.</td>
</tr>
<tr>
<td>55A</td>
<td>Elected Members running for Parliament</td>
<td>- If a council member runs for State Parliament, they are automatically granted a ‘leave of absence’. &lt;br&gt; - The leave commences at the close of nominations –even if the member/candidate is campaigning earlier. &lt;br&gt; - The provision applies to any council office - including council committees and subsidiaries. &lt;br&gt; - If a candidate withdraws their nomination, - they are automatically reinstated to their council position. &lt;br&gt; - Members will not receive remuneration/ allowances during the leave period. &lt;br&gt; - In subsection 5, candidates can’t use council facilities in this leave period.</td>
<td>This proposal is consistent with the LGA’s previous local government reform submission. &lt;br&gt; - During previous elections, there have been inconsistent approaches by candidates in relation to standing down from council roles and payment of allowances. These proposed provisions create a level playing field for all council members. &lt;br&gt; - It appears that council members can still call themselves ‘Mayor’ or ‘Councillor’ during the leave of absence. &lt;br&gt; - The LGA will seek feedback from member councils on the optimal wording for this section.</td>
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| 58 Role of Principal Member (usually called Mayor) | New sections clarifying the role of a principal member of council. This includes:  
- “Providing leadership and guidance to the council.  
- To lead the promotion of positive and constructive working relationships amongst members of the council  
- To provide guidance to council members on the performance of their role; and  
- To support council members understanding on the separation of responsibilities between elected representatives and employees of the council.” | | This proposal needs to be tested with member councils before the LGA forms a position.  
Mayors are not given specific new powers.  
The proposed section states general principles, setting out what the principal member’s leadership role entails. |
| 59 Role of members of council | New.  
It will be a role of council members to act with integrity. | | ‘Integrity’ is not defined and will have a common law definition.  
The existing Act and Bill contain specific sections about integrity, which are still primarily regulated by ICAC, the OPI and Ombudsman. |
<p>| 62 General Council Member duties | The prohibitions on disclosure of confidential council information are extended to documents that the council member “knows or ought reasonably to have known is …required to be treated confidentially”. | | This change will clarify council member confidentiality obligations and make it easier to establish that a breach has occurred. |</p>
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<td>68 Council Member Register of Interests</td>
<td>(1a) If a council member fails to return their Register after a defined period (in most cases 12 months) the member will be suspended. (1b) If a member is suspended under this section, so are their member allowances. (3a) If the member subsequently submits a return, to the satisfaction of the CEO, the CEO will publish a notice on website to this effect. (3a)(b) The suspension is revoked upon publication of this notice. (3b) If the failure to submit a return continues, the CEO may refer to SACAT</td>
<td>Consultation with member councils in 2019 showed support for clear consequences for a breach of this requirement. The proposed clause gives council CEOs a role in imposing consequences, including exercising a degree of discretion (ie determining whether the return is satisfactory). The LGA will seek feedback from member councils on the optimal wording for this section.</td>
<td></td>
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<td>70 Inspection of a Register</td>
<td>The Register will now no longer publish the home address of a councillor. Additional information can be suppressed for personal safety.</td>
<td>This proposal is consistent with the LGA’s previous local government reform submission.</td>
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<td>73 Register of gifts and benefits</td>
<td>The Minister will declare the threshold amount for the purpose of this clause. The Minister must consult the LGA prior to making this declaration.</td>
<td>This proposal is consistent with the LGA’s previous local government reform submission.</td>
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| 74-75C Conflicts of Interest           | The three categories of Conflict of Interest are reduced to two: ‘General Conflicts of Interest’ and ‘Material Conflicts of Interest’. A member of a council will not be regarded as having a conflict of interest in a matter if the interest is held in common with a ‘substantial proportion’ of the ratepayers, electors or residents of the council area (if that interest is equal). Onus is on the council member to declare/decide whether they have a conflict. Failure to declare a conflict can result in penalties. |              | The new sections are simpler and less confusing. They should allow greater council member participation in decision-making where there is no actual conflict, or the conflict can be managed appropriately. Areas where further clarification is required include:  
- circumstances where the council has nominated an elected member to the board of another legal entity,  
- mechanisms for abstaining; and  
- the ‘substantial proportion’ test. |
| 75E Member ‘Behaviour Standards’       | The Minister may publish and vary ‘Member Behaviour Standards’. These Standards are not set out in the Bill. They apply State-wide. The Minister must consult the LGA first. Minister’s decision will be published in the Government Gazette. |              | There will continue to be multiple (but slightly different) sources of rules that govern member behaviour. This includes:  
- the Act,  
- in these proposed ‘Member ‘Behaviour Standards’; and  
- in the ‘Council Behavioural Support Policies’ (see s75F).  
This could be confusing, and it will be important for the LGA to provide support and guidance. These standards will be reviewable by Parliament, which provides a level of oversight of the decisions made by a Minister. |
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| **75F** Council Behavioural Support Policies. | Council may implement their own policies on how to support “appropriate behaviour by members of the council”. These can’t be inconsistent with the Behavioural Standards.  
Council must review these within 6 months of general elections.  
Council must consult the public on these.  
Council members must comply with their CBSPs. | Sector feedback indicated that dedicated meetings (usually just after elections), where councillors deliberated and then agreed on behavioural standards, led to strong improvements in meeting culture.  
The Bill will enable each council to address these issues and to approve their own policy.  
Members may face sanctions for a breach of a CBSP.  
The Council itself can impose limited sanctions (see s262C).  
A breach of the CBSP could constitute ‘misbehaviour’ (s262E), could be referred to the new Behavioural Standards Panel and could result in more serious sanctions or penalties. | |
| **75G** Council member health and safety obligations | New.  
Council members are not ‘workers’ for the purpose of the WHS Act. But they will now have specific WH&S obligations.  
Council members must not adversely affect the health and safety of other members of council or employees.  
Could include a direction that a member of a council not attend a meeting of the council.  
Council members must follow the reasonable directions of a responsible person (usually the CEO) in this respect. | This proposal needs to be tested with member councils before the LGA forms a position.  
The CEO will have clear powers to put in place arrangements to ensure employee safety. This could include, for example implementing administrative arrangements to limit contact between council members or between a council member and an employee.  
The LGA has sought advice from Norman Waterhouse Lawyers to clarify the proposed role of CEOs in administering this provision.  
Where appropriate in the circumstances, provision for alternative participation in a council or committees should be considered. | |
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| 76 Member Allowances                    | Remaining:     |              | The requirement of the Remuneration Tribunal to consult with the LGA and reach agreement on arrangements has been deleted.  
Member Allowances set by Remuneration Tribunal.  
LGA to pay Remuneration Tribunal their “reasonable costs”.  
100% of South Australian councils are currently members of the LGA and the enjoy the numerous savings and benefits that result from their membership. However, provisions need to be made that enable an equitable proportion of the costs to be recovered from a council that may withdraw or be expelled from the LGA in the future. |
| 80A Training & Development              | ‘LGA Training Standards’ will still be specified in the Regs.  
Each council must adopt their own policy for conduct and completion of training and development by their members.  
If a council member has not completed the training, the CEO must suspend the council member unless the council member satisfies the CEO that good reasons exist.  
(See s262 for referral to Behavioural Standards Panel and penalties.) | The LGA submission recommended that there be approved candidate training and candidates must indicate whether they have completed the approved candidate training, when nominating for council elections.  
At present, the State Government does not intend to include these in the (yet to be drafted) Regulations.  
Feedback from members is required about the proposed role for council CEOs in enforcing compliance with the training standards. | |
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<td><strong>80B</strong></td>
<td><strong>Suspend a council member who is the subject of an intervention order.</strong>&lt;br&gt;The CEO will have a discretion to suspend a member.</td>
<td></td>
<td>This proposal needs to be tested with member councils before the LGA forms a position.&lt;br&gt;The LGA has sought advice from Norman Waterhouse Lawyers to clarify the proposed role of CEOs in administering this provision.&lt;br&gt;Feedback from members is required about the proposed role for council CEOs.</td>
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<td><strong>90(3)(o)</strong></td>
<td><strong>New exemption, allowing councils to discuss potential award recipients in confidence.</strong></td>
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<td>This is a minor but welcome amendment.&lt;br&gt;This will allow the names of award-winners to not enter the public domain until the award is presented.</td>
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<td><strong>S90(8)</strong></td>
<td><strong>The rules relating to informal gatherings are simplified.</strong>&lt;br&gt;The Bill replaces ‘informal gatherings or discussions’ with a simpler scheme of clearly defined ‘information and briefing sessions’.</td>
<td></td>
<td>The current provisions are confusing and unintentionally broad.&lt;br&gt;These new sessions will enable councils to more easily discuss and better understand their business but will also retain the expectation that these sessions cannot be used to obtain, or effectively obtain, decisions that should be made in a public council meeting.</td>
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<td><strong>New S90A</strong></td>
<td><strong>The concept of ‘Information or briefing session’ is described more carefully. If it is one of these, it needs to be open to the public and a record made.</strong>&lt;br&gt;The CEO makes decisions regarding whether a matter will be on the agenda and if the group has ‘effectively made the decision’.</td>
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<td>As per S90(8) above.</td>
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| S92                                    | Councils must already have a Code of Practice about meetings and access to documents. The new obligation requires councils to consult with the public before adopting, altering or substituting this Code.  
Council reporting obligations are taken out of the various sections of the Act and will be replaced by a schedule, making it easier for councils and the public to understand what needs to be reported (and how). |              | Almost all of the reporting consultation provisions are removed from the Act and will be replaced by a schedule.  
Similarly, the Bill also removes requirements to have documents available to the public (online or in office) e.g. sections 77, 79, 105, 252, 259. |
| 97(3)(a) Terminate a CEO               | Before council can terminate a CEO’s employment, they must have regard to advice from a “qualified independent person”.  
Definition: “a legal practitioner OR someone determined by the council to have appropriate qualifications or experience in human resource management”. |              | The detail of this proposal needs to be tested with member councils before the LGA forms a position.  
Council must consider the advice but is not bound by it.  
This provision only applies to some of the grounds for termination. There is no requirement to obtain this advice if the CEO is ‘guilty of an offence’, etc. |
| 98 Fill CEO Vacancy                    | Councils no longer need to advertise in a newspaper -instead, can use a website.  
Selection Panel: At least one is not a council member or member of staff.  
Before the CEO appointment, council must obtain and consider independent advice on the assessment of applications and recommendation on appointment |              | Councils will typically engage a suitably qualified and experienced third party to assist with CEO recruitment.  
The detail of this proposal needs to be tested with member councils before the LGA forms a position. |
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<td>99 (ia) and (ib) Role of CEO</td>
<td>New subsections relating to CEO functions.</td>
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<td>The section clarifies a role that most council CEOs perform already.</td>
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<td>A CEO must:</td>
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<td>- ensure council has effective polices systems procedures, etc</td>
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<td>- Report annually to the relevant audit and risk committee on the council’s internal audit process.</td>
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<td>99A Remuneration Tribunal extends to CEOs</td>
<td>The Remuneration Tribunal will determine minimum and maximum remuneration for CEOs.</td>
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<td>The proposed provisions are modelled on the Western Australia legislative scheme are were broadly supported by councils and the LGA in previous local government reform submissions.</td>
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<td>The Remuneration Tribunal may have regard to any matter set out in the Regulations.</td>
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<td>Clarification is required about how additional allowances (such as mobile phone, travel/fuel for country CEOs etc) will be considered/determined by the Tribunal.</td>
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<td>ss(4) remuneration may differ based on geographical factors or other factors.</td>
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<td>The Bill allows for a determination to be made ‘from time to time’. Greater certainty should be provided about the minimum / maximum frequency of determinations, particularly as the cost of this process will be borne by councils (via the LGA).</td>
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<td>Amounts may be indexed.</td>
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<td>100% of South Australian councils are currently members of the LGA. However, provisions need to be made that enable an equitable proportion of the costs to be recovered from a council that may withdraw or be expelled from the LGA in the future.</td>
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<td>The LGA will pay for the Remuneration Tribunals’ reasonable costs.</td>
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<td>Councils must ensure the remuneration they pay is within the range set by the Remuneration Tribunal.</td>
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<td>102A CEO Performance review</td>
<td>New.</td>
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<td>A CEO Performance Review must occur at least once a year and “if relevant” before reappointment.</td>
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<td>Council must obtain independent advice by “qualified independent person” who is not a member of council and determined by the council (same as the requirements for CEO termination but a legal practitioner is not listed as an option. see 97(3), above).</td>
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<td>The detail of this proposal needs to be tested with member councils before the LGA forms a position.</td>
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<td>110 Code of conduct for employees</td>
<td>This is replaced by s119A</td>
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<td>The employee register is designed to mirror the requirements for council members. CEOs have responsibility to manage this through council policies and industrial arrangements.</td>
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<td>110A Duty to protect confidential information</td>
<td>Duty of employees to protect confidential information. Adds a new limb “employee knew or ought to have known that the information is to be treated confidentially”.</td>
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<td>This is consistent with the clarification for council members’ confidentiality obligations.</td>
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<tr>
<td>119A Register of Gifts and Benefits for Employees</td>
<td>This was previously dealt with by Code of Conduct. The limit is intended to be the same as is currently declared by Minister.</td>
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<td>The aim is for consistency in these arrangements, for employees and council members.</td>
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<td>120A Employee Behavioural standards</td>
<td>Council must prepare and adopt standards. An employee must comply with these standards. These standards will set out: - grounds for suspending or dismissing, disciplinary action against the employee. Before a council adopts or alters these standards, they must consult with relevant industrial association re the Employee Behavioural standards and any subsequent variation. Within 6 months of periodic election, council must review these standards.</td>
<td></td>
<td>While the council will adopt the overall policy, the CEO otherwise remains in charge of employee matters. The LGA will consult with member councils and with the relevant trade unions</td>
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<tr>
<td>122 Strategic Management Plan</td>
<td>A Council’s Long-Term Financial Plan - must be for a 10yr period. The LTFP must: (New) - outline council’s approach to funding services and infrastructure - Set out council total revenue for the period - Outline the sources of revenue including fees, grants, rates and charges. (3a) Regulations may require the inclusion of other information.</td>
<td></td>
<td>The LGA acknowledges the significant work that almost all councils have undertaken in developing their LTFPs and is comfortable with this codification of existing practice. Note that the Consultation Charter arrangements: • will require councils to consult with their communities on their LTFPs; and • are likely to require councils to undertake further consultation before changes are made to the LTFP.</td>
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| Annual Business Plan                   | An Annual Business Plan (ABP) must include:  
- New: a statement on the proposed change in total revenue from general rates for the financial year and if ABP sets out a growth component in relation to general rates it may only relate to growth in the no of rateable properties and must not relate to the growth in the value of rateable properties.  
- an explanation of how the proposed change is consistent with the council's LTFP.  
- A summary of other reasons for the proposed change.  
- Details of impact of the proposed change on average rates for each land use category.  
- The advice received from the ‘Designated Authority’ (which looks like being the Essential Services Commission of SA); and  
- The council’s response to the advice which must set out whether the proposed change in total revenue from general rates is consistent with the advice and if not the reasons for the inconsistency.  
(3a) The **draft** ABP must be provided to the Designated Authority by 31 Dec in the FY preceding and must include:  
- The proposed change in total revenue from general rates. | This section would impose a series of expensive and unwarranted new requirements on councils in drafting and adopting their Annual Business Plan and Budget.  
This proposal introduces another layer of bureaucracy and gives a significant role to an unelected body that has no relationship with or accountability to the local community.  
This process will place councils in a continuous cycle of administrative planning and reporting that will detract from the councils’ role in providing local services and facilities that benefit the local community.  
The timeframes outlined in this section are unrealistic and unworkable. A council will be required to adopt a draft Annual Business Plan and Budget in December – 6 months prior to the commencement of the new financial year. This provides limited flexibility to respond quickly and effectively to changing economic and social circumstances, such as those we have experienced in 2020 during the Covid-19 public health emergency.  
In 2019, the South Australian Productivity Commission undertook an Inquiry into Local Government Costs and Efficiency. The Inquiry found that SA councils are achieving high levels of efficiency and did not make any recommendations that are consistent with the rate capping proposals contained within the Bill.  
The Commission did, however, find that regulatory compliance costs and the expansion of mandated responsibilities under state legislation have created additional cost pressures for councils. |
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<td>- The council’s view of the impact of the change.</td>
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<td>- Information about consideration given by council to alternatives to the proposed change including total revenue resulting from such alternative measures.</td>
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<td>(d) information as to how the proposal is consistent with the Council’s LTFP.</td>
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<td>- Any other matter set out in the in Regs.</td>
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<td>The Designated Authority must provide its advice back to the council by 31 March of each year.</td>
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<td>The Designated Authority must have regard to:</td>
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<td>- Information provided by, AND any matter directed by the Minister; and</td>
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<td>- Any other matter considered relevant by the Designated Authority.</td>
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<td>The Designated Authority must publish a copy of any direction given by the Minister as soon as practicable.</td>
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<td>If the Designated Authority considers a council has failed to respond to its advice - it May provide a report to the Minister.</td>
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This Bill introduces a range of new compliance requirements that will need to be funded by councils. The costs of this process are likely to be significant. A ‘Designated Authority’ (likely to be ESCOSA) will need to undertake an individual assessment of every councils plans and budget, every year.

As a reference, the Essential Services Commission in Victoria spent $2 million in 2018/19 administering its local government regulatory role.

Every extra dollar that is needed to fund new reporting requirements in an extra dollar that needs to be paid by ratepayers, or one less dollar that is invested in local services and facilities.

This proposal is inconsistent with the LGA’s longstanding policy position to oppose rate capping in any form.
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| Ch 13 s273 Reviews Initiated by Minister| Minister may ask the council to report. If the council has “failed to adequately respond” to the Minister / Designated Authority advice, then….  
The Minister can give directions to the council to “rectify the matter” or to prevent recurrence of the “act, failure or irregularity”.  
This is not limited to situations where there has been a breach or failure by a council. It could relate to any council budgetary decision - eg where the Minister and council merely have different financial priorities. |              | Councils already publicly consult and report on Annual Business Plans and Budgets, which outline proposed rate increases.  
Councils also have Audit Committees and are subject to an annual external audit. The Auditor General also has broad powers to review a councils’ financial decision making.  
Ultimately, councils are accountable to the community and are held to account via democratic elections that are held every 4 years.  
This proposal centralised more power with an individual Minister, who will be given extremely broad scope to direct a council in relation to its budget and the delivery of local services and projects.  
This proposal is inconsistent with the LGA’s longstanding policy position to oppose rate capping in any form. |
| 125 Internal Control policies           | New Regulation making powers. Councils must ensure their policies, practices and procedures comply with these Regulations.                  |              | This is a potentially significant power and has the potential for the State government to significantly encroach on the decision-making of local representatives.  
The scope of the section extends to any policy, procedure, etc.  
The section could be used to effectively take away almost all council discretion and undermines the role of local government as an independent, democratic sphere of government. |
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<tr>
<td>126 Audit and Risk Committee</td>
<td>A majority of members of council Audit and Risk Committees must not be members of the council and may not be an employee of the council. The role of these committees is expanded to include 'risk'. ‘Functions’ of Audit and Risk Committees expanded: New functions include: - Monitoring expenses of council. - to make recommendations for improvements based on previous audit/risk assessments. - Review powers when CEO assists audit committee. - Liaise with council auditor in accordance with the Regulations (g) if a council has an internal audit function - to review/comment on an annual report by CEO in internal report re the scope of internal audit work; and - The objectivity and standard demonstrated in the carrying out of the function. If a council does not have internal audit function, the CEO must report on polices of council etc The must be one meeting of the Audit and risk Committee each quarter.</td>
<td></td>
<td>The LGA’s previous local government reform submission provided broad support for an expanded role for council Audit Committees. will seek advice on these details from the sector. The detail of this proposal needs to be tested with member councils before the LGA forms a position.</td>
</tr>
<tr>
<td>Section</td>
<td>What does it do?</td>
<td>LGA Guidance</td>
<td>LGA Comments</td>
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<tr>
<td>Audit and risk Committee must provide a report to council every 3 months.</td>
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<tr>
<td>126A Regional audits permitted, where 2 or more councils share audit resources. This is optional.</td>
<td></td>
<td>This option may be useful for regional councils who struggle to recruit qualified independent auditors.</td>
<td></td>
</tr>
<tr>
<td>128 Auditor Councils must use a different audit firm at least every 5 years. Then a council must wait five years before re-engaging that same auditor.</td>
<td></td>
<td>Unlike the Corporations Act, councils can’t just change the particular auditor within the same firm.</td>
<td></td>
</tr>
<tr>
<td>129 Conduct of Audit If the SA Auditor-General exercises (existing) powers to perform the council audit, then a normal audit is not required. If the Auditor-General conducts the audit, the council must pay for the reasonable costs incurred.</td>
<td></td>
<td>Note that the Auditor-General also has new powers to conduct a ‘review’ which is not a full audit but might be, for example, an investigation into a particular aspect of a council’s affairs. The broad powers that are already available to the Auditor General to review or audit a council’s financial management are further justification that the additional, expensive rates oversight processes outlined in the Bill are unnecessary and unwarranted.</td>
<td></td>
</tr>
<tr>
<td>151 Basis of rating Delete council power to use ‘site value’ as a means of rating. All councils will use ‘capital value’ method.</td>
<td></td>
<td>The OLG advise that currently only 8 councils use site value. This will mean state-wide consistency for ratepayers, but the detail of this proposal needs to be tested with member councils before the LGA forms a position.</td>
<td></td>
</tr>
<tr>
<td>170 Notice of declaration of rates Requirements to give the public notice of the declaration of rates.</td>
<td></td>
<td>The specific requirements to give the public notice of the declaration of rates will be set out in the Community Engagement Charter.</td>
<td></td>
</tr>
<tr>
<td>Which section of the Act does it amend?</td>
<td>What does it do?</td>
<td>LGA Guidance</td>
<td>LGA Comments</td>
</tr>
<tr>
<td>----------------------------------------</td>
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<tr>
<td>194 Revocation of community land</td>
<td>Simplification of current unwieldy process to revoke community lands. Cases where the Minister will be required to make the decision is clarified. More situations where councils can make the decision to revoke uncontroversial community land (e.g., unmade roads). Does not apply to Adelaide Parklands.</td>
<td></td>
<td>On an initial review of this proposed clause the LGA is not convinced that the drafting achieves the policy intention. With assistance from Norman Waterhouse Lawyers, we hope to clarify this and ensure the Minister is not required to approve minor or uncontroversial applications.</td>
</tr>
<tr>
<td>222 (1a) – permits for mobile food vending business</td>
<td>Removal of automatic granting of permits to mobile food vendors (food trucks).</td>
<td></td>
<td>Mobile food vending business will now be treated like any other business seeking a council permit. This is consistent with ongoing submissions from the sector and LGA advocacy.</td>
</tr>
<tr>
<td>262A Council Member Behaviour</td>
<td>First step requires the council deal with issue in accordance with their (new) behaviour management policy and behaviour support policy.</td>
<td></td>
<td>Council has initial obligation to deal with council member behavioural issues, according to their own ‘Code’. This is consistent with previous LGA local government reform submissions.</td>
</tr>
<tr>
<td>262C Member Behaviour - Action</td>
<td>Council has powers to insert consequences/penalties into their policy for breaches of their Council policy. Councils may: (a) censure (b) Require a public apology. (c) Require the councillor to undertake a specified course of training or instruction. (d) remove or suspend the member from 1 or more offices held by the member</td>
<td></td>
<td>Most of these changes are welcome. Legal advice, mediation and other options can be used, if a council elects. Based on the consultation with the sector in 2019, there may be some concern if a majority of council members have a power to suspend a council member, even after a formal process had been completed. The LGA will seek feedback from member councils on the detail of this proposal.</td>
</tr>
<tr>
<td>Which section of the Act does it amend?</td>
<td>What does it do?</td>
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<td>LGA Comments</td>
</tr>
<tr>
<td>---------------------------------------</td>
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</tr>
<tr>
<td></td>
<td>In dealing with these, council must proceed with as little as possible formality and technicality. The clause has been designed in an attempt to enable councils to operate without requiring lawyers. Councils are not bound by the rules of evidence but must provide procedural fairness. Council can refuse to deal with a matter because it is frivolous, vexations, trivial. Council can also decide to take a matter no further.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>262D - Member Behaviour - Reasons</td>
<td>If a council refuses to deal with a complaint or determines to take no further action, then the council must provide written reasons.</td>
<td></td>
<td>This is a new administrative step that, ideally, will be part of an overall scheme that is faster and less expensive than currently operating.</td>
</tr>
</tbody>
</table>
| 262E Behaviour Panel                  | Misbehaviour means:  
- A failure by a member of council to comply with a requirement under 262C(1) (ie the council determination about the complaint)  
- Failure to comply with a council behaviour management policy.  
A failure to comply with an agreement reached following mediation, conciliation arbitration, dispute resolution process (ie a councillor has agreed and re-negged).  
Repeated misbehaviour.  
Misbehaviour, repeated behaviour and serious misbehaviour are defined. | | Classifying these levels of poor behaviour will enable the new Behaviour Panel to issue guidelines on likely penalties.  
The proposal will give the Panel power to define bullying and harassment, for the purposes of the Local Government Act. |
<table>
<thead>
<tr>
<th>Which section of the Act does it amend?</th>
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<th>LGA Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>‘Serious misbehaviour’ means bullying or harassment of another member or employee of council.</td>
<td></td>
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</tr>
<tr>
<td>S262F Panel</td>
<td>Local Government Behaviour Panel will have 3 members: 1. Jointly appointed by Minister and LGA 2. appointed by Minister 3. appointed by LGA</td>
<td></td>
<td>This proposal is consistent the LGA’s previous local government reform submissions.</td>
</tr>
<tr>
<td>262J</td>
<td>Remuneration and expenses of the Panel will be determined by Governor.</td>
<td></td>
<td>Early estimates (based on Local Government Grants Commission Model) indicate costs will be $300-350K for all three Panel Members (and including an Executive Officer and one administrative person). It is proposed that the LGA pay these fixed costs with councils paying on a fee for service basis when their matters come before the Panel. The LGA seeks feedback on whether the sector is prepared to fund the proposed model.</td>
</tr>
</tbody>
</table>
| S262N                                  | The Panel must:  
- Publish guidelines  
- Publish model behavioural management policies  
- Practice directions  
Panel can perform other functions assigned. |              | The LGA will seek further details on the funding model. At present, the LGA would pay extra, if the Minister assigned the Panel additional functions. This appears to present an open-ended financial commitment. There is a danger that the State Government could use LGA to take on extra regulatory roles (cost shifting). Extra LGA and sector funding needs to be by agreement. |
<table>
<thead>
<tr>
<th>Which section of the Act does it amend?</th>
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<th>LGA Comments</th>
</tr>
</thead>
</table>
| S262Q Referral                         | Matters can be referred to the Panel by:  
  - Resolution of council  
  - CEO of council  
  - at least 3 members of council  
  - the Minister  
  + any person dissatisfied with council decision | | Council policies should have processes to deal with complaints from the public, council staff and council members. However, appeals do not need to be treated consistently.  
This clause needs to distinguish members of the public complaining about council member behaviour (already dealt with by s273 with appeals to Ombudsman) and complaints from staff and council members. The public already have the ability to complain about council member behaviour. There is no need (and have been no calls) for an additional grievance process for members of the public.  
Council staff and members should have access to the Panel where internal council processes have not been successful. This is the specific problem that the Panel is established to solve. |
| S262S                                  | Panel may arrange for investigations, compel reports from council, etc. | | Council will often conduct an initial investigation. While the Panel should be a fast and low-cost forum, it may need to (but should not be required to) conduct its own investigation. |
| 262W Powers of the Behaviour Panel.    | The Panel may:  
  - Reprimand  
  - Direct a council to censure  
  - Require a public apology  
  - Require a councillor to undertake a course of training or development.  
  - Require a councillor to reimburse an amount of money.  
  - Remove or suspend an office in capacity as member of another body  
  - Suspend for up to 3 months | | The LGA queries why the Panel refers censures back to councils and doesn’t have the power to censure, itself. |
<table>
<thead>
<tr>
<th>Which section of the Act does it amend?</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>- Direct council to lodge complaint with SACAT (SACAT can suspend for longer or remove a person from council). If a councillor fails to comply with an order, this is defined as an integrity issue and goes to SACAT (not OPI) and the Panel must make a report to the Minister.</td>
<td></td>
<td>Clarification is required regarding where appeals from Panel go, where there is <strong>not</strong> corruption.</td>
</tr>
<tr>
<td>S262Y</td>
<td>If corruption or integrity issue - it goes to Office of Public Integrity. Council or Panel can refer a matter to OPI.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>S273 Action a Minister can take on Report</td>
<td>A Minister may, on the basis of information received from:</td>
<td></td>
<td>This is the clause that gives the Minister broad powers to direct a council on matters arising out of these bodies.</td>
</tr>
<tr>
<td></td>
<td>- ICAC</td>
<td></td>
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<td></td>
<td>- Ombudsman</td>
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<td></td>
<td>- A Designated Authority under s123</td>
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<td></td>
<td>- A report of the Small Business Commissioner</td>
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<td></td>
<td>- A report of the behavioural standards panel; or</td>
<td></td>
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<td></td>
<td>- A report of a council administrator, ask council why s/he shouldn’t direct the council.</td>
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<tr>
<td></td>
<td>If not satisfied, the Minister can <strong>direct</strong> the council.</td>
<td></td>
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</tr>
</tbody>
</table>
7.2.1 DEBATE REPORT - CHIEF EXECUTIVE OFFICER

7.2.1.4 COVID -19 RECOVERY – BUSINESS AND COMMUNITY GRANT PROGRAMS POLICY AND RULES
B10833-6

PURPOSE
To endorse the policy positions for the two COVID-19 Recovery Plan grant programs so that they can be advertised and submissions opened for applications.

RECOMMENDATION
That Council endorse:

1. COVID-19 Recovery – Business Support Grant Program Policy and Rules and application form as outlined at Attachment 1;

2. COVID-19 Recovery – Community Assistance Grant Program Policy and Rules and application form as outlined at Attachment 2; and

3. The rollout of the programs as outlined in the body of this report.

REPORT

Background and Introduction
The COVID-19 Recovery Plan of Council introduced two short term grant programs to assist community groups and businesses to address COVID-19 costs to restart.

Discussion
Council has set aside $100,000 to assist businesses and $50,000 to support not for profit and community clubs to restart their functions.

The grant programs have been designed to assist with small grants of up to 66% of costs that are to be, or have already been incurred.

Further, the grant program application has been minimalised with the need to provide an application form and estimates or costs incurred, but is also balanced against accountability requirements. Grants will be awarded by Council with the working group undertaking a review of applications and making recommendations. All applications will be tabled with Council.

Those receiving grants will need to undertake a simple acquittal process of reporting the expenses incurred, providing evidence that they were incurred and signing off they have complied with the policy and rules.
Attached at Attachment 1 are the proposed policy and rules for the Business Grant Program under the COVID-19 Recovery Plan; in summary grants are targeted at:

1. Micro and small business;
2. Grants of $1,000 to $3,000;
3. Offsetting minor costs associated with setting up and buying materials to support COVID Safe Plans or support the safe management of operating the business;
4. Assisting in matching funds for other grant applications made by the business;
5. Obtaining necessary business advice or support that is beyond the Regional Development Australia Barossa Gawler Light and Adelaide Plain Business to Business service.
6. Undertaking and support of any marketing and promotion activity;
7. Assisting in seeking assistance to develop a new business plan to re-establish the business and obtain commercial funding; and
8. Any other ideas presented that support a business to be sustainable during the COVID-19 pandemic.

Attached at Attachment 2 are the proposed policy and rules for the Community Assistance Grant Program under the COVID-19 Recovery Plan; in summary grants are targeted at:

1. Not for profit organisations and community groups;
2. Grants of $500 to $3,000;
3. Offsetting minor costs associated with setting up and buying materials to support COVID Safe Plans or support the safe management of clubs and groups;
4. Assisting in matching funds for other external grant applications made by community groups;
5. Undertake re-engagement events that meet COVID-19 State Directions;
6. Purchase of new inventory, materials or other consumables for clubs and groups to operate or commence fund raising activities; and
7. Any other ideas presented that support a community re-engagement and support clubs and groups to be sustainable during the COVID-19 pandemic.

Once approved the proposed first round of applications is planned as follows:

1. Release to the community on 5 August 2020 – media, RDA, BGWA, Tourism Barossa and Visitor Information distribution assistance, website and Facebook;
2. Open for 3 weeks concluding at 5pm Wednesday 26 August 2020;
3. Assessed by working group in week of 31 August 2020;
4. Decisions made by Council on 15 September 2020;
5. All grantee’s notified by 18 September 2020;
6. Distribution of grants as soon as possible on receipt of invoices from grantees;

Depending on the outcome of round 1 a further round can be commenced in October/November 2020 should funds remain or Council determines to fund another round should no funds remain.

Summary and Conclusion
The development of these policy and rules for the grant programs support the COVID-19 recovery plan implementation and are required to commence the rollout of the programs.
ATTACHMENTS OR OTHER SUPPORTING REFERENCES
Attachment 1  COVID-19 Recovery – Business Support Grant Program Policy and Rules and application form
Attachment 2  COVID-19 Recovery – Community Assistance Grant Program Policy and Rules and application form

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan

- Community and Culture
- Health and Wellbeing
- Business and Employment
- How We Work – Good Governance

2.1 Initiate and support activities which encourage participation and pride in the Barossa Council area.
2.3 Contribute to creating strong and sustainable community networks.
2.12 Contribute to a safer community.
4.2 Create opportunities for people of all ages and abilities to participate in the community.
4.4 Support sporting, recreational and community clubs and organisations to grow and be sustainable.
5.1 Work closely with State Government, Federal Government and stakeholders to support economic growth, development and job creation.

Legislative Requirements
Local Government Act

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Resources will be required internally to assist in administration of the grant program.

Grant program budgets have been including in the draft budget.

COMMUNITY CONSULTATION

Advertising and invitations for applications will be made through the channels outlined in this report.
1. **Purpose**

1.1. The purpose of this Policy is to outline the general principles for The Barossa Council’s (“Council’s”) assessment and approval of funding applications under the COVID-19 Recovery Plan – Business Support Grant Program (the Program).

2. **Scope**

2.1. This Policy applies to Council’s Elected Members, working committees and its employees.

2.2. This Policy applies to all grant funding applications made under the Program and as distinct from Council’s base, continuing Community Assistance Scheme Grant program (CASC).

2.3. The Policy sets the general aims and assessment of the Program.

2.4. The Program will only be provided for as long as the COVID-19 Recovery Plan remains relevant and endorsed as a component of that Plan.

3. **Policy Statement**

4.1 **Program Targets**

4.1.1 Council is committed to working in partnership with its community to encourage and support Businesses to recover from the impacts of COVID-19.

4.1.2 The Program is aimed to provide support to Micro and Small Businesses and assist with minor costs to meet COVID-19 Safe Plans and or continued operation of their business in a safe manner.

4.1.3 The Program is for those Businesses which have been impacted by enforced closures and reduced operating capacity through State Directions, these are specifically Hospitality and Tourism sectors but not necessary limited to these sectors.

4.1.4 Council recognises that it is accountable to the community for the management and disbursement of funds and that this must be done in a manner that optimises the benefits to the community. This process must be, and must be seen to be, responsible, transparent and equitable and will require the disclosure of information in public.

4.2 **Application and Guidelines**
4.2.1 Applications will be invited in August 2020, in the first instance. Further rounds will be subject to funding availability.

4.2.2 Applicants cannot apply to both the COVID-19 Recovery – Business Assistance Grant Program and the ongoing Community Assistance Scheme Grant Program.

4.2.3 Applicants shall provide the information requested on the Application Form including any attachments.

4.2.4 The fund is to support businesses, among other things, to:

- Offset minor costs associated with setting up and buying materials to support COVID Safe Plans or support the safe management of operating the business;
- Assist in matching funds for other grant applications made by the business;
- Obtain necessary business advice or support that is beyond the Regional Development Australia Barossa Gawler Light and Adelaide Plain Business to Business service.
- Undertake and support any marketing and promotion activity;
- Assist in seeking assistance to develop a new business plan to re-establish the business and obtain commercial funding; and
- Any other ideas presented that support a business to be sustainable during the COVID-19 pandemic.

4.2.5 The fund will not support a business’s ongoing operating costs.

4.2.6 Expenditure already incurred will be considered due to the timing of the first round of grant applications, however future rounds, should they occur will only be for future expenditure not yet incurred.

4.2.7 Grants are targeted for between $1,000 and $3,000 ex GST each. Larger grants up to $5,000 ex GST will be considered depending on the strength, need and outcomes of the application. The Council may offer a lesser amount to that being sought. There must be at least 33% matched funding.

4.2.8 Community groups, not for profit and other volunteer groups are not eligible for funding from this program. A separate community program is available.

4.2.9 Multiple businesses sharing locations or other arrangements can apply as a group where they meet the conditions, collectively, as outlined in Clause 4.1.2 and 4.1.3.

4.2.10 The applicant will need to provide the following mandatory information in its application:

- Confirmation that it is a business registered with an ABN and for GST or willing to provide a supplier statement in accordance with GST law (in this case the grant will not be grossed up);
- Name address and other relevant details;
• Confirmation that it has incurred a reasonable loss of profit as a result of COVID-19;
• Detail regarding how it will utilise grant funds relevant to 4.2.2 above;
• The amount of the grant being sought;
• Turnover of the business over the past 2 financial years;
• Is the business receiving State or Commonwealth payments through JobKeeper, small business grants or other assistance;
• The number of employees employed at the business;
• The impact on turnover due to COVID-19 restrictions since March 2020;
• Date the grant will be spent by (if the application is for funds already spent then that should be state on the application form)
• Acknowledgement that application details may be made public and applications will be reproduced in full through reporting to the Council, except commercial in confidence information such as turnover;
• Acknowledgement that Council may seek further information to inform itself of the merit of the application.

4.3 Determination of Applications

4.3.1 To assist the application assessment process the COVID-19 Working Party will review applications against the Program criteria and make recommendations to full Council.

4.4 Payment of Grants

4.4.1 Grants for all but those identified in item 4.4.2 are paid on receipt of a tax invoice from the applicant after being informed of receiving a successful grant.

4.4.2 If the Council grant is linked to obtaining third party funding such as another grant or commercial loan or other funding sources then the grant will be paid on evidence of receiving those funds on the presentation of a tax invoice. Council will provide letters of support in this case prior to releasing funding.

4.4.3 All grants will be grossed up for GST as only those registered for GST will be eligible.

4.5 Expenditure of Funds and Acquittal Requirements

4.5.1 A grantee will provide Council an acquittal of funds and reconciliation report consistent with the grant provision within three months of completing the project or incurring the relevant expenditure as outlined in the application.

4.5.2 Acquittal reports maybe subject to Council review, an audit by Councils’ independent auditor, a review by an Oversight or Other Regulatory Body or the Minister.
4.5.3 Grant recipients who do not provide a report will be ineligible for funding in any future grant rounds or other Council assistance until the report is received.

4.5.4 Grant recipients who do not provide a report within 12 months of the initial due date will be required to repay the grant or seek a time extension from Council.

4.6 Other Matters

4.6.1 Publicity

4.6.1.1 Grant recipients agree to acknowledge the funding support from Council in any materials or displays relevant to the provision of the grant.

4.6.1.2 Grant recipients agree to assist Council in publicizing the grants received in Council publications or media.

4.6.2 Grievance

4.6.2.1 All applicants must be informed of the outcome of their application in writing and offered the opportunity to discuss the application process.

4.6.2.2 In accordance with Council’s Internal Review of Council Decision Policy, applicants have the opportunity to request, in writing, an internal review of the decision by Council, if not satisfied with the selection process. The applicant will be notified of the outcome in writing.

5. Supporting Documents

This Policy is supported by:

- COVID-19 Business Support Grant Program – Application Form
- COVID-19 Business Support Grant Program – Acquittal Report

6. Related Policies

- Code of Conduct for Elected Members
- Internal Review of Council Decision Policy

7. Legislation and References

7.1. Chapter 8 – Administrative and financial accountability – Local Government Act 1999

8. Review

This Policy shall be reviewed by the Council after round 1 of the program has been completed.

9. Further Information

9.1. This Policy is available on Council’s website at www.barossa.sa.gov.au. It can also be viewed electronically at Council’s principal office at 43-51 Tanunda Road, Nuriootpa and all Council branches, during ordinary business hours. A copy of this Policy can be obtained at those venues upon payment of a fixed fee.
9.2. Complaints regarding this Policy or its application can be made to the Customer Service team on 8563 8444 or barossa@barossa.sa.gov.au at first instance, who will refer you to the most appropriate officer according to Council’s Customer Service Policy (see clause 9.1 above for availability).

10. Document Control

<table>
<thead>
<tr>
<th>Community Plan Link:</th>
<th>5.1 Work closely with State Government, Federal Government and stakeholders to support economic growth, development and job creation.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Document Owner:</td>
<td>Chief Executive Officer</td>
</tr>
<tr>
<td>Document Control Officer:</td>
<td>Chief Executive Officer │</td>
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<tr>
<td>Consultation Rating:</td>
<td>N/a</td>
</tr>
<tr>
<td>Next Review Date:</td>
<td>31 December 2020</td>
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Version history

<table>
<thead>
<tr>
<th>Version No.</th>
<th>Date</th>
<th>Description of Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.0</td>
<td>DD/MM/YYYY</td>
<td>New Policy</td>
</tr>
</tbody>
</table>

10. Definitions

<table>
<thead>
<tr>
<th>Grant</th>
<th>A sum of money given to organisations or individuals for a specific purpose directed at achieving goals and objectives consistent with Council’s Community Plan.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hospitality and Tourism Sector</td>
<td>Includes cellar doors for wine and food industries, restaurants, cafes, attractions, cultural, heritage and creative industry sectors, disability sector.</td>
</tr>
</tbody>
</table>
| Micro and Small Business | Is any business employing up to 10 staff and a turnover of less the $1M per annum. If the business is operating distinct business components such as a retail offer but also a tourist or hospitality offer the applicant can determine to apply so long as the relevant business component meets this threshold test.  
  The business structure is not relevant as to eligibility be that a sole trader, partnership, company or any other legal arrangement. |
| Minister               | Means the Minister for Local Government                                                                 |
| Oversight or Regulatory Body | Means the Ombudsman, Office for Public Integrity, Independent Commission Against Corruption, SA Police, or the Auditor-General of South Australia |
THE BAROSSA COUNCIL

COVID-19 RECOVERY - BUSINESS SUPPORT GRANT APPLICATION FORM

(Please read the Business Support Grant Program Policy and complete all sections of this form)

<table>
<thead>
<tr>
<th>Related Policy/Process</th>
<th>COVID-19 Recovery – Business Support Grant Program Policy and Rules</th>
<th>Form Number:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Form Owner:</td>
<td>CEO</td>
<td>Last Revised Date: New</td>
</tr>
<tr>
<td>Document Control:</td>
<td>New</td>
<td>TRIM Reference:</td>
</tr>
<tr>
<td>Date Approved:</td>
<td>New</td>
<td>Next Review Date:</td>
</tr>
</tbody>
</table>

Date of Application: / /

1. BUSINESS DETAILS

Name of business: _____________________________________________________________

Physical address of business: __________________________________________________

Postal address of business: ____________________________________________________

2. CONTACT DETAILS FOR THIS BUSINESS

Name: _____________________________________________________________

Position: ______________________________________________________________

Postal Address (for contact person):
_____________________________________________________________________

Mobile:  ______________________________________________________________

Home Phone: (   ) _______________________________________________________

Work Phone: (   ) _______________________________________________________

Email: _________________________________________________________________

Preferred Method of contact
Home Phone ☐ Work Phone ☐ Mobile ☐ Email ☐
3. BUSINESS ABN & GST STATUS

To be eligible, applicants must have an ABN and be Register for GST purposes.

ABN Number: ____________________________________________

Registered for GST: Yes ☐ No ☐

If No will you provide a supplier statement: Yes ☐ No ☐

(Your application is not eligible if you answer ‘No’ to being register for GST and ‘No’ to providing a supplier statement)

4. ABOUT YOUR BUSINESS – THIS WILL REMAIN CONFIDENTIAL

How long has your business been established? yrs mths

Number of employees are employed at the business: _______________________________________

What is the Turnover amount of the business over the past 2 financial years?

2018/2019 __________________________

2019/2020 __________________________

5. GRANT DETAILS

Have COVID-19 restrictions had an impact on business turnover since March 2020?

Yes ☐ (If yes – Provide details) No ☐ (If no you are not eligible)

___________________________________________________________

___________________________________________________________

Amount of grant applied for: $ __________________________

Amount of matching funds: $ __________________________

For what purpose are you applying for the grant (refer 4.2.4 of the Policy and Rules of the grant program)?

(You should outline the estimated or actual costs incurred and what they are for, attached invoices if already incurred or estimates / quotes for other expenses.)

___________________________________________________________

___________________________________________________________

Is this application for funds already spent? Yes ☐ No ☐

Date the grant will be spent by: / / 2020
Any further information which may be relevant to this application

____________________________________________________________________________________________________

____________________________________________________________________________________________________

____________________________________________________________________________________________________

The following declarations are completed by:

Name:

Position:

I acknowledge that by submitting this application, these matters will be public through reporting to the Council.
Yes ☐ No ☐

I acknowledge that by submitting this application, Council may seek further information to inform itself of the merit of the application
Yes ☐ No ☐

I acknowledge that should the application be successful in receiving a grant I shall submit the necessary invoice, acquittal documentation, return any and all surplus funds not required, or, if the funds have not been spent, or, the grant acquittal not completed Council will require the grant to be repaid.
Yes ☐ No ☐

SIGNATURE ___________________________ SIGNATURE ___________________________

POSITION ___________________________ POSITION ___________________________

DATE / / ___ DATE / / /
THE BAROSSA COUNCIL
COVID-19 RECOVERY – COMMUNITY ASSISTANCE GRANT PROGRAM POLICY AND RULES

1. Purpose

1.1. The purpose of this Policy is to outline the general principles for The Barossa Council’s (“Council’s”) assessment and approval of funding applications under the COVID-19 Recovery Plan – Community Assistance Grant Program (the Program).

2. Scope

2.1 This Policy applies to Council’s Elected Members, working committees and its employees.

2.2 This Policy applies to all grant funding applications made under the Program and as distinct from Council’s base, continuing Community Assistance Scheme Grant program (CASC).

2.3 The Policy sets the general aims and assessment of the Program.

2.4 The Program will only be provided for as long as the COVID-19 Recovery Plan remains relevant and endorsed as a component of that Plan.

3. Policy Statement

4.1 Program Targets

4.1.1 Council is committed to working in partnership with its community to encourage and support community organisation to recover from the impacts of COVID-19.

4.1.2 The Program is aimed to provide support to Community Groups, Not for Profit and other Volunteer Groups (Community Groups) with minor costs to meet COVID-19 Safe Plans, assisting clubs and groups to operate in a safe manner.

4.1.3 The Program is for those Community Groups, which have been impacted by enforced closures and reduced operating capacity through State Directions this includes sporting, recreational, heritage and history groups, and cultural and creative industry sectors.

4.1.4 Council recognises that it is accountable to the community for the management and disbursement of funds and that this must be done in a manner that optimises the benefits to the community. This process
must be, and must be seen to be responsible, transparent and equitable and will require the disclosure of information in public.

4.2 Application and Guidelines

4.2.1 Applications will be invited in August 2020, in the first instance. Further rounds will be subject to funding availability.

4.2.2 Applicants cannot apply to both the COVID-19 Recovery – Community Assistance Program and the ongoing Community Assistance Scheme Grant Program.

4.2.3 Applicants shall provide the information requested on the Application Form including any attachments.

4.2.4 The fund is to support community, among other things, to:

- Offset minor costs associated with setting up and buying materials to support COVID Safe Plans or support the safe management of clubs and groups;
- Assist in matching funds for other external grant applications made by community groups;
- Undertake re-engagement events that meet COVID-19 State Directions;
- Purchase of new inventory, materials or other consumables for clubs and groups to operate or commence fund raising activities; and
- Any other ideas presented that support a community re-engagement and support clubs and groups to be sustainable during the COVID-19 pandemic.

4.2.5 The fund will not support Community Group’s ongoing operating costs.

4.2.6 Expenditure already incurred will be considered due to the timing of the first round of grant applications, however future rounds, should they occur will only be for future expenditure not yet incurred.

4.2.7 Grants are targeted for between $500 and $3,000 (ex GST) each. The Council may offer a lesser amount to that being sought. There must be at least 33% matched funding (cash or in-kind).

4.2.8 Businesses are not eligible for this fund. A separate business program is available.

4.2.9 Multiple clubs or groups sharing locations or other arrangements can apply as a group where they meet the conditions, collectively, as outlined in Clause 4.1.2 and 4.1.3.

4.2.10 The applicant will need to provide the following mandatory information in its application:

- Confirmation that it is a Community Group, is incorporated and if applicable, registered with an ABN and for GST or willing to provide a supplier statement in accordance with GST law;
• Name address and other relevant details;
• Confirmation of impact of closure or significant reduction of ability to operate as a result of COVID-19;
• Detail regarding how it will utilize grant funds relevant to 4.2.2 above;
• The amount of the grant being sought;
• Details of the COVID-19 impact;
• Date the grant will be spent by (if the application is for funds already spent then that should be stated on the application form);
• Acknowledgement that application details may be made public through reporting to the Council;
• Acknowledgement that Council may seek further information to inform itself of the merit of the application.

4.3 Determination of Applications

4.3.1 To assist the application assessment process the COVID-19 Working Party will review applications against the Program criteria and make recommendations to full Council.

4.4 Payment of Grants

4.4.1 Grants for all but those identified in item 4.4.2 are paid on receipt of a tax invoice from the applicant after being informed of receiving a successful grant.

4.4.2 If the Council grant is linked to obtaining third party funding such as another grant or commercial loan or other funding sources then the grant will be paid on evidence of receiving those funds and the presentation of a tax invoice. Council will provide letters of support in this case prior to releasing funding.

4.4.3 All grants will be inclusive of GST as only those registered for GST will be eligible.

4.4.3 (Alternative)

Grants will be inclusive of GST for those registered for GST purposes but an application must at least have and active ABN (Australian Business Number) to be eligible.

4.5 Expenditure of Funds and Acquittal Requirements

4.5.1 A grantee will provide Council an acquittal of funds and reconciliation report consistent with the grant provision within three months of completing the project or incurring the relevant expenditure as outlined in the application.

4.5.2 Acquittal reports maybe subject to Council review, an audit by Councils’ independent auditor, a review by an Oversight or Other Regulatory Body or the Minister.
4.5.3 Grant recipients who do not provide a report will be ineligible for funding in any future grant rounds or other Council assistance until the report is received.

4.5.4 Grant recipients who do not provide a report within 12 months of the initial due date will be required to repay the grant or seek a time extension from Council.

4.6 Other Matters

4.6.1 Publicity

4.6.1.1 Grant recipients agree to acknowledge the funding support from Council in any materials or displays relevant to the provision of the grant.

4.6.1.2 Grant recipients agree to assist Council in publicizing the grants received in Council publications or media.

4.6.2 Grievance

4.6.2.1 All applicants must be informed of the outcome of their application in writing and offered the opportunity to discuss the application process.

4.6.2.2 In accordance with Council’s Internal Review of Council Decision Policy, applicants have the opportunity to request, in writing, an internal review of the decision by Council, if not satisfied with the selection process. The applicant will be notified of the outcome in writing.

5. Supporting Documents

This Policy is supported by:

- COVID-19 Community Assistance Grant Program – Application Form
- COVID-19 Community Assistance Grant Program – Acquittal Report

6. Related Policies

- Code of Conduct for Elected Members
- Internal Review of Council Decision Policy

7. Legislation and References

7.1 Chapter 8 – Administrative and financial accountability – Local Government Act 1999

8. Review

This Policy shall be reviewed by the Council after round 1 of the program has been completed.

9. Further Information

9.1. This Policy is available on Council’s website at www.barossa.sa.gov.au. It can also be viewed electronically at Council’s Principal Office at 43-51 Tanunda Road, Nuriootpa and all Council branches, during ordinary business hours. A copy of this Policy can be obtained at those venues upon payment of a fixed fee.
9.2. Complaints regarding this Policy or its application can be made to the Customer Service team on 8563 8444 or barossa@barossa.sa.gov.au at first instance, who will refer you to the most appropriate officer according to Council’s Customer Service Policy (see clause 9.1 above for availability).

10. Document Control

<table>
<thead>
<tr>
<th>Community Plan Link:</th>
<th>2.1 Initiate and support activities which encourage participation and pride in the Barossa Council area.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2.3 Contribute to creating strong and sustainable community networks.</td>
</tr>
<tr>
<td></td>
<td>2.12 Contribute to a safer community.</td>
</tr>
<tr>
<td></td>
<td>4.2 Create opportunities for people of all ages and abilities to participate in the community.</td>
</tr>
<tr>
<td></td>
<td>4.4 Support sporting, recreational and community clubs and organisations to grow and be sustainable.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Document Owner:</th>
<th>Chief Executive Officer</th>
<th>Document Control Officer:</th>
<th>Chief Executive Officer</th>
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<tbody>
<tr>
<td>Consultation Rating:</td>
<td>N/a</td>
<td>Audience: External</td>
<td>Next Review Date:</td>
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<td></td>
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<td>31 December 2020</td>
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<tbody>
<tr>
<td>1.0</td>
<td>DD/MM/YYYY</td>
<td>New Policy</td>
</tr>
</tbody>
</table>

11. Definitions

<table>
<thead>
<tr>
<th>Community Group</th>
<th>Any not for project, voluntary or group including incorporated association that are supporting community outcomes be they recreational, sporting, community wellbeing, industry development or any other community purpose.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grant</td>
<td>A sum of money given to organisations or individuals for a specific purpose directed at achieving goals and objectives consistent with Council’s Community Plan.</td>
</tr>
<tr>
<td>Minister</td>
<td>Means the Minister for Local Government</td>
</tr>
<tr>
<td>Oversight or Regulatory Body</td>
<td>Means the Ombudsman, Office for Public Integrity, Independent Commission Against Corruption, SA Police, or the Auditor-General of South Australia</td>
</tr>
</tbody>
</table>
# COVID-19 RECOVERY - COMMUNITY ASSISTANCE
GRANT APPLICATION FORM

(Please read the Covid-19 Recovery Community Assistance Grant Program Policy and complete all sections of this form)

<table>
<thead>
<tr>
<th>Related Policy/Process</th>
<th>Form Number:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Form Owner:</td>
<td>Last Revised Date:</td>
</tr>
<tr>
<td>Document Control:</td>
<td>TRIM Reference:</td>
</tr>
<tr>
<td>Date Approved:</td>
<td>Next Review Date:</td>
</tr>
</tbody>
</table>

Date of Application: / /

## 1. ORGANISATION DETAILS

Name of organisation:

Physical address of organisation clubroom/facilities/meeting place:

Postal address of organisation:

## 2. CONTACT DETAILS FOR THIS ORGANISATION

Name: 

Position: 

Postal Address (for contact person):

Mobile: 

Home Phone: ( ) 

Work Phone: ( ) 

Email: 

Preferred Method of contact

Home Phone  []  Work Phone  []  Mobile  []  Email  []
3. GROUP/ORGANISATION GST STATUS (PLEASE TICK)

In accordance with current tax legislation, Council is obliged to withhold 46.5% of the grant and forward this amount to the Australian Taxation Office (ATO) if an Australian Business Number (ABN) is not provided prior to payment of funds. Applicants that have an ABN and are GST registered must provide a tax invoice prior to payment being made. Council will gross up the Grant for the appropriate GST amount, provided all requirements in regard to GST are met to Council’s satisfaction.

Applicants that are unable to provide an ABN must legitimately complete a “Statement by Supplier” form which is available from Council. If not provided, Council will be required to withhold 46.5%.

☐ No ABN and not registered for GST
   (Please request and include a ‘Statement by Supplier’ form to go with your application)

☐ ABN but not registered for GST

☐ ABN and registered for GST

☐ Currently applying for ABN/GST registration
   (When received, Council will require this information before funding can be made)

4. PROOF OF INCORPORATION (AS PER GUIDELINE 1.2)

Is your Organisation incorporated?  Yes ☐  No ☐

If No, are you affiliated with an incorporated body or have other legal arrangement?

Yes ☐  (Please note: An auspice agreement is required if the organisation applying for funding is not part of an incorporated body.)

**Auspice Information**

Auspice Organisation Name:  

Contact Person:  

Postal Address:  

Telephone (Bus. Hours) (    )  Email:  

**Auspice Declaration:**

I,  ___________________________________________ certify that  ___________________________________________

will auspice this proposal and take legal and financial responsibility for the administration of any approved grant funds.

Full name of Authorised Officer:  

Title of Authorised Officer:  

Signature:  __________________________ Date:  /  /  

Other Arrangement (please specify):

No ☐  You are ineligible to apply for a COVID-19 Recovery - Community Assistance Grant.
5. ABOUT YOUR ORGANISATION

What are the Aims and Objectives of your Organisation?

________________________________________________________________________________________________________________________________________________________________________________________

How long has your organisation been established? yrs mths

Number of members associated with your organisation:

________________________________________________________________________________________________________________________________________________________________________________________

6. GRANT DETAILS

Has your organisation been impacted by closure of signification reduction of ability to operate as a result of COVID-19? Yes □ (If yes, provide details) No □ (If no you are not eligible)

________________________________________________________________________________________________________________________________________________________________________________________

Amount of grant being applied for: $ __________________________________________

Amount of matching funds: $ __________________________________________

Amount of matching in-kind: $ __________________________________________

(Evidence of in-kind and calculation of its value must be provided)

For what purpose are you applying for the grant (refer 4.2.4 of the Policy and Rules of the grant program)?

(You should outline the estimated or actual costs incurred and what they are for, attached invoices if already incurred or estimates / quotes for other expenses.)

________________________________________________________________________________________________________________________________________________________________________________________

Is this application for funds already spent? Yes □ No □

Date the grant will be spent by: / / 

Any further information which may be relevant to this application

________________________________________________________________________________________________________________________________________________________________________________________
I acknowledge that by submitting this application, these matters will be public through reporting to the Council.

Yes □ No □

I acknowledge that by submitting this application, Council may seek further information to inform itself of the merit of the application.

Yes □ No □

I acknowledge that should the application be successful in receiving a grant I shall submit the necessary invoice, acquittal documentation, return any and all surplus funds not required, or, if the funds have not been spent, or, the grant acquittal not completed Council will require the grant to be repaid.

Yes □ No □

SIGNATURE ___________________________ SIGNATURE ___________________________

POSITION ___________________________ POSITION ___________________________

DATE / / ___ DATE / / /
7.2.1 DEBATE REPORT - CHIEF EXECUTIVE OFFICER

7.2.1.5 LEGATUS NOMINATIONS FOR CHAIR AND DEPUTY CHAIRS
B10496

PURPOSE
Legatus is seeking nominations for office holders in accordance with it Charter.

RECOMMENDATION
That Council receive and note the invitation and decline to nominate Mayor Lange to an office holder position.

OR

That Council nominate Mayor Lange to the position of .............

REPORT
Correspondence from the Legatus Chief Executive Officer has been provided to Council seeking nomination to either the position of Chair or two positions of Deputy Chair of the Legatus Group. Nominations must come from Board members which under the Charter is Mayor Lange. Nominations must be received by one week prior to the Annual General Meeting which is set for 4 September 2020.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES
Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS
Community Plan
How We Work – Good Governance

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

Legislative Requirements
Local Government Act

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS
Nil

COMMUNITY CONSULTATION
Nil
7.2.1. DEBATE REPORT – CHIEF EXECUTIVE OFFICER

7.2.1.6 COMMUNITY EMERGENCY MANAGEMENT POLICY

B3993

PURPOSE
Seeking authorisation of an overarching policy for the internal management of emergency events.

RECOMMENDATION
That Council approve the Community Emergency Management Policy at the Attachment.

REPORT

Background
In 2018, The Barossa Council along with Light Regional Council, Adelaide Plains Council and the Town of Gawler, completed a regional body of work focussed on developing local emergency management risk assessment and planning and implementation documents. This resulted in the following documentation and assessment being completed:

1. Community Resilience and Emergency Management Plan
2. Assessment Report
3. Emergency Management Plan
4. Implementation Plan
5. Risk Register

Importantly the work also assisted in triggering a broader State wide and funded piece of work known as the Council ready program. This program allows us to update our framework, assess and address gaps to ensure alignment with modern planning for emergency events, structure future actions and training and ultimately to assist in being a more prepared Council and therefore community.

Discussion
The Council ready framework provides templates and resources to set in place a consistent emergency management framework both internal to each Council organisation but also the State. Officers have been working with the Local Government Association staff recently and have taken advantage of the assistance on offer to update and modernise our internal systems.

The first step is to complete a Community Emergency Management Policy. The policy is primarily an internal risk document with parameters set by Council, but also an indication to the community of our commitment to emergency management within
an accepted and managed risk environment. The document has been drafted including internal consultation and utilising the Council ready templates. At the Attachment is the draft framework that is for Council consideration and approval. The policy provides the foundation to build the other key components.

The second piece of work includes the development of Incident Operations arrangements which is practically complete and being reviewed by the Council ready staff.

Further work is also being undertaken to assess the above documents outlined in the Background and bring the matters up to date.

Thereafter the program will include support for training and development.

These are matters outlined in our implementation plan from 2018.

The policy itself aims to support the framework by establishing key principles and commitments around many of the activities we already do but at present are contained loosely in internal process and management documents. Specifically the policy outlines our role in the key areas of emergency management being prevention, preparedness, response and recovery and are captured under the policy as:

1. Emergency management, risk management and planning – where we are involved as providing a leading and supportive role.
2. Disaster risk reduction – where we are involved as providing a leading and supportive role.
3. Emergency management incident response – where we are providing a supportive role only.
4. Emergency management incident recovery – where we are involved as providing a leading and supportive role.
5. Support to control agencies - where we are providing a supportive role only.

Summary and Conclusion
The Policy framework in the main is an internal facing risk policy that reflect current practices but is a clear gap in our current system and direction from Council in a role of emergency management.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES
Community Emergency Management Policy – draft for approval

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS
Community Plan

Community and Culture

Health and Wellbeing

2.12 Contribute to a safer community.
4.3 Work with emergency services to prepare for disaster management and recovery.
Legislative Requirements
Local Government Act
State Emergency Management Act
State Emergency Management Plan

**FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS**

The policy sets a framework for existing activities. Any emergency management events will incur additional costs and would be reported to Council on a case by case basis.

**COMMUNITY CONSULTATION**

The Policy is primarily an internal risk management document therefore no consultation is required or considered necessary at this time.
1. Purpose

1.1 The purpose of the policy is to:

1.1.1 Define The Barossa Council’s roles and responsibilities in community emergency management;

1.1.2 Ensure that The Barossa Council (Council) maintains appropriate delegations and authority to undertake its community emergency management responsibilities;

1.1.3 Ensure that Council prepares and maintains appropriate community emergency management documents;

1.1.4 Support Council to maintain safe working practices during emergencies; and

1.1.5 Support and maintain effective protection for Council workers, assets and liabilities associated with emergency management activities.

2. Scope

2.1 This policy applies to Council in exercising powers and functions under the Local Government Act and agreements to which it is a party in the State of South Australia.

3. Policy Statement


3.2 Emergency Management Risk Management and Planning

3.2.1 Council will contribute to the safety of its community by undertaking reasonably practical Community Emergency planning and preparedness activities including the identification of emergency scenarios, risk assessment, identification of risk reduction measures and implementation of preparedness strategies.

3.2.2 Management activities may include:

- building and promoting community disaster resilience;
- undertaking cost-effective measures to mitigate the effects of emergencies on local communities, including routinely conducting emergency risk assessments;
- systematically taking proper account of risk assessments in land-use planning to reduce hazard risk;
• representing community interests in emergency management to other spheres of government and contributing to decision-making processes;
• ensuring all requisite local emergency planning and preparedness measures are undertaken;
• undertaking public education and awareness to support community-preparedness measures.

3.3 Disaster Risk Reduction

3.3.1 Council will reference the National Risk Assessment Guidelines for Emergencies in supporting the development of risk assessments for community emergency management.

3.3.2 Council will maintain a Community Emergency Management Plan along with Incident Operations Arrangements and Recovery Arrangements documentation that support the implementation of this policy.

3.4 Emergency Management Incident Response

3.4.1 Council shall support the Local Government Emergency Management Framework and State Emergency Management Plan where it is deemed appropriate and safe to do so by:

3.4.1.1 Ensuring adequate local Council emergency response capability is in place.

3.4.1.2 Ensure appropriate local resources and arrangements are in place to provide and support emergency relief and recovery services to communities.

3.4.1.3 Participate in post-emergency lessons management processes including debriefs and reviews.

3.4.2 Council will develop locally relevant operational arrangements and build capacity to participate in the Local Government Functional Support Group.

3.5 Emergency Management Incident Recovery

3.5.1 Council will support recovery efforts after an incident where reasonable within the scope of the event and subject to budgetary impacts and resource availability. This shall include leadership, community liaison and development, advocacy and the seeking of grants and other funding assistance.

3.5.2 Council’s approach to the provision of support will be based on ensuring a coordinated approach across governments, agencies, the community and fellow local government areas.

3.6 Support to Control Agencies and Emergency Services

3.6.1 Council’s capacity to contribute to emergency response activities and support for agencies is shaped by requirements set out within the Work Health and Safety Act 2012. Occasionally Council employees and/or equipment will be requested to support control agencies and emergency services in managing an emergency.
3.6.2 When Council resources are made available to support control agencies and emergency services this will be in accordance with:

- Council’s incident operations arrangements;
- Local Government Association South Australia Mutual Protection guide for incident operations;
- The Local Government Incident Operations guide (including i-Responda).

3.6.3 To maintain effective worker’s compensation and liability coverage when supporting emergency services and control agencies in incident operations, Council will:

- Apply appropriate risk management principles; and
- Have regard to the arrangements of the LGA Asset Mutual Fund, the LGA Workers Compensation Scheme and LGA Mutual Liability Scheme.

3.6.4 Council resources will operate in line with the i-Responda operational platform and LGFSG operational arrangements.

3.6.5 No Council employee or volunteer at the time of response to an incident will be at the ‘frontline’ of an event unless an appropriate risk assessment has been undertaken and approved by the relevant Health and Safety Representative, Supervisor and Director or Chief Executive Officer.

4. **Supporting Process and Documents**

4.1 The Barossa Council will maintain and develop documentation to describe the strategies and actions that Council will take to implement this policy.

- Community Plan
- Corporate Plan
- Community Emergency Management Plan
- Community Incident Operations Arrangements
- Community Recovery Arrangements
- Business Continuity Plan and Sub-Plans
- Workplace Emergency Management Plans
- Risk Management Framework and Policy

5. **Review**

5.1 This Policy will be reviewed by the Policy Owner in consultation with the relevant stakeholders, within four (4) years or more frequently if legislation or Council’s need changes.

6. **Further Information**

6.1 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.
6.2 Complaints regarding this Policy or its application can be made to the Customer Service team on 8563 8444 or barossa@barossa.sa.gov.au at first instance, who will refer you to the most appropriate officer according to Council’s Customer Service Policy.

7. Document Control

| Corporate Plan Link: | 6.2 Ensure that Council’s policy and process frameworks are based on principles of sound governance and meet legislative requirements |
| Community Plan Link: | 2.12 Contribute to a safer community.  
4.3 Work with emergency services to prepare for disaster management and recovery. |
| Document Owner: | Chief Executive Officer |
| Document Control Officer: | Manager Executive Services |
| Consultation Rating: | A |
| Audience: | External |
| Next Review Date: | DD/MM/YYYY |

Version history

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8. Definitions

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employee</td>
<td>All full-time, part-time and casual employees of The Barossa Council including trainees, apprentices, and on-hire employees.</td>
</tr>
<tr>
<td>i-Responda</td>
<td>Is an operation platform available to Council for the management of incident response.</td>
</tr>
<tr>
<td>LGA</td>
<td>Local Government Association of South Australia.</td>
</tr>
<tr>
<td>LGFSG</td>
<td>The Barossa Council is a participating organisation of the Local Government Functional Support Group (LGFSG). The LGFSG has the responsibility of “Coordinating response from local government during an emergency” in accordance with Section 2.2 of Part Two of the State Emergency Management Plan.</td>
</tr>
<tr>
<td>Supervisor</td>
<td>Any direct line supervisor, including Chief Executive Officer, Director, Team Manager, Line Manager, Coordinator, Supervisor or Leading Worker who are responsible for Worker(s) reporting to them.</td>
</tr>
<tr>
<td>Volunteers</td>
<td>Any person who is registered as a volunteer with The Barossa Council.</td>
</tr>
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</table>
7.2.1 DEBATE REPORT - CHIEF EXECUTIVE OFFICER

7.2.1.7 LEGATUS CHARTER AMENDMENTS
B10496

PURPOSE
Legatus is seeking endorsement of minor and administrative Charter amendments.

RECOMMENDATION
That Council having reviewed the charter amendment proposals to the Legatus Charter approve the changes recommended to Item 5 of the Charter.

REPORT
Correspondence from the Legatus Chief Executive Officer has been provided to Council seeking minor amendments to the Charter for Legatus, it is at the Attachment.

The amendments are related to the timing of the budget and business plan processes. They are administrative in nature and have little bearing on the role of the organisation its efficiency or the guarantee provided by Councils to the subsidiary.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES
Legatus Charter Amendments

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS
Community Plan
How We Work – Good Governance

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

Legislative Requirements
Local Government Act

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS
Nil

COMMUNITY CONSULTATION
Nil
Dear Legatus Group Chair and CEOs,

The Legatus Group meeting 5 June 2020 received a report from the Legatus Group Audit and Risk Management Committee and the following items were approved:

1) That the Legatus Group endorse 3 new Policies (1) Working from Home (2) Agenda items and Meeting Presentations (3) Board Members Code of Conduct and noted the report of the review of the policies, that there is no need for any changes to current policies.

Please note that these 3 policies along with all others can be found at: https://legatus.sa.gov.au/legatus-group-policies/

2) That the Legatus Group endorses a change to the Legatus Group Charter Item 5 as outlined in Item 3.2 of the Legatus Group Audit and Risk Management Committee meeting held on 22 May 2020 and that the Legatus Group CEO be requested to provide a report to the Constituent Councils seeking a resolution from each council.

The changes to Item 5 of the Legatus Group Charter which are seeking a resolution from your council is to replace the current item 5 with the following:

Item 5: The Budget
a) The proposed Annual Business Plan and the Budget must be referred to the Constituent Councils at least eight (8) weeks prior to the date of the meeting at which the budget is to be adopted.
b) Constituent Councils may comment on the Annual Business Plan and the Budget in writing to the Chief Executive Officer at least ten (10) business days before the meeting at which the budget is to be adopted or through its Board Member at that meeting.
c) The Legatus Group must adopt the Annual Business Plan and Budget after 31 May and before 30 June for the ensuing Financial Year.
d) The Legatus Group must 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.
e) Reports summarising the financial position and performance of the Legatus Group against the Budget must be prepared and presented to the Board at each ordinary meeting of the Board and copies provided to the Constituent Councils.
f) The Legatus Group must reconsider its Budget in accordance with the Act and in a manner consistent with the Act and may amend its Budget for a Financial Year at any time before the year ends.
g) The Legatus Group must submit to each Constituent Council for approval, any proposed amendment to the Budget that provides for an additional financial contribution by the Constituent Councils.
h) The contents of the Budget must be in accordance with the Act.
Background:

The Charter (attached) may be amended by a resolution passed by a simple majority of the Constituent Councils. Before the Constituent Councils vote on a proposal to alter this Charter they must take into account any recommendation of the Board.

The Audit and Risk Management Committee based their recommendation to the Board on the observations of the time delays and the requirements for gaining approval from constituent council on the budget of the Legatus Group. The current Charter requires constituent councils to approve both the budget and any reviews.

They also noted the requirements from three other Regional LGA Charters on their budget approval process.

The Legatus Group budget and review currently requires approval by all 15 constituent councils which is occurring on a minimum of twice each year. The constituent councils are required to receive quarterly and annual financial reports which include a report against the budget and there are no requirements for approval of the quarterly reports by constituent councils.

The Legatus Group Audit and Risk Management Committee receives and comment on the draft and reviews of the budget as does the Legatus Group Board whilst both also receive financial reports for recommendations and approvals. The Legatus Group Management Group (CEOs) also have the opportunity to discuss the financial reports.

The timelines in developing the Legatus Group annual budget requires it to be developed by the end of March. This is due to the Charter requiring all constituent councils to approve and this process of approval can take between 6-8 weeks to gain approval and then be presented to the Board.

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.

There are a number of uncertainties associated with the budget as up to 50% or more of the budget comprises grants which in many cases are unknown at the time of developing the budget. There are some funding opportunities which arise during the year that can impact on the budget. This can result in the need for a review of the budget at each board meeting.

Constituent Councils contributions vary in their percentage of the budget but in the past 3-4 years each council contribution is between 2-3% of the Annual Budget.

The Legatus Group Charter says the Board must reconsider its Budget in accordance with the Act in a manner consistent with the Act and may with the approval of the Constituent Councils amend its Budget for a Financial Year at any time before the year ends. Again, this process can take 6-8 weeks to gain approvals before being presented to the board.

The changes approved by the Audit Committee and the Legatus Group Board are designed to assist with streamlining the process whilst ensuring that Constituent Councils can provide responses to the Board on the Budget. Councils contributions are set at the AGM. Whilst noting that approval would be required to any budget variations if there was a proposed increased financial contribution by the Constituent Councils.

As such I am seeking a response from your council by Wednesday 12 August 2020 so it can be included as agenda items for the Audit and Risk Management Committee August meeting and then the Legatus Group September Board meeting.

Kind regards, Simon

Simon Millcock
ACEcD
Chief Executive Officer
7.2.1. DEBATE AGENDA – CHIEF EXECUTIVE OFFICER

7.2.1.8  
ANNUAL REPORT ON THE INTERNAL REVIEW OF COUNCIL DECISIONS 2019-2020  
B10188

Author: Governance Advisor

PURPOSE

Council is asked to approve the annual report on the Internal Review of Council decision applications for the financial year as is required under the Local Government Act 1999.

RECOMMENDATION


(2) That Council receives and notes the letter from the Ombudsman dated 3 April 2020, at Attachment 5, regarding a complaint made to the Ombudsman, associated with a section 270 internal review included in this report.

REPORT

Background

Section 270 (1) of the Local Government Act 1999 ("the Act") requires a Council to establish procedures for the review of decisions of:
(a) the council;
(b) employees of the council;
(c) other persons acting on behalf of the council.

Section 270(8) of the Act further states:
"A Council must, on an annual basis, initiate and consider a report that relates to –
(a) The number of applications for review made under this section; and
(b) The kinds of matters to which the applications relate; and
(c) The outcome of applications under this section; and
(d) Such other matters as may be prescribed by the regulations."
Additionally, Council’s Internal Review of Council Decisions Process requires this report to Council in July each year to include an attached Statement of Resources and a summary of how the outcomes have been used to improve Council’s customer service, policies and processes.

Introduction

Four applications for Internal Review under Section 270 were received between 1 July 2019 and 30 June 2020. All four applications were regarding decisions relating to the Chateau Tanuda land swap and Barossa Culture Hub project, specifically:

1. review of 20 August 2019 Council decision regarding approval to authorise the draft Contract for the Exchange of land; proceed with final negotiations of the Keil Estate Indenture Deed; and proceed with the settlement of the land exchange;
2. Review of 20 August 2019 Council decision regarding the next steps of the Big Project prioritisation and financial modelling – Barossa Culture Hub;
3. Review of the 28 January 2020 Council decision to authorise the execution of the Keil Estate Indenture Deed;
4. Review of the 20 August 2019 Council decision regarding the next steps of the Big Project prioritisation and financial modelling – Barossa Culture Hub.

Of the four applications received, it should be noted that three applications i.e. (2), (3) and (4) above, were refused by Council.

Discussion

In summary the matters were:

1. **Internal Review – Contract for Exchange of Land and final negotiations of Keil Estate Indenture Deed – received 4 September 2019**

The Applicants made a request for an Internal Review of the Council decision made at its meeting on 20 August 2019 regarding the exchange of land with Chateau Tanunda. Specifically, the decision authorised the Contract for Exchange of Land and final negotiations of the Keil Estate Indenture Deed.

The review involved:

- Appointment of external reviewer, Ms Felice D’Agostino of Norman Waterhouse Lawyers to provide an independent investigation and recommendation in accordance with the Policy and Process;
- During the review, the external reviewer looked at whether it was appropriate that only one valuation of the relevant land had been obtained, despite the relevant Council policy requiring a minimum of two land valuations;
- During the investigation review process, the applicants were given the opportunity to provide further submissions to support the application, and review the draft review report;
- The applicants were provided an extension of time at their request, for submissions on the draft review report, however, later declined to make a submission. Upon the external reviewer issuing her final report, the applicants then sought an opportunity to provide a submission on the report. The matter was deferred until the applicants had been provided a further opportunity to
provide a submission. However, the applicants did not provide a submission by the extended deadline;

- Ms D’Agostino’s report, which was provided to Council and the applicants on 5 November 2019, reviewed whether the decision made by Council was legally, procedurally and meritoriously correct.

The external reviewer’s report concluded that the Council decision of 20 August 2019 was the ‘best and preferable decision’ and recommended that Council reconsider all information before it at the time it made the decision, and information submitted by the Applicants and the review report and determine whether the decision is the best and/or preferable decision.

The external reviewer’s report also concluded that it was appropriate for Council to dispense with the need to obtain two valuations and proceed with one valuation and recommended that Council consider whether one valuation is appropriate.

Accordingly, Council determined at its meeting on 17 December 2019 that it was satisfied that the original decision of 20 August 2019 was ‘legally, procedurally and meritoriously correct’, and that the decision was the best and/or preferable decision. Council also resolved to dispense with the requirement of two valuations, and to proceed with one valuation of the property.

A table detailing the resources expended to date on this review is attached at Attachment 1 for information.

The Applicant was provided with the determination of the review on 20 December 2019.

To date, Council is not aware that any subsequent right of external review to the Ombudsman has been exercised by the Applicants.

2. Internal Review – Big Project prioritisation and financial modelling – Barossa Culture Hub – received 16 September 2019

The Applicant made a request for an Internal Review of the Council decision made at its meeting on 20 August 2019 regarding the next steps of the Big Project prioritisation and financial modelling. The prioritisation plans included the Barossa Culture Hub.

Ms Felice D’Agostino of Norman Waterhouse Lawyers was appointed as external reviewer to provide an independent investigation and recommendation in accordance with the Policy and Process. During the investigation review process, the applicants were given the opportunity to provide further submissions to support the application, and review the draft review report.

The external reviewer’s report concluded that the Applicant did not have sufficient interest in the decision and recommended that Council refuse to consider the application on that basis.

The external reviewer’s report and all documents associated with the application were presented to Council at its meeting on 17 March 2020 for consideration of
whether the applicant had sufficient interest in the decision and whether the application should be refused on that basis. Upon considering the matter, Council resolved to refuse the application on the basis that the applicant lacked sufficient interest in the decision.

A table detailing the resources expended to date on this review is attached at Attachment 2 for information.

The Applicant was provided with the determination of the review on 19 March 2020.

A complaint was made by other applicants to the Ombudsman, which included matters relating to this application. The complaint is discussed in this report at item 4, below.

3. **Internal Review – Keil Estate Indenture Deed – received 4 February 2020**

The Applicants made a request for an Internal Review of the Council decision made at its meeting on 28 January 2020 regarding the authorisation for the Mayor and CEO to execute the Keil Estate Indenture Deed, a document associated with the land swap matter.

The matters contained in the application were assessed and due to the nature of the issues raised, addressed by the Internal Review Contact Officer (Council’s Governance Advisor) directly to the Applicants. Following this, upon the applicants seeking to pursue the section 270 review notwithstanding the IRCO’s correspondence, the CEO assessed the application and concluded that it was, in his view, frivolous and proposed to present the application and all associated correspondence to Council for consideration of whether the application should be refused on that basis.

The applicants were notified of the CEO’s proposal on 20 February 2020 and provided an opportunity to make submissions on his findings. A submission was made by the Applicants’ legal representa

A table detailing the resources expended to date on this review is attached at Attachment 3 for information.

The Applicant was provided with the determination of the review on 27 April 2020.

To date, Council is not aware that any subsequent right of external review to the Ombudsman has been exercised by the Applicants.

4. **Internal Review – Big Project prioritisation and financial modelling – Barossa Culture Hub – received 10 February 2020**

Officers received a request for Internal Review of the Council decision made at its meeting on 20 August 2019 regarding the next steps of the Big Project prioritisation and financial modelling. This application was almost identical to a previous application received in September 2019 (refer item 2 above), however, was made
by different applicants. The September application, discussed above in item 2, was refused by Council at its March 2020 meeting, on the basis that the applicant did not have sufficient interest in the decision.

Due to the previous application being refused for lack of sufficient interest, and the Applicants in this matter not stating an interest that was over and above that of the previous Applicant (refer item 2 above), the CEO concluded that the Applicants in this matter did not have sufficient interest and proposed to present the application to the Elected Body for consideration. The Applicants were notified of this proposal on 27 March 2020 and invited to make submissions on the CEO’s findings. A submission was received from the applicants and the matter, including the Council decision with respect to the previous identical application, was presented to Council at its meeting on 21 April 2020. Council determined to refuse the application on the basis that the Applicants did not have sufficient interest in the decision.

A table detailing the resources expended to date on this review is attached at Attachment 4 for information.

The Applicant was provided with the determination of the review on 27 April 2020.

The applicants made a complaint to the Ombudsman SA, with respect to this matter, the section 270 review discussed at item 2 above, and other matters not part of the section 270 review. Following assessment and investigation of the complaint, the Ombudsman found that ‘it does not appear that [The Barossa Council] has acted in a way that is unlawful, unreasonable or wrong within the meaning of the Ombudsman Act. Accordingly, I do not consider that further enquiries into your complaint by my Office are necessary or justifiable’. Officers received authorisation from the Ombudsman’s office to disclose the Ombudsman’s letter on 8 July 2020, and accordingly, attach the letter to this report at Attachment 5.

**Summary - Section 270 internal review applications – Chateau Tanunda Land Swap and Barossa Regional Culture Hub**

For the information of the Elected Body, officers deemed it necessary to include a summary of all section 270 internal review applications received with respect to the Chateau Tanunda Land swap and Barossa Culture Hub matter.

Since the initial Council decision to revoke the community land status over the Council-owned land that is the subject of the land swap on 26 April 2018, Council has received a total of six applications on the land swap and Barossa Regional Culture Hub matter (including the applications discussed in this report at items 1 to 4 above). The applications were made by two sets of applicants, who are working together. The following is a breakdown of costs associated with each of these matters as accrued by Council, and the total cost to Council to-date, since the first application was lodged in 2018.

<table>
<thead>
<tr>
<th>Ref</th>
<th>Financial year</th>
<th>Description of matter</th>
<th>Cost to Council</th>
</tr>
</thead>
<tbody>
<tr>
<td>B8086</td>
<td>2017/18</td>
<td>Review of 26 April 2018 Council decision to revoke the community land classification over 11 and 12 Basedow Road</td>
<td>$8,666.18</td>
</tr>
<tr>
<td>Reference</td>
<td>Year</td>
<td>Description</td>
<td>Cost</td>
</tr>
<tr>
<td>-----------</td>
<td>------</td>
<td>-----------------------------------------------------------------------------</td>
<td>------------</td>
</tr>
<tr>
<td>B8388</td>
<td>2018/19</td>
<td>Review of 27 June 2018 Council decision regarding the community consultation process for the Barossa Regional Culture Hub</td>
<td>$3,987.94</td>
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<tr>
<td>B10114</td>
<td>2019/20</td>
<td>Review of 20 August 2019 Council decision regarding approval to authorise the draft Contract for the Exchange of land; proceed with final negotiations of the Keil Estate Indenture Deed; and proceed with the settlement of the land exchange</td>
<td>$4,164.67</td>
</tr>
<tr>
<td>B10150</td>
<td>2019/20</td>
<td>Review of 20 August 2019 Council decision regarding the next steps of the Big Project prioritisation and financial modelling – Barossa Culture Hub</td>
<td>$4,859.00</td>
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<tr>
<td>B10682</td>
<td>2019/20</td>
<td>Review of the 28 January 2020 Council decision to authorise the execution of the Keil Estate Indenture Deed</td>
<td>$6,045.60</td>
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<tr>
<td>B10703</td>
<td>2019/20</td>
<td>Review of the 20 August 2019 Council decision regarding the next steps of the Big Project prioritisation and financial modelling – Barossa Culture Hub</td>
<td>$2,971.82</td>
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<tr>
<td></td>
<td></td>
<td><strong>Total cost to Council to-date</strong></td>
<td><strong>$30,695.21</strong></td>
</tr>
</tbody>
</table>

To date, the total cost to Council in dealing with section 270 internal review applications made on the Chateau Tanunda land swap and Barossa Culture hub is $30,695.21.

**Summary - Matters progressed to the Ombudsman SA**

Officers are aware that these matters have progressed to the Ombudsman multiple times, with the latest Ombudsman findings discussed at item 4 above, and attached at Attachment 5.

Prior to this, officers are aware of two complaints were made by the two sets of applicants to the Ombudsman in 2018 with respect to the section 270 internal reviews that were carried out regarding Council’s decision to revoke the community land over the Council-owned land subject to the Chateau Tanunda land swap (i.e. Allotments 11 and 12 Basedow Road, Tanunda); and the Council decision regarding the Barossa Culture public consultation.

For the former, the Ombudsman found that in light of the evidence “it does not appear....that the Council has possibly acted in a way that is unlawful, unreasonable or wrong within the meaning of the Ombudsman Act”. A copy of the Chief Executive Officer report presented to Council on 18 September 2018 is attached at Attachment 6 for the Elected Body’s information.

For the latter, the Ombudsman found that ‘it does not appear to me that [The Barossa Council] or the [external] reviewer [appointed to undertake the section 270 review] has acted in a way that may possibly be unlawful, unreasonable or wrong within the meaning of the Ombudsman Act or the Local Government Act’. A copy of the Chief Executive Officer report presented to Council on 18 December 2018...
(and associated minutes of the meeting) is attached at Attachment 7 for the Elected Body’s information.

The applicants have notified Council via various correspondence, that they have made complaints relating to the land swap and Barossa Culture Hub matter, to other oversight bodies. However, Council has not been officially asked to respond to any other complaints.

Copies of the annual reports for financial years 2017/18 and 2018/19, including details of the costs associated with these reviews, are attached at Attachment 8 for the Elected Body’s information.

Summary

Council is asked to receive and approve the annual report on the internal review of Council decision 2019/20, and receive and note the letter from the Ombudsman dated 3 April 2020.

Attachments

Attachment 1: Assessment of resources – Application: Contract for Exchange of Land and final negotiations of Keil Estate Indenture Deed – received 4 September 2019 (Ref: 19/58360)

Attachment 2: Assessment of resources – Application: Big Project prioritisation and financial modelling – Barossa Culture Hub – received 16 September 2019 (Ref: 20/5662)

Attachment 3: Assessment of resources – Application: Keil Estate Indenture Deed – received 4 February 2020 (Ref: 20/34708)

Attachment 4: Assessment of resources – Application: Big Project prioritisation and financial modelling – Barossa Culture Hub – received 10 February 2020 (Ref: 20/35028)

Attachment 5: Copy of Ombudsman letter regarding complaint, received on 3 April 2020 (Ref: 20/36038)

Attachment 6: Copy of Chief Executive Officer report of 18 September 2018 – Item 7.2.1.2 – Ombudsman Reports – Chateau Tanunda Land Swap – Revocation of Community Land Status of Council Land (extract of agenda and minutes) (Ref: 20/36294)

Attachment 7: Copy of Chief Executive Officer report presented to Council on 18 December 2018 – Item 4.2.1.1 – Consensus Agenda – Correspondence from Ombudsman – Complaint Regarding The Barossa Regional Culture Hub (extract of agenda and minutes) (Ref: 20/36296)

Attachment 8: Copies of annual reports on the internal review of Council decisions - 2017/18 and 2018/19 (extract of agenda and minutes) (20/36302)
How we work – Good Governance:
6.2 Ensure that Council’s policy and process frameworks are based on principles of sound governance and meet legislative requirements.

**Legislative Requirements**
Local Government Act 1999, Section 270

### FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

**Finance**
As per attachments

**Resource**
As per attachments

**Risk Management**
In reviewing these decisions, Council assesses if it is managing risk appropriately and makes policy and process improvements if needed.

### COMMUNITY CONSULTATION
Not required under Legislation and Council’s Public Consultation Policy.
<table>
<thead>
<tr>
<th>Date</th>
<th>Office (ie: IRCO, Reviewer including regular position, interviewees)</th>
<th>Activity (research, interviewing, report writing etc.)</th>
<th>Level of Officer</th>
<th>Hourly rate for officer + 20% Full Cost Attribution (a)</th>
<th>Time taken (minutes) (b)</th>
<th>Cost $ (based on hourly rate) (a) x (b)</th>
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<tbody>
<tr>
<td>5/09/2019</td>
<td>IRCO/ Governance Advisor</td>
<td>Reviewing application for review, reviewing against policy and process and briefing/meeting with the CEO to determine next steps</td>
<td>Level 6</td>
<td>$55.00</td>
<td>20</td>
<td>$18.33</td>
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<td>5/09/2019</td>
<td>CEO</td>
<td>Meeting with IRCO to determine next steps</td>
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<td>$160.02</td>
<td>10</td>
<td>$26.67</td>
</tr>
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<td>5/09/2019</td>
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<td>Emailing Felice D’Agostino of Norman Waterhouse Lawyers for quote to conduct review, providing documents and consideration of whether matter falls under scope of policy and process</td>
<td>Level 6</td>
<td>$55.00</td>
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<td>$22.92</td>
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<td>9/09/2019</td>
<td>IRCO/ Governance Advisor</td>
<td>Drafting confirmation of receipt letter to the applicants and sending letter (CC to CEO)</td>
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<td>15</td>
<td>$13.75</td>
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<td>Telephone attendance with applicant, Ms Shelley James, and drafting file note for records</td>
<td>Level 6</td>
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<td>10</td>
<td>$9.17</td>
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<td>Level 6</td>
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<td>$4.58</td>
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<td>13/09/2019</td>
<td>IRCO/ Governance Advisor</td>
<td>Telephone attendance with Felice D’Agostino of Norman Waterhouse Lawyers regarding application and appointment as external reviewer and drafting file note for records</td>
<td>Level 6</td>
<td>$55.00</td>
<td>20</td>
<td>$18.33</td>
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<tr>
<td>13/09/2019</td>
<td>IRCO/ Governance Advisor</td>
<td>Reviewing response from external application and liaising with CEO on appointment and next steps</td>
<td>Level 6</td>
<td>$55.00</td>
<td>20</td>
<td>$18.33</td>
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<td>13/09/2019</td>
<td>CEO</td>
<td>Liaising with IRCO/GA on appointment of external reviewer and next steps</td>
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<td>$160.02</td>
<td>10</td>
<td>$26.67</td>
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<td>Providing confirmation of appointment of Felice D’Agostino as external reviewer</td>
<td>CEO</td>
<td>$160.02</td>
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<tr>
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<td>13/09/2019</td>
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<td>Email to Felice D’Agostino of Norman Waterhouse confirming appointment as</td>
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<td>Drafting letter to applicants confirming appointment of external reviewer</td>
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<td>$18.33</td>
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<td></td>
<td>Advisor</td>
<td>and timeframes for completion of review (CC’d to external reviewer)</td>
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<tr>
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<td>Reviewing and finalising letter to the applicants confirming appointment of</td>
<td>CEO</td>
<td>10</td>
<td>$160.02</td>
<td>$26.67</td>
</tr>
<tr>
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<td>external reviewer and timeframes for completion of review</td>
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<td>18/09/2019</td>
<td>IRCO/ Governance</td>
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<tr>
<td>18/09/2019</td>
<td>CEO</td>
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<td>30/09/2019</td>
<td>IRCO/ Governance</td>
<td>Following up with external reviewer on timeframes in relation to the</td>
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<td>20</td>
<td>$55.00</td>
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<td>1/10/2019</td>
<td>CEO</td>
<td>Discussing updated timeframes with IRCO / GA</td>
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<td>5</td>
<td>$160.02</td>
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<td>3/10/2019</td>
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<td>$13.75</td>
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<td></td>
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<td></td>
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<td>$4.58</td>
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<td></td>
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<tr>
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<td>Perusing correspondence from external reviewer to applicants issuing the</td>
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<td></td>
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<td>draft preliminary report to the applicants and giving an opportunity to</td>
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<tr>
<td></td>
<td></td>
<td>applicants to provide feedback on the draft preliminary report; and</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>updating the CEO</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Date</td>
<td>Time</td>
<td>Description</td>
<td>Level</td>
<td>Hour</td>
<td>Rate</td>
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</tr>
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<td>-------</td>
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<tr>
<td>15/10/2019</td>
<td>CEO</td>
<td>Perusing correspondence from external reviewer to applicants issuing the draft preliminary report to the applicants and giving an opportunity to applicants to provide feedback on the draft preliminary report</td>
<td>CEO</td>
<td>30</td>
<td>$160.02</td>
<td>$80.01</td>
</tr>
<tr>
<td>29/10/2019</td>
<td>IRCO/ Governance Advisor</td>
<td>Following up with external reviewer on whether applicants provided comments to the draft preliminary report and updating the Acting CEO</td>
<td>Level 6</td>
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<td>$55.00</td>
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<td>Acting CEO</td>
<td>Perusing IRCO's update on matter</td>
<td>Acting CEO</td>
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<td>$26.67</td>
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<tr>
<td>5/11/2019</td>
<td>IRCO/ Governance Advisor</td>
<td>Reviewing external reviewer's final report received 5 November 2019 and updating Acting CEO</td>
<td>Level 6</td>
<td>30</td>
<td>$55.00</td>
<td>$27.50</td>
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<tr>
<td>5/11/2019</td>
<td>Acting CEO</td>
<td>Reviewing external reviewer's final report received 5 November 2019</td>
<td>Acting CEO</td>
<td>30</td>
<td>$160.02</td>
<td>$80.01</td>
</tr>
<tr>
<td>6/11/2019</td>
<td>IRCO/ Governance Advisor</td>
<td>Drafting Council report</td>
<td>Level 6</td>
<td>90</td>
<td>$55.00</td>
<td>$82.50</td>
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<tr>
<td>11/11/2019</td>
<td>IRCO/ Governance Advisor</td>
<td>Telephone call from external reviewer advising applicants have changed their minds about not wanting to provide submissions on the reviewer's report and now want the opportunity to make submissions; and discussing deferring matter for Council's consideration at December meeting with CEO, to allow applicants the opportunity to make submissions on the report</td>
<td>Level 6</td>
<td>15</td>
<td>$55.00</td>
<td>$13.75</td>
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<tr>
<td>11/11/2019</td>
<td>CEO</td>
<td>Advising IRCO that matter is to be deferred to the December Council meeting for Council's consideration</td>
<td>CEO</td>
<td>5</td>
<td>$160.02</td>
<td>$13.33</td>
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<tr>
<td>11/11/2019</td>
<td>IRCO/ Governance Advisor</td>
<td>Advising external reviewer of CEO's determination to defer matter</td>
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<tr>
<td>14/11/2019</td>
<td>IRCO/ Governance Advisor</td>
<td>Telephone conversation with external reviewer on recent updates; reviewing external reviewer's email to applicants provided to Council for records and forwarding to CEO for information</td>
<td>Level 7</td>
<td>20</td>
<td>$55.00</td>
<td>$18.33</td>
</tr>
<tr>
<td>15/11/2019</td>
<td>IRCO/ Governance Advisor</td>
<td>Reviewing external reviewer's email to applicants provided to Council for records</td>
<td>CEO</td>
<td>20</td>
<td>$160.02</td>
<td>$53.34</td>
</tr>
<tr>
<td>19/11/2019</td>
<td>IRCO/ Governance Advisor</td>
<td>Providing further information included in Council agenda to external reviewer as discussed over the phone with external reviewer</td>
<td>Level 7</td>
<td>10</td>
<td>$55.00</td>
<td>$9.17</td>
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<tr>
<td>Date</td>
<td>Role</td>
<td>Activity Description</td>
<td>Level</td>
<td>Rate</td>
<td>Hours</td>
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</tr>
<tr>
<td>------------</td>
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<tr>
<td>3/12/2019</td>
<td>CEO</td>
<td>Reviewing external reviewer's email</td>
<td>Level 6</td>
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<td>20</td>
<td>$18.33</td>
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<tr>
<td>3/12/2019</td>
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<td>Reviewing external reviewer's final report</td>
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<td>60</td>
<td>$160.02</td>
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<tr>
<td>4/12/2019</td>
<td>IRCO Governance</td>
<td>Updating Council report and updating Assessment of Resources</td>
<td>Level 6</td>
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<td>60</td>
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<tr>
<td>6/12/2019</td>
<td>CEO</td>
<td>Reviewing Council report, updating Assessment of Resources</td>
<td>CEO</td>
<td>$160.02</td>
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</table>

**Total Cost of Officer resources** $1,414.67

**Other expenses**

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
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</thead>
<tbody>
<tr>
<td>External Reviewer</td>
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**Total cost of other expenses** $2,750.00

**TOTAL COST OF REVIEW PROCESS** $4,164.67

**Other Resources Costs**

<table>
<thead>
<tr>
<th>Description</th>
<th>Costs $</th>
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</thead>
<tbody>
<tr>
<td>Other items (travel etc.)</td>
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</tr>
<tr>
<td>Telephone call to Applicant</td>
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<td>Printing</td>
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**Total Cost of Resources**

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total cost of Officer resources</td>
<td>$1,414.67</td>
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<tr>
<td>Total cost of other resources</td>
<td>$2,750</td>
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<tr>
<td><strong>Total cost of review process</strong></td>
<td>$4,164.67</td>
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</tbody>
</table>

**KEY**

A Applicant
IRCIRCO Internal Review Contact Officer
CEO Chief Executive Officer
### SECTION 270 INTERNAL REVIEW ASSESSMENT OF RESOURCES

**MATTER OF:** [Helen Szuty - RE: Big Project Prioritisation]  
Ref: B10150

<table>
<thead>
<tr>
<th>Date</th>
<th>Officer (ie: IRCO, Reviewer including regular position, interviewees)</th>
<th>Activity (research, interviewing, report writing etc.)</th>
<th>Level of Officer</th>
<th>Hourly rate for officer + 20% Full Cost Attribution (a)</th>
<th>Time taken (minutes) (b)</th>
<th>Cost $ (based on hourly rate) (a) x (b)</th>
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</thead>
<tbody>
<tr>
<td>16/09/2019</td>
<td>IRCO / Governance Advisor</td>
<td>Perusing Application and discussing matter with the Chief Executive Officer</td>
<td>Level 6</td>
<td>$55.00</td>
<td>20</td>
<td>$18.33</td>
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<tr>
<td>16/09/2020</td>
<td>CEO</td>
<td>Perusing Application and discussing matter with IRCO / Governance Advisor</td>
<td>CEO</td>
<td>$160.02</td>
<td>20</td>
<td>$53.34</td>
</tr>
<tr>
<td>16/09/2020</td>
<td>IRRO</td>
<td>Writing to the Applicant seeking further information in relation to the application</td>
<td>Level 6</td>
<td>$55.00</td>
<td>10</td>
<td>$9.17</td>
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<td>26/09/2019</td>
<td>IRCO</td>
<td>Following up with the Applicant by email on provision of further information</td>
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<td>$55.00</td>
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<td>30/09/2019</td>
<td>IRCO</td>
<td>Telephone follow up with Applicant to confirm that she has received previous correspondence</td>
<td>Level 6</td>
<td>$55.00</td>
<td>5</td>
<td>$4.58</td>
</tr>
<tr>
<td>15/10/2019</td>
<td>CEO</td>
<td>Perusing Applicant’s further information response and seeking quote from external reviewer, Felice D’Agostino of Norman Waterhouse Lawyers</td>
<td>CEO</td>
<td>$160.02</td>
<td>20</td>
<td>$53.34</td>
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<tr>
<td>17/10/2019</td>
<td>CEO</td>
<td>Providing documentation to external reviewer</td>
<td>CEO</td>
<td>$160.02</td>
<td>20</td>
<td>$53.34</td>
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<td>17/10/2019</td>
<td>CEO</td>
<td>Writing to Applicant - notification of appointment of external reviewer</td>
<td>CEO</td>
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<td>20</td>
<td>$53.34</td>
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<td>Speaking to the external reviewer over the phone regarding next steps</td>
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<td>$55.00</td>
<td>10</td>
<td>$9.17</td>
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<td>7/01/2020</td>
<td>IRCO</td>
<td>Discussing next steps with the CEO</td>
<td>Level 6</td>
<td>$55.00</td>
<td>15</td>
<td>$13.75</td>
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<td>7/01/2020</td>
<td>and 8/01/2020</td>
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<td>CEO</td>
<td>$160.02</td>
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<td>$40.00</td>
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<td>7/01/2020</td>
<td>IRCO</td>
<td>Email to external reviewer confirming need for report from external reviewer</td>
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<td>$55.00</td>
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<td>$9.17</td>
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<tr>
<td>21/1/2020</td>
<td>and 24/01/2020</td>
<td>Following up with external reviewer and confirming timelines</td>
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<td>15</td>
<td>$13.75</td>
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<tr>
<td>Date</td>
<td>Officer</td>
<td>Activity</td>
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<td>Rate($)</td>
<td>Hours</td>
<td>Cost($)</td>
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<td>29/01/2020</td>
<td>IRCO</td>
<td>Telephone discussion with external reviewer on expected timeframe</td>
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<tr>
<td></td>
<td></td>
<td>for provision of preliminary draft report and discussing timeframes</td>
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<tr>
<td></td>
<td></td>
<td>with CEO</td>
<td>Level</td>
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<td>15</td>
<td>$13.75</td>
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<tr>
<td>29/01/2020</td>
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<td>Discussing timeframes with IRCO</td>
<td>CEO</td>
<td>$160.02</td>
<td>15</td>
<td>$40.00</td>
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<td>31/01/2020</td>
<td>IRCO</td>
<td>Perusing draft preliminary report provided by external reviewer and</td>
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<td></td>
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<td>4/02/2020</td>
<td>CEO</td>
<td>Reviewing draft preliminary report and IRCO comments</td>
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<td>Providing comments on the draft preliminary report to the external</td>
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<td>$9.17</td>
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<tr>
<td></td>
<td></td>
<td>reviewer</td>
<td></td>
<td></td>
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<tr>
<td>6/02/2020</td>
<td>IRCO</td>
<td>Communicating with external reviewer regarding timeframes</td>
<td>Level</td>
<td>$55.00</td>
<td>10</td>
<td>$9.17</td>
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<tr>
<td>18/02/2020</td>
<td>CEO</td>
<td>Seeking and reviewing further legal advice</td>
<td>CEO</td>
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<td>IRCO</td>
<td>Correspondence with external reviewer following further legal advice</td>
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<td>Discussion with CEO</td>
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<td>Discussion with IRCO</td>
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<td>IRCO</td>
<td>Reviewing external reviewer’s final report and Drafting Council reports</td>
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<td>Reviewing Council reports</td>
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<td>Reviewing and finalising determination letter to applicant</td>
<td>CEO</td>
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**Total Cost of officer resources**

$1,575.50

**Other expenses**

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<th>Activity</th>
<th>Cost($)</th>
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<tbody>
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</table>

**Total cost of other expenses**

$3,283.50

**TOTAL COST OF REVIEW PROCESS**

$4,859.00

**Other Resources**

<table>
<thead>
<tr>
<th>Activity</th>
<th>Costs($)</th>
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<tbody>
<tr>
<td>Other items (travel etc.)</td>
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<td>Telephone call to Applicant</td>
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<td>Printing</td>
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**KEY**

- A: Applicant
- IRCO: Internal Review Contact Officer
- CEO: Chief Executive Officer
<table>
<thead>
<tr>
<th>Total Cost of Resources</th>
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<tbody>
<tr>
<td>Total cost of Officer resources</td>
<td>$1,575.50</td>
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<tr>
<td>Total cost of other resources</td>
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<td><strong>Total cost of review process</strong></td>
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### SECTION 270 INTERNAL REVIEW ASSESSMENT OF RESOURCES

#### MATTER OF: Shelley James and Robbert Sennef - Keil Estate Indenture Deed

<table>
<thead>
<tr>
<th>Date</th>
<th>Officer (ie: IRCO, Reviewer including regular position, interviewees)</th>
<th>Activity (research, interviewing, report writing etc.)</th>
<th>Level of Officer</th>
<th>Hourly rate for officer + 20% Full Cost Attribution (a)</th>
<th>Time taken (minutes) (b)</th>
<th>Cost $ (based on hourly rate) (a) x (b)</th>
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</thead>
<tbody>
<tr>
<td>5/02/2020</td>
<td>IRCO/ Governance Advisor</td>
<td>Telephone call with applicant - answering initial queries from applicant on internal review process and recording file note</td>
<td>Level 6</td>
<td>$55.00</td>
<td>10</td>
<td>$9.17</td>
</tr>
<tr>
<td>6/02/2020</td>
<td>IRCO/ Governance Advisor</td>
<td>Reviewing application for review, reviewing against policy and process, and undertaking preliminary research</td>
<td>Level 6</td>
<td>$55.00</td>
<td>45</td>
<td>$41.25</td>
</tr>
<tr>
<td>6/02/2020</td>
<td>IRCO/ Governance Advisor</td>
<td>Briefing/meeting with the CEO</td>
<td>Level 6</td>
<td>$55.00</td>
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<td>Meeting with IRCO</td>
<td>CEO</td>
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<td>$40.00</td>
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<td>6/02/2020</td>
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<td>Liaising with ICT on electronic confirmation of upload date of Council agenda item</td>
<td>CEO</td>
<td>$160.02</td>
<td>15</td>
<td>$40.00</td>
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<tr>
<td>6/02/2020</td>
<td>IRCO/ Governance Advisor</td>
<td>Drafting letter to applicants providing clarification on issues raised in internal review application, and acknowledging receipt of application</td>
<td>Level 6</td>
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<td>$82.50</td>
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<tr>
<td>13/02/2020 - 18/2/2020</td>
<td>IRCO/ Governance Advisor</td>
<td>Reviewing applicant’s response to IRCO/GA’s letter of clarification, reviewing against policy and process and discussing next steps with CEO</td>
<td>Level 6</td>
<td>$55.00</td>
<td>20</td>
<td>$18.33</td>
</tr>
<tr>
<td>18/02/2020</td>
<td>CEO</td>
<td>Reviewing applicant’s response to IRCO/GA’s letter of clarification, reviewing against policy and process and discussing next steps with CEO</td>
<td>CEO</td>
<td>$160.02</td>
<td>20</td>
<td>$53.34</td>
</tr>
<tr>
<td>18/02/2020</td>
<td>IRCO/ Governance Advisor</td>
<td>Drafting letter to applicants - proposal for Council to consider whether application appears to be frivolous</td>
<td>Level 6</td>
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<td>90</td>
<td>$82.50</td>
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<td>18/02/2020</td>
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<td>$160.02</td>
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<tr>
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**Total Cost of officer resources**

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**Total Cost of Review Process**

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<tr>
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<tr>
<td><strong>Total cost of review process</strong></td>
<td>$6,045.60</td>
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**KEY**

- **A** Applicant
- **IRCO** Internal Review Contact Officer
- **CEO** Chief Executive Officer

**Other Resources**

<table>
<thead>
<tr>
<th>Description</th>
<th>Costs</th>
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<tbody>
<tr>
<td>Other items (travel etc.)</td>
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**Total Cost of Resources**

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total cost of Officer resources</td>
<td>$1,762.20</td>
</tr>
<tr>
<td>Total cost of other resources</td>
<td>$4,283</td>
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<tr>
<td><strong>Total cost of review process</strong></td>
<td>$6,045.60</td>
</tr>
<tr>
<td>Date</td>
<td>Office (ie: IRCO, Reviewer including regular position, interviewees)</td>
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**Total Cost of officer resources**  
$1,190.92
### Other expenses

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<td><strong>TOTAL COST OF REVIEW PROCESS</strong></td>
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### Other Resources

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<tbody>
<tr>
<td>Other items (travel etc.)</td>
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<td>Telephone call to Applicant</td>
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<td><strong>Total Cost of Resources</strong></td>
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<tr>
<td>Total cost of Officer resources</td>
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<tr>
<td>Total cost of other resources</td>
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<tr>
<td><strong>Total cost of review process</strong></td>
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### KEY

- **A**: Applicant
- **IRCO**: Internal Review Contact Officer
- **CEO**: Chief Executive Officer
Ms Shelley James and Mr Robbert Sennef

Dear Ms James and Mr Sennef

Your complaint about The Barossa Council (the council)

I refer to your complaint dated 24 March 2020 about the council under the Ombudsman Act 1972.

You have outlined seven issues of complaint about the council, predominantly relating to actions that took place at the Ordinary Council Meeting of 17 March 2020 (the council meeting). You complain that:

1. Agenda Item 7.2.1.1 ‘Prudential Management Report - Final - Target Phase Priorities and Associated Analysis of The Big Project as adopted in August 2019’ (Item 7.2.1.1) was considered by elected members at the council meeting, in circumstances where it was unclear whether the elected members were informed that you had a Section 270 Review pending of the decision of August 2019 to adopt The Big Project

2. The CEO of the council, Mr Martin McCarthy, was well aware of the pending Section 270 Review, nonetheless, Agenda Item 7.2.1.1 was considered and voted on by elected members at the council meeting

3. You never received the correspondence which was posted to you from Ms Rugiyya Martin, Governance Advisor, dated 14 February 2020. Consequently, you were not contacted by the council in relation to your Section 270 Review between 10 February 2020 and 13 March 2020, at which time you raised the issue directly with Ms Martin

4. Agenda Item 7.2.1.1 was considered and voted on prior to Agenda Item 7.2.1.4 ‘Section 270 Local Government Act - Internal Review of a Council Decision - Matter of Big Project Prioritisation and Financial Modelling’ (Item 7.2.1.4) which had a direct bearing on Item 7.2.1.1

5. You believe the ‘Summary of The Big Project - Next Phase - Target Plan Prudential Report - Updated Barossa Regional Gallery’ (the Prudential Report), prepared for the council by UHY Haines Norton Chartered Accountants, is misleading in relation to a number of issues

6. You do not believe the council is complying with section 48(aa1) of the Local Government Act 1999

7. In relation to Agenda Item 7.2.1.5 ‘Engagement Platform Replacement’ you are concerned that no information was provided at the council meeting to explain how the former engagement platform, ‘Our Better Barossa’, was completely compromised, and you complain that the council has had no engagement platform available to the community since December 2019.
Whenever my Office receives a complaint, the matter is assessed as to whether the complaint comes within my jurisdiction and, if so, whether I should exercise my discretion to commence an investigation. I have assessed your complaint and, although it is within jurisdiction, I have determined that an investigation is not necessary or justified in the circumstances. I explain how I arrived at this decision below.

My enquiries

In my enquiries, my Office:

- assessed the information provided by you
- clarified your issues of complaint
- obtained a response from the council
- considered the Ombudsman Act and the Local Government Act
- considered the council’s Internal Review of Council Decision Process
- considered the Agenda and Minutes of the council meeting of 17 March 2020
- prepared this letter to you.

My assessment of your complaint

In deciding whether an investigation may be in the public interest, the following criteria may be considered:

- does the alleged administrative error amount to a serious failure to meet expected standards of public administration?
- are the circumstances of the complaint likely to arise again?
- is the complaint about an error of process?
- is the complaint about failures of ethical and transparent management?
- does the complaint relate to matters of public safety and security, the economic well-being of South Australia, the protection of public well-being, the protection of human rights or the rights and freedoms of citizens?
- has the complainant suffered significant personal loss or is the complainant in vulnerable circumstances?
- would investigation of the complaint be likely to lead to meaningful outcomes for the complainant and/or to the improvement of public administration?
- has another review body considered the matter or is another body more appropriate for reviewing the matter?
- what is the likelihood of collecting sufficient evidence to support a finding of administrative error?
- would investigation of the complaint involve effort and resources that are proportionate to the seriousness of the matter?

I have had regard to my criteria for investigation in my assessment of your seven complaint issues below.

Issues 1, 2 and 4

I have grouped these issues together as you are complaining about the underlying issue of the council proceeding with its consideration of Item 7.2.1.1 in circumstances where there were ongoing Internal Reviews.

By way of background, I note the following:

- at the council meeting on 20 August 2019, the elected members voted to proceed with the Next Phase of The Big Project
- on 16 September 2019, your friend Ms Helen Szuty applied for an Internal Review of the decision to proceed to the Next Phase
- the council outsourced the Internal review to Norman Waterhouse
on 6 February 2020, having been advised of the content of the draft report, Ms Szuty informed you that her Internal Review would likely be refused on the basis that she lacked sufficient interest

on 10 February 2020 you applied for an Internal Review of the decision to proceed to the Next Phase, based on your belief that you do have a sufficient interest

the recommendation from Norman Waterhouse to refuse Ms Szuty’s Internal Review was adopted by the council on 17 March 2020

your Internal Review remains ongoing.

The meeting minutes of 17 March 2020 record the following under Item 7.2.1.1:

MOVED Cr de Vries that Council having considered the Prudential Management Report pursuant to Section 48 of the Local Government Act, which outlines the financial, economic, risk and strategic and operational alignment of the Target Next Phase Priorities note the sustainable outlines of the plan based on the plan assumptions and that Council continue to manage the Target Plan in accordance with the principles and findings of the Prudential Management Report.

Seconded Cr Johnstone

CARRIED 2018-22/60

At the time Item 7.2.1.1 was considered, the council was yet to consider whether or not to adopt the recommendation of Norman Waterhouse in relation to Ms Szuty’s Internal Review, and your Internal Review was ongoing. I have considered whether, in all the circumstances, it was reasonably open for the council to consider Item 7.2.1.1.

Whether such an action is appropriate will depend on the circumstances of the particular case, including the effect of the carried motion. A local council must keep open the possibility that the original decision will be reversed following an Internal Review.

Enquiries were made with the council regarding whether they had turned their mind to this issue. The council indicated that it had engaged UHY Haines Norton Chartered Accountants to produce the Prudential Management Report in order to satisfy section 48(1) of the Local Government Act. The report had been commissioned and completed and the effect of Item 7.2.1.1 was to provide the report to the elected members. Mr McCarthy had considered whether this could hinder the Internal Reviews and determined that it would not.

Section 48 of the Local Government Act relevantly states:

48—Prudential requirements for certain activities

(aa1) A council must develop and maintain prudential management policies, practices and procedures for the assessment of projects to ensure that the council—

(a) acts with due care, diligence and foresight; and
(b) identifies and manages risks associated with a project; and
(c) makes informed decisions; and
(d) is accountable for the use of council and other public resources.

(a1) The prudential management policies, practices and procedures developed by the council for the purposes of subsection (aa1) must be consistent with any regulations made for the purposes of this section.

(1) Without limiting subsection (aa1), a council must obtain and consider a report that addresses the prudential issues set out in subsection (2) before the council—

(b) engages in any project (whether commercial or otherwise and including through a subsidiary or participation in a joint venture, trust, partnership or other similar body)—
(i) where the expected operating expenses calculated on an accrual basis of the council over the ensuing five years is likely to exceed 20 per cent of the council's average annual operating expenses over the previous five financial years (as shown in the council's financial statements); or
(ii) where the expected capital cost of the project over the ensuing five years is likely to exceed $4 000 000 (indexed); or
(iii) where the council considers that it is necessary or appropriate.

The practical effect of Item 7.2.1.1 being carried was to accept the Prudential Management Report. It was a fairly routine step. Given the Prudential Management Report had already been commissioned and completed, I do not consider that it was necessary in this case to delay the consideration of Item 7.2.1.1 due to one or both of the Internal Reviews. It does not appear that the council acted unreasonably by considering Item 7.2.1.1 in circumstances where the Internal Reviews were ongoing.

Issue 3

You complain that you did not receive correspondence posted to you. Whilst unfortunate, this does sometimes happen. You complain that the council did not communicate with you about your complaint until you followed up with Ms Martin on 13 March 2020. Given the letter was posted to you on 14 February 2020, I do not consider this to be an unreasonable delay.

Issues 5 and 6

I have grouped these issues together as it appears your allegation that the Prudential Management Report is misleading is the basis for your allegation that section 48 of the Local Government Act has not been complied with.

I note that the Prudential Management Report was produced by an independent accounting firm.

You complain it is misleading to state that The Big Project has direct links with the council’s Community Plan because the Community Plan is due to be reviewed in 2020. This does not appear to be misleading; the independent accounting firm is entitled to rely upon the current version of the Community Plan.

You complain it is misleading to state that the council has a communication plan to ensure that stakeholders have input into The Big Project because you are unclear on who the stakeholders are. This does not appear to be misleading; if you wish to have more information on the council’s communication plan, I suggest you seek information from the council administration.

You complain that it is misleading to state that funding for The Big Project is contingent on receiving grants and financial support. You then provide evidence that The Big Project is, in fact, contingent on receiving grant funding from the federal government and financial support from The Barossa Clubhouse. The Prudential Management Report therefore does not appear to be misleading.

You complain it is misleading to state that the council has undertaken the required legal and policy processes to undertake the land swap because the land swap has not yet been completed. This does not appear to be misleading; the Prudential Management Report states that the processes have been undertaken, not that the processes have been completed.

On the information before me, it does not appear that the council has failed to comply with section 48 of the Local Government Act.
Issue 7

You complain that the council’s engagement platform, Our Better Barossa, has been offline since December 2019. The council has advised that Our Better Barossa was an online platform used for community consultation. The council acknowledges that it has been deactivated since December 2019. The council has advised that community consultation is still available on its website under the 'Consultations' tab which allows members of the community to fill out an online form. The council also accepts community consultation responses through letter and email.

This matter was considered at the council meeting on 17 March 2020 at Item 7.2.1.5. The CEO Report in the meeting minutes indicates that Our Better Barossa was created in-house with minimal budget in 2015, and that through internal effort and industry connections, the council has been able to keep it running even though its base system is outdated and no longer supported. The Report indicates that the program was rewritten on a few occasions over the past 4 years, but in December 2019 it became completely compromised and was unable to be rebuilt. I consider that the Report provides sufficient information about the reason Our Better Barossa was disabled.

I note that at the council meeting, a motion was carried to enable the reallocation of funds, to enable the CEO to purchase an off-the-shelf engagement platform.

Given there are other ways for community members to participate in community consultations in the interim, and the council is in the process of implementing a new engagement platform, I do not consider that further enquiries into this issue are necessary or justifiable.

Outcome of my enquiries

In light of my assessment above and on the basis of the evidence available, it does not appear that the council has acted in a way that is unlawful, unreasonable or wrong within the meaning of the Ombudsman Act. Accordingly, I do not consider that further enquiries into your complaint by my Office are necessary or justifiable.

I understand that this may not be the outcome you wanted, but on the evidence currently available to me, I do not think further enquiries would achieve a different result.

I intend to end my consideration of your complaint, unless you are able to identify an error in my assessment of the matter. If you think you are able to identify such an error, I ask you to contact my Office by 17 April 2020 with your reasoning. If you do not contact my Office within that time, I will close the file.

The Ombudsman Act imposes certain obligations on my Office and others, including complainants and officers in a council, to keep information about my assessment confidential.

However, if I consider that disclosure of that information is in the public interest, then I may authorise or require its disclosure.

In my opinion, there is a public interest in disclosure of my decisions under the Ombudsman Act. Therefore, once I have closed the file, I authorise disclosure of this letter by the parties as they see fit.

---

I have sent a copy of this letter to the council.

Yours sincerely

Wayne Lines
SA OMBUDSMAN

3 April 2020

Cc Mr Martin McCarthy
Chief Executive Officer
The Barossa Council
By email: barossa@barossa.sa.gov.au
7.2.1 DEBATE AGENDA – CHIEF EXECUTIVE OFFICER

7.2.1.2 OMBUDSMAN REPORTS – CHATEAU TANUNDA LAND SWAP – REVOCATION OF COMMUNITY LAND STATUS OF COUNCIL LAND

B8086

PURPOSE
To table publicly the recent review of the Ombudsman, Mr Wayne Lines into a complaint of Mr Sennef and Ms James into the revocation of community land status for land proposed to be swapped with Chateau Tanunda to facilitate a 5-star accommodation offering.

RECOMMENDATION
That Council receive and note the Ombudsman reports dated 20 August 2018 and 4 September 2018, and that they be published on Council’s web site in the public interest.

REPORT
Following Ministerial approval on 19 April 2018 to give final consideration to the proposal to revoke community land classification over 11 and 12 Basedow Road, Tanunda, in accordance with Section 194(3) of the Local Government Act 1999, Council resolved at its Special Meeting on 26 April 2018:

1. The complainants lodged a request for review under Section 270 of the Local Government Act;
2. This review was undertaken externally which concluded that the process was legally, procedurally and meritoriously correct and the original decision was open to Council and reasonable;
3. Council at its July 2018 meeting received the report and reviewed the original decision and affirmed its original decision;
4. The complainants then lodged a complaint against Council with the State Ombudsman. The Ombudsman on 20 August 2018 concluded in light of the evidence “it does not appear….that the Council has possibly acted in a way that is unlawful, unreasonable or wrong within the meaning of the Ombudsman Act”. The Ombudsman declined to investigate as he determined “it was not necessary or justified in the circumstances” and informed the complainants the file would be closed unless further relevant information was provided or an error in his determination could be identified. See Attachment 1 for the report
5. The complainants responded to the determination as outlined at point 4 above. The Ombudsman responded on 4 September 2018 by again addressing the matters, reaffirmed his decision and declined to investigate further as it was his opinion it was not necessary or justifiable and closed the file. See Attachment 2 for the report.
The Ombudsman has provided authority to publish the reports as in his opinion it is in the public interest.

The matter has now been through all administrative review processes and found to be a sound, robust and transparent process which is legally, procedurally and meritoriously correct. The complainants can certainly take the matter to court if they wish.

Progress on the pre-conditions for the land swap are ongoing with valuation work well advanced, preliminary contract discussions have commenced and the land division has been lodged and is currently under assessment.

**ATTACHMENTS OR OTHER SUPPORTING REFERENCES**

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<tr>
<th>Attachment</th>
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<tbody>
<tr>
<td>1</td>
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</tr>
<tr>
<td>2</td>
<td>Ombudsman Report dated 4 September 2018</td>
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**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.

- **Legislative Requirements**

  - Ombudsman Act

**FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS**

Section 270 review has cost $8,666.

Responding to the Ombudsman enquiries required minimal resource.

Analysis of the reports and writing this report has also required minimal resource.

**COMMUNITY CONSULTATION**

Community consultation for this entire revocation of community land process has occurred in accordance with Section 194 of the Local Government Act 1999 and Council’s Public Consultation Policy and been further validated by the Kelley Jones Independent Assessment dated 13 December 2017 and approval to proceed with final consideration by Council received from the Minister’s delegate dated 19 April 2018.
Dear Mr Sennef and Ms James

Your complaint about the Barossa Council (the council)

I refer to your complaint, made to my Office on 24 July 2018. Your complaint raises a large number of issues and sub-issues.

Broadly, your complaint is that you are dissatisfied with the outcome of the section 270 review under the Local Government Act 1999 (the s270 review) which was completed by Ms Felice D’Agostino (the reviewer).1

Whenever this Office receives a complaint, the matter is assessed as to whether the complaint comes within my jurisdiction, and if so, whether I should exercise my discretion to commence an investigation. I have assessed your complaint and, although it is within my jurisdiction, I have determined that an investigation is not necessary or justified in the circumstances. I explain how I arrived at this decision below.

My enquiries

In my enquiries, my Office:
• assessed the information provided by you
• obtained information from the council
• considered the further submissions provided by you
• considered:
  o the s270 review report
  o the Indenture
  o the council’s Consultation Report Pursuant to section 194 of the Local Government Act 1999 (the consultation report)
  o the minutes of the council meeting on 17 July 2018
  o the council’s Internal Review of Council Decisions Process (the s270 Process)
• prepared this letter to you.

1 Ms D’Agostino of Norman Waterhouse Lawyers completed the s270 review on behalf of the council.
My assessment of your complaint

The first issue is that you complain that the s270 review reached the wrong conclusion. I note that the reviewer concluded ‘In our view based on all the matters outlined in this report the Decision is the best and/or preferable decision’. You disagree with this conclusion.

I have considered the s270 review report and I am satisfied that each of the points raised by you have been adequately addressed by the reviewer. Based on the information before me, I consider that the conclusion reached by the reviewer was reasonably open.

You also complain about numerous sub-issues which relate to the council’s original decision to proceed with revoking the community land status and to proceed with the land swap (to exchange a parcel of council-owned land with a parcel of land owned by Chateau Tanunda). You complain:

- the land swap will be a financial detriment to the council as Chateau Tanunda would have had to purchase the land anyway
- you ‘have issues with The Barossa Council Assessment Against Disposal of Land or Other Assets Policy’
- it was inappropriate for the council to seek Expressions of Interest prior to the council decision, and it was inappropriate for council employees to work on the project prior to approval from the Minister
- the council entered into discussions with third parties as far back as 2015
- the council considered Certificates of Title, supplied by Chateau Tanunda, which were outdated.

I advise that I do not intend to assess every historical action the council administration has taken regarding the revocation of the community land status or the land swap. I note that the land swap has yet to be finalised and there are a number of actions which are yet to be taken by both the council administration and by Chateau Tanunda. However I will comment generally that it does not appear to be unreasonable for the council administration to take steps to progress the project, notwithstanding that decisions by both the Minister and the elected body were yet to be made in the future.

You also complain about a number of administrative details regarding the s270 report, such as:

- you allege there is a factual error in the s270 report, as you dispute that you met with the Chief Executive Officer of the council. You wish to have the s270 report reissued with a correction
- both the draft s270 report which was provided to you for your comment, and the final s270 report, contained some typographical errors
- the reviewer only made four substantive changes to the draft report in the final report.

I do not consider that any of these issues warrant investigation by me. It is not clear to me that the reviewer accepts your allegation that you never met with the CEO and has provided information about whom you met with both in November 2017 (the CEO) and who was present at individual council meetings (either the CEO or the Acting CEO) in the final s270 review report. Nevertheless following your request, the reviewer forwarded an Erratum to the council as per your request. It does not appear that you requested the reviewer reissue the final s270 report.

The second issue is that you complain that the s270 Process was not followed. You complain that sub-sections (2)-(6) of Clause 4.6 of the 270 Process were not considered by the reviewer.
It does not appear that you alleged in your request for a s270 review that:
• the council considered matters which were not relevant or failed to consider matters which were relevant
• any of the council members were exercising their power in bad faith, for an improper purpose, or while subject to the duress or influence of another person
• any of the council members had a conflict of interest
and you have not provided any evidence of the above.

In my view the s270 review report addresses:
• whether the council’s decision was based on evidence
• whether the council’s decision was reasonable.

It does not appear to me that the reviewer failed to comply with the s270 Process and I do not consider that further enquiries into this issue are necessary or justifiable.

The third issue is that you complain that the public consultation process undertaken by the council was inadequate and that members of the community were confused about what they were being asked to comment on.

I note that the adequacy of the community consultation process was canvassed in the s270 review report and it was determined that the community consultation had been appropriate and had exceeded the minimum requirements imposed by the council’s Public Consultation Policy, regarding both the timeframe for submissions and the engagement methods employed. It does not appear to me that the council acted in a way that was unlawful, unreasonable or wrong by not also facilitating a public meeting.

You complain that the council did not follow the Council Boundary Change Proposals - Engagement and Consultation Guideline which was released by the Electoral District Boundaries Commission of SA. I advise that this a separate agency constituted under different legislation. The Guideline is not applicable to the council.

You complain:

It is obvious from the submissions received that the community was unsure what they were commenting on. We were informed repeatedly at the 14 November 2017 meeting...that we were not to comment on the Proposed Chateau Tanunda Development even through it was the subject of the formal Consultation Report. We were informed that we could only comment on the Revocation of Community Land classification matter and the Proposed Community Land Swap with Chateau Tanunda.

I accept that the Consultation Report provides background information about the circumstances surrounding the need for community consultation on revoking the Community Land status, and the reasons the revocation is to be considered by the council. The Consultation Report also provides detailed information regarding the proposed use of the land by Chateau Tanunda if the revocation of community land and the land swap were to proceed.

Section 4 of the Consultation Report explains the reason for the community consultation and states:

The Act requires Council to consult with its community over proposals to revoke land from the Community Land classification framework.

The community consultation letter states:

The Barossa Council is consulting its community about the potential removal of the "Community Land" classification over two of its vacant community land parcels near the Tanunda Train Station.
This public consultation was triggered as a result of an application to Council by the proprietor of Chateau Tanunda who seeks to exchange an adjacent parcel of land for these two community land parcels, on a commercial basis, in order to facilitate the development of an international hotel together with a culinary institute, subject to relevant development approvals.

All submissions will be compiled into a report and placed on the public agenda at the next available Council meeting, where Elected Members will consider the merits of revoking the Community Land classification...

Whilst I accept that this process, and the relevance of individual steps in the process, may be confusing for some members of the community, it appears that the council provided sufficient information to clearly convey the matters under consultation.

The fourth issue is that you complain that the elected body considered the s270 review report at the council meeting on 17 July 2018 and did not give due consideration to the item before proceeding to affirm its previous decision. You complain that only one elected member spoke in the meeting regarding this item and there was no other debate. The council has indicated there is no official audio recording of the meeting. I comment that the fact that there was no debate is not sufficient to substantiate a finding that each individual council member failed to have due consideration of the material which was provided to them for consideration. I note that the agenda and supporting documentation is provided to elected members prior to a council meeting.

When considering whether I should investigate an issue, I have regard to certain criteria, including:
- whether the alleged administrative error amounts to a serious failure to meet expected standards of public administration
- whether the circumstances of the complaint are likely to arise again
- whether the complaint relates to matters of public safety and security, the economic well-being of South Australia, the protection of public well-being and/or the rights and freedoms of citizens
- whether the complainant has suffered significant personal loss
- the likelihood of collecting sufficient evidence to support a finding of administrative error.

In this case, I note that the final decision of the council was consistent with the finding of the s270 review report, and note the difficulties in demonstrating that the council members did not turn their minds to a full consideration of the documents and evidence provided to them. In the circumstances, I do not consider that this issue meets my criteria for investigation.

The fifth issue is that you complain that the document 'Additional Information for the Consideration of The Barossa Council' was not formally tabled by the council at the council meeting on 19 December 2017. You complain:

Shelley was asked to provide the Additional Information prior to the Council Meeting which she did. She was required to provide at least 12 copies of the Additional Information, one copy for each Elected Member, and several other copies for staff, which she did.

She was NOT asked to formally table the "Additional Information[..."] otherwise she would have done so.

I do not consider that this issue warrants enquiry by me. I note you are not alleging that the council failed to provide the copies of the Additional Information to the council members. I do not consider that investigation of this issue could lead to any meaningful outcome for either of the complainants, having regard to the events that have occurred since 19 December 2017.
Outcome of my enquiries

In light of my assessment above and on the basis of the evidence available, it does not appear to me that the council has possibly acted in a way that is unlawful, unreasonable or wrong within the meaning of the Ombudsman Act. Accordingly, I do not consider that further enquiries into your complaint by my office are necessary or justifiable at this time.

I understand that this may not be the outcome you wanted, but on the evidence currently available to me, I do not think further enquiries would achieve a different result.

I intend to end my consideration of your complaint at this time, unless you are able to identify an error in my assessment of the matter. If you think you are able to identify such an error, I ask you to contact my Office by 27 August 2018 with your reasoning. If you do not contact my Office within that time, I will close the file.

The Ombudsman Act imposes certain obligations on my Office and others, including complainants and officers in an agency, to keep information about my assessment confidential.

However, if I consider that disclosure of that information is in the public interest, then I may authorise or require its disclosure.

In my opinion, there is a public interest in disclosure of my decisions under the Ombudsman Act. Therefore, once I have closed the file, I authorise disclosure of this letter by the parties as they see fit.

I have sent a copy of this letter to the council.

Yours sincerely

Wayne Lines
OMBUDSMAN SA

20 August 2018

Cc  Mr Martin McCarthy
    Chief Executive Officer
    The Barossa Council
    By email: barossa@barossa.sa.gov.au
Dear Mr Sennef and Ms James

Your complaint about the Barossa Council (the council)

I refer to my letter dated 20 August 2018 and your letter of response dated 31 August 2018. I have considered your response.

**Maladministration**

In your response you make a number of allegations of maladministration. I wish to clarify that I do not have jurisdiction to investigate complaints about maladministration unless I receive a referral from the Independent Commissioner Against Corruption. If you wish to complain about maladministration, you may wish to contact the Office for Public Integrity.

**Query regarding 'my enquiries'**

You seek to know what information I have considered. I advise that all of the information I have considered is set out in my letter of 20 August 2018. I confirm that I considered all of the information provided by you, including your original complaint dated 24 July 2018 and your additional submissions and supporting documentation dated 13 August 2018. I have now also considered your response.

**Issue 1**

I confirm that I have already considered your ‘Response to Ms D’Agostino’s Draft Report’. I remain of the view that it was reasonably open for Ms D’Agostino to arrive at the conclusions reached in the s270 report.

You have requested that I assess every historical action the council administration has taken regarding the revocation of the community land status and the land swap. I am not persuaded that it would be a reasonable use of my resources to do so and my reasons for not doing so are explained in my letter of 20 August 2018.

I do not consider there is a public interest in my Office expending resources to investigate whether or not you met with the CEO of the council.
**Issue 2**

You have requested the opportunity to meet with me. I consider you have been given sufficient opportunities to provide any evidence or submissions you wish and you have not provided any evidence that

- the council considered matters which were not relevant or failed to consider matters which were relevant
- any of the council members were exercising their power in bad faith, for an improper purpose, or while subject to the duress or influence of another person
- any of the council members had a conflict of interest.

As you have not provided any further submissions in your response, I remain of the view that it does not appear that Ms D'Agostino failed to comply with the s270 Process.

**Issue 3**

In your response, you state that it is not reasonable for the council to provide information in its Consultation Report about the proposed Chateau Tanunda development and then dismiss comments from the community on the same issue.

I note that section 7.3.1.1(a) of the s270 report states that the council administration advised Ms D'Agostino that:

> All submissions received [from the community during the consultation process] were submitted to the elected body of the Council for its consideration including those which raised issues of planning notwithstanding that the Decision was in relation to the Revocation Matter.

Section 7.3.14(c) of the s270 report states that Ms D'Agostino has concluded:

> ...there is no information other than the Applicants' assertion that the Council did not take into account all submissions received on the Revocation Matter when before (sic) making the Decision. Indeed when considering the response provided by Council administration and the December Report and attachments it is our view that there is evidence that the Council did take into account all submissions...

I consider that this issue was adequately addressed by Ms D'Agostino. I do not consider you have provided sufficient evidence which would persuade me that the council 'dismissed' comments of the community, or failed to consider the submissions received as part of the community consultation.

**Issue 4**

In your response, you state that you believe that there are grounds for me to investigate this issue and urge me to consider my criteria for investigation. I do not consider that you have provided any further evidence that would cause me to change my view. Accordingly, I remain of the view that this issue does not meet my criteria for investigation.

**Issue 5**

You state that this issue alone demonstrates a serious failure to meet expected standards of public administration. While a failure to table a document may potentially be a failure to meet expected standards of public administration, I do not consider that the council's alleged failure to table the Additional Information amounts to a serious failure to meet expected standards of public administration. I remain of the view that an investigation of this issue by me would not result in a meaningful outcome.
Outcome of my assessment

In light of my assessment above and on the basis of the evidence available, I do not consider that further enquiries into your complaint by my Office are necessary or justifiable at this time.

Your file will now be closed.

The Ombudsman Act imposes certain obligations¹ on my Office and others, including complainants and officers in an agency, to keep information about my assessment confidential.

However, if I consider that disclosure of that information is in the public interest, then I may authorise or require its disclosure.

In my opinion, there is a public interest in disclosure of my decisions under the Ombudsman Act. Therefore, once I have closed the file, I authorise disclosure of this letter by the parties as they see fit.

I have sent a copy of this letter to the council.

Yours sincerely

Wayne Lines
OMBUDSMAN SA

4 September 2018

Cc  Mr Martin McCarthy
    Chief Executive Officer
    The Barossa Council
    By email: barossa@barossa.sa.gov.au

7.2 EXECUTIVE SERVICES – DEBATE

7.2.1 CHIEF EXECUTIVE OFFICER – DEBATE

7.2.1.1 ELECTION OF LOCAL GOVERNMENT ASSOCIATION OF SA (LGA) PRESIDENT

B7640

MOVED Cr Lange that Council receives the information with regard to the election for the position for LGA President and votes for Mayor Sam Telfer.

Seconded Cr Boothby

CARRIED 2014-18/1528

PURPOSE
Nominations for the position of LGA President have now closed. As five nominations were received an election, in accordance with Clause 29.4 of the LGA Constitution will need to be conducted.

REPORT
Members are referred to correspondence from the LGA which includes nomination forms and candidate information for all candidates along with information on the voting process at attachment 1.

Council must determine (by resolution) which candidate it wishes to elect.

The ballot paper should be completed by Council’s delegate to LGA General Meetings, Mayor Sloane, or in his absence the chair of the meeting, by marking the ballot paper with an “X” next to the candidate that Council wishes elected.

The ballot paper must be returned to the LGA by 5.00pm, Thursday 18 October 2018.

Information received from candidates seeking support for their election to the position of LGA President is also provided for information at attachment 2.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES
Attachment 1: LGA Correspondence
Attachment 2: Information from candidates seeking support

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

How We Work – Good Governance

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

Legislative Requirements
Nil
LGA Constitution

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

N/A

COMMUNITY CONSULTATION
Not required under Legislation and Council’s Public Consultation Policy.

7.2.1.2 OMBUDSMAN REPORTS – CHATEAU TANUNDA LAND SWAP – REVOCATION OF COMMUNITY LAND STATUS OF COUNCIL LAND

B8086
MOVED Cr de Vries that Council receive and note the Ombudsman reports dated 20 August 2018 and 4 September 2018, and that they be published on Council’s web site in the public interest.

Seconded Cr Lange

CARRIED 2014-18/1529

PURPOSE

To table publicly the recent review of the Ombudsman, Mr Wayne Lines into a complaint of Mr Sennef and Ms James into the revocation of community land status for land proposed to be swapped with Chateau Tanunda to facilitate a 5-star accommodation offering.

REPORT

Following Ministerial approval on 19 April 2018 to give final consideration to the proposal to revoke community land classification over 11 and 12 Basedow Road, Tanunda, in accordance with Section 194(3) of the Local Government Act 1999, Council resolved at its Special Meeting on 26 April 2018:

1. The complainants lodged a request for review under Section 270 of the Local Government Act;
2. This review was undertaken externally which concluded that the process was legally, procedurally and meritoriously correct and the original decision was open to Council and reasonable;
3. Council at its July 2018 meeting received the report and reviewed the original decision and affirmed its original decision;
4. The complainants then lodged a complaint against Council with the State Ombudsman. The Ombudsman on 20 August 2018 concluded in light of the evidence “it does not appear….that the Council has possibly acted in a way that is unlawful, unreasonable or wrong within the meaning of the Ombudsman Act”. The Ombudsman declined to investigate as he determined “it was not necessary or justified in the circumstances” and informed the complainants the file would be closed unless further relevant information was provided or an error in his determination could be identified. See Attachment 1 for the report
5. The complainants responded to the determination as outlined at point 4 above. The Ombudsman responded on 4 September 2018 by again addressing the matters, reaffirmed his decision and declined to investigate further as it was his opinion it was not necessary or justifiable and closed the file. See Attachment 2 for the report.

The Ombudsman has provided authority to publish the reports as in his opinion it is in the public interest.

The matter has now been through all administrative review processes and found to be a sound, robust and transparent process which is legally, procedurally and meritoriously correct. The complainants can certainly take the matter to court if they wish.

Progress on the pre-conditions for the land swap are ongoing with valuation work well advanced, preliminary contract discussions have commenced and the land division has been lodged and is currently under assessment.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Ombudsman Report dated 20 August 2018
Attachment 2 Ombudsman Report dated 4 September 2018

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.

Legislative Requirements
Ombudsman Act

**FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS**

Section 270 review has cost $8,666.

Responding to the Ombudsman enquiries required minimal resource.

Analysis of the reports and writing this report has also required minimal resource.

**COMMUNITY CONSULTATION**

Community consultation for this entire revocation of community land process has occurred in accordance with Section 194 of the Local Government Act 1999 and Council’s Public Consultation Policy and been further validated by the KelledyJones Independent Assessment dated 13 December 2017 and approval to proceed with final consideration by Council received from the Minister’s delegate dated 19 April 2018.

7.2.1.3 **APPLICATION FOR A PERIOD OF ANNUAL LEAVE FOR CHIEF EXECUTIVE OFFICER**

E1200

Pursuant to S120(1) of the Local Government Act 1999, Mr Martin McCarthy, Chief Executive Officer disclosed a conflict of interest in the matter 7.2.1.3 – Application for a Period of Annual Leave for Chief Executive Officer as the application for leave is for himself.

Mr McCarthy advised Council of the conflict of interest and left the meeting at 9.13am.

MOVED Cr Hurn that Council approve the application of the Chief Executive Officer for the following annual leave period:

(1) commencing on Friday, 28 September 2018 and concluding on Monday, 8 October 2018 noting his first day back at work shall be Tuesday, 9 October 2018 and that Mr Matthew Elding be appointed to act in the position of Chief Executive Officer during this period; and

(2) that all powers, delegations and duties of the Chief Executive Officer shall be extended to Mr Matthew Elding whilst he is Acting Chief Executive Officer.

Seconded Cr Miller CARRIED 2014-18/1530

**PURPOSE**

To seek authorisation for annual leave and appointment of an acting Chief Executive Officer.

**REPORT**

Introduction

Leave applications for the Chief Executive Officer (CEO) that are more than 5 days are currently required to be submitted to Council for approval. With the period of leave extending greater than this the application is hereby submitted.

Discussion

I hereby request a period of annual leave which shall total a period of 6 days (with 1 public holiday) commencing on Friday, 28 September 2018 and concluding on Monday, 8 October 2018 noting my first day back at work shall be Tuesday, 9 October 2018.
COUNCIL

CHIEF EXECUTIVE OFFICER

CONSENSUS

18 DECEMBER 2018

4.2.1 CONSENSUS AGENDA – CHIEF EXECUTIVE OFFICER

4.2.1.1 CORRESPONDENCE FROM OMBUDSMAN – COMPLAINT REGARDING THE BAROSSA REGIONAL CULTURE HUB
B8388 16/85652

The prior Council received a section 270 (internal review) report into a complaint made by Ms Szuty into the matter, generally, and engagement processes, specifically, regarding the Barossa Regional Culture Hub. The original report was tabled with Council on 16 October 2018 and is provided for completeness.

A preliminary (2 November 2018) and final determination (20 November 2018) of the Ombudsman have been made and the file closed by the Ombudsman declining to investigate.

RECOMMENDATION:
That correspondence of the Ombudsman be received and noted.
Ms Helen Szuty
PO Box 180
TANUNDA SA 5352
By email: tvm@capri.net.au

Dear Ms Szuty

Your complaint about the Barossa Council section 270 review

I refer to your letter dated 19 October 2018. Your complaint is that you are dissatisfied with the outcome of the section 270 review under the Local Government Act 1999 (the s 270 review) which was completed by Ms Felice D’Agostino (the reviewer). The review concerned recent consultation undertaken by the Council regarding the proposed Barossa Regional Culture Hub (the BRCH).

Whenever my Office receives a complaint, the matter is assessed as to whether the complaint comes within my jurisdiction and, if so, whether I should exercise my discretion to commence an investigation. I have assessed your complaint and, although it is within jurisdiction, I have determined that an investigation is not necessary or justified in the circumstances. I explain how I arrived at this decision below.

My enquiries

In my enquiries, my Office:
- assessed the information provided by you
- obtained further information from the Council
- obtained further details from you about your complaint
- considered the following:
  - the s 270 final review report (the final report)
  - the s 270 preliminary review report (the preliminary report)
  - your submissions in response to the preliminary review report
  - the Council’s Internal Review of Council Decision Process (the s 270 process)
  - the Council’s Public Consultation Policy
  - the Council’s Draft Community Consultation Plan, endorsed by the Barossa Council on 26 April 2018
  - the minutes of the special meeting of the Barossa Council on 26 April 2018
  - the minutes of the special meeting of the Barossa Council on 27 June 2018
  - the agenda and minutes of the meeting of the Barossa Council on 16 October 2018
- prepared this letter to you.

1 Ms D’Agostino of Norman Waterhouse Lawyers completed the s 270 review on behalf of the Council.
My assessment of your complaint

The central issue raised by your complaint is that the reviewer did not adequately address your written responses to the preliminary report when the reviewer completed the final report. In particular, you have referred to submission points 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13, and the inadequacy of the response given the length of those submissions.

I have considered the preliminary and final report and am satisfied that the points raised by your submissions were adequately addressed by the reviewer. In making this assessment, I have had regard to clause 4.6.4 of the Council's s 270 process regarding principles of procedural fairness. I have also had regard to clause 4.6.1 wherein considerations are described to include:

[A]ll the materials and information that were before the original decision-maker at the time of the decision and any additional relevant information and material provided by the applicant or which has become available during the course of the review.

I acknowledge that a number of your submissions received a similar or identical response in the preliminary report and final report. My assessment is that in most instances, this occurred because the preliminary report's responses to your original submissions had already acknowledged or addressed the concerns that were then given in your responses to the preliminary report. I refer to submissions 2, 5, 6, 8, 9, 10, 11, 12 and 13.

In regards to submission 4, two allegations were involved. The first, regarding the conduct of Council officers, was addressed in the preliminary report, and your response did not raise any additional evidence, other than a statement of belief, to require further consideration. The second allegation suggested that insufficient consideration had been given to public consultation submissions by the elected body, as evidenced by the length of debate during the Council meeting. This was addressed in the preliminary report's response to submission 10. Furthermore, having reviewed the minutes of the Special Council meeting on 27 June, I can find no evidence to support this claim.

With regards to submission 7, I am of the opinion that your response to the preliminary report did not present a reason for an additional response in the final report. Your response involved a statement of belief, without evidence or argument that addressed or attempted to refute the response of the preliminary report.

It appears to me that the reviewer adequately addressed your original submissions and the additional responses given by you following the preliminary report. It does not appear to me that the reviewer has failed to follow the Council's s 270 procedure.

The second issue raised by your complaint is in regards to the consideration given to the s 270 review in the Council meeting on 16 October 2018. In your letter to this Office, you infer that insufficient regard was given to the report and recommendations by the elected body as the motion did not receive debate or discussion and was passed without dissent. In my enquiries, the Council has confirmed that there are no official audio recordings of meetings. While I note the difficulty in demonstrating a lack of consideration on the part of the elected body, I am of the opinion that a lack of debate or discussion is not sufficient to demonstrate this.

The third issue raised by your complaint is that the BRCH consultation process 'was not genuine and can be seen not to be genuine'. In your letter to this Office, this allegation was raised in response to comments made by Cr David de Vries during the Council Meeting on 16 October 2018. I understand that this complaint is also based on your submissions during the BRCH consultation process, in your s 270 review application, and in response to the preliminary report.
I have not found any evidence of administrative error in the community consultation policies and procedures adopted by the Council in regards to the BRCH. I note that the Council has met its obligations, as stipulated by its Public Consultation Policy. Furthermore, I do not consider that the failure of the Council to adopt two items of the Community Consultation Plan reasonably leads to the conclusion that the Barossa Council has not properly consulted with the community on the proposed BRCH. Based on the information before me, I consider that the conclusion reached by the reviewer was one open for the reviewer to make.

Finally, it is necessary for me to address the allegation of maladministration raised in your submission 1 response to the preliminary report. I have not found any evidence of maladministration in this instance. However, if you are still of the opinion that this is the case, you may choose to report the matter to the Office of Public Integrity.

**Outcome of my enquiries**

On the information available, it does not appear to me that the Council or the reviewer has acted in a way that may possibly be unlawful, unreasonable or wrong within the meaning of the Ombudsman Act or the Local Government Act. Accordingly, I do not consider that further enquiries into your complaint by my Office are necessary or justifiable.

I understand that this may not be the outcome you wanted, but on the evidence currently available to me, I do not think further enquiries would achieve a different result.

I intend to end my consideration of your complaint, unless you are able to identify an error in my assessment of the matter. If you think you are able to provide evidence of such an error, I ask you to contact my Office by **16 November 2018** with your evidence. If you do not contact my Office within that time, I will close the file.

The Ombudsman Act imposes certain obligations on my Office and others, including complainants and officers of the Council, to keep information about my enquiries confidential.

However, if I consider that disclosure of that information is in the public interest, then I may authorise or require its disclosure.

In my opinion, there is a public interest in disclosure of my decisions under the Ombudsman Act. Therefore, once I have closed the file, I authorise disclosure of this letter by the parties as they see fit. I have sent a copy of this letter to the Council.

Yours sincerely

[Signature]

Wayne Lines
SA OMBUDSMAN

2 November 2018

Cc: Mr Martin McCarthy
    Chief Executive Officer
    The Barossa Council
    By email: barossa@barossa.sa.gov.au

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Dear Ms Szuty

Your complaint about the Barossa Council (the council) section 270 review

I refer to your letter dated 16 November 2018. Your letter detailed:
- your submission following my letter to you dated 2 November 2018
- the council’s applications to the Federal Government’s Regional Growth Fund and Building Better Regions Fund
- your intention to
  - invite the newly elected members of the council to reconsider the Barossa Regional Cultural Hub (the BRCH)
  - undertake a review of the matter
  - provide a copy of your review to this Office

The second and third points of your letter do not appear to identify an error in my assessment of your complaint. Consideration has been given to the submission referred to in the first point, details of which are below.

In your submission, you allege that the failure of the council to fully implement the BRCH Community Engagement Plan (the CEP) amounts to an administrative error as it failed to use appropriate methods to consult with the Barossa community and failed to involve the local community in the expected manner. I understand that this allegation refers to the failure of the council to implement 2 of the 23 points of the CEP, specifically the proposed community panels and Trip e B radio interviews.

As stated in my letter to you, I do not consider that the failure to implement these CEP points leads to a conclusion that the council has not properly consulted with the community. During my assessment of your complaint and your letter to this Office, it was noted that the proposed community panel and radio interviews were adapted by the council rather than left unaddressed. While this may have resulted in a community consultation process that was not strictly as the community expected, I do not consider that this amounted to a significant failure.

I confirm that I am not obliged to investigate every complaint I receive. In determining whether to investigate a complaint, I consider whether it is in the public interest to do so, having regard to a number of factors including:
- does the alleged administrative error amount to a serious failure to meet expected standards of public administration?
- is there evidence of ongoing systemic failure in public administration?
- is the complaint about an error of process?
I do not consider it is in the public interest that I investigate your complaint as it does not appear that the failure of the council to strictly adopt 2 of the 23 items of the CEP amounted to serious or systemic failure.

Finally, your submission alleges that the Barossa Council did not consider negative feedback in the course of its consultation process. No evidence has been provided in your letter to substantiate this claim.

Having received your reply to my letter detailing my assessment of your complaint, I intend to end my consideration of the matter and close the file.

I have sent a copy of this letter to the agency.

Yours sincerely

[Signature]
Wayne Lines
SA OMBUDSMAN

20 November 2018

Cc  Mr Martin McCarthy
    Chief Executive Officer
    The Barossa Council
THE BAROSSA COUNCIL

SECTION 270 FINAL REPORT

MATTER OF THE BAROSSA REGIONAL CULTURE HUB

Felice D’Agostino
Norman Waterhouse Lawyers
1. SECTION 270 APPLICATION

1.1 The Council has received from Ms Helen Szuty (the Applicant) a request pursuant to Section 270 of the Local Government Act 1999 (the Act) for a review of the Council’s decision made at its meeting of 27 June 2018 regarding the Barossa Regional Culture Hub (the BRCH). A copy of the Applicants’ request is attached at Appendix A (the Review Application).

1.2 The Council has engaged Norman Waterhouse to assist it with its consideration and determination of the Review Application.

2. SECTION 270 LOCAL GOVERNMENT ACT 1999

2.1 Section 270 of the Act requires the Council to, amongst other things, establish procedures for the review of decisions of the Council, employees of the Council and other persons acting on behalf of the Council.

2.2 The then Ombudsman stated in 2011:

‘Internal review is a key accountability mechanism for local government. It enables people to test the merits of decisions that affect them.’

2.3 The current Ombudsman has confirmed that Section 270 of the Act requires councils to consider the merits of the decision under review.

2.4 A merits review requires all aspects of a decision to be reviewed and a determination to be made as to the correct and preferable decision. All the evidence is considered as well as any new evidence.

2.5 Accordingly, a review of a decision under Section 270 of the Act encompasses a review of the legality of the decision as well as whether the decision was the best or preferable decision.

2.6 In reviewing the merits of a decision, the Council ought to reconsider all the information that it considered in making the original decision from a fresh perspective as well as any new information to determine the best or preferable decision.

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1 Valuing Complaints: An Audit of Complaint Handling in South Australian Councils, November 2011, page 61
decision. This may result in the Council affirming, varying or setting aside the original decision.

3. REVIEW - PROCESS

3.1 Process of Review

3.1.1 The decision the subject of the Review Application is the following decision made by the Council at its meeting of 27 June 2018 (the June Meeting):

1. Receives and notes the report containing the outcome of community consultation on the Draft Master Plan for the Barossa Regional Culture Hub (the Hub) ref: 18/6574.

2. Endorses the Draft Master Plan (the Plan) for the Hub noting that it may be subject to future amendment and budget considerations as required. In particular (but not limited to), the external façade of the building as represented in the Plan is noted as requiring complete review; parking and internal configuration to be subject to detailed design processes.


4. Business case development to be ongoing as part of The Big Project Feasibility Report and grant funding applications.

5. Requires Officer to work with the Working Group and Architects to develop detailed design and documentation of the Hub to support current and future grant funding applications.

6. Requires Officers to provide an update on the outcome of the consultation to people that provided written, formal
feedback and where email contact information has been provided.’

(referred to in this report as the Decision).

3.1.2 The Council’s Internal Review of Council Decisions (sec 270) Process (the Review Process) provides:

‘An internal review of a Council decision enables the Council to reconsider all the evidence relied on to make the original decision, and additional available evidence if relevant.

In carrying out an internal review of a decision, 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.

The reviewer will consider whether the original decision is legally and procedurally correct... [and] will also consider whether a different decision based on the evidence available or new evidence provided or found provides an improved outcome.’

3.1.3 Our engagement is to, in accordance with the Review Procedure, consider the legality and merits of the Decision and prepare a report to assist the Council to make a decision in relation to the Review Application.

3.1.4 We prepared a preliminary report which was provided to the Applicant. The Applicant submitted two responses to the preliminary report.

3.2 Documents and information considered

3.2.1 We have considered the following documents and information:
3.2.1.1 report of the Chief Executive Officer for the June Meeting in relation to agenda item 2.1.2 titled ‘Barossa Culture Hub – Outcome of Community Engagement Process (the June Report) and the associated minutes of that meeting;

3.2.1.2 report of the Chief Executive Officer for the Special Council meeting of 26 April 2018 in relation to agenda item 2.1.2 titled ‘Barossa Regional Culture Hub – Draft Master Plan’ (the April Report) and the associated minutes of that meeting;

3.2.1.3 Review Application;

3.2.1.4 Council’s Public Consultation Policy (the PCP)\(^3\);

3.2.1.5 Submissions of the Applicant to the preliminary report (attached at Appendix B) (the Additional Submissions).

4. LEGISLATIVE REQUIREMENTS

4.1 There are no specific legislative requirements in relation to the specific nature or effect of the Decision.

5. BACKGROUND

5.1 Other Relevant Council Meetings

5.1.1 At the Special Council meeting of 26 April 2018 (the April Meeting) the Council resolved that the Council:

\((1)\) Receives, notes and endorses the draft Barossa Regional Culture Hub Master Plan (the Plan) dated 22 January 2018 Ref: 18/6574 for community consultation, noting that the Master Plan may be subject to future amendment and budget consideration as required.

\((2)\) Endorses the Community Consultation Plan – Barossa Regional Culture Hub Master Plan (Ref: 18/27039) to obtain feedback on the Plan for the period 30 April 2018

\(^3\) Reference 13/16094 [v2]
to the 21 May 2018 inclusive and requires Officers to bring a further report on the outcomes of the consultation to a future Council Meeting.

(3) Thanks the Barossa Regional Culture Hub Working and Stakeholder Groups for their work on the ongoing development of the draft Plan.’

5.2 Relevant Council Documents

5.2.1 Public Consultation Policy

5.2.1.1 Clause 4.4 of the PCP provides that the Council has the following obligations when it is required by the Act to follow its public consultation policy:

(a) Council must provide interested persons with a reasonable opportunity to make submissions regarding relevant matters;

(b) Council must publish a notice in a newspaper circulating in the area and on its website, describing the matter under consideration and invite interested persons to make submissions within a period (which must be at least 21 days) stated in the notice; and

(c) Council must consider any submissions received from the public during the prescribed consultation period.

5.2.1.2 Clause 4.6 of the PCP provides that ‘the Council may undertake additional consultation and community engagement on general or specific matters of interest to the community or specific stakeholders of the community ... the level of consultation should be at a minimum in accordance with clause 4.4.’

5.2.1.3 Clause 4.7 of the PCP provides for other consultation and engagement methods ‘at Council’s discretion, depending on the matter under consideration, the resources available to
Council and the level of interest the matter is anticipated to generate’.

5.3 Process Undertaken

5.3.1 Consultation

5.3.1.1 At the April Meeting the Council endorsed the draft Barossa Regional Culture Hub Master Plan and a community engagement plan (the CEP) for the period 30 April 2018 to 21 May 2018 inclusive. The CEP included the minimum steps set out in clause 4.4 of the PCP.4

5.3.1.2 The CEP was implemented with the exception of the community panel and the Triple B interview.5

5.3.1.3 All written submissions received as at the end of 21 May 2018 as well as several submissions received outside the consultation period were included in full in the June Report.

6. REVIEW - SUBMISSIONS

6.1 Applicant’s Submissions

6.1.1 The Applicant notes the following in the Review Application:

‘(a) Community consultation was not carried out in accordance with the Approved Consultation Plan; (Submission 1)

(b) Barossa Council Officers have acknowledged with regard to ‘concerns with external design/visual appearance of concept plan and place making considerations: in hindsight this should have either been made clearer in the documentation or the external visual removed to avoid detracting from the merits or otherwise of the concept’; (Submission 2)

(c) Evidence can be provided that one Barossa Council ratepayer who voiced her opposition to the proposal at The Barossa Council Office in Nuriootpa did not have her views recorded or

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4 April Report, Attachment 7
5 June Report, page 20
responded to by Officers as part of the consultation process;  
(Submission 3)

(d) There has been an inadequate response by Officers to my considered submission; (Submission 4)

(e) Barossa Council Officers have referred to Working Group and Stakeholder Session discussions which are not in the public arena; (Submission 5)

(f) Where are the expected supporting submissions from Stakeholder Groups: the Barossa Grape and Wine Association, RDA Barossa, Gawler, Light & Adelaide Plains, Tourism Barossa and Food Barossa?; (Submission 6)

(g) Despite the community consultation process used only 42 formal submissions were received from a Barossa Council population of over 23,000 residents; (Submission 7)

(h) Barossa Council Officers have stated that: ‘The capacity of a Hub to generate and activate across a wider region is the central premise of the proposal with documentation to illustrate and demonstrate the model provided in previous Council Reports. Council will need to determine if it is a model that is supported’; (Submission 8)

(i) Insufficient regard and consideration has been given by Elected Members to the potential impact on Barossa Council ratepayers paying for this Project over many years; (Submission 9)

(j) There was limited discussion and debate of the Recommendation by Elected Members at the Special Council Meeting of the 27th of June 2018 (approximately 5 minutes); (Submission 10)

(k) The Barossa Regional Culture Hub was in the public arena in 2013, prior to The Barossa Council's consideration of a Proposed Community Land Swap with Chateau Tanunda.
Elected Members should have been aware of the incompatibility between proposed car parking facilities at the Barossa Regional Culture Hub and the expectations of the executors of the Estate of Elma Linda Keil and the Indenture Deed that the adjacent land would be preserved for parklands (Submission 11)

(i) The Barossa Council Section 270 Review Report regarding the Proposed Community Land Swap between The Barossa Council and Chateau Tanunda is expected to be debated on Tuesday the 17th of July 2018 at the Barossa Council Meeting. (Submission 12).

6.1.2 For the purposes of the Review Application we have taken the matters noted by the Applicant as set out in clause 6.1.1 as submissions in relation to the Decision. The Applicant further submits as follows:

‘I do not believe that the decision by the Elected Members to agree to the recommendation in the agenda has been fully considered and is reasonable in the circumstances at this time. I request that no further action be taken to implement the recommendation at this time.’ (Submission 13)

7. REVIEW – ANALYSIS

7.1 Process - Public Consultation

7.1.1 The community consultation process that was undertaken did not include all the activities set out in the CEP. In particular, the community panel and the Triple B interview did not occur. The reason for the community panel not taking place was that the Council could not ‘get a time when everyone was able to commit’. The Council instead, ‘posted video comments from members of the community on.. [its].. facebook page with their views on what a facility might mean or offer from their perspective’. In relation to the Triple B interview the Council could not get a slot on Triple B’s community discussion session on a Thursday afternoon, ‘but had foreshadowed the consultation period and talked at length about the culture hub when
[the Council's Director Community Projects] was interviewed by Paul during his show on the 15 March.  

7.1.2 In our view the consultation process undertaken by the Council was appropriate and lawful.

7.2 Process – Legislative Requirements

7.2.1 Based on the information available to us it is our view that the Decision is lawfully within the power of the Council to make.

7.3 Review Application

7.3.1 Submission 1

7.3.1.1 Whilst two elements of the CEP were not implemented, namely the community panel and the Triple B interview, the reasons provided as to why these elements did not occur suggest it was due to matters beyond the Council's control. In any event we consider that the consultation that did take place was extensive and went beyond the minimum requirements of the Council’s PCP. We do not consider this had a material impact on the consultation that was undertaken.

7.3.1.2 In the Additional Submissions, the Applicant contends that the failure to hold the community panel is ‘evidence of maladministration’ and ‘goes to issues of transparency in Council processes ...’. With respect, we consider that such a contention is unreasonable. We do not consider, as submitted by the Applicant, that the failure to hold the community panel had a material impact on the community engagement undertaken by the Council. The Applicant has not provided, nor do we consider there to be, any basis or rationale for such an assertion when considering the various and numerous engagement processes the Council did employ. Further, in our view, the value or impact of the

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6 June Report, pages 15 - 16 and 58  
7 June Report, pages 15 - 16 and 58  
8 June Report, Attachment 3
community panel aspect to the CEP would not have been such as to render the other aspects of the CEP redundant.

7.3.2 Submission 2

7.3.2.1 We understand this submission relates to the response provided by Council administration in the June Report\(^9\) to the concerns expressed during the public consultation on the ‘external design/visual appearance of concept plan and place making considerations’. The response provided is that during the consultation on the BRCH, Council ought to have made it clearer that the purpose of the consultation was to seek feedback on the BRCH as a concept rather than the detailed design of the building and that consideration as to the detailed design of the BRCH is premature and a matter for future consideration. In our view, this submission appears to misunderstand the response provided by Council administration. It does not appear that the Council has settled or even given any detailed consideration to the design elements for the building and this was not the purpose of the consultation\(^10\). Rather, the purpose of the consultation was to seek community feedback on the BRCH as concept.

7.3.3 Submission 3

7.3.3.1 In our view the public consultation steps the Council undertook were extensive. We note the material promoting the public consultation referred numerous times to feedback being provided online or in hard copy\(^11\). We do not consider there has been a failure of process in the Council not documenting views expressed by a member of the public in circumstances outside those available as part of the public consultation, particularly where ample and reasonable opportunities were available to members of the public to

\(^9\) June Report, pages 11 - 12
\(^10\) See numerous references in June Report to detailed design being subject of future consideration, for example pages 10, 12, 15, 17 and 18 June Report
make a submission. There is no information to suggest this particular person was unable to exercise their right and make a submission. We note that there was reference in the June report to an informal submission made over the front counter of the Nuriootpa Council Chambers on 21 May 2018. However, we do not know if this is the person referred to by the Applicant in this submission.

7.3.3.2 The Applicant did not provide any further information about the particular ratepayer referred to in this submission nor did the Applicant confirm whether the ratepayer was the person who made an informal submission at the Nuriootpa Council Chambers on 21 May 2018. Accordingly in our view, it is not possible to provide any additional response to this submission.

7.3.4 Submission 4

7.3.4.1 A response by a Council officer to the Applicant’s submission is set out on pages 56 – 58 of the June Report. That response clearly states the Applicant’s feedback would be included for consideration by the elected body and this did in fact occur. The officer also makes it clear in that response that the officer would not respond to the Applicant’s views on the merits of the BRCH but would provide clarification. We do not consider the lack of a response by the officer to the Applicant’s views as to the merits of the BRCH constitutes a failure of process by the Council. In our view, it is not necessary for a response to have been provided at all to submissions received during the public consultation on the BRCH but rather that regard was had to those submissions.

7.3.5 Submission 5

7.3.5.1 The April and June Reports refer to meetings of a Working Group and Stakeholder Group and this submission appears to suggest fault on the part of the Council for either not
making these meetings public, or not making the discussions that occurred at these meetings public. We are of the view there is no requirement for these meetings to have been held in public or for the discussions at those meetings to have been publicly disclosed. It is open to the Council to convene working groups and stakeholder groups and in many cases it is appropriate that the Council do so. In our view, the fact the meetings and discussions of these groups were not public, does not constitute a failure of process by the Council. Whilst it is not evident to us what exactly the Applicant is seeking to assert by making this submission, we are of the view the Applicant’s (and the public’s) right to make submissions on the BRCH and have their submissions taken into account were not affected by the matter raised in this submission.

7.3.6 Submission 6

7.3.6.1 This submission implies that the absence of submissions in support of the BRCH by the entities referred to by the Applicant indicates the BRCH is lacking in merit. We do not consider that such an implication can reasonably be drawn. Indeed, we do not consider that any inference ought to be drawn from the absence of a submission from specific persons or entities.

7.3.6.2 The Applicant has in the Additional Submissions clarified that this submission did not contain the implication as set out in clause 7.3.6.1 herein.

7.3.7 Submission 7

7.3.7.1 Our view is that the consultation process the Council undertook was extensive. We do not consider that any reasonable inference can be drawn from the number of responses received by the Council during the public consultation on the BRCH.
7.3.8 Submission 8

7.3.8.1 This submission refers to the response provided in the June Report to a submission received during the public consultation. It merely advises the elected body of a matter to be considered, namely, whether it supports the model proposed for the BRCH. We do not consider this submission evidences any flaws in the Decision.

7.3.9 Submission 9

7.3.9.1 The June Report acknowledges that ‘the operational modelling to inform the detailed business case is still to be considered’\(^\text{13}\) Further, the June Report states as one of the financial considerations for the BRCH that:

\begin{quote}
‘The concept Master Plan is the first stage in developing a prioritised, phased and costed feasibility plan for the Barossa Regional Culture Hub as part of The Big Project.’\(^\text{14}\)
\end{quote}

The Decision states business case development is to be ongoing and notes that the draft Master Plan is subject to budget considerations. Accordingly in our view, it is clear the Council acknowledges that consideration still needs to be given to the feasibility and/or business case for the BRCH.

7.3.10 Submission 10

7.3.10.1 The extent of the debate by the elected body at the time the Decision was made does not in our view lead to a conclusion that the Decision was not the best or preferable decision. In any event the Review Application provides the Council with the opportunity to review the Decision and if it considers it appropriate affirm the Decision.

\[^{13}\] See pages 14 and 18 in particular
\[^{14}\] See page 19
7.3.11 Submission 11

7.3.11.1 This submission asserts there is an incompatibility between the ‘proposed car parking facilities at the Barossa Regional Culture Hub and the expectations of the executors of the Estate of Elma Linda Keil and the Indenture Deed’. We note that the executors of the estate of Elma Linda Keil, parties to the Indenture Deed\textsuperscript{15}, have agreed to ‘cancel’ the Indenture Deed and ‘establish’\textsuperscript{16} a new Indenture Deed on the same terms. Accordingly we do not consider that there can be said to be any incompatibility.

7.3.12 Submission 12

7.3.12.1 We do not consider that matter concerning the ‘Proposed Community Land Swap between The Barossa Council and Chateau Tanunda’ which is referred to in this submission impacts on the ability of the Council to deal with the BRCH Matter and make the Decision. We note the there has been an application under section 270 of the Act relating to that matter which we understand has now been dealt with by the Council.

7.3.13 Submission 13

7.3.13.1 This submission is in our view a submission as to the merits of the Decision which we discuss in paragraph 7.4.

7.4 Merits Assessment

7.4.1 In understanding a review as to the merits of the Decision, it is necessary to consider the effect of the Decision.

7.4.2 In summary, the Decision:

7.4.2.1 receives and notes the community consultation feedback;

7.4.2.2 endorses a draft master plan for the BRCH;

\textsuperscript{15} Indenture between the District Council of Tanunda and Robert John Humburg and Roland Braunack dated 28 June 1996

\textsuperscript{16} The indenture Deed provides that the executors may ‘modify, waive or release wholly or in part all or any of the covenants conditions and restrictions herein’
7.4.2.3 acknowledges the draft master plan may necessitate amendment and budget considerations;

7.4.2.4 receives a cost estimate on the draft master plan;

7.4.2.5 requires ongoing business case development;

7.4.2.6 requires the development of detailed design and documents for the BRCH for the purposes of grant funding applications;

7.4.2.7 requires an update to be provided to those persons who submitted feedback during the public consultation.

7.4.3 The Decision does not constitute a Decision to construct the BRCH and we would expect any such decision would not likely be made for some time in the future.

7.4.4 The functions of the Council set out at Section 7 of the Act include:

(a) to plan at the local and regional level for the development and future requirements of its area;

(b) to provide services and facilities that benefit its area, its ratepayers and residents, and visitors to its area (including general public services or facilities (including electricity, gas and water services and waste collection, control or disposal services or facilities), health, welfare or community services or facilities, and cultural or recreational services and facilities;

...

(g) to promote its area and to provide an attractive climate and locations for the development of business, commerce, industry and tourism;

...

7.4.5 In the Additional Submissions, the Applicant requests that no further action be taken in light of the upcoming local government elections.
8. **CONCLUSION**

8.1 In our view based on all the matters outlined in this report the Decision is the best and/or preferable decision.

9. **RECOMMENDATIONS**

9.1 That the Council reconsider all the information before it at the time it made the Decision, the information submitted by the Applicants and this report and determine if the Decision is the best and/or preferable decision.
APPENDIX A
PO Box 180/33 Angas Street,
Tanunda SA 5352.

12 July 2018.

Internal Review Contact Officer,
The Barossa Council,
43 – 51 Tanunda Road,
Nuriootpa SA 5355.

To whom it may concern,

I am applying for a review of a council decision in accordance with The Barossa Council’s Internal Review of Council Decision Process under Section 270 – Procedures for review of decisions and requests for services under the Local Government Act 1999.

The decision I am seeking to review is the decision taken by the Elected Body at the Special Council Meeting of the 27th of June 2018 to support the recommendation contained in the Debate Agenda – Chief Executive Officer 2.1.2 Barossa Culture Hub – Outcome of Community Consultation Process B8073:

"RECOMMENDATION
That Council

(1) Receives and notes the report containing the outcome of community consultation on the Draft Master Plan for the Barossa Regional Culture Hub (the Hub) ref: 18/6574,

(2) Endorses the Draft Master Plan (the Plan) for the Hub noting that it may be subject to future amendment and budget considerations as required. In particular (but not limited to), the external façade of the building as represented in the Plan is noted as requiring complete review; parking and internal configuration to be subject to detailed design processes.
(3) Receives and notes the cost estimate report on the Hub Draft Master Plan produced by Rider Levet Bucknall dated 18/24423 for inclusion in the future The Big Project Feasibility Report and grant funding applications.

(4) Business case development to be ongoing as part of The Big Project Feasibility Report and grant funding applications.

(5) Requires Officer to work with the Working Group and Architects to develop detailed design and documentation of the Hub to support current and future grant funding applications.

(6) Requires Officers to provide an update on the outcome of the consultation to people that provided written, formal feedback and where email contact information has been provided.”

I note the following:

(a) Community consultation was not carried out in accordance with the Approved Consultation Plan;

(b) Barossa Council Officers have acknowledged with regard to “concerns with external design/visual appearance of concept plan and place making considerations: in hindsight this should have either been made clearer in the documentation or the external visual removed to avoid detracting from the merits or otherwise of the concept”;

(c) Evidence can be provided that one Barossa Council ratepayer who voiced her opposition to the proposal at The Barossa Council Office in Nuriootpa did not have her views recorded or responded to by Officers as part of the consultation process;

(d) There has been an inadequate response by Officers to my considered submission;

(e) Barossa Council Officers have referred to Working Group and Stakeholder Session discussions which are not in the public arena;

(f) Where are the expected supporting submissions from Stakeholder Groups: the Barossa Grape and Wine Association, RDA Barossa, Gawler, Light & Adelaide Plains, Tourism Barossa and Food Barossa?;

(g) Despite the community consultation process used only 42 formal submissions were received from a Barossa Council population of over 23,000 residents;

(h) Barossa Council Officers have stated that: “The capacity of a Hub to generate and activate across a wider region is the central premise of the proposal with documentation to illustrate and demonstrate the model provided in previous Council Reports. Council will need to determine if it is a model that is supported”;

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(i) Insufficient regard and consideration has been given by Elected Members to the potential impact on Barossa Council ratepayers paying for this Project over many years;

(j) There was limited discussion and debate of the Recommendation by Elected Members at the Special Council Meeting of the 27th of June 2018 (approximately 5 minutes);

(k) The Barossa Regional Culture Hub was in the public arena in 2013, prior to The Barossa Council’s consideration of a Proposed Community Land Swap with Chateau Tanunda. Elected Members should have been aware of the incompatibility between proposed car parking facilities at the Barossa Regional Culture Hub and the expectations of the executors of the Estate of Elma Linda Keil and the Indenture Deed that the adjacent land would be preserved for parklands;

(l) The Barossa Council Section 270 Review Report regarding the Proposed Community Land Swap between The Barossa Council and Chateau Tanunda is expected to be debated on Tuesday the 17th of July 2018 at the Barossa Council Meeting.

I do not believe that the decision by the Elected Members to agree to the recommendation in the agenda has been fully considered and is reasonable in the circumstances at this time. I request that no further action be taken to implement the recommendation at this time.

I look forward to hearing from you and can be contacted on my mobile phone number listed below.

Yours sincerely,

[Signature]

Helen Szuty,

0488231481 (mobile).
RESPONSE TO SECTION 270 PRELIMINARY REVIEW REPORT

**Applicant’s Submission 1**

(a) Community consultation was not carried out in accordance with the Approved Consultation Plan;

**Review Application**

7.3.1.1 Whilst two elements of the CEP were not implemented, namely the community panel and the Triple B interview, the reasons provided as to why these elements did not occur suggest it was due to matters beyond the Council’s control. (Reference June Report, pages 15 – 16 and 58) In any event we consider that the consultation that did take place was extensive (Reference June Report Attachment 3) and went beyond the minimum requirements of the Council’s PCP (Public Consultation Policy). We do not consider this had a material impact on the consultation that was undertaken.

**Response**

I believe that Council’s failure to carry out its community consultation in accordance with the Approved Consultation Plan is evidence of maladministration on Council’s part. The Barossa Council community has a right to expect that the Community Panel would be held which would enable considerable numbers of interested ratepayers and residents to attend, to hear first hand of the proposed concept of the Barossa Regional Culture Hub and to ask informed questions of community panel members.

The Concise Oxford Dictionary defines “extensive” as:

“large; far reaching; comprehensive”

I believe that The Barossa Council’s community consultation on the Barossa Regional Culture Hub was none of those things.

Community consultation on matters of significance to Barossa Council ratepayers and residents needs to be genuine and meaningful and to be seen as genuine and meaningful indicating a desire by The Barossa Council to effectively engage the community in the decision making process.

The Concise Oxford Dictionary defines “consult” as:

“have deliberations; seek information or advice from; take into consideration”
The failure to hold the Community Panel as indicated in The Barossa Council’s own Approved Community Consultation Plan goes to issues of transparency in Council processes resulting in a loss of confidence by the Barossa community in The Barossa Council.

Of course the failure to hold the Community Panel had a material impact on the consultation that was undertaken. It could not be otherwise.

Applicant’s Submission 2

(b) Barossa Council Officers have acknowledged with regard to ‘concerns with external design/visual appearance of concept plan and place making considerations: in hindsight this should have either been made clearer in the documentation or the external visual removed to avoid detracting from the merits or otherwise of the concept;’

Review Application

7.3.2.1 We understand this submission relates to the response provided by Council administration in the June Report (Reference June Report pages 11 – 12) to the concerns expressed during the public consultation on the ‘external design/visual appearance of concept plan and place making considerations’. The response provided is that during the consultation on the BRCH (Barossa Regional Culture Hub), Council ought to have made it clearer that the purpose of the consultation was to seek feedback on the BRCH as a concept rather than the detailed design of the building and that consideration as to the detailed design of the BRCH is premature and a matter for future consideration. In our view, the submission appears to misunderstand the response provided by Council administration. It does not appear that the Council has settled or even given any detailed consideration to the design elements for the building and this was not the purpose of the consultation. (Reference: see numerous references in June Report to detailed design being subject of future consideration, for example pages 10, 12, 15, 17 and 18 June Report). Rather, the purpose of the consultation was to seek community feedback on the BRCH as concept.

Response

If genuine and meaningful community consultation was intended on the concept of the Barossa Regional Culture Hub, then, it needed to be the focus of the community consultation. The Community Panel would have been an ideal and appropriate way to address this issue.
It is public knowledge that the Working Group and various Stakeholder Groups had been considering the concept of the Barossa Regional Culture Hub for years, and yet, the entire community consultation process occurred over three weeks without the expected and anticipated Community Panel. The consultation process merely conformed to the minimum requirements of the Local Government Act 1999. The community consultation process can be seen to be a means to an end.

There are issues of interpretation here. If The Barossa Council releases detailed drawings of design plans for community consultation, then, it needs to expect that the community would provide feedback on those detailed design plans.

**Applicant’s Submission 3**

(c) Evidence can be provided that one Barossa Council ratepayer who voiced her opposition to the proposal at The Barossa Council Office in Nuriootpa did not have her views recorded or responded to by Officers as part of the consultation process;

**Review Application**

7.3.3.1 In our view the public consultation steps the Council undertook were extensive. We note the material promoting the public consultation referred numerous times to feedback being provided online or in hard copy. (Reference: See extract from website on pages 28 – 30 June Report, copy newspaper advertisement or pages 31 – 32 June Report, extracts from social media pages 37 – 39 June Report, copy notices of drop-in sessions page 40 June Report, copy letter drop, posters and email footer page 41 June Report, extract of d’Vine e newsletter pages 42 – 43 June Report).

We do not consider there has been a failure of process in the Council not documenting views expressed by a member of the public in circumstances outside those available as part of the public consultation, particularly where ample and reasonable opportunities were available to members of the public to make a submission. We note there was reference in the June report to an informal submission made over the front counter of the Nuriootpa Council Chambers on 21 May 2018. However, we do not know if this is the person referred to by the Applicant in this submission.

**Response**

The Barossa Council community consultation process can be seen to have failed if a concerned and busy ratepayer does not have her views on the BRCH recorded by The Barossa Council or responded to by Officers of The Barossa Council.
She has taken time away from her busy schedule to personally attend the Office of The Barossa Council and state her view. It seems The Barossa Council is only interested in receiving community feedback within the formal confines of their community consultation process. This ratepayer will probably not bother to respond to other Council issues she disagrees with in the future because she will hold the view that she will be disregarded. This undermines community confidence in general in The Barossa Council.

It also begs the question as to what The Barossa Council would have done if it had received thousands of community responses during the community consultation process.

**Applicant’s Submission 4**

(d) There has been an inadequate response by Officers to my considered submission;

**Review Application**

7.3.4.1 A response by a Council officer to the Applicant’s submission is set out on pages 56 – 58 of the June Report. That response clearly states the Applicant’s feedback would be included for consideration by the elected body and this did in fact occur. The officer also makes it clear in that response that the officer would not respond to the Applicant’s views on the merits of the BRCH but would provide clarification. (Reference: June Report, pages 56 – 58) We do not consider the lack of a response by the officer to the Applicant’s views as to the merits of the BRCH constitutes a failure of process by the Council. In our view, it is not necessary for a response to have been provided at all to submissions received during the public consultation on the BRCH but rather that regard was had to those submissions.

**Response**

There is no evidence that regard was had to the submissions that were received by The Barossa Council as a result of the consultation process.

Because Elected Members do not discuss or debate significant Council issues during Ordinary Council Meetings which are open to members of the public, let alone Special Council Meetings with limited notice, Barossa Council ratepayers and residents do not know whether Elected Members have considered the detail of the submissions because they have not been seen to do so.
If Barossa Council Officers are going to respond to community submissions, then they need to respond in detail to those submissions. It can be clearly demonstrated that Barossa Council officers responded inadequately to the issues I raised in my submission.

Surely the whole point and focus of the Barossa Regional Culture Hub was meant to be to comment on the merits of the concept and yet Barossa Council officers did not address these matters in their response.

**Applicant’s Submission 6**

(e) Barossa Council Officers have referred to Working Group and Stakeholder Session discussions which are not in the public arena;

**Review Application**

7.3.5.1 The April and June Reports refer to meetings of a Working Group and Stakeholder Group and this submission appears to suggest fault on the part of the Council for either not making these meetings public, or not making the discussions that occurred at these meetings public. We are of the view that there is no requirement for these meetings to have been held in public or for the discussions at those meetings to have publicly disclosed. It is open to the Council to convene working groups and stakeholder groups and in many cases it is appropriate that the Council do so. In our view, the fact the meetings and discussions of these groups were not public, does not constitute a failure of process by the Council. Whilst it is not evident to us what exactly the Applicant is seeking to assert by making this submission, we are of the view the Applicant’s (and the public’s) right to make submissions on the BRCH and have their submissions taken into account were not affected by the matter raised in this submission.

**Response**

My submission and the public’s submissions on the Barossa Regional Culture Hub are public documents, and yet curiously, there are no submissions in the public arena from the Working Group or the Stakeholder Groups. In the interests of transparency and accountability, if the concept of the Barossa Regional Culture Hub was such a good one, then, I would have expected to see written, considered submissions from the Stakeholder Groups in particular to have been received and to have been made public.

As mentioned previously, the concept of a Barossa Regional Culture Hub seems to have been discussed for years. The Barossa Council is accountable to its ratepayers and its residents first and foremost and yet the flawed community consultation process
lasts all of three weeks. It could be seen by Barossa Council ratepayers and residents that Council takes more notice of the views of stakeholders behind closed doors than it does of its own ratepayers and residents. At the end of the day it will be ratepayers who will be asked to contribute to the funding of the concept over what is predicted to be many years.

**Applicant’s Submission 6**

(f) Where are the expected supporting submissions from Stakeholder Groups: the Barossa Grape and Wine Association, RDA Barossa, Gawler, Light & Adelaide Plains, Tourism Barossa and Food Barossa?

**Review Application**

7.3.6.1 This submission implies that the absence of submissions in support of the BRCH by the entities referred to by the Applicant indicates the BRCH is lacking in merit. We do not consider that such an implication can reasonably be drawn. Indeed, we do not consider that any inference ought to be drawn from the absence of a submission from specific persons or entities.

**Response**

I believe my submission did not imply that the absence of submissions in support of the BRCH by the entities referred to indicates the BRCH is lacking in merit. I am just surprised that if it was such a good idea, then, these entities would have made sure their views were publically known.

The Barossa Council does not need to be accountable to these entities for the decisions they make, they need to be accountable and be seen to be accountable to their ratepayers and residents.

**Applicant’s Submission 7**

(g) Despite the community consultation process used only 42 formal submissions were received from a Barossa Council population of over 23,000 residents;

**Review Application**

Our view is that the consultation process the Council undertook was extensive. We do not consider that any reasonable inference can be drawn from the number of responses received by the Council during the public consultation on the BRCH.
Response

I disagree with the Reviewer that the consultation process the Council undertook was extensive. As stated previously, the Concise Oxford Dictionary defines “extensive” as:

“large; far reaching; comprehensive”

I believe that The Barossa Council’s community consultation on the Barossa Regional Culture Hub was none of these things.

Applicant’s Submission 8

(h) Barossa Council Officers have stated that: ‘The capacity of a Hub to generate and activate across a wider region is the central premise of the proposal with documentation to illustrate and demonstrate the model provided in previous Council Reports. Council will need to determine if it is a model that is supported’;

Review Application

This submission refers to the response provided in the June Report to a submission received during the public consultation. It merely advises the elected body of a matter to be considered, namely, whether it supports the model proposed for the BRCH. We do not consider this submission evidences any flaws in the Decision.

Response

The quote in my submission refers to previous Council Reports. The June Report is not a previous Council Report. It is not known what previous Council Reports in particular are being referred to here.

Applicant’s Submission 9

(i) Insufficient regard and consideration has been given by Elected Members to the potential impact on Barossa Council ratepayers paying for this Project over many years;

Review Application

7.3.9.1 The June Report acknowledges that the ‘operational modelling to inform the detailed business case is still to be considered’ (Reference: see pages 14 and 18 in particular). Further, the June Report states as one of the financial considerations for the BRCH that:
‘The concept Master Plan is the first stage in developing a prioritised, phased and costed feasibility plan for the Barossa Regional Culture Hub as part of The Big Project’

(Reference: see page 19).

The Decision states business case development is to be ongoing and notes that the draft Master Plan is subject to budget considerations. Accordingly in our view, it is clear the Council acknowledges that consideration still needs to be given to the feasibility and/or business case for the BRCH.

Response

Barossa Council ratepayers are still paying for The Rex years after it was established and has been operating and there has been a loss of previously existing assets such as the Tanunda Swimming Pool.

There is no point in adopting the Concept Master Plan at this stage. Clause 5 of the Decision:

“Requires Officer to work with the Working Group and Architects to develop detailed design and documentation of the Hub to support current and future grant funding applications”.

This requires ratepayers’ money being spent ahead of future funding decisions being made. It may well lead to and amount to a waste of ratepayers’ money.

It puts the cart before the horse. Council needs to be certain that it has the support of its ratepayers and residents for the concept of the proposed Barossa Regional Culture Hub before committing ratepayers’ funds to the detailed design stage.

Applicant’s Submission 10

(j) There was limited discussion and debate of the Recommendation by Elected Members at the Special Council Meeting of the 27th of June 2018 (approximately 5 minutes);

Response

7.3.10.1 The extent of the debate by the elected body at the time the Decision was made does not in our view lead to a conclusion that the Decision was not the best or preferable decision. In any event the Review Application provides the Council with the opportunity to review the Decision and if it considers it appropriate affirm the Decision.
There are issues of transparency and accountability here. Barossa Council ratepayers and residents have participated in a consultation process over three weeks and have been asked to provide submissions to Council on what would be a significant development for the Barossa costing a great deal. It warrants more than a 5 minute discussion at a hastily convened Special Council Meeting.

**Applicant’s Submission 11**

(k) *The Barossa Regional Culture Hub was in the public arena in 2013, prior to The Barossa Council’s consideration of a Proposed Community Land Swap with Chateau Tanunda. Elected Members should have been aware of the incompatibility between proposed car parking facilities at the Barossa Regional Culture Hub and the expectations of the executors of the Estate of Elma Linda Keil and the Indenture Deed that the adjacent land would be preserved for parklands;*

**Review Application**

This submission asserts there is an incompatibility between the ‘proposed car parking facilities at the Barossa Regional Culture Hub and the expectations of the executors of the Estate of Elma Linda Keil and the Indenture Deed’. We note that the executors of the estate of Elma Linda Keil, parties to the Indenture Deed (Reference: Indenture between the District Council of Tanunda and Robert John Homburg and Roland Braunack dated 28 June 1996), have agreed to ‘cancel’ the Indenture Deed and ‘establish’ (Reference: The Indenture Deed provides that the ‘executors may ‘modify, waive or release wholly or in part all or any of the covenants conditions and restrictions herein’) a new Indenture Deed on the same terms. Accordingly we do not consider that there can be said to any incompatibility.

**Response**

In its justification for the Proposed Community Land Swap with Chateau Tanunda, The Barossa Council reassured Barossa ratepayers and residents that the incoming land parcel to be received from Chateau Tanunda (Parcel E) would be subject to the terms and conditions of the Indenture Deed.

I don’t believe that Barossa ratepayers and residents would be reassured that the terms and conditions of the Indenture Deed meant “that the executors may modify, waive or release wholly or in part all or any of the covenants conditions and restrictions herein”.

I believe that Barossa ratepayers and residents would have expected that the incoming land would be preserved as parklands as Allotments 11 and 12 currently are. Car
parking facilities for the Barossa Regional Culture Hub would not be seen as a desirable alternative to parklands.

Then there is the issue of Allotment 13 which was also part of the Elma Keil bequest to the District Council of Tanunda along with Allotments 11 and 12 in June 1996. Allotments 11 and 12 were land parcels A and B proposed to be swapped with Chateau Tanunda, Allotment 13 was not. Presumably the community land classification still exists over Allotment 13 and has not been revoked.

**Applicant’s Submission 12**

(1) *The Barossa Council Section 270 Review Report regarding the Proposed Community Land Swap between The Barossa Council and Chateau Tanunda is expected to be debated on Tuesday the 17th of July 2018 at the Barossa Council Meeting.*

**Review Application**

7.3.12.1 We do not consider that matter concerning the ‘Proposed Community Land Swap between The Barossa Council impacts on the ability of the Council to deal with the BRCH Matter and make the Decision. We note there has been an application under section 270 of the Act relating to that matter which we understand has now been dealt with by the Council.

**Response**

I believe that the matter of the Proposed Community Land Swap between The Barossa Council and Chateau Tanunda and the Proposed Barossa Regional Culture Hub are inextricably linked and should not be seen as separate from each other.

The proposed Barossa Regional Culture Hub has been under consideration for years, from about 2013. The Proposed Community Land Swap with Chateau Tanunda has been under consideration since at least 2015. Public consultation on the Proposed Community Land Swap with Chateau Tanunda took place from late October 2017, public consultation on the proposed Barossa Regional Culture Hub took place in April and May 2018 after design drawings were published in January 2018.

The Minister for Planning Transport and Infrastructure’s delegate, Chief Development Officer, Mr. Andrew McKeegan made the decision to approve the Proposed Community Land Swap with Chateau Tanunda on the 19th of April 2018.

Applications for funding of $64 million from the Federal Government’s Regional Growth Fund for both the Proposed Chateau Tanunda Development and the Barossa Regional...
Culture Hub are currently being considered. Outcomes may not be known for some time.

The Section 270 Review – Matter of Revocation of Land Classification as Community Land has recently been referred to the Ombudsmans Office and has since been referred elsewhere.

Freedom of Information Applications are currently with the Department of Planning Transport and Infrastructure, the Office of Local Government and The Barossa Council and outcomes are imminent.

**Applicant’s Submission 13**

(m) I do not believe that the decision by the Elected Members to agree to the recommendation in the agenda has been fully considered and is reasonable in the circumstances at this time. I request that no further action be taken to implement the recommendation at this time.

**Review Application**

7.3.13.1 This submission is in our view a submission as to the merits of the Decision which we discuss in paragraph 7.4.

7.4 **Merits Assessment**

7.4.1 In understanding a review as to the merits of the Decision, it is necessary to consider the effect of the Decision.

7.4.2 In summary, the Decision:

7.4.2.1 receives and notes the community consultation feedback;

7.4.2.2 endorses a draft master plan for the BRCH;

7.4.2.3 acknowledges the draft master plan may necessitate amendment and budget considerations;

7.4.2.4 receives a cost estimate on the draft master plan;

7.4.2.5 requires ongoing business case development;

7.4.2.6 requires the development of detailed design and documents for the BRCH for the purposes of grant funding applications;
7.4.2.7 requires an update to be provided to those persons who submitted feedback during the public consultation.

7.4.3 The Decision does not constitute a Decision to construct the BRCH and we would expect any such decision would not likely be made for some time in the future.

7.4.4 The functions of the Council set out at Section 7 of the Act include:

‘(a) to plan at the local and regional level for the development and future requirements of its area;

(b) to provide services and facilities that benefit its area, its ratepayers and residents, and visitors to its area (including general public services or facilities (including electricity, gas and water services and waste collection, control or disposal services or facilities), health, welfare or community services or facilities, and cultural or recreational services and facilities;

(g) to promote its area and to provide an attractive climate and locations for the development of business, commerce, industry and tourism?’

Response

At the time of writing, The Barossa Council has gone into a Caretaker Period prior to Council Elections in November 2018 and the election of a new Barossa Council and I wish to reaffirm that I request that no further action be taken to implement the recommendation in the agenda at this time.

Review Application

8. CONCLUSION

8.1 In our view based on all the matters outlined in this report the Decision is the best and/or preferable decision.

Response

I disagree with the Conclusion arrived at by the Reviewer. In my view the Decision is not the best and/or preferable decision.

Review Application

9. RECOMMENDATION
9.1 That the Council reconsider all the information before it at the time it made the Decision, the information submitted by the Applicant and this report and determine if the Decision is the best and/or preferable decision.

Response

I agree with the RECOMMENDATION made by the Reviewer: That the Council reconsider all the information before it at the time it made the Decision, the information submitted by the Applicant and this report and determine if the Decision is the best and/or preferable decision.
PO Box 180/33 Angas Street,
Tanunda SA 5352.

21 September 2018.

Ms. Felice D'Agostino,
Principal,
Norman Waterhouse Lawyers,
GPO Box 639,
Adelaide SA 5001.

Re: Section 270 Application – Barossa Culture Hub

Dear Felice,

At 7.3.12.1 in your Preliminary Report you state:

“We do not consider that matter concerning the ‘Proposed Community Land Swap between The Barossa Council and Chateau Tanunda’ which is referred to in this submission impacts on the ability of the Council to deal with the BRCH matter and make the Decision. We note that there has been an application under Section 270 of the Act relating to that matter which we understand has now been dealt with by the Council.”

Further to your Preliminary Report, I wish to draw your attention to a radio interview between the CEO of The Barossa Council, Mr. Martin McCarthy and Paul Culliver of ABC Radio North and North West on Thursday morning the 20th of September 2018 between 8.30am and 9am on the subject of the Proposed Community Land Swap with Chateau Tanunda and the Proposed Barossa Culture Hub. I’m sure a transcript is or will be available of the interview.
During the interview Mr. McCarthy referred to the Proposed Community Land Swap with Chateau Tanunda facilitating the construction of the Proposed Chateau Tanunda Development and the Proposed Barossa Regional Culture Hub.

Yours faithfully,

Helen Szuty.
2.1 MAYOR'S REPORT

MOVED Cr Hurn that the Mayor’s report be received.
Seconded Cr Wiese-Smith
CARRIED 2018-22/42

3. COUNCILLOR REPORTS
Nil

4. CONSENSUS AGENDA

5. ADOPTION OF CONSENSUS AGENDA

5.1 ITEMS FOR EXCLUSION FROM THE CONSENSUS AGENDA
Cr de Vries – 4.2.1.1 – Correspondence from Ombudsman – Complaint Regarding the Barossa Regional Culture Hub

5.2 RECEIPT OF CONSENSUS AGENDA

MOVED Cr Miller that the information items contained in the Consensus Agenda with the exception of 4.2.1.1 – Correspondence from Ombudsman – Complaint Regarding the Barossa Regional Culture Hub, be received and that any recommendations contained therein be adopted.
Seconded Cr Boothby
CARRIED 2018-22/43

5.3 DEBATE OF ITEMS EXCLUDED FROM THE CONSENSUS AGENDA

4.2.1.1
CORRESPONDENCE FROM OMBUDSMAN – COMPLAINT REGARDING THE BAROSSA REGIONAL CULTURE HUB
B8388 16/85652

Cr de Vries commented that whilst debate on a matter may not be extensive he outlined Councillors have read and assessed reports and turned their mind to the relevant matters.

Mayor Lange asked that the Chief Executive Officer provide an update on their recent meeting with the Hon Frank Pangallo.

The Chief Executive Officer informed Council that among many other topics the issue of the land swap between Council and Chateau Tanunda was raised and he was briefed appropriately and was comfortable and supportive of the project. The Chief Executive Officer also provided an update on the commercial and valuation processes associated with the land swap and anticipates a report to Council to finalise the matter in March – June 2019.

MOVED Cr de Vries that correspondence of the Ombudsman be received and noted.
Seconded Cr Hurn
CARRIED 2018-22/44

The prior Council received a section 270 (internal review) report into a complaint made by Ms Szuty into the matter, generally, and engagement processes, specifically, regarding the Barossa Regional Culture Hub. The original report was tabled with Council on 16 October 2018 and is provided for completeness.

A preliminary (2 November 2018) and final determination (20 November 2018) of the Ombudsman have been made and the file closed by the Ombudsman declining to investigate.
7.2.1. DEBATE AGENDA – CHIEF EXECUTIVE OFFICER

7.2.1.1 ANNUAL REPORT ON THE INTERNAL REVIEW OF COUNCIL DECISIONS 2017-2018

PURPOSE
Council is asked to approve the annual report on the Internal Review of Council decision applications for the financial year as is required under the Local Government Act 1999.

RECOMMENDATION

(2) That Council notes that the policy and process for Section 270 Review requests will be reviewed and any proposed amendments brought to Council for consideration.

REPORT
Background
Section 270 (1) of the Local Government Act 1999 (“the Act”) requires a Council to establish procedures for the review of decisions of:

(a) the council;
(b) employees of the council;
(c) other persons acting on behalf of the council.

Section 270(8) of the Act further states:
“A Council must, on an annual basis, initiate and consider a report that relates to –
(a) The number of applications for review made under this section; and
(b) The kinds of matters to which the applications relate; and
(c) The outcome of applications under this section; and
(d) Such other matters as may be prescribed by the regulations.”

Additionally, Council’s Internal Review of Council Decisions Process requires this report to Council in July each year to include an attached Statement of Resources and a
summary of how the outcomes have been used to improve Council’s customer service, policies and processes.

Introduction

One application for Internal Review under Section 270 was received between 1 July 2017 and 30 June 2018 regarding a decision of Council to revoke the community land classification on Allotments 11 and 12 Basedow Road, Tanunda.

Discussion

In summary the matter was:

1. **Internal Review – 30 April 2018**

The Applicants made a request for an Internal Review into Council’s decision of 26 April 2018 which resolved to revoke the community land classification over Allotments 11 and 12 Basedow Road Tanunda.

As the decision was made by the Elected Body, an independent external party, Ms Felice D’Agostino was appointed by Council to conduct the internal review, in accordance with Council’s *Internal Review of Council Decision Process*.

Ms D’Agostino considered whether the original decision of 26 April 2018 was legally and procedurally correct having regard to the following, that the Council:

- 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 of reasonable based on the merit taking account of any new information.

Procedural fairness was observed throughout this review so that the applicants were given an opportunity to put forward information and materials in support of the application for review, they were informed of the proposed outcome of the review, and had the opportunity to make submissions to Ms D’Agostino on the outcome and have these submissions taken into account, and Ms D’Agostino did not have a bias or perceived bias when undertaking the review.

The work had not been completed at the end of the financial year, however the findings are presented in this Council meeting agenda at item 7.2.1.5.

The following broad conclusions of the independent review for the consideration of Council at agenda item 7.2.1.5 are:
the consultation process undertaken by the Council was appropriate and lawful;
the decision is a lawful decision of the Council;
in the view of the independent reviewer taking account of all the matters outlined in the assessment (including any new materials and the nine grounds of appeal) the decision is the best and/or preferable decision.

A table detailing the Officer and external resources expended to date on this review is provided at 7.2.1.5 and presently totals $8,666. Final resources expended in the review will be dependent on the consideration of the matter by Council at agenda item 7.2.1.5 of this Council meeting.

**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.

**Legislative Requirements**
Local Government Act 1999, Section 270

**FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS**

**Finance and Resources**
$8,666 spent to date

**Risk Management**
In reviewing these decisions, Council assesses if it is managing risk appropriately and makes policy and process improvements if needed.

**COMMUNITY CONSULTATION**
Not required under Legislation and Council’s Public Consultation Policy.
9.30am Presentation of Youth Grant certificates to Felix Stokoe, Bradley Butler, Austin McDonald, Daniel Bussenschutt and Erin Young – Refer Minute page 2018/285.

6.2 ADJOURNMENT OF COUNCIL MEETING
Nil

7. DEBATE AGENDA

7.1 MAYOR - DEBATE
Nil

7.2 EXECUTIVE SERVICES – DEBATE

7.2.1 CHIEF EXECUTIVE OFFICER - DEBATE

7.2.1.1 ANNUAL REPORT ON THE INTERNAL REVIEW OF COUNCIL DECISIONS 2017-2018
B5726

MOVED Cr de Vries

(2) That Council notes that the policy and process for Section 270 Review requests will be reviewed and any proposed amendments brought to Council for consideration.

Seconded Cr Boothby

CARRIED 2014-18/1459

PURPOSE
Council is asked to approve the annual report on the Internal Review of Council decision applications for the financial year as is required under the Local Government Act 1999.

REPORT

Background
Section 270 (1) of the Local Government Act 1999 (“the Act”) requires a Council to establish procedures for the review of decisions of:

(a) the council;
(b) employees of the council;
(c) other persons acting on behalf of the council.

Section 270(8) of the Act further states:
“A Council must, on an annual basis, initiate and consider a report that relates to –
(a) The number of applications for review made under this section; and
(b) The kinds of matters to which the applications relate; and
(c) The outcome of applications under this section; and
(d) Such other matters as may be prescribed by the regulations.”

Additionally, Council’s Internal Review of Council Decisions Process requires this report to Council in July each year to include an attached Statement of Resources and a summary of how the outcomes have been used to improve Council’s customer service, policies and processes.

Introduction
One application for Internal Review under Section 270 was received between 1 July 2017 and 30 June 2018 regarding a decision of Council to revoke the community land classification on Allotments 11 and 12 Basedow Road, Tanunda.
Discussion
In summary the matter was:

1. **Internal Review – 30 April 2018**
The Applicants made a request for an Internal Review into Council’s decision of 26 April 2018 which resolved to revoke the community land classification over Allotments 11 and 12 Basedow Road Tanunda.

As the decision was made by the Elected Body, an independent external party, Ms Felice D’Agostino was appointed by Council to conduct the internal review, in accordance with Council’s Internal Review of Council Decision Process.

Ms D’Agostino considered whether the original decision of 26 April 2018 was legally and procedurally correct having regard to the following, that the Council:

- 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 of reasonable based on the merit taking account of any new information.

Procedural fairness was observed throughout this review so that the applicants were given an opportunity to put forward information and materials in support of the application for review, they were informed of the proposed outcome of the review, and had the opportunity to make submissions to Ms D’Agostino on the outcome and have these submissions taken into account, and Ms D’Agostino did not have a bias or perceived bias when undertaking the review.

The work had not been completed at the end of the financial year, however the findings are presented in this Council meeting agenda at item 7.2.1.5.

The following broad conclusions of the independent review for the consideration of Council at agenda item 7.2.1.5 are:

- the consultation process undertaken by the Council was appropriate and lawful;
- the decision is a lawful decision of the Council;
- in the view of the independent reviewer taking account of all the matters outlined in the assessment (including any new materials and the nine grounds of appeal) the decision is the best and/or preferable decision.

A table detailing the Officer and external resources expended to date on this review is provided at 7.2.1.5 and presently totals $8,666. Final resources expended in the review will be dependent on the consideration of the matter by Council at agenda item 7.2.1.5 of this Council meeting.
7.2.1. DEBATE AGENDA – CHIEF EXECUTIVE OFFICER

7.2.1.2
ANNUAL REPORT ON THE INTERNAL REVIEW OF COUNCIL DECISIONS 2018-2019
B1485

Author: Governance Advisor

PURPOSE
Council is asked to approve the annual report on the Internal Review of Council decision applications for the financial year as is required under the Local Government Act 1999.

RECOMMENDATION

(2) That Council notes that the policy and process for Section 270 Review requests will be reviewed and any proposed amendments brought to Council for consideration.

REPORT

Background
Section 270 (1) of the Local Government Act 1999 (“the Act”) requires a Council to establish procedures for the review of decisions of:
(a) the council;
(b) employees of the council;
(c) other persons acting on behalf of the council.

Section 270(8) of the Act further states:
“A Council must, on an annual basis, initiate and consider a report that relates to –
(a) The number of applications for review made under this section; and
(b) The kinds of matters to which the applications relate; and
(c) The outcome of applications under this section; and
(d) Such other matters as may be prescribed by the regulations.”

Additionally, Council’s Internal Review of Council Decisions Process requires this report to Council in July each year to include an attached Statement of Resources and a summary of how the outcomes have been used to improve Council’s customer service, policies and processes.

Introduction
One application for Internal Review under Section 270 was received between 1 July 2018 and 30 June 2019:
One application with respect to a decision made by Council at its Special Council meeting of 27 June 2018 regarding the outcome of the community consultation on the Barossa Regional Culture Hub and the next steps of the project.

Two other applications for review were received during the 2018-2019 financial year, however the applications were either not determined to fall under the scope of Council’s Policy and Process, or later withdrawn.

Discussion

In summary the matters were:

1. **Internal Review – Barossa Regional Culture Hub public consultation and next steps in project – 12 July 2018**

   The Applicant made a request for an Internal Review into issues relating to Council’s decision made at its Special Council meeting of 27 June 2018 to receive the outcome of the community consultation of the Draft Master Plan for the Barossa Regional Culture Hub; endorse the Draft Master Plan subject to conditions; receive associated cost estimate reports and decisions on the next steps of the project.

   The review required investigation into matters:
   - Due to the nature of the decision, and pursuant to Council’s Policy and Process, Ms Felice D’Agostino of Norman Waterhouse Lawyers was appointed as the external reviewer to investigate and review the matter.
   - During the investigation and review process, the applicant was given the opportunity to provide further submissions to support the application. The applicant and Council were also provided opportunities to view the draft review report, and provide further information.
   - Ms D’Agostino’s report, which was provided to Council and the applicant on 5 October 2018, reviewed whether the decision made by Council was legally, procedurally and meritoriously correct.

   The review concluded that Council’s decision of 27 June 2018 was the best and/or preferable decision. The review recommended that Council reconsider all the information before it at the time it made the decision, the information submitted by the applicant and the reviewer’s report to determine whether the decision was the best and/or preferable decision.

   As per the reviewer’s recommendations, at its meeting on 16 October 2018, Council reconsidered all the information before it at the time it made the decision, the information submitted by the applicant and the reviewer’s report to determine whether the decision was the best and/or preferable decision. Council resolved that its decision of 27 June 2018 was legally, procedurally and meritoriously correct and reaffirmed its original decision.

   A table detailing the Officer resources expended to date on this review is attached for information.

   The Applicant was provided with the determination of the review on the 18 October 2018.

Council is aware that the applicant referred the matter to:
- The Ombudsman, however the applicant was refused on the basis that it was not considered to be in the public interest to investigate the complaint, and the application was deficient in substantiating the claims made.
- the Auditor-General, however, Council is not aware that the matter was investigated.

**Attachments**

Attachment 1: Section 270 Internal Review - Assessment of resources
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.

Legislative Requirements
Local Government Act 1999, Section 270

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Finance
As per attachments

Resource
As per attachments

Risk Management
In reviewing these decisions, Council assesses if it is managing risk appropriately and makes policy and process improvements if needed.

COMMUNITY CONSULTATION
Not required under Legislation and Council’s Public Consultation Policy.
## SECTION 270 INTERNAL REVIEW ASSESSMENT OF RESOURCES

### MATTER OF: Helen Szuty

<table>
<thead>
<tr>
<th>Date</th>
<th>Officer (ie: IRCO, Governance Advisor, regular position, interviewees)</th>
<th>Activity (research, interviewing, report writing etc.)</th>
<th>Level of Officer</th>
<th>Hourly rate for officer + 20% Full Cost Attribution (a)</th>
<th>Time taken (minutes) (b)</th>
<th>Cost $ (based on hourly rate) (a) x (b)</th>
</tr>
</thead>
<tbody>
<tr>
<td>16/07/2018</td>
<td>IRCO / Governance Advisor</td>
<td>Review letter of complaint and request to undertake section 270 review</td>
<td>Level 6</td>
<td>$51.94</td>
<td>0.33</td>
<td>$17.14</td>
</tr>
<tr>
<td>16/07/2018</td>
<td>IRCO / Governance Advisor</td>
<td>Discussion with CEO</td>
<td>Level 6</td>
<td>$51.94</td>
<td>0.33</td>
<td>$17.14</td>
</tr>
<tr>
<td>16/07/2018</td>
<td>CEO</td>
<td>Discussion with GA</td>
<td>CEO</td>
<td>$160.37</td>
<td>0.33</td>
<td>$52.92</td>
</tr>
<tr>
<td>17/07/2018</td>
<td>IRCO / GA</td>
<td>Drafting letter acknowledging receipt of application and decision to appoint external reviewer</td>
<td>Level 6</td>
<td>$51.94</td>
<td>0.50</td>
<td>$25.97</td>
</tr>
<tr>
<td>18/07/2018</td>
<td>CEO</td>
<td>Reviewing letter acknowledging receipt of application and decision to appoint external reviewer</td>
<td>CEO</td>
<td>$160.37</td>
<td>0.10</td>
<td>$16.04</td>
</tr>
<tr>
<td>18/07/2018</td>
<td>IRCO / GA</td>
<td>Emailing acknowledgment of receipt letter and arranging for hard copy to be sent to applicant by post</td>
<td>Level 6</td>
<td>$51.94</td>
<td>0.17</td>
<td>$8.66</td>
</tr>
<tr>
<td>17/07/2018</td>
<td>IRCO/GA</td>
<td>Meeting with Director Corporate Community Services to brief her on s270 review and clarifying background</td>
<td>Level 6</td>
<td>$51.94</td>
<td>0.50</td>
<td>$25.97</td>
</tr>
<tr>
<td>17/07/2018</td>
<td>IRCO / GA</td>
<td>Email to Felice D’Agostino of Norman Waterhouse requesting quote and confirming no conflict of interest</td>
<td>Level 6</td>
<td>$51.94</td>
<td>0.33</td>
<td>$17.31</td>
</tr>
<tr>
<td>Date</td>
<td>Agency/Role</td>
<td>Description</td>
<td>Level</td>
<td>Hour</td>
<td>Amount</td>
<td></td>
</tr>
<tr>
<td>----------</td>
<td>-------------</td>
<td>-------------------------------------------------------------------------------------------------</td>
<td>-------</td>
<td>------</td>
<td>----------</td>
<td></td>
</tr>
<tr>
<td>18/07/2018</td>
<td>IRCO / GA</td>
<td>Review of email from Felice D’Agostino providing quote for review and confirming no conflict of interest</td>
<td>Level 6</td>
<td>0.08</td>
<td>$51.94</td>
<td></td>
</tr>
<tr>
<td>20/07/2018</td>
<td>IRCO/GA</td>
<td>Emailing Felice D’Agostino to explain that the CEO will consult the Mayor regarding appointment of the external reviewer and providing Confirmation of Receipt letter sent to the Applicant</td>
<td>Level 6</td>
<td>0.33</td>
<td>$51.94</td>
<td></td>
</tr>
<tr>
<td>21/07/2018</td>
<td>CEO</td>
<td>Consulting with the Mayor to seek advice on appointing Felice D’Agostino as external reviewer</td>
<td>CEO</td>
<td>0.25</td>
<td>$160.37</td>
<td></td>
</tr>
<tr>
<td>25/07/2018</td>
<td>CEO</td>
<td>Emailing Felice D’Agostino to regarding appointment of Felice D’Agostino as external reviewer and providing Council reports</td>
<td>CEO</td>
<td>0.10</td>
<td>$160.37</td>
<td></td>
</tr>
<tr>
<td>7/08/2018</td>
<td>IRCO/GA</td>
<td>Emailing Felice D’Agostino to follow up on review process and whether she requires any further information</td>
<td>Level 6</td>
<td>0.17</td>
<td>$51.94</td>
<td></td>
</tr>
<tr>
<td>18/07/2018</td>
<td>External Reviewer</td>
<td>Quote from Felice D’Agostino - external review</td>
<td>N/A</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>21/08/2018</td>
<td>IRCO/GA</td>
<td>Drafting email to external reviewer notifying her of Council’s decision to ratify her appointment</td>
<td>Level 6</td>
<td>0.17</td>
<td>$51.94</td>
<td></td>
</tr>
<tr>
<td>27/08/2018</td>
<td>IRCO/GA</td>
<td>Drafting letter to applicant notifying her of formal appointment of Felice D’Agostino as external reviewer at Council meeting on 21 August 2018</td>
<td>Level 6</td>
<td>0.33</td>
<td>$51.94</td>
<td></td>
</tr>
<tr>
<td>27/08/2018</td>
<td>CEO</td>
<td>Reviewing letter to applicant notifying her of formal appointment of Felice D’Agostino as external reviewer at Council meeting on 21 August 2018</td>
<td>CEO</td>
<td>0.10</td>
<td>$160.37</td>
<td></td>
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<tr>
<td>27/08/2018</td>
<td>IRCO/GA</td>
<td>Email to external reviewer confirming that applicant has been notified of formal appointment of reviewer, and providing the updated Internal Review Process</td>
<td>Level 6</td>
<td>0.25</td>
<td>$51.94</td>
<td></td>
</tr>
<tr>
<td>6/09/2018</td>
<td>IRCO/GA</td>
<td>Reviewing draft preliminary report provided by external reviewer</td>
<td>Level 6</td>
<td>1.00</td>
<td>$51.94</td>
<td></td>
</tr>
<tr>
<td>6/09/2018</td>
<td>CEO</td>
<td>Reviewing draft preliminary report provided by external reviewer</td>
<td>CEO</td>
<td>0.75</td>
<td>$139.15</td>
<td></td>
</tr>
<tr>
<td>6/09/2018</td>
<td>DCCS</td>
<td>Reviewing draft preliminary report provided by external reviewer</td>
<td>Director</td>
<td>0.50</td>
<td>$98.10</td>
<td></td>
</tr>
<tr>
<td>6/09/2018</td>
<td>IRCO/GA</td>
<td>Emailing external reviewer with feedback on preliminary draft report</td>
<td>Level 6</td>
<td>0.33</td>
<td>$51.94</td>
<td></td>
</tr>
<tr>
<td>3/10/2018</td>
<td>IRCO/GA</td>
<td>Reviewing draft final report provided by external reviewer</td>
<td>Level 6</td>
<td>0.33</td>
<td>$51.94</td>
<td></td>
</tr>
<tr>
<td>4/10/2018</td>
<td>DCCS</td>
<td>Reviewing draft final report provided by external reviewer</td>
<td>Director</td>
<td>0.17</td>
<td>$98.10</td>
<td></td>
</tr>
<tr>
<td>Date</td>
<td>IRCO/GA</td>
<td>Description</td>
<td>Level</td>
<td>Cost 1</td>
<td>Cost 2</td>
<td>Total Cost</td>
</tr>
<tr>
<td>------------</td>
<td>---------</td>
<td>------------------------------------------------------------------------------</td>
<td>-------</td>
<td>---------</td>
<td>---------</td>
<td>------------</td>
</tr>
<tr>
<td>4/10/2018</td>
<td>IRCO/GA</td>
<td>Emailing external reviewer with feedback on the draft final report and when the report is anticipated to go for Council's consideration</td>
<td>Level 6</td>
<td>$51.94</td>
<td>0.10</td>
<td>$5.19</td>
</tr>
<tr>
<td>8/10/2018</td>
<td>IRCO/GA</td>
<td>Background reading, develop and draft Council report</td>
<td>Level 6</td>
<td>$51.94</td>
<td>2.00</td>
<td>$103.87</td>
</tr>
</tbody>
</table>

**Other Resources**

<table>
<thead>
<tr>
<th>Item Description</th>
<th>Costs $</th>
</tr>
</thead>
<tbody>
<tr>
<td>Other items (travel etc.)</td>
<td>0</td>
</tr>
<tr>
<td>Telephone call to Applicant</td>
<td>0</td>
</tr>
<tr>
<td>Printing</td>
<td>0</td>
</tr>
</tbody>
</table>

**Total cost of Officer resources**

- $687.94

**Total cost of other resources**

- $3,300

**Total cost of review process**

- $3,987.94

**KEY**

- A: Applicant
- IRCO: Internal Review Contact Officer
- CEO: Chief Executive Officer
- GA: Governance Advisor
COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan

Community and Culture

2.12 Contribute to a safer community.

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.

Legislative Requirements

Aged Care Act 1997
Children and Young People (Safety) Act 2017
Children and Young People (Safety) Regulations 2017
Child Safety (Prohibited Persons) Act 2016
Child Safety (Prohibited Persons) Regulations 2019
Local Government Act 1999 s39, 121
Office for the Ageing Act 1995
Office for the Ageing (Adult Safeguarding) Amendment Act 2018
Ageing and Adult Safeguarding Regulations 2019
SA Disability Inclusion Act 2018
SA Charter of the Rights and Freedoms of Older People

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial

There are no financial considerations

Resource

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

Risk Management

Risk is minimised by ensuring that Council has up to date policies and processes that are legislatively compliance, to ensure the safety of children and vulnerable adults that are based on legislative requirements and best practice principles.

COMMUNITY CONSULTATION

No consultation is required under legislation.

7.2.1.2

ANNUAL REPORT ON THE INTERNAL REVIEW OF COUNCIL DECISIONS 2018-2019

B1485

Author: Governance Advisor

MOVED Cr de Vries


(2) That Council notes that the policy and process for Section 270 Review requests will be reviewed and any proposed amendments brought to Council for consideration.

Seconded Cr Boothby

CARRIED 2018-22/249
PURPOSE
Council is asked to approve the annual report on the Internal Review of Council decision applications for the financial year as is required under the Local Government Act 1999.

REPORT
Background
Section 270 (1) of the Local Government Act 1999 ("the Act") requires a Council to establish procedures for the review of decisions of:
(a) the council;
(b) employees of the council;
(c) other persons acting on behalf of the council.

Section 270(8) of the Act further states:
"A Council must, on an annual basis, initiate and consider a report that relates to –
(a) The number of applications for review made under this section; and
(b) The kinds of matters to which the applications relate; and
(c) The outcome of applications under this section; and
(d) Such other matters as may be prescribed by the regulations."

Additionally, Council's Internal Review of Council Decisions Process requires this report to Council in July each year to include an attached Statement of Resources and a summary of how the outcomes have been used to improve Council's customer service, policies and processes.

Introduction
One application for Internal Review under Section 270 was received between 1 July 2018 and 30 June 2019:

- One application with respect to a decision made by Council at its Special Council meeting of 27 June 2018 regarding the outcome of the community consultation on the Barossa Regional Culture Hub and the next steps of the project.

Two other applications for review were received during the 2018-2019 financial year, however the applications were either not determined to fall under the scope of Council's Policy and Process, or later withdrawn.

Discussion
In summary the matters were:

1. **Internal Review – Barossa Regional Culture Hub public consultation and next steps in project – 12 July 2018**
The Applicant made a request for an Internal Review into issues relating to Council’s decision made at its Special Council meeting of 27 June 2018 to receive the outcome of the community consultation of the Draft Master Plan for the Barossa Regional Culture Hub; endorse the Draft Master Plan subject to conditions; receive associated cost estimate reports and decisions on the next steps of the project.

The review required investigation into matters:

- Due to the nature of the decision, and pursuant to Council’s Policy and Process, Ms Felice D’Agostino of Norman Waterhouse Lawyers was appointed as the external reviewer to investigate and review the matter.
- During the investigation and review process, the applicant was given the opportunity to provide further submissions to support the application. The applicant and Council were also provided opportunities to view the draft review report, and provide further information.
- Ms D’Agostino’s report, which was provided to Council and the applicant on 5 October 2018, reviewed whether the decision made by Council was legally, procedurally and meritoriously correct.
The review concluded that Council’s decision of 27 June 2018 was the best and/or preferable decision. The review recommended that Council reconsider all the information before it at the time it made the decision, the information submitted by the applicant and the reviewer’s report to determine whether the decision was the best and/or preferable decision.

As per the reviewer’s recommendations, at its meeting on 16 October 2018, Council reconsidered all the information before it at the time it made the decision, the information submitted by the applicant and the reviewer’s report to determine whether the decision was the best and/or preferable decision. Council resolved that its decision of 27 June 2018 was legally, procedurally and meritoriously correct and reaffirmed its original decision.

A table detailing the Officer resources expended to date on this review is attached for information.

The Applicant was provided with the determination of the review on the 18 October 2018.

Council is aware that the applicant referred the matter to:
- The Ombudsman, however the applicant was refused on the basis that it was not considered to be in the public interest to investigate the complaint, and the application was deficient in substantiating the claims made.
- the Auditor-General, however, Council is not aware that the matter was investigated.

Attachments
Attachment 1: Section 270 Internal Review - Assessment of resources

<table>
<thead>
<tr>
<th>COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Corporate Plan</td>
</tr>
<tr>
<td>How we work – Good Governance:</td>
</tr>
<tr>
<td>6.2 Ensure that Council’s policy and process frameworks are based on principles of sound governance and meet legislative requirements.</td>
</tr>
<tr>
<td>Legislative Requirements</td>
</tr>
<tr>
<td>Local Government Act 1999, Section 270</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Finance</td>
</tr>
<tr>
<td>As per attachments</td>
</tr>
<tr>
<td>Resource</td>
</tr>
<tr>
<td>As per attachments</td>
</tr>
<tr>
<td>Risk Management</td>
</tr>
<tr>
<td>In reviewing these decisions, Council assesses if it is managing risk appropriately and makes policy and process improvements if needed.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>COMMUNITY CONSULTATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not required under Legislation and Council’s Public Consultation Policy.</td>
</tr>
</tbody>
</table>

7.2.1.3

TANUNDA TO GAWLER CYCLE AND WALKING TRAIL

B1930

MOVED Cr Boothby that Council:
(1) Names the Tanunda to Gawler Cycle and Walking Trail the Barossa Trail.
(2) Approves a budget increase of $15,000 to implement the renaming signage and marketing collateral.

Seconded Cr Wiese-Smith  CARRIED 2018-22/250

PURPOSE
7.2.1 DEBATE REPORT – CHIEF EXECUTIVE OFFICER

7.2.1.9 NOMINATIONS FOR THE STATE BUSHFIRE COORDINATION COMMITTEE

**PURPOSE**
To seek the endorsement of Council for Mayor Lange to nominate for the State Bushfire Coordination Committee.

**RECOMMENDATION**
That Council endorse the nomination of Mayor Lange to the State Bushfire Coordination Committee as a Local Government representative.

**REPORT**
The State Bushfire Coordination Committee is a committee of the State with Local Government representation. Nominations are now open for appointment to the Committee as outlined in the Attachment.

Mayor Lange has expressed an interest in nomination based on his decades of experience and involvement in disaster management, recovery and planning. Mayor Lange in his role as senior officer at Council, Group Officer for ten years and CFS trainer and fire prevention officer has extensive experience in bushfire management. Mayor Lange has also been involved in State and interstate support in response and recovery activities including flood and fire scenarios.

Should Council endorse his nomination the documentation will be completed and forwarded by the due date of 28 August 2020.

**ATTACHMENTS OR OTHER SUPPORTING REFERENCES**
LGA Circular – Nominations for the State Bushfire Coordination Committee

**COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS**
Community Plan
- Community and Culture
- Health and Wellbeing
- How We Work – Good Governance
2.12 Contribute to a safer community.
4.3 Work with emergency services to prepare for disaster management and recovery.

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

Legislation
Fire and Emergency Services Act 2005

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS
Nil.

COMMUNITY CONSULTATION
No engagement is required or considered necessary.
Nominations sought for the State Bushfire Coordination Committee.

6th July 2020

The LGA is seeking nominations for a LG representative and deputy on the State Bushfire Coordination Committee for a term commencing Friday 14 November 2020.

State Bushfire Coordination Committee

The State Bushfire Coordination Committee is a statutory corporation to which the provisions of the Fire and Emergency Services Act 2005 apply.

The State Bushfire Coordination Committee provides leadership and maintains oversight of emergency management planning in South Australia. Its vision is a "safe and strong SA through a shared commitment to resilience" which it aims to achieve by: understanding risks and how they may affect the south australian community, encouraging sustained behavioural change across the entire community, and focusing on reducing the consequences of emergencies.

Appointments to the State Bushfire Coordination Committee are for a period of three years, commencing Friday 14 November 2020.

Four meetings per year, of 2-3 hours duration are held at metropolitan locations. Sitting fees are $206 per session plus travel expenses.

The current local government representative is Cr Shiralee Reardon of the City of Salisbury and her deputy is Cr Heidi Greaves of the City of Onkaparinga. Both are eligible for re-appointment.
The *Fire and Emergency Services Act 2005* requires the LGA to provide a panel of three nominees from which the Minister will select the appointee and deputy. In accordance with section 36A of the *Acts Interpretation Act 1915* the panel of nominees must include at least one male and one female.

**Changes to LGA Appointments and Nominations Processes**

In December 2019 the LGA Board of Directors endorsed a new [LGA Appointments and Nominations to Outside Bodies Policy](#), which provides for varied rigour in the examination of nominees that is commensurate with the responsibilities and strategic importance of the Outside Body.

Under the policy, the LGA Board of Directors may set selection criteria to be addressed by nominees; if selection criteria have been set these will be specified in the *Call for Nominations Information Sheet (Part A)*.

The policy also enables the LGA Secretariat to maintain a Nominees Database, which will record the details of nominees who agree to be considered for other vacancies for a period of 12 months based on the nominee’s preferences. *The nomination form (Part B)* asks nominees whether they want to be listed on the database.

The policy establishes a Nominations Committee of the LGA Board of Directors, which may undertake preliminary consideration of nominees and make recommendations to the LGA Board of Directors.

LGA nominations on outside bodies will, unless determined otherwise by the LGA Board of Directors, be currently serving council members or employees of a council or other local government entity. Only nominations submitted by a council, following a resolution of council, will be considered.

**How to nominate**

The *Call for Nominations Information Sheet (Part A)* provides further information regarding the role, as well as any selection criteria to be addressed by the nominee.

The nominee and council are required to complete the *Nomination Form (Part B)* and forward to nominationscoordinator@lga.sa.gov.au by COB Friday 28 August 2020.

An up-to-date curriculum vitae and a response to the selection criteria (no more than 2 pages) must be supplied by the nominee – these may be submitted with the nomination norm or forwarded separately by COB Friday 28 August 2020.

The LGA Board of Directors will consider nominations received at its meeting on Thursday 17 September 2020.

For further information, please contact the Nominations Coordinator, Alicia Stewart, at nominationscoordinator@lga.sa.gov.au or 8224 2037.
7.2.2 DEBATE AGENDA – FINANCE

7.2.2.1 MONTHLY FINANCE INTERIM REPORT (AS AT 30 JUNE 2020)

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 Interim Report as at 30 June 2020 be received and noted.

**REPORT**

**Discussion**
The Monthly Finance Interim Report (as at 30 June 2020) is attached. The report has been prepared comparing actuals to the Original adopted budget 2019/20 and incorporating the Revised Budgets for September, December and March.

Work will continue on the finalisation of these figures until the completion of the external audit process, scheduled for September, after which the full financial statements will be presented to Council. Further updates will also be presented to Council including analysis, material variances and a final report on financial results.

**ATTACHMENTS OR OTHER SUPPORTING REFERENCES**
Attachment 1: Monthly Finance Interim Report 30 June 2020

**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)
LGA Information paper no. 25 – Monitoring Council Budget Performance

**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 2019, as per legislation. This report is advising Council of the monthly finance position compared to that budget.
### Uniform Presentation of Finances

**OPERATING ACTIVITIES:**

- **Operating Income:**
  - Actual: $38,457
  - Revised Budget (Q3): $38,704
  - Full-Year: $39,046

- **Less Operating Expenses:**
  - Actual: $37,737
  - Revised Budget (Q3): $38,704
  - Full-Year: $35,960

- **Operating Surplus / (Deficit):**
  - Actual: $720
  - Revised Budget (Q3): $(85)
  - Full-Year: $3,086

**CAPITAL ACTIVITIES:**

- **Net Outlays on Existing Assets Capital Expenditure on Renewal and Replacement of Existing Assets:**
  - Actual: $(6,139)
  - Revised Budget (Q3): $(5,855)
  - Full-Year: $(4,325)

- **Add back Depreciation, Amortisation & Impairment:**
  - Actual: $7,664
  - Revised Budget (Q3): $7,664
  - Full-Year: $7,664

- **Add back Proceeds from Sale of Replaced Assets:**
  - Actual: $305
  - Revised Budget (Q3): $167
  - Full-Year: $190

- **Subtotal:**
  - Actual: $1,830
  - Revised Budget (Q3): $1,976
  - Full-Year: $3,529

- **Net Outlays on New and Upgraded Assets Capital Expenditure on New and Upgraded Assets:**
  - Actual: $(12,700)
  - Revised Budget (Q3): $(13,009)
  - Full-Year: $(8,648)

- **Add back Amounts Received Specifically for New and Upgraded Assets:**
  - Actual: $5,194
  - Revised Budget (Q3): $1,298
  - Full-Year: $4,013

- **Add back Proceeds from Sale of Surplus Assets:**
  - Actual: $0
  - Revised Budget (Q3): $0
  - Full-Year: $409

- **Subtotal:**
  - Actual: $(7,506)
  - Revised Budget (Q3): $(11,711)
  - Full-Year: $(4,226)

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

- **Original 2019/20 Full Year Budget:**
  - Lending: $(4,956)
  - Borrowing: $(9,820)

- **2020/21:**
  - Lending: $2,389

**Total % Capital Budget Spent:** 68.86%

**Reconciliation for the movement in Net Lending / (Borrowing):**

- **Original 2019/20 Full Year Budget:**
  - Net Lending / (Borrowing): $(4,956)

- **Carried Forward Budget Adjustments:**
  - Report on Financial Results. Funds were held for these projects in cash and investments at 30 June 2019.
  - September 2019 Budget Review: Funds required for these items will decrease Council's cash and investments.
    - (Original 2019/20 Full Year Budget Net Lending / (Borrowing): $(9,820))
  - December 2019 Budget Review: Funds required for these items will increase Council's cash and investments.
    - (Original 2019/20 Full Year Budget Net Lending / (Borrowing): $(4,956))
  - March 2020 Budget Review: Funds required for these items will decrease Council's cash and investments.
    - (Original 2019/20 Full Year Budget Net Lending / (Borrowing): $(9,820))

- **Full Year Revised Budget:**
  - Net Lending / (Borrowing): $(9,820)

**NOTES**

1) 2019/20 Capital Expenditure spent to end of June includes:

- Agenda Management Software $29k
- Angaston Cemetery Niche Wall $11k
- Angaston Hall Flooring $13k
- Barossa Visitor Centre Interpretative Display/Video Wall $1k, Car Park Sealing - Design Only $28k
- Bridges (including Footbridges) $357k
- Bushgardens Quad Bike $12k
- CWMS $996k
- Depot Upgrades $87k, Fuel Tanker Trailer $12k, Tipper Truck $189k
- Drainage $877k
- Footpaths $72k
- Mt Pleasant Main Street $161k
- Murray Recreation Park Effluent System Upgrade $83k
- Nuriootpa Centennial Park Authority Change Rooms $196k, Half Basketball Court $6k
- Nuriootpa Dog Park $43k
- Nuriootpa Office Air Conditioning $60k, LED Lighting Replacement $8k, Work space improvements $7k
- Nuriootpa Cricket Nets $114k
- Nuriootpa Swimming Pool Tiling $50k
- Playground Equipment $70k
- Road Resheeting $547k
- Reserves Irrigation $84k
- Sealed Roads $2,540k
- Talunga Recreation Park Oval Irrigation $202k
- Talunga Tennis Courts Reseal/Drainage $10k
- The Big Project - Angaston Railway Precinct $2,659k
- The Big Project - Angas Recreation Park Junior Oval $25k, Clubrooms $9k
- The Big Project - Barossa Culture Hub $55k
- The Big Project - Lyndoch Recreation Park $40k, Upgrade Lighting $7k
- The Big Project - Tanunda Recreation Park - Oval $7k, Show Hall Upgrade $1,800k, Electrical Upgrade/Lighting $726k
- The Rex Solar Panels $7k, LED Lighting Replacement $7k, Car Park $44k
- Tolley Reserve Skate Park Half Pipe $103k
- Website Development Program $12k
- Willianstown Dog Park $43k
- Willianstown QVJP Bridge Entrance $30k, Internal Roadways $42k
7.2.2 DEBATE AGENDA – FINANCE

7.2.2.2
PUBLIC SUBMISSIONS ON THE DRAFT ANNUAL BUDGET & BUSINESS PLAN 2020/21 INCORPORATING THE LONG TERM FINANCIAL PLAN 2020/21 TO 2029/30

B8923
Author: Manager, Financial Services

PURPOSE

RECOMMENDATION
That Council, having considered the submission received during the public consultation period in relation to the draft Annual Budget and Business Plan 2020/21 incorporating the Long Term Financial Plan 2020/21 to 2029/30 proceed as drafted.

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 17 June 2020 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;
- Council’s engagement platform at yoursay.barossa.sa.gov.au;
- Facebook at facebook.com/thebarossacouncil;
- email barossa@barossa.sa.gov.au; or
- in writing (PO Box 867, Nuriootpa SA 5355)

Due to COVID-19 restrictions a public meeting for budget consultation was not held.

Consultation closed on 7 July 2020, one submission was received, as follows:
General Rate Revenue

The draft AB&BP using valuation data as at 16 May 2020 included a general rate increase of 1.5% and growth from development at 1%. Since that time the State Valuation Office has revisited selected valuations, adding subdivisions which creates new assessments and refined some Local Government Category allocations.

Current rate modelling calculations using the Local Government Category differential rates in dollar and fixed charge as listed in the draft AB&BP and the updated valuation data provides a general rate increase of 1.44% with growth at 1.09%. Further details of the valuation information and rating for 2020/21 will be provided in the AB&BP adoption reports for Council consideration.

The Local Government Price Index as at 31 March 2020 was 1.6% and the general Consumer Price Index for Adelaide all groups is 2.4%.

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

Policy
Budget & Business Plan and Review Policy

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Corporate Plan

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 2020/21 consultation and adoption process, and in accordance with the Act.
COUNCIL
CORPORATE AND COMMUNITY SERVICES
DIRECTOR’S REPORTS
21 JULY 2020

7.3.1 DEBATE AGENDA – DIRECTOR CORPORATE AND COMMUNITY SERVICES

7.3.1.1
FEES AND CHARGES 2020/2021 – WILLIAMSTOWN SOLDIERS MEMORIAL HALL and TANUNDA RECREATION PARK SHOW HALL
B9880

PURPOSE
To approve the recommended fees for the hiring of Williamstown Soldiers Memorial Hall (Williamstown Hall) and Tanunda Recreation Park Show Hall. These fees were still under review when the 2020/2021 Fees and Charges Register was adopted at the 16 June 2020 Council Meeting.

RECOMMENDATION
That Council adopts the proposed fees and charges for 2020/2021 for Williamstown Soldiers Memorial Hall and Tanunda Recreation Park Show Hall:
- Williamstown Soldiers Memorial Hall Day Rate - $220.00 (incl GST)
- Tanunda Recreation Park Show Hall – as detailed in Report

REPORT

Discussion

Williamstown Soldiers Memorial Hall
It was noted that the Fees and Charges Register 2020/2021 did not list a day rate for the Williamstown Hall, which was inconsistent with other Council owned halls. A rate of $220 (incl GST) is proposed as the new day rate for hire of Williamstown Hall.

Tanunda Recreation Park Show Hall
At the time the 2020/2021 Fees and Charges Register was adopted (16 June 2020 Council Meeting), rates for the recently renovated Tanunda Show Hall complex had not yet been established. Officers endeavoured to benchmark rates, but found no similar facilities in South Australia. Research was undertaken into various venues and input sought from Barossa Grape & Wine Association, Tourism Barossa and Regional Development Australia – Barossa Gawler Light Adelaide Plains, who have supported the proposed approach.

The Show Hall now has contemporary commercial kitchen facilities and equipment and so bonds and cleaning fees have been introduced to maintain the venue to a high standard. Officers are currently investigating a credit card type bond security, similar to that used in accommodation venues, to facilitate ease of processing for customers.

It is proposed that the following fees and charges be adopted and trialled for the 2020/2021 year:
<table>
<thead>
<tr>
<th>Area</th>
<th>Rate</th>
<th>2020/2021 Fee (ex GST)</th>
<th>Bond (ex GST)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Show Hall</td>
<td>Full Day</td>
<td>$650</td>
<td>$1,000</td>
</tr>
<tr>
<td>Green Room</td>
<td>Full day</td>
<td>$150</td>
<td>$500</td>
</tr>
<tr>
<td></td>
<td>Half day</td>
<td>$75</td>
<td></td>
</tr>
<tr>
<td>Multi-Use Space</td>
<td>Full Day</td>
<td>$200</td>
<td>$500</td>
</tr>
<tr>
<td></td>
<td>Half Day</td>
<td>$100</td>
<td></td>
</tr>
<tr>
<td>Kitchen: Commercial Use</td>
<td>Hourly</td>
<td>$60</td>
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</tr>
<tr>
<td></td>
<td>Full Day</td>
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</tr>
<tr>
<td></td>
<td>Weekly</td>
<td>$2000</td>
<td></td>
</tr>
<tr>
<td>Kitchen: Non-Commercial Use</td>
<td>Hourly</td>
<td>$50</td>
<td>$500</td>
</tr>
<tr>
<td></td>
<td>Full Day</td>
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</tr>
<tr>
<td></td>
<td>Weekly</td>
<td>$850</td>
<td></td>
</tr>
<tr>
<td>Kitchen: Cleaning Fee</td>
<td>Cleaning Fee is in addition to all Kitchen use fees</td>
<td>TBA</td>
<td>N/A</td>
</tr>
<tr>
<td>All</td>
<td>Discount for Community Not-for-Profit events</td>
<td>50% discount to applicable fee</td>
<td></td>
</tr>
</tbody>
</table>

**Summary**

To maintain cost recovery rates for services, and to continue to minimise the general rate burden on our community, it is important that Council sets fees and charges for hire of facilities at least in line with the costs being experienced by Council in the delivery of such activities.

With the impact of COVID-19 and Council premises being unavailable for hire for a significant period, it has not been possible to promote the new facilities as intended, but this is now in hand. It is planned to hold open sessions for potential users of the new facilities to see what is now available and encourage future bookings.

This venue is the only community owned facility that can accommodate/seat 1200 people.

Eligible community not-for-profit events will receive a 50% discount on the applicable fee/s for the Tanunda Show Hall and this practice is consistent with other Council community facilities.

Hire fees and costs for the Tanunda Show Hall complex will be monitored during 2020/2021. If the proposed fee structure/trial needs to be reviewed, a further report will be provided to Council.

**ATTACHMENTS OR OTHER SUPPORTING REFERENCES**

Nil

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

Community Plan

![Community and Culture](image-url)
FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial
To ensure that Council is able to recover its costs in relation to user paid services provided to the community.

COMMUNITY CONSULTATION
Once the fees and charges are adopted by Council, they will be updated and available for the Community to access on Council’s website.
7.3.1 DEBATE AGENDA – DIRECTOR CORPORATE AND COMMUNITY SERVICES

7.3.1.2 STOCKWELL RECREATION PARK MASTERPLAN PROJECT PRIORITISATION

PURPOSE
Council to consider a request from the Stockwell Facilities Advisory Group to place the proposed second oval for Stockwell Recreation Park as the highest priority in Stockwell Recreation Park Masterplan future project considerations.

RECOMMENDATION
That Council:

(1) Receives and notes the correspondence from the Stockwell Facilities Advisory Group dated 3 July 2020 and associated letters of support seeking review of the prioritisation of The Big Project works at the Stockwell Recreation Park.

(2) Supports the proposed reprioritisation of the 2nd Oval to be the next highest priority for implementation taking into account the community feedback and the available data detailed in the report, replacing the current prioritisation of additional changing rooms and spectator facilities.

(3) Confirms that the implementation of all The Big Project prioritised projects is contingent on securing grant funding at a minimum of 40% of the identified project costs.

(4) Notes that if reprioritisation is approved, further work will be required to assess the associated costs of implementing a 2nd oval to be the subject of a further report to Council.

(5) Requires that formal notification is provided to the Stockwell Facilities Advisory Group on the outcome of its request of the 3 July 2020.

REPORT

Background
Council, at its meeting held 19 March 2019, resolved the following in relation to item 7.3.2.2 Stockwell Recreation Park – Draft Master Plan – Feedback from Community Consultation – 30 January 2019 to 1 March 2019:

MOVED Cr de Vries that Council:

(1) Receives and notes the report containing the outcome of community consultation on the Draft Master Plan for Stockwell Recreation Park dated 16 August 2018 Trim Ref: 18/57097.
Endorses the Draft Master Plan for Stockwell Recreation Park subject to the change of location of the BMX track away from Mickan Road, and noting that it may be subject to future amendment and budget consideration as required.

Requires Officers to work with the Working Group and Architects to prioritise, phase and cost the Master Plan to provide data for The Big Project Feasibility Report and provide a future report to Council.

Requires Officers to provide an update on the outcome of the consultation to the Stockwell Community Association and the people that provided written, formal feedback and where contact information has been provided.

Secended Cr Schilling  
CARRIED 2018-22/144

Council, at its meeting held 20 August 2019, resolved the following in relation to Item 7.2.1.8 The Big Project Prioritisation and Financial Modelling – The Next Phase:

1. That Council having considered, reviewed and analysed The Big Project masterplans, community needs and benefits as gathered through the master planning and community engagement processes over the past 33 months, financial modelling and ability to fund projects, economic development opportunities, third party and grant funding alignment endorse the “Target Next Phase Priorities and Associated Analysis – August 2019” document as presented at the Attachment.

2. That Council noting that current 2019-20 financial year programs being the Angaston Railway Station masterplan implementation, Tanunda Recreational Park acceleration works, Nuriootpa Centennial Park multi-use change rooms and Old Talunga Recreation Park tennis/netball upgrades are approved projects that are below the thresholds of the Prudential Management Policy under to Section 48(aa1) of the Local Government Act for a full independent prudential report proceed as budgeted.

3. That Council noting that the “Target Next Phase Priorities and Associated Analysis – August 2019” include some projects that are above the expenditure threshold for a full independent prudential management report as contemplated by the Prudential Management Policy under to Section 48(aa1) of the Local Government Act undertake the required full prudential management report as outlined by Clause 4.3 of the policy on the remaining projects in totality and that the Chief Executive Officer proceed to engage an independent consultant to undertake the work.

4. That Council acknowledge that the target plan will be adjusted and revised depending on the availability and success of grant applications, annual funding allocations, changing community need, and resourcing needs to deliver this aspirational target plan.

5. That the Mayor release a public statement relative to this resolution of Council.

It should be noted in relation to the Stockwell Recreation Park (the Park) and item (1) of the above resolution of 20 August 2019, that following discussions and modelling arising from The Big Project Council Workshop session in June 2019, the construction of change rooms, associated facilities and spectator viewing was determined as the “Target Next Phase Priority…” project for the Park.

Introduction and Discussion
Since the Council resolution of the 20 August 2019, Officers have received regular informal questions regarding the prioritisation and concern that the 2nd Oval continues to be the highest priority for the combined users and Park committee representatives.

In April 2020 there was an opportunity to apply for Department of Planning Transport and Infrastructure Open Space funding for the BMX and passive recreational
elements of the Park Masterplan. These elements were also identified as priority projects in the August 2019 modelling. (NB: Open Space funding does not extend to formal sporting infrastructure).

The Open Space application was successful and at the end of June 2020, Officers held a meeting with Stockwell representatives (Park committee and community residents) to begin the detailed implementation of the Open Space project and pull together a Working Group. At this meeting, the concerns regarding the exclusion of the second oval from the prioritisation was again raised. Officers advised the group that if they wanted to have this matter reviewed, they should make formal representation to Council.

On the 3 July 2020, a letter was received from the Stockwell Facilities Advisory Group (Advisory Group) requesting that Council:

“...reconsider their decision .... and place the second oval as the number one priority for the Stockwell Recreation Park.” (refer Attachment 1).

Additional letters have been received from associated user groups, including hockey representatives, supporting the Advisory Group’s request. (Refer Attachment 2).

The Park used to have a second oval.

In 2013, following a successful grant application by the Barossa Valley Hockey Association, the second oval site was used to develop the current artificial hockey pitch completed in 2015. This was because the original identified location for the hockey pitch was determined to be unusable due to its proximity to the creek line and potential for future erosion to the creek banks resulting in possible undermining of the sub base to the artificial pitch.

In making this determination regarding the funding arrangements for the Hockey Pitch development and associated loan arrangements, the Council at the time resolved that:

“...By agreeing to develop the artificial turf pitch at the Stockwell Recreation Park Oval Number 2 site, Council also agrees to the reinstatement of Oval Number 2 in a timeframe to be negotiated with users of the oval, but shall not be undertaken until the 2014/15 financial year at the earliest.”
(extract Council Meeting Minutes 28 October 2013)

A summary of the prioritisation arising from The Big Project master planning discussions with the Stockwell Working Group and extract of the consultation submissions received from the community on the draft Master Plan in 2019 are provided as Attachment 3.

In the background documentation to the needs assessment process for The Big Project, reference to the Barossa, Light and Lower North Region Open Space, Recreation and Public Realm Strategy (2013)(The Open Space Strategy) identified the Stockwell Recreation Park as a district centre for cricket based on it, at that time, having 2 ovals. It is understood that cricket is currently utilising school facilities in addition to Stockwell to accommodate current use and capacity requirements.

The South Australian Cricket Infrastructure Strategy 2019-29 identifies that the North East Country region (which includes the Barossa) is expected to see the largest percentage population growth at 17% of all cricket regions across the state by 2026 and already has more cricketers than the other 2 country regions. It prioritises the
provision of new playing fields, lights and practice nets noting that the Playing Field to player ratio as at 2018 data is 1: 1,736 compared to a State country region average of 1: 1,564.

The Open Space Strategy also noted that with the addition of the artificial hockey pitch, it would become a regional centre for Hockey. The existing changing rooms at the Park were upgraded and extended in 2013/14 and are currently used by both hockey and cricket. The premise of the new changing facilities is that they would be located closer to the hockey pitch and provide extra capacity.

**Summary and Conclusion**

Representations have been received from the Stockwell Facilities Advisory Group and local clubs requesting that Council reconsider The Big Project prioritisation for the facility and identify the reinstatement of the 2nd Oval as the highest community priority.

The prioritisation exercise completed by Council in August 2019 has provided a baseline and guidance for the financial modelling and targeting of funding to achieve a structured implementation process for The Big Project. It was largely informed by a robust community consultation process across all the component projects.

However, prioritisation was also predicated on the capacity for Council to be flexible and respond to changing circumstances and available, suitable funding opportunities for the different types of projects.

If Council is supportive of making a change to the prioritisation of projects at the Stockwell Recreation Park, further assessment will need to be undertaken by officers of the relevant design and associated costs of the 2nd Oval. This would be the subject of a further report to Council.

It is also noted, that all prioritised projects are predicated on the requirement to achieve a minimum of 40% grant funding to enable implementation to proceed and this will still be the case for the 2nd Oval if supported.

Total funding has been projected across a 5 year period up to 2023-24 at this point in time. Dependent on the projects that are successful, the grant funds available and the specific project costs involved, there is scope to accelerate certain projects and reallocate funding across different projects to achieve the overall outcomes provided the total approved budget funding and year on year allocations are not exceeded.

**ATTACHMENTS OR OTHER SUPPORTING REFERENCES**

Attachment 1: Letter from Stockwell Facilities Advisory Group HPE (Ref: 20/35337)
Attachment 2: Letters of support for reprioritisation of second oval
Attachment 3: Extract Prioritisation Summary – Stockwell Recreation Park

Supporting References (Not attached):
- Barossa, Light and Lower North Region Open Space, Recreation and Public Realm Strategy (2013)
- South Australian Cricket Infrastructure Strategy (2019-2029)

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

Community Plan

Natural Environment and Built Heritage
Corporate Plan
3.3 Ensure Council’s sporting, recreational and leisure grounds and playing arena and associated programs meet the current need of the community to an agreed level of service.

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

Legislative Requirements
Local Government Act 1999

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial
If Council is supportive of making a change to the prioritisation of projects at the Stockwell Recreation Park, further assessment will need to be undertaken by officers of the relevant design and associated costs of the 2nd Oval. This would be the subject of a further report to Council.

Resource
No specific resource implications. Ongoing resourcing for project implementation will need to be funded via capital allocations within the individual project budgets to ensure this is sustainable.

Risk Management
Council has made significant investment in consultation to ensure as far as practicable, that project prioritisation reflects community needs. This is important in grant application processes to ensure that the risk of funding partners is appropriately managed and also that the reputation of Council is protected.

COMMUNITY CONSULTATION
Community Consultation on the Stockwell Recreation Park Masterplan was held from 30 January to 1 March 2019. Extracts are provided for Council’s review as Attachment 3.
03/07/2020

Dear Barossa Council Elected Members,

I am writing to you on behalf of the Stockwell Facilities Advisory Group in relation to the current status of the Stockwell Recreation Park Master Plan and development priorities.

It has come to our attention that our wishes for a second oval at the Stockwell Recreation Park to be the next development when funding becomes available has been ignored by the Barossa Councillors.

Our group was part of the consultation process during the development of the Master Plan for the Stockwell Recreation Park. The group consists of members from local sporting organisations as well as residents of Stockwell who want to see our beautiful town improved. During each meeting during the Master Plan consultation process all members of our group as well as community members at a Facilities Forum held at the Stockwell Hall in 2018 by the Mayor and council representatives were very clear in pushing a second oval as the number one priority for the park. We were left dismayed and confused upon hearing that not only had the oval not been placed as the very next development to occur at the Stockwell Recreation Park but the Councillors had chosen to not list it as a priority at all.

The Stockwell Facilities Advisory Group would greatly appreciate it if the Barossa Council Elected Members would reconsider their decision made at their meeting on the 19th of March 2019 and place the second oval as the number one priority for the Stockwell Recreation Park.

Kind regards,

[Signature]

Acting-Secretary
Stockwell Facilities Advisory Group
Dear Council Members

I am writing on behalf of the Barossa Valley Hockey Association, so that it can be brought to the attention of the Council and for the records, on our position in regards to the Stockwell Master Plan and the priority of the second oval.

In a previous council meeting, 19\textsuperscript{th} March 2019, the council reviewed feedback from the community on the priorities for the Master Plan and the Council’s Big Project.

It was noted that though the second oval had not appeared often in the written submissions, there had been significant verbal discussion during the community dropin sessions. It was always seen as a high priority at each of the Stockwell Recreation Park Advisory Group, which consisted of the BVHA, affiliating Clubs and the Light Pass Cricket Club. None had put in a written submission as it was verified at every meeting and discussion with the group as a high priority.

Unfortunately, from the findings the Council decided to downgrade the Second oval and to prioritize the BMX track and hockey changerooms.

Collectively the Stockwell community and SRP Advisory Group have continued to discuss their preference for the second oval. Which will be shown with letters of support to the Council and that we please ask the Council to review their decision on changing the priority of the Stockwell Master Plan.

Kind Regards

\textit{Gail Kirby}

Secretary, Barossa Valley Hockey Association

PO Box 340, Nuriootpa SA 5355

0418 368 232 | \texttt{secretary@barossahockey.com}

\texttt{www.barossahockey.com}
Dear Barossa Council Elected Members,

I am writing to you on behalf of the Light Pass Cricket Club Executive Committee. It has come to our attention that the second oval as identified on the Stockwell Recreation Park masterplan has not been prioritised at this point in time by the Barossa Councillors after they reviewed feedback at a meeting held on the 19th of March 2019.

The Light Pass Cricket Club’s desire for a second oval has quite a history. The club initiated and assisted to manage a second oval at the Stockwell Recreation Park (including contributing $12000 to lay the concrete cricket pitch on the oval) until the Barossa Valley Hockey Association and the Barossa Council obtained a grant to install a synthetic turf hockey pitch. The Light Pass Cricket Club acknowledge that the obvious and best place to put this pitch was where part of our second oval lay, and in negotiations with all invested parties (including the Barossa Council) agreed to forego the second oval at that point in time with the promise from the Barossa Council that this oval would be replaced in the near future. These negotiations occurred in 2012 and we are still waiting for our second oval.

The benefits of a second oval would be reaped by residents of Stockwell and the wider Barossa Valley area in a multitude of ways. It has been noted at Stockwell Advisory Group meetings that all sporting clubs and associations that utilise the facilities have a strong desire to see a second oval back at the Stockwell Recreation Park once more as it would open up opportunities for their sports and individual clubs which would directly benefit the Barossa Valley population. The potential of more hockey and cricket trainings and matches would assist with the wellbeing and fitness of citizens, whilst the potential of hosting tournaments due to being able to play multiple matches simultaneously at the one venue would bring people into our region from outside areas who would spend money on tourism and hospitality industries.

The Light Pass Cricket Club would love to have the second oval back at the Stockwell Recreation Park so that the park could return to being our one true home base. We are proud to be trailblazers by being the first and only club in the Barossa and Light Cricket Association’s history to field a team filled with girls last season and we are actively looking to grow this sport to promote more female participation. This additional side has meant that some of our junior teams have been required to play “home games” at venues such as Kapunda High School. With a scarcity of suitable ovals in our near vicinity our senior grades have also been required to play “home games” at Truro, Kapunda High School and Faith Secondary College.

On behalf of the Light Pass Cricket Club’s Executive Committee, members and supporters I implore the Barossa Councillors to peruse the letters of support sent to them in support of prioritising the second oval as the next priority for the Stockwell Recreation Park and to make the appropriate adjustments on the Master Plan.

Kind Regards

Daniel Hausler
Vice President
Light Pass Cricket Club
Dear Barossa Council Elected Members,

I am writing on behalf of the Nuriootpa Hockey Club, so that it can be brought to the attention of the Council and to be recorded in the minutes regarding our position in regards to the Stockwell Master Plan and the priority of the second oval.

In the Council meeting on the 19 March 2019, The Barossa Council reviewed feedback from the community regarding priorities for the Master Plan and the ‘Council’s Big Project’.

It was noted that even though the second oval had not appeared in many of the written submissions, there had been significant verbal discussion during the community drop-in sessions. The second oval was also always seen as a high priority at each of the Stockwell Recreation Park Advisory Group meetings. These meeting consisted of representatives from the Nuriootpa Hockey Club, Barossa Valley Hockey Association, Tanunda Hockey Club, Angaston/Moculta United Hockey Club, and the Light Pass Cricket Club. I do not believe that any of these groups had put in a written submission as it was verified at every meeting, and discussion within this group was that the Second Oval was a high priority.

Unfortunately, from the findings presented it showed that The Barossa Council decided to downgrade the Second oval and to prioritise the area for a BMX track and hockey changerooms.

Collectively the Stockwell community and SRP Advisory Group have continued to discuss their preference for the second oval. Which will be shown with letters of support to the Council and that we please ask the Council to review their decision on changing the priority of the Stockwell Master Plan.

Kind Regards

Matt Lehmann
President
Nuriootpa Hockey Club
Mr Michael ‘Bim’ Lange
The Barossa Council
43-51 Tanunda Road, Nuriootpa SA 5355

Dear Michael

I am writing on behalf of the Tanunda Hockey Club, requesting your assistance to adjust the priorities within the Stockwell Recreation Park Masterplan. As it stands, I do not believe the re-development of the ‘second oval’ has a high enough priority. Our club has been a lessee at the Stockwell Recreation Park for approximately 15 years (and our club has played hockey there since 1985). During our time as a lessee there has been significant development at the park. Specific to the playing surfaces for organised sport, a second oval was established to benefit both winter and summer sports. However, the subsequent development of the artificial turf hockey pitch – over the top of existing infrastructure – consumed a large part of the second oval and made what was left redundant. It was the understanding of the hockey community the re-establishment of the second oval would remain a top priority for Stockwell Park and The Barossa council, as it would benefit both winter and summer sports. I believe this position (in support of the re-establishment of the second oval) was also evident across the council’s community engagement process for the Masterplan, especially in verbal discussions during community drop-in sessions.

The re-establishment of the second oval is a high priority at Stockwell Recreation Park Advisory Group, a group that has representatives from the Barossa Valley Hockey Association as well as the Angaston/Moculta United, Nuriootpa and Tanunda Hockey Clubs and the Light Pass Cricket Club. Perhaps there has been a lack of formal, written submissions from this group of stakeholders until now, but I am confident the group is united on the second oval receiving the highest priority for future developments. The minutes of Stockwell Recreation Park Advisory Group meetings contain repeated discussions and evidence of this position. I believe the council will be receiving written submissions from the stakeholders to further reinforce this.

The Tanunda Hockey Club, as a Stockwell Recreation Park lessee and stakeholder on the Stockwell Recreation Park Advisory Group, requests The Barossa Council re-considers the Stockwell Recreation Park Masterplan to make the re-establishment of the second oval the highest priority.

Kind regards,

Nathan Gogoll
Tanunda Hockey Club president
Dear Council Members

I am writing on behalf of the AM United Hockey Club, so that it can be brought to the attention of the Council and for the records, on our position in regards to the Stockwell Master Plan and the priority of the second oval.

In a previous council meeting, 19th March 2019, the council reviewed feedback from the community on the priorities for the Master Plan and the Council’s Big Project.

It was noted that though the second oval had not appeared often in the written submissions, there had been significant verbal discussion during the community drop in sessions. It was always seen as a high priority at each of the Stockwell Recreation Park Advisory Group, which consisted of the BVHA, affiliating Clubs and the Light Pass Cricket Club. None had put in a written submission as it was verified at every meeting and discussion with the group as a high priority.

Unfortunately, from the findings the Council decided to downgrade the Second oval and to prioritize the BMX track and hockey changerooms.

Collectively the Stockwell community and SRP Advisory Group have continued to discuss their preference for the second oval. Which will be shown with letters of support to the Council and that we please ask the Council to review their decision on changing the priority of the Stockwell Master Plan.

The addition of the second oval will hold great potential for the Barossa Valley to be considered for long weekend and state carnival tournaments, which can generate further tourism for the community.

Kind Regards

Savannah Barnden

Secretary, AM United Hockey Club

PO Box 447, Angaston SA 5353

0408827659 | secretary@amunitedhc.com

www.amunitedhockey.com
Stockwell Recreation Park

NB: a full Feasibility Report has not yet been completed for this facility.
Indicative Prioritisation Arising from Working Group Discussions

<table>
<thead>
<tr>
<th>#</th>
<th>Description of Item</th>
<th>Comments</th>
</tr>
</thead>
</table>
| 1  | Reinstatement of second oval                | - Oval #2 was demolished to make way for the artificial turf hockey pitch in 2015.  
- Reinstatement of oval remains a priority  
- Current Council resolution from 28 October 2013  
  - “By agreeing to develop the artificial turf pitch at the Stockwell Recreation Park Oval Number 2 site, Council also agrees to the reinstatement of Oval Number 2 in a timeframe to be negotiated with users of the oval, but shall not be undertaken until to 2014/15 financial year at the earliest.”  
- Increased overflow for sporting clubs  
- Allows for additional sports, eg Soccer  
- Eliminates the need for cricket to hire external facilities for matches (such as nearby school ovals) |
| 2  | Vehicle Entrance / Exit for dual access     | - All users benefit  
- Maintain sealed roadway  
- Formalise unsealed roadways                                                                                                                                 |
| 3  | New change room facilities with associated amenities | - To improve change room and spectator viewing access for hockey and users of second oval                                                                                                                     |
| 4  | Car parking with sufficient lighting        | - Retain and maintain existing sealed roadways  
- Improve and formalise unsealed roadways  
- Install lighting for safe vehicular and pedestrian movements                                                                                                                                 |
| 5  | Existing clubroom improvements              | - Incorporate additional change room area for females                                                                                                                                                   |
| 6  | Spectator viewing                          | - Provide enhanced spectator viewing areas through construction of covered shelter adjoining new change room, and earth mounds for raised viewing                                                                 |
| 7  | Outdoor fitness stations                    | - Installed along a fitness / walking / bike trail                                                                                                                                                       |
| 8  | BMX track                                  | - Dirt mounded BMX track (location to be determined at a position away from Mickan Road)                                                                                                                     |
Consultation Submissions - completed by community during master planning phase

A total of 18 formal submissions and 2 informal submissions were received during a formal three-week consultation period, totalling 20 responses.

Responses are summarised by theme as follows:

<table>
<thead>
<tr>
<th>1. Location of BMX track</th>
<th>Officer comments:</th>
</tr>
</thead>
</table>
| • Significant and repeated written and verbal feedback regarding location of the BMX track has been received. There is equal opinion on if a track should be located at the Recreation Park or at the nearby Queen Street playground. | • There is some concern that the track will impact on the amenity for neighbouring properties on Mickan Road. It may also encourage parking along Mickan Road which is a concern to some residents.  
• However there is also feedback that co-locating additional activity areas such as a BMX track is great for families that are attending the Recreation Park for organised sport.  
• There is also merit in co-locating the BMX track where there are existing toilets. Buffer treatments such as plantings could also be installed along Mickan Road to soften any visual or sound impacts. |

<table>
<thead>
<tr>
<th>2. Second Oval</th>
<th>Officer comments:</th>
</tr>
</thead>
</table>
| • Whilst the second oval hasn’t appeared often in written submissions, there has been significant verbal discussion during the community drop-in session and through the Stockwell Recreation Park Advisory Group. The reinstatement of the second oval remains strongly supported by the Advisory Group and the Light Pass Cricket Club. | • The current Council resolution reads:  
MOVED Cr Milne that  
.........  
3. By agreeing to develop the artificial turf pitch at the Stockwell Recreation Park Oval Number 2 site, Council also agrees to the reinstatement of Oval Number 2 in a timeframe to be negotiated with users of the oval, but shall not be undertaken until the 2014/15 financial year at the earliest.  
.........  
SECONDED Cr de Vries                CARRIED |

<table>
<thead>
<tr>
<th>3. Horse Stabling and Associated Infrastructure</th>
<th>Officer comments:</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Clear and consensus opinion that horse stabling and associated infrastructure not recommended for installation at the Stockwell Recreation Park.</td>
<td>• An initial request through RDA from Horse SA was received to investigate options for horse stabling and associated infrastructure in Stockwell to enhance the usage of the Kidman Trail. The development of the Master Plan occurred at the same time and therefore the option was put to the community to consider as part of this process.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>4. Tennis / Basketball Court/s</th>
<th>Officer comments:</th>
</tr>
</thead>
</table>
| • Verbal and written feedback received regarding the addition of a court or courts within the Master Plan, potentially at the | • There are 49 courts in The Barossa Council region. 17 courts are within 10 km of Stockwell:  
  o Moculta – 3 courts  
  o Nuriootpa – 8 courts |
southern end of the Park, adjacent Duck Ponds Road. Conversations linked to a missed opportunity of courts that were muted back in the 1980’s.

- Angaston – 6 courts

A tennis / netball court audit report has recently been received. The report provides a ratio of provision of courts to population for the Nuriootpa / Stockwell District of 1:856. The industry benchmark is 1:3500. Officers will bring a further report to Council on this item.

A range of strengths, weaknesses, opportunities and threats which were influenced by factors including but not contained to population growth, ageing recreation and sport infrastructure, insufficient space or facilities, conflicting uses of shared sports grounds and health and safety considerations. A summary is as follows:

**Strengths**
- Co-location of multiple sports that work well together
- New community developments increasing the passive recreational use of the park
- Adequate open space for development of additional facilities
- Strong interest from sporting group representation on advisory group with an interest to move to incorporated association

**Weaknesses**
- Availability of second oval for overflow of cricket games

**Opportunities**
- CWMS water allocation directed to Stockwell Recreation Park reduce reliance on allocated water from nearby winery water licence. Requires for irrigation system upgrade

**Threats**
- Availability of bore water from neighbouring winery water licence
- Land-only lease to Barossa Valley Hockey Association (BVHA) for artificial turf pitch and requirements for BVHA to secure future grant funding for pitch surface renewal
7.3.2 DEBATE AGENDA - MANAGER COMMUNITY AND CULTURE

7.3.2.1
LIVE MUSIC ACTION STRATEGY
B9788  20/33276
Author:  Regional Live Music Coordinator

PURPOSE
To review and adopt the draft ‘Live Music Action Strategy’ (Attachment 1) completed by the Regional Live Music Coordinator as a core objective of the position.

RECOMMENDATION
That Council:

(1) Review and adopt the Live Music Action Strategy and note outcomes achieved over the life of the project.

(2) Approve the recommendations in the Live Music Action Strategy, and work with the Director of Corporate and Community Services/Manager of Community and Culture to embed these recommendations into broader Council actions including, but not limited to, The Big Project and Council’s COVID-19 Recovery Plan.

(3) Authorise officers to provide the State Government Music Development Office (Department of Innovation and Skills) with a finalised copy of the Live Music Action Strategy.

REPORT

Background
The Barossa Council employed a Regional Live Music Coordinator from August 2019 until July 2020, as part of a pilot position supported on a temporary project basis, with funding from the State Government’s Music Development Office (Department of Innovation and Skills). Support and partnerships for this project included Legatus SA and Regional Development Australia Barossa Gawler Light and Adelaide Plains.

The pilot program was created to explore the economic and social benefit of having an advocate within regional settings, for live music activation and support.

The success of the Regional Live Music Coordinator has been noted in the following activities:

• Barossa Fringe on Tour: Over 9000 people attending arts and cultural events over three days, over 50% live and local music acts.
• Music and the Biz: Industry knowledge and recording for 13-25 year-olds with Northern Sound Systems.
• Individual business and musician mentoring in creative and business endeavors (‘next step’ training).
Introduction
The Regional Live Music Coordinator project demonstrated that there is the capacity and appetite within the region to support art and music-led events, to show enthusiasm for youth engagement in live music activities, and have the ability for venues of different sizes and types to engage in live performance.

This Live Music Action Strategy is a summary of the outcomes achieved during this project, as well as suggestions for future pathways that this pilot could take.

Discussion
One of the key objectives for The Barossa Council within this project with the Music Development Office was to develop a Live Music Action Strategy for the Barossa region, examining how Council and the community can support live music as a growth industry.

Modelling for this Action Strategy has been drawn from the City of Adelaide’s Live Music Action Plan and Music Victoria’s Regional Live Music Action Plan, with additional resourcing sought through Sounds Australia, APRA AMCOS, Music SA, PPCA, the Australian Government and ARIA. The Strategy acknowledges the holistic impact of live music activation on the region: its relevance to the Barossa’s wine and food industries, its considerable place in the region’s history, its economic benefit and its benefit to social and emotional wellbeing in the community. The Strategy outlines four key objectives:

1. That live music continues to be recognised and supported as an integral part of the Barossa’s identity: both as a community activator and as a part of the broader regional brand.
2. There is ongoing funding and investment through a variety of sources to ensure that the Barossa is activated through music in our many varied, unique and world-renowned spaces.
3. The Barossa is committed to the support of its musicians and music industry, and actively works to nurture local talent, including youth-led initiatives.
4. There is ongoing investment to ensure that the Barossa is a destination for live music audiences seeking a discerning and varied musical offering both from local and touring talent.

These objectives have been determined through reflection on activity engaged with by the Regional Live Music Coordinator whilst in the role, and through discussion with musicians and venues in the Barossa region. Importantly, these outcomes act as a roadmap to Coronavirus (COVID-19) recovery for the music industry, which was one of the first industries to close and will be one of the final industries to re-open. It’s important to note that:

- The impact of Coronavirus (COVID-19) has had considerable impact on what otherwise was a very resilient industry.
- The industry needs a considered and tailored approach to recovery.

Summary and Conclusion
This is the first presentation of the Live Music Action Strategy to Council. The Strategy and initial work undertaken would benefit from continued consultation with community and business stakeholders. Council is asked to adopt the draft Live Music Action Strategy and consider the recommendations in the Strategy for incorporation into broader Council actions, including:
• Investment in Creative Industries recovery post Covid-19
• Continued commitment to the Regional Live Music Coordinator position as it becomes available through the SA Music Development Office
• Continued collaboration and engagement with the music community and venues
• Embedding live music strategies into pre-existing Council projects including the Culture Hub proposal

ATTACHMENTS OR OTHER SUPPORTING REFERENCES
Attachment 1: Barossa Live Music Action Strategy

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS
Community Plan

- Community and Culture
- Health and Wellbeing
- Business and Employment

Corporate Plan
Theme 2. Community and Culture
2.6 Provide, promote and support community arts and cultural events, programs, attractions and services

Legislative Requirements
Local Government Act 1999

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS
Financial and Resources
The support of an ongoing Live Music Coordinator position is subject to available finance both from The Barossa Council and the Music Development Office. No additional funding is sought at this stage. This will be an ongoing discussion with the Music Development Office. It is noted that funding for community well-being resourcing and initiatives is incorporated into Council’s COVID-19 Recovery Plan.

Risk Management
Support of the Barossa music industry requires ongoing risk management and assessment in order to ensure the outcomes desired are sustainable. This planning framework itself acts as a system of risk management, ensuring the long term alignment of Council’s actions with the investment already made in this space.

COMMUNITY CONSULTATION
The Regional Live Music Coordinator has worked extensively with community to deliver the projects within the role, including the Barossa Fringe on Tour program, Music and the Biz, and ongoing support to individual musicians and venues for the implementation of live music in the region. This consultation has, halted in some respects since the Coronavirus (COVID-19) pandemic, although ongoing e-communication with members of the Barossa music community has ensured that the Strategy is representative of stakeholder and community interest. Ongoing formal consultation would represent the next stage of this Action Strategy.
Live Music Report and Action Strategy

2020-2025

Prepared by Leah Blankendaal
Regional Live Music Coordinator
The Barossa Council
Note: The latter phase of the Regional Live Music Pilot was significantly impacted by the COVID-19 pandemic in Australia during the first half of 2020.
Barossa Council Live Music Report and Action Strategy

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Acknowledgement of Country

The Barossa Council acknowledges the traditional lands of the Peramangk, Ngadjuri and Kaurna people and we respect their spiritual relations with Country.

Figure 1: Uncle Quenten Agius performs Welcome to Country at the 2020 Barossa Fringe Launch Party
Strategic Context and Role in Live Music

**Barossa Council Community Plan**
The Live Music Report and Action Plan aligns with The Barossa Council’s Community Plan 2016-36 to lead activities that celebrate the history and culture of the Barossa and its people. The following Community Plan strategies are reflected in the delivery of the Live Music Action Strategy:

<table>
<thead>
<tr>
<th>Community and Culture</th>
<th>2.1 Initiate and support activities which encourage participation and pride in the Barossa Council area.</th>
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<tbody>
<tr>
<td></td>
<td>2.2 Support the development of activities that celebrate the history and culture of the Barossa and its people.</td>
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<tr>
<td></td>
<td>2.3 Contribute to creating strong and sustainable community networks.</td>
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<td></td>
<td>2.5 Engage with, and support, young people to actively participate in the community and develop the leaders of the future.</td>
</tr>
<tr>
<td></td>
<td>2.6 Support a vibrant and growing arts, cultural, heritage and events sector.</td>
</tr>
<tr>
<td></td>
<td>2.7 Embrace place-making principles when developing community infrastructure and regulate planning and development in public spaces.</td>
</tr>
<tr>
<td></td>
<td>2.9 Create places where people want to live and plan for the future in a coordinated, affordable, appropriate and proactive manner.</td>
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<tr>
<td></td>
<td>2.10 Promote our Aboriginal heritage and ongoing connections to the region.</td>
</tr>
<tr>
<td>Health and Wellbeing</td>
<td>4.2 Create opportunities for people of all ages and abilities to participate in the community.</td>
</tr>
<tr>
<td></td>
<td>4.6 Ensure that community members can participate in cultural, recreational, sporting and learning opportunities.</td>
</tr>
<tr>
<td>Business and Employment</td>
<td>5.1 Work closely with State Government, Federal Government and stakeholders to support economic growth, development and job creation.</td>
</tr>
<tr>
<td></td>
<td>5.3 Help build the capacity of the tourism sector and encourage the development of tourist services, including eco and recreational tourism infrastructure.</td>
</tr>
<tr>
<td></td>
<td>5.4 Attract investment for new and innovative industries, such as creative industries and cultural tourism.</td>
</tr>
<tr>
<td></td>
<td>5.13 Support economic development through events.</td>
</tr>
</tbody>
</table>
What Success Looks Like
The Live Music Action Strategy aligns with the following Barossa Community Plan 2016-2036 success indicators:

2. Community and Culture
   • Successful festivals and events delivered throughout the year that benefit from the creative expertise of local artists, musicians and designers.
   • People gathering and interacting in public spaces that express the culture of the region.
   • Visitors and local residents participating in cultural programs.

4. Health and Wellbeing
   • Access to enrichment and life-long learning programs.
   • People that feel happy, connected and enjoy a sense of belonging.

5. Business and Employment
   • A strong local economy that includes a diverse industry base.
   • Growth in visitor numbers.
   • Strong sectors that support local employment.

Figure 2: Uncle Quenten’s grandchildren join him for Welcome to Country at the 2020 Barossa Fringe Launch Party
Introduction & Snapshot

Live music has always played an integral part in the Barossa community’s sense of place, social and communal wellbeing and its creative economy. From the Hill & Son Organ at the Barossa Regional Gallery, to contemporary singer songwriters and bands; the heritage, history and breadth of musical talent in the Barossa plays a fundamental role in its communal identity.

Internationally recognised for its world class wine and food industries, which together shape South Australia’s most visited tourism region, the Barossa is naturally welcoming of events and visitors. As with these food and wine sectors, there is pride in the community for its musical heritage, history and contemporary cultural offerings. A community of singer songwriters underpin the creative economy and cultural tourism of the region, whilst ensembles such as the Tanunda Town Band and the Tanunda Liedertafel hold the region’s heritage as two of the oldest continuing groups of their type in Australia. There is alignment in brand, passion, and artisanal quality of this industry with our other major sectors.

Support for the local Live Music industry has come from a diversity of sources. Venues in the Barossa increasingly recognise the value of brand alignment with live music in a variety of genres. This support has been amplified by local government through The Barossa Council and state government through the Music Development Office, as well as key stakeholders including Regional Development Australia Barossa Gawler Light & Adelaide Plains and Legatus Group. Together these stakeholders have embarked on many individual and collaborative projects in the live music space, including funding of the collaborative Regional Live Music Coordinator pilot from August 2019 – July 2020. The Live Music Report and Action Strategy 2020-25 is a culmination of this pilot and project work, and its significant positive outcomes, and it presents an opportunity for ongoing collaborative development in this space.

Economic status and possibility for growth

Live Performance Australia data shows 7.8 million attendances at music performances in 2013. Classical and opera’s share is 1.5 million, with contemporary music reaching 6.3 million. When small companies and venues are added in these figures would easily top the 8 million mark, bigger than sport. Live music injects over $1.2 billion into the Australian economy annually, and the broader Australian entertainment sector is valued at $3 billion (Music Australia 2015).

Music and performing arts employ over 43,000 people in Australia. The venue-based live music industry supports employment of over 14,800 positions.

To date no data collection of the economic status of the Live Music industry specific to the Barossa region has been completed. This is an opportunity for further research and growth.

Figure 3: Squirrel Grip perform at The Valley Hotel, Tanunda
Mapping existing assets & supply chains

A strong live music scene is likely to exist where the key industry stakeholders are empowered, do not face unreasonable barriers, are willing to take risks, know the value of live music, and create or have access to quality music experiences. Industry Stakeholders include venues, promotors, musicians, and audiences. External stakeholders include (but are not limited to) community, government, education and related Industries.

Art Music Design Barossa is an expansive database of local musicians, venues, and their relevant supply chains. This database is regularly updated by Regional Development Australia through their Creative Industries portfolio. Ongoing collaboration to expand and develop this portfolio will provide a valuable database going forward.

The observations from the existing asset mapping can be summarised as follows:

- A strong community of singer songwriters make up the largest contingency of musicians in the region.
- A passionate community of experts and enthusiasts preserve and champion Western art music and the Barossa’s heritage within that tradition.
- Audiences exist for both these musical demographics.
- Other styles including jazz, rock, and folk are also represented locally.
- Youth engagement in music is considerable, both through successful Council engagement including Busk 'til Dusk and Music and the Biz, and within community endeavours.
- Locally based supply chains are limited; however, there are a few well-developed sound and recording businesses. Support for those existing businesses to grow would be of benefit to the broader industry.
- Venues are predominantly wineries and cellar doors who recognise the value of Live Music as a brand asset. Bars and pubs also support the industry, although their role is less prominent than in the Adelaide metropolitan area because of the dominance of the wine industry within the Barossa.
- Council spaces also make up a number of regularly used venues, in particular the Barossa Regional Gallery.
- The role of music in First Nations history and heritage isn’t well known or explored in this region. Knowledge of the missionaries from Bethany travelling to Hermannsburg to teach chorale singing in language is research in development. This presents an opportunity for growth, both in heritage projects and by placing First Nations voices at the centre of contemporary opportunities.
Broader trends effecting South Australia

Covid-19
The Covid-19 pandemic has had a significant impact on the Live Music industry. One of the first to close, it is also likely to be one of the last to reopen. Consideration of specific needs of this industry to rebuild and repair would provide a roadmap to recovery for both musicians and venues, the Barossa brand, and the musical community that has shut down in response to this pandemic. One such example may include easily accessible small grants for new projects that support re-engagement in live music. The Federal Government has acknowledged the significance of supporting creative industry recovery through its announcement late in June 2020 of a $250 million grant pool for the sector and government guarantees for loan finance.

UNESCO Brand
Adelaide is the first, and only, designated UNESCO City of Music in Australia. The designation, bestowed on 15 December 2015, is an acknowledgment of the breadth, depth and vibrancy of the city’s music culture, its international reach, its history and its aspirations. Although this designation is for Adelaide, there is support for its usage in the regions. In 2018 a collaboration between Brand SA, Regional Development Australia Barossa Gawler Light & Adelaide Plains and UNESCO office resulted in a collaborative project of mutual benefit for the Great Wine Capitals AGM. There is significant opportunity to build on this relationship going forward.

Global Music Industry
Unlike other industries in the region, there is limited export of Live Music product outside of Australia. Key markets, in particular China and Europe, represent opportunities for growth as brand alignment between the cultural and culinary industries continues to develop. Opportunities for growth include engaging with existing trade fairs such as Barossa: Be Consumed, exploring opportunities for new media and technology such as streaming and social channels, and working with the Music Development Office and UNESCO brand to identify opportunities for industry brand ambassadors to partake in cultural exchange within the UNESCO network.

Figure 5: Amelia Ryan at the Barossa Fringe Launch Party
Live Music Action Strategy  Goals

This strategy sets out four key goals arising from the Regional Live Music Coordinator pilot to achieve the objectives of sustaining and promoting growth in the Live Music industry within the Barossa. These are:

1. That live music continues to be recognised and supported as an integral part of the Barossa’s identity: both as a community activator and as a part of the broader regional brand.

2. There is ongoing funding and investment through a variety of sources to ensure that the Barossa is activated through music in our many varied, unique and world-renowned spaces.

3. The Barossa is committed to the support of its musicians and music industry, and actively works to nurture local talent, including youth-led initiatives.

4. There is ongoing investment to ensure that the Barossa is a destination for live music audiences seeking a discerning and varied musical offering both from local and touring talent.

Figure 6: Blueprint at the Valley Hotel
Goal 1
That live music continues to be recognised and supported as an integral part of the Barossa’s identity: both as a community activator and as a part of the broader regional brand.

<table>
<thead>
<tr>
<th>Council Strategies</th>
<th>2.1 Initiate and support activities which encourage participation and pride in the Barossa Council area.</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>2.2 Support the development of activities that celebrate the history and culture of the Barossa and its people.</td>
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<tr>
<td></td>
<td>2.10 Promote our Aboriginal heritage and ongoing connections to the region.</td>
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<tr>
<td></td>
<td>5.3 Help build the capacity of the tourism sector and encourage the development of tourist services, including eco and recreational tourism infrastructure.</td>
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<tr>
<td></td>
<td>5.4 Attract investment for new and innovative industries, such as creative industries and cultural tourism.</td>
</tr>
<tr>
<td></td>
<td>5.13 Support economic development through events.</td>
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</table>

Deliverables

1. Actively lobby for the funding and development of facilities and infrastructure such as the proposed Barossa Regional Culture Hub as a centre of excellence and education for the incubation of local musical talent and entrepreneurship.

2. Continue to develop the relationship with the UNSECO City of Live Music brand office as a partner and actively work to support events that build that relationship.

3. Create opportunities for musicians to be ambassadors for Barossa promotion and celebration, particularly First Nations artists.

4. Promote live music events at visitor information centres and tourism arrival points.

5. Support, fund and sponsor live music events in the Barossa through Council initiatives including the Community Assistance Scheme, activity at the Barossa Regional Gallery and youth-based programs.
Goal 2

The Barossa is activated through music in our many varied, unique and world-renowned spaces.

<table>
<thead>
<tr>
<th>Council Strategies</th>
<th>Deliverables</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.7 Embrace place-making principles when developing community infrastructure and regulate planning and development in public spaces.</td>
<td>1. Continued commitment to the development of a Barossa Culture Hub, and live music’s valued place within that project.</td>
</tr>
<tr>
<td>2.9 Create places where people want to live and plan for the future in a coordinated, affordable, appropriate and proactive manner.</td>
<td>2. Increase accessibility of Council owned venues for live music performances by streamlining process of application including within the Barossa Regional Gallery.</td>
</tr>
<tr>
<td>5.3 Help build the capacity of the tourism sector and encourage the development of tourist services, including eco and recreational tourism infrastructure.</td>
<td>3. Collating easily accessible information about event restrictions and requirements on Live Music within private venues in an FAQ document accessible on the Barossa Council website.</td>
</tr>
<tr>
<td>5.4 Attract investment for new and innovative industries, such as creative industries and cultural tourism.</td>
<td>4. Collaboration with Regional Development Australia Barossa Gawler Light &amp; Adelaide Plains and Tourism Barossa on a venue survey and snapshot, including economic impact, SWOT analysis and brand impact.</td>
</tr>
</tbody>
</table>

Figure 7: The Hill & Son Organ at the Barossa Regional Gallery
Goal 3

The Barossa is committed to the support of its musicians and music industry, and actively works to nurture local talent, including youth-led initiatives.

**Council Strategies**

<table>
<thead>
<tr>
<th>2.3</th>
<th>Contribute to creating strong and sustainable community networks.</th>
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<tbody>
<tr>
<td>2.5</td>
<td>Engage with, and support, young people to actively participate in the community and develop the leaders of the future.</td>
</tr>
<tr>
<td>4.2</td>
<td>Create opportunities for people of all ages and abilities to participate in the community.</td>
</tr>
<tr>
<td>4.6</td>
<td>Ensure that community members can participate in cultural, recreational, sporting and learning opportunities.</td>
</tr>
</tbody>
</table>

**Deliverables**

1. Continuation and expansion of youth initiatives including Busk ‘til Dusk, and support for new initiatives driven by the 13-25 year old demographic.

2. Ensure that the employment of musicians is considered a priority at all relevant public events run by The Barossa Council.

3. Implement free busking licences and insurance at designated Council venues (e.g. The Barossa Visitor Centre).

4. Consult with disability advocates and organisations (e.g. Tutti Arts) to explore new initiatives for supporting musicians and audiences with disabilities.

5. Continued commitment to the development of a Barossa Culture Hub, and live music’s valued place within that project.

*Figure 8: Children interact with wind chimes at Glenn Waglands Mobile Nature Playground*
Goal 4

The Barossa is a destination for live music audiences seeking a discerning and varied musical offering both from local and touring talent.

<table>
<thead>
<tr>
<th>Council Strategies</th>
<th>2.1 Initiate and support activities which encourage participation and pride in the Barossa Council area.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2.6 Support a vibrant and growing arts, cultural, heritage and events sector.</td>
</tr>
<tr>
<td></td>
<td>5.1 Work closely with State Government, Federal Government and stakeholders to support economic growth, development and job creation.</td>
</tr>
<tr>
<td></td>
<td>5.4 Attract investment for new and innovative industries, such as creative industries and cultural tourism.</td>
</tr>
<tr>
<td></td>
<td>5.13 Support economic development through events.</td>
</tr>
</tbody>
</table>

**Deliverables**

1. Engage with Music SA and Umbrella Winter Sounds to explore regional rollout.

2. Viability study of metro/regional touring circuit for interstate and international acts in collaboration with the Music Development Office SA and Music SA.

3. Embed national and international musical acts into pre-existing events and festivals e.g. Vintage Festival.

4. Identify music venues looking to engage in touring programs and support them through expertise, networking and connections.

5. Continued commitment to the development of a Barossa Culture Hub, and live music’s valued place within that project.
References

Example Action Plans and Live Music Strategies
Adelaide Council
Central Geelong Live Music Action Plan
Music Development Office SA
Music Victoria Regional Live Music Action Plan

Additional References
APRA AMCOS
Art Music Design Barossa (Regional Development Australia Barossa Gawler Adelaide Plains)
Australian Music Industry Statistical Snapshot (Music Australia)
I Lost My Gig Australia
Music SA
Phonographic Performance Company of Australia Limited
Support Act
The Future of Live Music in South Australia (Martin Elbourne, Thinker in Residence)
Tutti Arts
UNESCO City of Live Music (Adelaide)

Acknowledgements
The Barossa Council acknowledges the use of photography by Mason Digital.

The Regional Live Music Coordinator pilot was supported by The Barossa Council, the Music Development Office SA, Regional Development Australia Barossa Gawler Light & Adelaide Plains and Legatus Group.
7.4.1 DEBATE AGENDA – DIRECTOR WORKS AND ENGINEERING SERVICES

7.4.1.1 FEES AND CHARGES REGISTRY 2020|2021 – CEMETERY FEES

B10646 – 20/34631

Author – Executive and Project Support Officer | Cemetery Curator

PURPOSE

To approve the recommended fees for the issuing of Interment Rights in designated Children’s Sections at Council operated cemeteries that were deleted in error from the 2011|2012 and following years Fees and Charges Registers.

RECOMMENDATION

That the proposed fees for the issuing of Interment Rights in designated Children’s Sections at Council operated cemeteries be adopted and included in the 2020|2021 Fees and Charges Register.

Interment Right Fee – Children’s Section (50 year term) Resident - $520
Interment Right Fee – Children’s Section (50 year term) Non-Resident - $1210

REPORT

Background

The Cemetery Curator was recently contacted by a funeral director on behalf of a family requesting the costing associated with purchasing an interment right (previously lease) for a grave in the designated Children’s Section of the Angaston Cemetery.

The Children’s Sections of our cemeteries have historically provided a smaller size plot that allows for the burial of one child under the age of 10 years. The Children’s Sections are located separately from the General sections.

The recently approved 2020|2021 Fees and Charges Register does not list a fee for this option, meaning that a family would have to be charged the current (and only) rate for an Interment right. Discussion with the funeral director and research of other cemeteries and their fees indicated that there is a considerable discount offered to families who request to purchase a plot specifically for a child.

Research was undertaken back through previous editions of the Fees and Charges Register and it was discovered that this fee had existed in the past and due to an administrative error was deleted from the 2011|2012 Fees and Charges and not reinstated in subsequent years.
To provide the community with the option to utilise the designated Children’s Sections at a reduced fee, it is proposed to reinstate this fee at the rate of 50% of that of the standard interment right, noting that is to only be applicable in the designated Children’s Sections of our cemeteries not for a child’s grave in the general section.

For example –

**Approved 2020|2021 Fees and Charges**

<table>
<thead>
<tr>
<th>Fee Type</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Interment Right Fee (50 year term) Resident</td>
<td>$1040</td>
</tr>
<tr>
<td>Interment Right Fee (50 year term) Non-Resident</td>
<td>$2420</td>
</tr>
</tbody>
</table>

**Proposed addition**

<table>
<thead>
<tr>
<th>Fee Type</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Interment Right Fee – Children’s Section (50 year term) Resident</td>
<td>$520</td>
</tr>
<tr>
<td>Interment Right Fee – Children’s Section (50 year term) Non-Resident</td>
<td>$1210</td>
</tr>
</tbody>
</table>

Council is required to approve the fees prior to them being charged in 2020|2021.

**ATTACHMENTS OR OTHER SUPPORTING REFERENCES**

Nil

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

Community Plan

![How We Work – Good Governance](image)

Legislative Requirements

Local Government Act 1999 – Section 188(1)

**FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS**

Financial

To ensure that Council is able to recover its costs in relation to user paid services provided to the community.

**COMMUNITY CONSULTATION**

The newly approved fees that will applicable to designated Children’s Sections, together with all fees associated with Council operated cemeteries will be available for the community to access on Council’s website.
COUNCIL

WORKS AND ENGINEERING SERVICES

DIRECTOR’S REPORT

21 JULY 2020

7.4.1 DEBATE AGENDA – DIRECTOR WORKS AND ENGINEERING SERVICES

7.4.1.2
FUNDING DEED – 2020-2021 COMMONWEALTH INFRASTRUCTURE INVESTMENT BLACK SPOT PROGRAM – INTERSECTION OF STOCKWELL ROAD AND PENRICE ROAD INTERSECTION IMPROVEMENTS
B11017 – 20/35867

PURPOSE
The Department of Planning, Transport and Infrastructure (DPTI) has provided a Funding Deed under the 2020-2021 Commonwealth Infrastructure Investment Black Spot Program for the Stockwell Road and Penrice Road intersection project, requiring the signing and sealing by Council – see attached.

RECOMMENDATION
That the Mayor and Chief Executive Office be authorised to execute the Funding Deed, under the 2020-2021 Commonwealth Infrastructure Investment Black Spot Program, by signing and affixing the common seal to the Deed.

REPORT

Background
As reported to Council in June 2020 joint advice was received from the Deputy Prime Minister - Minister for Infrastructure Transport and Regional Development and the Assistant Minister for Road Safety and Freight Transport and Federal Member for Barker of Council’s successful funding application.

Discussion
The funding agreement sets outs the terms and conditions under which DPTI will provide funding of actual costs up to $616,000 GST inclusive.

Summary and Conclusion
It is recommended to execute the funding deed in order to secure grant funding.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES
Attachment - Funding Deed under the 2020-2021 Commonwealth Infrastructure Investment Black Spot Program.
COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan

Infrastructure

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

3.2 Collaborate with private and public utilities providers to ensure infrastructure is adequate to support the community both now and into the future.

3.4 Participate in networks to improve efficient asset management and maintenance.

3.8 Support opportunities to increase community transport and access to services and facilities.

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

The project is fully funded by the Australian Government, and claims for payments from the Australian Government can be submitted at project completion.

COMMUNITY CONSULTATION

The community will be notified in advance of road restrictions during construction.
Dear Mr McCarthy

2020/2021 BLACK SPOT PROGRAM

The Australian Government has confirmed that the South Australian projects have been approved for funding under the 2020/2021 Australian Government Black Spot Program.

I am pleased to advise that the following project was successful in gaining funding under this Program:

- Intersection improvements at Stockwell Road and Penrice Road, Penrice
  - Construction of a tear drop type treatment to offset the intersection arrangement.
  - Approved funding: $616,000 (GST inclusive).
  - Completion by the end of June 2021.

A funding deed will need to be entered into by the council. The deed contains information about project funding, conditions, reporting and payment arrangements. Additional reporting requirements have also been stipulated by the Australian Government.

Two copies of the deed are attached.

Please insert the required details in item 2 of Schedule 1, attach the seal and sign on page 8 and return both copies within six weeks from the date of this letter to:

Mr Naly Sim
Road Safety Engineer
Road Asset Management Services Directorate
Department of Planning, Transport and Infrastructure
77 Grenfell Street
ADELAIDE SA 5000
It is important that the obligations and conditions in the funding deed are met. Work on the project must be undertaken in accordance with appropriate Austroads, Australian and Departmental Standards and the requirements of the Notes on Administration for the Infrastructure Investment Black Spot Program, which is available on the internet at http://dpti.sa.gov.au/blackspot.

For further information regarding project nominations, please contact Mr Amit Dua on telephone number (08) 8343 2416.

I wish you every success with your approved project.

Yours sincerely

Kerry McConnell
Unit Manager, Road Safety Infrastructure

30 June 2020

Encl. Copies of Funding Deed
FUNDING DEED
under
2020-2021 COMMONWEALTH INFRASTRUCTURE INVESTMENT
BLACK SPOT PROGRAM

Project Number 106461-20SA-BS
Location Intersection of Stockwell Road and Penrice Road, Penrice
Project Description Stockwell Road and Penrice Road Intersection Improvements
Project Funding $616,000 (GST Inclusive)

between

THE COMMISSIONER OF HIGHWAYS
(Grantor)

and

THE COUNCIL NAMED IN SCHEDULE 1
(Council)
FUNDING DEED

Between

COMMISSIONER OF HIGHWAYS, a body corporate pursuant to the Highways Act 1926 (administered by the Department of Planning, Transport and Infrastructure) (ABN: 92 366 288 135)......................................................(Grantor)

And

THE COUNCIL NAMED IN SCHEDULE 1, a body corporate under the Local Government Act 1999...........(Council)

It is agreed:

1. BACKGROUND

1.1 The Council has proposed to undertake the project (Project) described in item 3 of Schedule 1.

1.2 This deed sets out the terms and conditions under which the Grantor intends to provide funding to the Council solely for the purpose (Purpose) described in item 3 of Schedule 1 which includes the conduct of the Project.

1.3 The maximum amount that may be paid to the Council under this deed is set out in item 0 of Schedule 1 (Funding).

1.4 Item 3 of Schedule 1 indicates whether or not the Project is to be conducted on a road(s) under the care, control and management of the Commissioner of Highways (Commissioner).

1.5 If conducted on a road(s) under the care, control and management of the Commissioner the additional terms and conditions set out in Schedule 2 will also apply.

2. FUNDING

2.1 Subject to this deed, the Grantor will pay the Council up to the amount of the Funding.

2.2 The Council must only use the Funding for the Purpose.

2.3 For the purposes of this deed, the Funding Period is the period commencing on the Start Date and, subject to funding being available, will continue until the End Date. The Start Date and End Date are set out in item 4 of Schedule 1.

2.4 The Funding is payable by way of progress payments in arrears for work undertaken for the Purpose and may also be part payable (if indicated in item 5 of Schedule 1) by way of an Initial Instalment in Advance.

2.5 During the Funding Period, the Council is entitled in accordance with the conditions set out in item 5 of Schedule 1:

(a) to invoice the Grantor for the payment of the amount of any Initial Instalment in Advance set out in item 5 of Schedule 1 (if any); and

(b) once the amount of the Initial Instalment in Advance (if any) has been expended on work undertaken for the Purpose, to invoice the Grantor for progress payment(s) for work undertaken for the Purpose.

The total of any Initial Instalment in Advance (if any) and all progress payments must not exceed the amount of the Funding.

2.6 At the end of the Funding Period the Council must provide a report on the level of any unexpended Funding.
2.7 The Council must repay any part of the Funding which is unexpended at the end of the Funding Period to the Grantor, unless the Grantor gives written approval for the Council to retain the money.

3. GST

3.1 The Funding (including any Initial Instalment in Advance or any progress payment) is all-inclusive and not subject to any adjustment for GST or any other tax or cost.

3.2 In this Deed "Taxable Supply", "GST" and "Tax Invoice" have the meaning attributed under the A New Tax System (Goods and Services Tax) Act 1999 (GST Law).

4. ADMINISTRATION OF DEED

4.1 Any power or discretion exercisable by the Grantor under this deed may be exercised by the person (Grantor's Representative) for the time being in the position within the Department of Planning, Transport and Infrastructure (Department) set out in item 2 of Schedule 1.

4.2 Any power or discretion exercisable by the Council under this deed may be exercised by the person (Council's Representative) for the time being in the position within the Council set out in item 2 of Schedule 1.

5. PROVISION OF FINANCIAL INFORMATION

5.1 The Council must provide the Grantor with appropriate and regular information, records and reports as the Grantor may request from time to time about:

(a) the administration and financial affairs of the Council;
(b) the progress of (and any change to) the authorised scope of the Purpose or the Project;
(c) any significant changes to the nature and scope of the activities conducted by the Council;
(d) any other matter relevant to the granting of assistance;
(e) any other funding or financial assistance promised or received from any source other than the Grantor;
(f) the Council's management of the Funding, including, but not limited to, the economic and efficient use of resources to achieve the outcomes of the Purpose; and
(g) the performance of the Council's undertakings and obligations under this deed.

5.2 The information provided by the Council must be sufficient for the Grantor to make an informed judgement about:

(a) the Council's ongoing financial position and its resources and expertise in relation to the Purpose;
(b) the Council's performance in managing public moneys, acquiring and using resources economically and efficiently and in achieving specified objectives in relation to the Purpose;
(c) the overall effectiveness of the Funding throughout the Funding Period;
(d) compliance with legislation and generally accepted accounting principles; and
(e) compliance with the Council's constitution and the conditions of this deed.

5.3 The Council must permit any officer authorised by the Grantor:

(a) to enter the Council's premises and to have access to all accounting records, equipment, documents and information in possession of the Council; and

(b) to interview employees of the Council on matters pertaining to the operations of the Council.

6. GENERAL OBLIGATIONS OF THE COUNCIL

The Council must:

6.1 use the Funding only for the Purpose for which the Funding was made;

6.2 maintain accounting records of the Funding in accordance with generally accepted accounting principles;

6.3 ensure that any activity carried out by the Council in connection with the Council's use of the Funding complies with the laws from time to time in force in South Australia;

6.4 comply with its constitution;

6.5 comply with the additional reporting requirements set out in item 6 of Schedule 1;

6.6 prepare financial statements in accordance with Australian Accounting Standards at the end of the Funding Period and submit the financial statements, signed by a senior office holder of the Council, to the Grantor no later than one calendar month after the expiry of the Funding Period;

(Note: for the purposes of compliance with Australian Accounting Standards ("AAS") this includes Tier 1 ASS and Tier 2 ASS – Reduced Disclosure Requirements)

6.7 where the Funding to Council is in excess of One Million Dollars (GST exclusive) prepare financial statements in the nature of General Purpose Financial Statements; and

6.8 where requested by the Grantor, provide to the Department management accounts, annual reports, financial statements and any other information or documents relevant to the Council’s operations.

7. CONDUCT OF THE PROJECT

7.1 The Council must ensure that any works undertaken towards the Purpose and/or the Project are undertaken in accordance with (and to the standard required by) any applicable Standards published by Austroads and Standards Australia Limited.

7.2 If (as indicated in item 3 of Schedule 1) the Project is to be conducted on a Road(s) under the care, control and management of the Commissioner, the Council must comply with the additional terms and conditions set out in Schedule 2.

7.3 The Council must erect signs on each road approach to the Project that comply with Section 4.7.1 – "Signposting" of the Notes on Administration for Land transport Infrastructure Projects published by the Commonwealth.
8. TERMINATION

8.1 If the Council fails to comply with this deed and/or fails within 6 months from the Commencement of this deed to commence the works on the Project (or make sufficient progress to the satisfaction of the Grantor), the Grantor may:

(a) require the Council to repay either the whole or a portion of the Funding (whether expended or not);
(b) withhold all future funding from the Council;
(c) pursue any legal rights or remedies which may be available to the Grantor; and
(d) terminate or curtail any program or project conducted by the Grantor of which the Purpose conducted by the Council is part.

8.2 The Grantor may review any decision made pursuant to this clause if the Council is able to satisfy the Grantor within a period of 30 days from the decision that the Council has complied with the conditions of this deed.

8.3 Nothing in this deed is to be taken to limit the Grantor’s discretion to determine whether and how any program or project of the Grantor is to be conducted, except if and to the extent that the Grantor gives an express undertaking in that regard.

9. GENERAL TERMS AND CONDITIONS

9.1 Insurance

The Council warrants that it is a member of the Local Government Association Mutual Liability Scheme (Scheme) and is bound by the Scheme pursuant to section 142 and Schedule 1, Part 2 of the Local Government Act 1999 (SA) (Act) and in the event that the Council ceases to be a member of the Scheme it will forthwith, pursuant to Section 142(1) of the Act and the regulations under that Act, take out and maintain insurance to cover its civil liabilities at a minimum level of cover of AUD $50 million.

9.2 Commonwealth Funded Project

The Council acknowledges that the Funding provided under this deed is (and remains) contingent upon the Commonwealth funding and despite any other clause of this deed, if the Commonwealth for any reason ceases its provision of funding then the Grantor may by notice to the Council cease its provision of Funding under this deed.

9.3 Audit

The Grantor may direct the Council to arrange for the financial accounts relating to the Funding to be audited at the Council’s expense. The Grantor may specify the minimum qualifications to be held by a person appointed to conduct the audit.

9.4 Acknowledgements

The Council acknowledge that the Funding represents a one-off contribution by the Grantor towards the Purpose, and the Council agrees that any request for subsequent funding will require a new application to the Grantor. The Grantor is under no obligation to agree to pay any subsequent funding to the Council.

The Council further acknowledges and agrees that the Grantor will not be liable to reimburse the Council for any losses or cost over runs that may result from the operation of this deed or the carrying out of the Purpose or Project.
9.5 **Indemnity**

The Council acknowledges and agrees that it remains at all times solely responsible for the conduct of the Project and it releases and indemnifies the Grantor, the Commissioner and the Crown in right of the State of South Australia together with their employees, contractors and agents (those indemnified) from and against any loss or liability incurred or suffered by any of those indemnified as a result of any claim, suit, demand, action or proceeding brought by any person against any of those indemnified in respect to the works to complete the Project or otherwise caused by any breach or default of the Council under this Deed.

9.6 **Assignment**

The Council must not assign, novate or encumber any of its rights or obligations under this deed.

9.7 **Publicity**

The Council must not make (or permit a public announcement or media release to be made) about any aspect of this deed without first obtaining the Grantor’s written consent.

9.8 **Consent**

If the Council requires the Grantor’s consent under this deed, the Grantor may, in its absolute discretion, give or withhold its consent and if giving consent, the Grantor may impose any condition on that consent that it considers appropriate. The Grantor’s consent will not be effective unless it is in writing and signed.

9.9 **Entire Deed**

This deed incorporates any attached schedules and annexures. This deed contains the entire agreement between the parties with respect to its subject matter and supersedes any prior agreement, understanding or representation of the parties on the subject matter.

9.10 **Proper Law**

The laws in force in South Australia apply to this deed.

9.11 **Jurisdiction of Courts**

The courts of South Australia have non-exclusive jurisdiction to determine any proceeding in relation to this deed. Any proceeding brought in a Federal Court must be instituted in (and remain with) the Adelaide Registry of that Federal Court.

9.12 **Compliance with Laws**

The Council must comply with the laws in force in South Australia in the course of performing its obligations under this deed.

9.13 **Notices**

A notice is properly given or served if the party delivers it by hand, posts it or transmits it by electronic mail or facsimile, to the address of the Representative of the other party. A notice is taken to be received:

(a) if sent by post, at the time it would have been delivered in the ordinary course of the post to the address to which it was sent;

(b) if sent by facsimile, at the time which the sender’s facsimile machine records that the communication has been transmitted satisfactorily (or, if such time is outside normal business hours (9am to 5pm on a business day), at the time of resumption of normal business hours);
9.14 **Performance and future proposals**

The satisfactory completion of the works for the Purpose, the making of regular progress payments (see note under item 5 of Schedule 1) and on-going compliance with reporting obligations, may be taken into account as a factor in assessing any applications by the Council for future funding.

9.15 **Waiver**

Any waiver of any provision of this deed is ineffective unless it is in writing and signed by the party waiving its rights.

A waiver by either party in respect of a breach of a provision of this deed by the other party is not a waiver in respect of any other breach of that or any other provision.

The failure of either party to enforce any of the provisions of this deed at any time must not be interpreted as a waiver of that provision.

9.16 **Variation**

Any variation of this deed must be in writing and signed by each party (or its Representative). Any request by the Council for agreement to vary the Funding, the Purpose, the scheduled timing for the conduct of the works for the Project and/or the Funding Period must be accompanied by sufficient details explaining the reasons for the requested variation to enable the Grantor to have regard to its merits.

9.17 **Reading down and Severance**

In the event that any provision (or portion of any provision) of this deed is held to be unenforceable or invalid by a Court of competent jurisdiction, the validity and enforceability of the remaining provisions (or portions of such provisions) of this deed shall not be adversely affected.

The offending provision (or part of a provision) shall be read down to the extent necessary to give it legal effect, or shall be severed if it cannot be read down, and the remaining part and provisions of this deed shall remain in full force and effect.

9.18 **Auditor General**

Nothing in this deed derogates from the powers of the Auditor-General under the *Public Finance and Audit Act 1987* (South Australia). Without limiting this clause, the Council acknowledges the Auditor General's obligations and powers under sections 32 and 34 of the *Public Finance and Audit Act 1987* (South Australia).

9.19 **Public Disclosure**

The Grantor may disclose this deed (and/or information relating to this deed) in both printed or electronic form and either generally to the public or to a particular person as a result of a specific request.

Nothing in this clause derogates from the Council's obligations under any provision of this deed or the provisions of the *Freedom of Information Act, 1991*. 

#15654522

352
9.20 Special Conditions

The special conditions set out under item 7 of Schedule 1 (if any) form part of this deed.

EXECUTED as a DEED

By the Grantor

THE COMMON SEAL of the
COMMISSIONER OF HIGHWAYS

was affixed on: ................................ (Date above) (Affix Seal Above)
in the presence of:

Witness Signature:............................
Print Name: ........................................

By the Council

THE COMMON SEAL of the
COUNCIL NAMED IN SCHEDULE 1

was affixed on: ................................ (Date above) (Affix Seal Above)
as attested by the Principal Member and Chief Executive Officer.

Signature: ........................................ Signature: ............................
Print Name: ....................................... Print Name: ............................
Principal Member Chief Executive Officer

#15654522
# SCHEDULE 1 - PARTICULARS

## 1. THE COUNCIL

<table>
<thead>
<tr>
<th>Name</th>
<th>The Barossa Council</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site Address</td>
<td>43-51 Tanunda Road, Nuriootpa SA 5355</td>
</tr>
<tr>
<td>Postal Address</td>
<td>PO Box 867, Nuriootpa SA 5355</td>
</tr>
<tr>
<td>ABN</td>
<td>47 749 871 215</td>
</tr>
</tbody>
</table>

## 2. REPRESENTATIVES

<table>
<thead>
<tr>
<th>Grantor's Representative</th>
<th>Council's Representative</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name: Ms Kerry McConnell</td>
<td>Name: __________________</td>
</tr>
<tr>
<td>Position: Unit Manager, Road Safety Infrastructure</td>
<td>Position: __________________</td>
</tr>
<tr>
<td>Address: 77 Grenfell Street ADELAIDE SA 5000</td>
<td>Address: __________________</td>
</tr>
<tr>
<td>Telephone: (08) 7109 7897</td>
<td>Telephone: __________________</td>
</tr>
<tr>
<td>E-mail: <a href="mailto:kerry.mcconnell@sa.gov.au">kerry.mcconnell@sa.gov.au</a></td>
<td>E-mail: __________________</td>
</tr>
</tbody>
</table>

## 3. THE PURPOSE, DESCRIPTION OF PROJECT & DETAILS OF THE ROAD(S)

The Purpose: The funding is provided for the purpose of the Council undertaking on the road(s) identified below (within the Funding Period) the Project described below (and in any plans and/or proposal attached to this deed) in accordance with (and to the standard required by) any applicable Standards published by Austroads and Standards Australia Limited.

Description of Project: Project Number 106461-20SA-BS

Create an off-set intersection arrangement by installing 'tear drop' medians at the Penrice leg including improved line marking, signage and lighting

Note: Please ensure that a full description setting out all aspects of the Project is included (this is of particular importance for Projects undertaken on DPTI maintained roads).

Details of the Road(s): Intersection of Stockwell Road and Penrice Road, Penrice

Is the Road(s) under the care control and management of the Commissioner of Highways: No

Note: If under the care, control and management of the Commissioner then Schedule 2 will apply.
4. THE FUNDING

The Funding: $616,000 (GST Inclusive)

The Funding Period:
Start Date: 1 July 2020
End Date: 30 June 2021

5. MANNER & CONDITIONS OF PAYMENT

Limit on payments
The Funding of $616,000 (GST Inclusive) is the maximum total amount the Grantor may be liable to pay the Council under this deed.

Initial Instalment in Advance & Progress Payments
The following table sets out the details of payments comprising the Funding the Council may invoice the Grantor for in accordance with clause 2.5 of the deed.

<table>
<thead>
<tr>
<th>Payment</th>
<th>Amount AUD (GST Inclusive)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Initial Instalment in Advance</td>
<td>$nil</td>
</tr>
<tr>
<td>(Note: If no amount is indicated then no Initial Instalment in Advance will be made and the Funding will be made entirely through Progress Payments in arrears)</td>
<td></td>
</tr>
<tr>
<td>Allocation for Progress Payments</td>
<td>$616,000</td>
</tr>
<tr>
<td>Total Funding</td>
<td>$616,000</td>
</tr>
</tbody>
</table>

Periodic Progress Payments
Except in relation to the last Quarter prior to an End Date of 30 June, the Council is entitled (provided any instalment in advance has been expended) to invoice the Grantor after the end of each Quarter (or after another interval agreed between the parties) for progress payments for work undertaken for the Purpose.

A "Quarter" is the 3 calendar month period ending on 31 March, 30 June, 30 September and 31 December of each year during the Funding Period.

Last Quarter: If the End Date is 30 June (to coincide with the end of the Financial Year) then the Council must by 1 June issue the Grantor with the final invoice for all works undertaken for the Purpose. Late invoices will only be accepted with the written agreement of the Grantor.

Note on Regular Invoices: The Grantor expects that works for the Purpose will be undertaken promptly during the Funding Period and expects to receive the invoice for any instalment in advance (if any) soon after the commencement of this deed and then regular subsequent receipt of invoices for progress payments.

Invoices
The Grantor is not obligated to pay an invoice unless properly rendered. An invoice is properly rendered if it:
(a) is issued in respect of a payment for which the Council is entitled to invoice for under this deed;
(b) quotes the relevant purchase order number allocated by the Grantor;
(c) is accompanied by a Claim Form and invoices (if any) from the Council's contractor(s) undertaking work for the Purpose;
(d) reflects the correct amount for payment under this deed; and
(e) is a valid Tax Invoice in accordance with GST Law.

The Claim Form must set out:

(a) The progress of the work towards the Purpose.

(b) Project expenditure report from Council’s financial management system and a summary schedule of expenditure.

(c) Statement of the amount of any under or over expenditure of the Funding.

A pro-forma Claims Form is available from web-link: 

Payment Term
Provided that the total amount of the Funding has not been (or will be) exceeded, the Grantor must pay the amount of a properly rendered invoice for an Initial Instalment in Advance (if indicated above) and a progress payment for work undertaken towards the Purpose issued by the Council, within 30 days of receiving the Council’s invoice.

6. ADDITIONAL REPORTING REQUIREMENTS

<table>
<thead>
<tr>
<th>Report (Title)</th>
<th>Frequency (By when)</th>
<th>Requirements (Information and applicable standard)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Report</td>
<td>1st Report- 1st August 2nd Report-1st November 3rd Report-1st February 4th Report- 1st May or 7 days from request</td>
<td>• The progress of the Project and scheduling of works. • Updated Expenditure forecasts during the term of the funding period. • The management of the Funding (i.e. break down of expenditure of the Funding). • Any changes to the authorised scope of the Project. • Any significant changes to the nature, scope and cost of the activities conducted by the Council. • Any operational matters requested from time to time by the Grantor for inclusion in the Project Report. • Use Template as per attachment (DPTI PM reporting template (PM203-1))</td>
</tr>
<tr>
<td>Completion Report</td>
<td>Within 30 days from the completing the works for the Project.</td>
<td>• Use Template as per <a href="http://www.dpti.sa.gov.au/roadsafety/safer_roads/black_spot_program_2">http://www.dpti.sa.gov.au/roadsafety/safer_roads/black_spot_program_2</a></td>
</tr>
</tbody>
</table>
| Financial Statements (As referred to in clauses 6.6 and 6.7 of the Deed) | Within 30 days from the expiry of the Funding Period. | Financial Statements prepared in accordance with Australian Accounting Standards setting out in detail the Council’s expenditure of the Funding (with invoices attached from any contractors engaged for the Purpose) and signed by a senior office holder of the Council. **Standard:** If the Funding is in excess of $1 M (GST exclusive) then the recipient must prepare its Financial Statements in the nature of General Purpose Financial Statements. (Note: for the purposes of compliance with Australian Accounting Standards (“AAS”) this includes Tier 1 ASS and Tier 2 ASS – Reduced Disclosure Requirements)
7. **SPECIAL CONDITIONS**

7.1 The Road Asset Management Services Directorate will contact Council for a commencement meeting or other meetings as required.
SCHEDULE 2 – WORKS ON COMMISSIONER MAINTAINED ROAD(S)

1. APPLICATION OF THIS SCHEDULE 2

The Council must comply with the terms and conditions set out in this Schedule 2 if (as indicated in item 3 of Schedule 1) the Council's proposed Project funded under this deed involves work on (or alterations to) a road ("Road") that is under the care, control and management of the Commissioner of Highways ("Commissioner").

2. LEGAL REQUIREMENT TO GAIN COMMISSIONER'S APPROVAL

Subsection 26(7) of the Highways Act 1926 (SA) provides that a council must not exercise its powers under Part 2 of Chapter 11 of the Local Government Act 1999 (SA) (e.g. the powers to conduct roadwork) in relation to a road under the care, control and management of the Commissioner except to the extent (if any) as the Commissioner may approve by written notice to the council.

The Council therefore acknowledges that prior to undertaking any works on the Road it will first need to gain the written approval of the Commissioner pursuant to section 26(7) of the Highways Act 1926.

3. TERMS AND CONDITIONS FOR WORKS ON COMMISSIONER'S ROAD

3.1 The Commissioner makes no warranties or representations concerning the suitability of the Road for the Purpose or the presence of third party installations on, in, along, over, under or near the Road. The Council must arrange for any required relocation or alteration of third party installations at its own cost.

In this Deed “third party installations” means any rail, gas, electrical, telecommunications, stormwater, water or other underground or overground installation on, in, along, over, under or near the Road.

3.2 The Council must:

(a) not less than one calendar month prior to the commencement of works for the Purpose, submit the detailed design(s), any applicable drawings and plans and its Traffic Management Plan(s) to the Commissioner (acting through the Department) for its comment;

(b) modify the documents submitted in accordance with the preceding item 3.2(a) in accordance with any comments received from the Commissioner (or the Department);

(c) give prior notification to the Commissioner before commencing any works on the Road and abide by (and ensure that its contractor also abides by) any requirements imposed as to the times for access to the Road;

(d) undertake (and ensure that its contractor undertakes) the works on the Road in accordance with:

(i) the Department’s requirements as outlined in “Works by other Organisations on Roads Maintained by the Commissioner of Highways” available at http://www.dpti.sa.gov.au/contractor_documents ; and

(ii) the detailed design(s), drawings and plans and Traffic Management Plan agreed to by the Commissioner,

unless a variation is first agreed in writing by the Commissioner;

(e) ensure that any works undertaken do not disrupt (or impede) any activity undertaken by the Commissioner (or the Department) on the Road;
(f) ensure that a defect liability period of not less than 24 calendar months applies to the works and the Council must invite (and make provision for) a representative of the Commissioner to attend inspections to assess both practical completion and final completion of the works;

(g) ensure that any additional works required to reach practical completion or any remediation (or repair of) defects that are required to allow for final completion, identified by either the Council or the Commissioner, are promptly carried out by the Council (or its contractor);

(h) at its cost, comply with any written direction by the Commissioner in relation to the conduct of the works, any alteration or removal of any infrastructure installed, the removal or minimisation of any risks to safety identified, the reinstatement of pavements, traffic management, the public's access to the Road or partial road closures;

(i) undertake such reasonable safety measures necessary to protect its employees, contractors, the public and commuters [including without limitation compliance with (and ensuring its contractor complies with) the Work Health and Safety Act, 2012 (SA) and the Work Health and Safety Regulations, 2012 (SA)];

(j) notify the Commissioner of any safety risk posed by the works or any infrastructure installed or any activity undertaken by the Council (or its employees, contractors and agents), on the Road; and

(k) following practical completion of the works [and following any further modifications undertaken by the Council (or its contractor)] provide at the Council's cost, the Commissioner with as constructed drawings and plans accurately depicting the type and location of the works and any infrastructure installed in accordance with Departmental standards available at:


3.3 If the Council fails to comply with the requirements of item 3.2(g) or fails to carry out a direction of the Commissioner issued in accordance with item 3.2(h) then the Commissioner may (without being obliged to) carry out (or engage a contractor to carry out) the necessary work and the Council promises to pay to the Commissioner the cost it incurs in doing so.
Attachment

- DPTI Project Management Quarterly Report Template
COUNCIL
WORKS AND ENGINEERING SERVICES
DIRECTOR’S REPORT
21 JULY 2020

7.4.1 DEBATE AGENDA – DIRECTOR WORKS AND ENGINEERING SERVICES

7.4.1.3
LETTER OF OFFER - GRANT AGREEMENT – AUSTRALIAN GOVERNMENT GRANT - LOCAL ROADS AND COMMUNITY INFRASTRUCTURE (LRCI) PROGRAM
B10843 – 20/36209

PURPOSE
The Hon Michael McCormack, Deputy Prime Minister and The Hon Mark Coulton Minister for Regional Health, Regional Communications and Local Government have provided a Letter of Offer and related Grant Agreement (attached) under the Local Roads and Community Infrastructure (LRCI) Program for signing.

RECOMMENDATION that,
1) The Director Works and Engineering Services be authorised to sign and enter into the Grant Agreement, under the Local Roads and Community Infrastructure (LRCI) Program administered by the Department of Infrastructure, Transport, Regional Development and Communications (DITRDC), and that
2) The allocated grant funding of $565,108 ex GST be assigned to a region wide footpath programme (the Grant Activity) as outlined in the Works Schedule once approval is received from DITRDC.

REPORT
Background
The objective of the LRCI Program is to stimulate additional infrastructure construction activity in local communities across Australia to assist communities to manage economic impacts of COVID-19.

Council nominated six potential projects for consideration for inclusion in the Program sought via email by the Deputy Prime Minister in March 2020.

Following approval and confirmation of the value of the grant through the Letter of Offer, Officers will proceed to prepare a Works Schedule for submission with the Grant Agreement for approval using the provided nomination template.

The offer is for a grant of $565,108 ex GST, signed Grant Agreements need to be submitted by 31 July 2020 including nominating the proposed project so that construction can be completed by 30 June 2021. The agreement does not have flexibility to change nominated projects therefore time is of the essence to lock in a nominated project to secure funding.
Discussion
The grant agreement sets out eligibility for either local road projects or community infrastructure projects. The projects must be additional to existing work programmes with council match funding not necessary. Of the six projects nominated:

1. Basedow Road, Tanunda, reconstruction, $1.05M – not suitable
   This project has also been submitted for consideration for funding from the Special Local Roads Programme (SLRP) the outcome may not be known in time, possible delivery risk due to latent conditions

2. MacDonnell Street, Tanunda reconstruction (Mill to Fiedler), $250k – possible
   but would need to be expanded to maximise project budget to match grant funding

3. Stockwell Road Bridge, Stockwell, $813k – not suitable
   This project has been submitted for consideration for funding from the Bridges Renewal program, the outcome may not be known in time and with no match funding in the base budget project costs exceed grant income

4. Memorial Avenue, Mount Pleasant road drainage, $600k – possible
   The base budget has an amount of $140k which will deliver stage 1 of this project to deal with the main street drainage nuisance

5. Region wide footpath programme, up to $1M – possible
   Combined with the proposed $450k Drought Communities Programme these projects could deliver a $1M region wide footpath programme

6. The Barossa Visitor Information Centre, car park sealing, Tanunda, $480k – possible.

Further Council can elect other infrastructure such as that approved in The Big Project and based on an amount of $565K it would lever up to $1.413M based on the funding ratio of 40% grant and 60% Council.

The draft annual business plan and budget highlights $1M for footpath funding and is dependent on receiving $500K in grants. It is recognised that further long term investment is required in the footpath program and this presents a sound leveraging up of the drought funding to achieve a large body of work and support local jobs.

Summary and Conclusion
It is recommended to sign the grant agreement nominating a region wide footpath upgrade programme, benefits include increased safety for pedestrians, improved accessibility, promoting and encourage walking and connectivity of our communities.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES
Attachment – Letter of Offer and Grant Agreement under the Local Roads and Community Infrastructure (LRCI) Program.
Community Plan

**Infrastructure**

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

3.2 Collaborate with private and public utilities providers to ensure infrastructure is adequate to support the community both now and into the future.

3.4 Participate in networks to improve efficient asset management and maintenance.

3.8 Support opportunities to increase community transport and access to services and facilities.

**FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS**

The draft FY2020/21 budget has $500k grant income to achieve the $1M region wide footpath programme.

Claims for payments from the Australian Government will be paid in accordance with Grant Agreement: Table 1 – Grant Payments. The first payment of 50% of the funding allocation will be paid within four weeks of the Works Schedule being approved.

**COMMUNITY CONSULTATION**

The community will be notified via media release and social media.
Mayor Bim Lange
The Barossa Council
PO Box 867
NURIOOTPA  SA  5355

Dear Mayor

Letter of Offer – Local Roads and Community Infrastructure Program

We are writing to offer you, The Barossa Council ABN 47 749 871 215, an Australian Government Grant under the Local Roads and Community Infrastructure (LRCI) Program.

The offer is for a grant of $565,108 total, excluding GST, (the ‘Grant’) to undertake the Grant Activity as set out in the attached Grant Agreement.

The LRCI Program aims to assist a community-led recovery from COVID-19 by supporting local jobs, firms, and procurement. It is expected councils, where possible, will use local businesses and workforces to deliver projects under the LRCI Program to ensure stimulus funding flows into local communities. Program guidelines are included with this letter and can also be accessed through the Department’s website at www.investment.infrastructure.gov.au/lrci.

To accept this offer in relation to the Grant, please sign the attached Grant Agreement and send or email a scanned copy to IIP@infrastructure.gov.au by 31 July 2020, otherwise this offer will lapse. A legally binding agreement will be created once the Grant Agreement has also been signed by the Commonwealth, represented by the Department of Infrastructure, Transport, Regional Development and Communications ABN 86 267 354 017.

In agreeing to and signing the Grant Agreement, you confirm that you have read and understood the Program Guidelines and Grant Agreement.

Yours sincerely

MICHAEL MCCORMACK
MARK COULTON

Enc
Local Roads and Community Infrastructure Grant Agreement

between the Commonwealth represented by

Department of Infrastructure, Transport, Regional Development and Communications

And

The Grantee
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Grant Agreement

Once completed and executed by the Parties, this document, together with the Letter of Offer that accompanied this document, the Commonwealth Standard Grant Conditions (Schedule 1), and Schedule 2, forms an Agreement between the Commonwealth and the Grantee.

Parties to this Agreement

The Grantee is the entity identified in the Letter of Offer.

The Commonwealth

The Commonwealth of Australia represented by the Department of Infrastructure, Transport, Regional Development and Communications of 111 Alinga Street, Canberra, Australian Capital Territory

ABN 86 267 354 017

Background

The Commonwealth has agreed to enter this Agreement under which the Commonwealth will provide the Grantee with a Grant for the purpose of assisting the Grantee to undertake the associated Activity.

The Grantee agrees to use the Grant and undertake the Activity in accordance with this Agreement.

Scope of this Agreement

This Agreement comprises:

(a) this document;
(b) the Supplementary Terms (if any);
(c) the Standard Grant Conditions (Schedule 1);
(d) the Grant Details;
(e) the Letter of Offer;
(f) any other document referenced or incorporated in the Grant Details.

If there is any ambiguity or inconsistency between the documents comprising this Agreement in relation to the Grant, the document appearing higher in the list will have precedence to the extent of the ambiguity or inconsistency.

This Agreement represents the Parties' entire agreement in relation to the Grant provided under it and the relevant Activity and supersedes all prior representations, communications, agreements, statements and understandings, whether oral or in writing.

Certain information contained in or provided under this Agreement may be used for public reporting purposes.
Grant Details

A. Purpose of the Grant

The Grant is being provided as part of the Local Roads and Community Infrastructure Program (LRCI Program).

The objective of the LRCI Program is to stimulate additional infrastructure construction activity in local communities across Australia to assist communities to manage the economic impacts of COVID-19.

The intended outcomes of the LRCI Program are to:

- provide stimulus to protect and create local short-term employment opportunities through funded projects following the impacts of COVID-19; and
- deliver benefits to communities, such as improved road safety, accessibility and visual amenity.

The LRCI Program is administered by the Department of Infrastructure, Transport, Regional Development and Communications, referred to as ‘the Department’ throughout this agreement.

B. Activity

1. The Grantee is required to use the Grant funds to undertake the Eligible Projects set out in the approved Work Schedule.

2. Work Schedules

2.1 The Grantee must submit a draft Work Schedule in the manner and form notified by the Commonwealth, and in accordance with the requirements in this Agreement including Schedule 2.

2.2 The draft Work Schedule must contain the following information in relation to each of the nominated projects the Grantee proposes to undertake using the Grant:

   2.2.1 project description, including details of how the project meets the Project Eligibility Requirements detailed in 5;

   2.2.2 proposed timeframes for the project, including construction commencement date, construction duration and estimated construction completion date;

   2.2.3 detail any Conflicts of Interest and management actions to manage these conflicts (see 7 below);

   2.2.4 the amount of Grant funding required, and details of any other contributions to the total costs of the project, along with details of all proposed expenditure including confirmation that none of the proposed expenditure is Ineligible Expenditure;

   2.2.5 maps in accordance with the mapping requirements notified by the Commonwealth on the Department’s website;
2.2.6 expected number of jobs supported by the project over the construction period;

2.2.6.1 If some of the jobs supported by a project are new jobs/redistribution of personnel in the Grantee’s workforces, labour costs for work undertaken must be derived from timesheets or via an equally acceptable method. Management time included in the expected number of jobs supported by a project must not include Ineligible Expenditures or costs associated with Ineligible Projects. Ineligible Projects and Ineligible Expenditures are set out at 6.

2.3 The total amount of Grant funding sought under the draft Work Schedule cannot exceed the amount of the Grant specified in the Letter of Offer.

3 The Commonwealth will review the draft Work Schedule following the process detailed in the Local Roads and Community Infrastructure Program Guidelines (as in force at the time the decision to approve the Work Schedule is made).

3.1 The Grantee will be advised in writing if its Work Schedule is approved.

3.2 The Commonwealth’s approval of the draft Work Schedule may be subject to conditions, including:

3.2.1 the removal of some of the nominated projects where the Commonwealth does not consider they are Eligible Projects or otherwise meet the requirements of this Grant Agreement or the objectives of the LRCI Program – in which case the Grantee may submit an updated Work Schedule that includes additional nominated projects for approval at any time; or

3.2.2 the Grantee agreeing to amendments to this Grant Agreement required by the Commonwealth to implement any relevant government policy or that the Commonwealth otherwise considers necessary due to the value, nature, scope or location of the Activity or any nominated project.

3.3 The Commonwealth’s decision regarding the approval of the draft Work Schedule and/or any conditions is at its absolute discretion and is final. Once approved, the Work Schedule forms part of this Grant Agreement. The approval of the Work Schedule is a condition for release of the First Instalment of Grant money.

4 A Grantee can only spend Grant money on Eligible Projects detailed in an Approved Work Schedule.

5 Project Eligibility Requirements

5.1 An Eligible Project is a project that meets the requirements of 5.2, 5.3, and 5.4; and; the requirements of 5.5 and/or 5.6;

5.2 An Eligible Project must be additional to the Grantee’s existing work program for 2020-21.

5.2.1 A project brought forward from a post 2020-21 work plan is additional.
5.2.2 A project for which the Grantee has substituted Grant money for their own funding or other sources of funding is not additional. The purpose of the LRCI Program funding is to enable Grantees to undertake projects that are additional to what they had planned to undertake using their own funds to stimulate local economies and employment opportunities.

5.3 A project must deliver benefits to the community.

5.4 Construction on the project must be completed by 30 June 2021, unless otherwise agreed by the Commonwealth due to exceptional circumstances.

5.5 Eligible local road projects are projects that involve the construction or maintenance of roads managed by local governments. Local governments are encouraged to consider how works can support improved road safety outcomes. This could include projects involving any of the following associated with a road:

- traffic signs;
- traffic control equipment;
- street lighting equipment;
- a bridge or tunnel;
- a facility off the road used by heavy vehicles in connection with travel on the road (for example, a rest area or weigh station);
- facilities off the road that support the visitor economy;
- road and sidewalk maintenance, where additional to normal capital works schedules.

5.6 Eligible community infrastructure projects are projects that involve the construction, maintenance and/or improvements to council-owned assets (including natural assets) that are generally accessible to the public.

Projects that involve the construction, maintenance and/or improvements to state/territory and crown owned land/assets and Commonwealth owned land/assets, can also be Eligible Projects where the Council can confirm that they have the authority of the land or asset owner to undertake the project at the nominated site(s) and the sites are accessible to the public (including natural assets).

5.6.1 These projects must deliver benefits to the community, such as improved accessibility, visual amenity, and/or safety. Examples of eligible works include:

- Closed Circuit TV (CCTV);
- bicycle and walking paths;
- painting or improvements to community facilities;
- repairing and replacing fencing;
- improved accessibility of community facilities and areas;
5.6.1.6 landscaping improvements, such as tree planting and beautification of roundabouts;
5.6.1.7 picnic shelters or barbeque facilities at community parks;
5.6.1.8 playgrounds and skate parks (including all ability playgrounds);
5.6.1.9 noise and vibration mitigation measures; and
5.6.1.10 off-road car parks (such as those at sporting grounds or parks).

5.7 If Grant funds will be used for fifty per cent or less of the total cost of a project, which meets the below requirements:

5.7.1 Grant funds allocated to the project will be used to cover the cost of construction activity to 30 June 2021;
5.7.2 all other Eligible Project requirements (except 5.4) are met;
5.7.3 the Project will complete construction by 30 June 2022; and
5.7.4 The Commonwealth was made aware that the project was intended to meet the requirements of this section.

The part of the project paid for by the Commonwealth may be approved as an Eligible Project.

6 Ineligible Projects/Ineligible Expenditure

6.1 Grant money cannot be used for Ineligible Projects or Ineligible Expenditure. Ineligible Projects and Ineligible Expenditure are the Grantee’s business as usual activities and costs, or any other activities and costs not associated with Eligible Projects, including those set out at 6.2.

6.2 The following is a non-exhaustive list of examples of Ineligible Projects or Ineligible Expenditures:

6.2.1 costs incurred in the preparation of a draft Work Schedule or related documentation;
6.2.2 general administrative overheads and staff salaries not connected with Eligible Projects;
6.2.3 subsidy of general ongoing administration of an organisation such as electricity, phone and rent;
6.2.4 projects that receive Australian, state or territory government funding for the same purpose (unless otherwise agreed by the Commonwealth);
6.2.5 commencement ceremony, opening ceremony or any other event associated with Eligible Projects;
6.2.6 transport planning studies;
6.2.7 road rehabilitation studies (if not part of an Eligible Project);
6.2.8 community/public art;
6.2.9 road building plant or other capital equipment especially moveable equipment (e.g. graders);
6.2.10 training (if not part of an Eligible Project);
6.2.11 public liability insurance;
6.2.12 fringe benefits tax;
6.2.13 GST payable component of a supply;
6.2.14 finance leases on equipment;
6.2.15 depreciation, except for depreciation of plant and equipment directly attributable to a grant funded eligible project;
6.2.16 stand-alone design and preliminary works;
6.2.17 operating lease charges where the rental expense cannot be directly linked to the grant project (e.g. a grader may be hired for a period for a variety of tasks, only charges that specifically relate to the Eligible Project can be charged against the grant funds);
6.2.18 overseas travel; and
6.2.19 the covering of retrospective costs.

6.3 The Commonwealth may determine further costs to be Ineligible Expenditures and notify the Grantee of these expenditures.

7 Conflicts of Interest

7.1 The Grantee must disclose if any of their personnel:

7.1.1 has a relationship with, or interest in, an organisation, which is likely to interfere with or restrict the Grantee from carrying out the Activities and/or implementing the Work Schedule fairly and independently; or
7.1.2 has a relationship with, or interest in, an organisation which may be awarded work in relation to a nominated project or is otherwise to be involved in the implementation of the Work Schedule.

7.2 The Grantee must include in the Work Schedule:

7.2.1 any details of any real, apparent, or potential conflicts of interest (as detailed in 7.1) that may arise in relation to the Grantee’s nominated projects, or the program;
7.2.2 details of how the Grantee proposes to manage these or any other conflict of interest that may arise; or
7.2.3 that to the best of their knowledge, there are no conflicts of interest.

7.3 The Grantee must include in the Work Schedule details of the arrangements it will implement to effectively manage conflicts of interest in relation to the conduct of projects. If a Grantee later identifies an actual, apparent, or perceived conflict of interest during the conduct of an Eligible Project, they must inform the Commonwealth Representative of the conflict of Interest in writing immediately; and detail how they intend to manage it.
8 Media Releases

8.1 If the Grantee proposes to issue any media release relating to an Eligible Project, it must:

8.1.1 at least two business days prior to its proposed release, unless otherwise agreed by the Commonwealth, provide a copy of the proposed media release to the Commonwealth and obtain the Commonwealth’s agreement to the media release; and

8.1.2 provide the relevant local Federal Member of Parliament with the opportunity to participate in the media release.

8.2 Within seven calendar days of receipt of an instalment, the Grantee must provide via email to the relevant local Federal Member of Parliament (with a copy provided to the Commonwealth) a summary of all Eligible Projects, commencing, in progress, and completing in a Federal Electorate and the funds claimed against those Eligible Projects under this Grant Agreement.

9 Eligible Project Events

9.1 If the Grantee proposes to hold a works commencement ceremony, opening ceremony or any other event in relation to the commencement/opening/reopening of an Eligible Project, they must inform the Commonwealth and the relevant local Federal Member of Parliament of the proposed ceremony or event:

9.1.1 at least two weeks before the proposed ceremony or event is to be held; and

9.1.2 provide details of the proposed ceremony or event, including proposed invitees and order of proceedings.

10 Signage

10.1 The Grantee must erect a sign for each Eligible Project over $10,000, at the time work on the Eligible Project commences.

10.2 The sign must be erected in accordance with the Signage Guidelines available on the Department’s website.

11 Changes to Grantees and Eligible Projects

11.1 Grantees must notify the Commonwealth of significant changes that are likely to affect an Eligible Project or their participation in the LRCI Program. This includes any key changes to the Grantee’s organisation, particularly if it affects their ability to complete an Eligible Project, carry on their business and pay debts due.

11.2 A Grantee’s Representative is the Formal Contact the Grantee uses for the Roads to Recovery program unless otherwise agreed by the Commonwealth. A Grantee must inform the Commonwealth of any changes to their:

11.2.1 name;

11.2.2 addresses;

11.2.3 Grantee’s Representative details; or
11.2.4 bank account details.

11.3 Any changes to a Grantee’s Representative identified at 11.2 must follow the process notified by the Commonwealth.

C. Duration of the Grant

<table>
<thead>
<tr>
<th>Activity start date</th>
<th>Activity Completion Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Activity starts on 1 July 2020</td>
<td>and ends on 31 December 2021</td>
</tr>
</tbody>
</table>

12 Activity Timeframe

12.1 Construction activity on Eligible Projects must be undertaken between 1 July 2020 and 30 June 2021, other costs associated with Eligible Projects may continue to 31 December 2021.

12.2 The Agreement ends on 30 June 2022 which is the Agreement End Date.

D. Payment of the Grant

13 The total amount of the Grant is the Nominal Funding Allocation approved in relation to the Grantee contained in the Letter of Offer.

13.1 A Grantee’s bank account for the LRCI program is the bank account the Grantee uses for the Roads to Recovery Program. A change to a bank account must follow the process notified by the Commonwealth.

14 Grant Instalments

14.1 Grant Instalments will be paid in accordance with the instalments set out in Table 1 below, subject to:

14.1.1 any necessary amendments being made to the Financial Framework (Supplementary Powers) Regulations 1997 to authorise expenditure being made under the LSCI program;

14.1.2 receipt of required Reports by the Commonwealth;

14.1.3 the Commonwealth’s decision on Reports and information provided therein;

14.1.4 the required information contained in Work Schedules;

14.1.5 the Commonwealth’s consideration of other relevant information;

14.1.6 compliance by the Grantee with its obligations under this Agreement; and

14.1.7 any further requirements in the Local Roads and Community Infrastructure Program Guidelines (as in force at the time the decision to make a payment is made) being met.
15 Payments will be paid in accordance with Table 1: Grant Payments

<table>
<thead>
<tr>
<th>Payment milestone</th>
<th>Grant payment date</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>First Instalment:</td>
<td>Within four weeks of the Work Schedule being approved.</td>
<td>The first payment will be equal to 50 per cent of a Grantee’s Nominal Funding Allocation.</td>
</tr>
<tr>
<td>Work Schedule approval payment</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Second Instalment:</td>
<td>Within four weeks of the Secretary of the Commonwealth or their Delegate’s decision on the following:</td>
<td>The Second Instalment will be equal to the Grantee’s:</td>
</tr>
<tr>
<td>Top up - mid program progress payment</td>
<td>1) an updated Work Schedule; and 2) the second Quarterly Report submitted between 1–31 January 2021.</td>
<td>• actual expenditure up until 31 December 2020; and</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• projected expenditure to 31 March 2021 on Eligible Projects in an Approved Work Schedule</td>
</tr>
<tr>
<td></td>
<td></td>
<td>less:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• the First Instalment; and</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• 10 per cent of the Nominal Funding Allocation.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>If, following the method of calculation above, the Grantee’s second instalment would be less than zero, the Grantee will not receive any money in their second instalment.</td>
</tr>
<tr>
<td>Second Instalment:</td>
<td>If all grant money has been expended in advance of 1 January 2021. Within four weeks of the Secretary of the Commonwealth’s or their Delegate’s decision on the following:</td>
<td>The Second Instalment will be equal to the Grantee’s:</td>
</tr>
<tr>
<td>Early Access</td>
<td>1) an updated Work Schedule; and 2) an Ad hoc report.</td>
<td>• actual expenditure up until 31 December 2020; and</td>
</tr>
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<td></td>
<td></td>
<td>• projected expenditure to 31 March 2021 on Eligible Projects in an Approved Work Schedule</td>
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<td>less:</td>
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<tr>
<td></td>
<td></td>
<td>• the First Instalment; and</td>
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<td>• 10 per cent of the Nominal Funding Allocation.</td>
</tr>
<tr>
<td></td>
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<td>If, following the method of calculation above, the Grantee’s second instalment would be less than zero, the Grantee will not receive any money in their second instalment.</td>
</tr>
</tbody>
</table>
E. Reporting

16 The Grantee agrees to update Work Schedules in accordance with:

16.1 the Local Roads and Community Infrastructure Program Guidelines as in force from time to time; and

16.2 any other requirements notified by the Commonwealth.

16.3 At a minimum, a Grantee must update a Work Schedule in accordance with any requirements notified by the Commonwealth, immediately prior to submitting the second Quarterly Report or immediately before submission of an Ad hoc report for Early Access to the Second Instalment.

17 The Grantee agrees to create the following reports in the manner and form specified by the Commonwealth and provide the reports to the Commonwealth representative:

17.1 Quarterly Reports;

17.2 Annual Reports;

17.3 Ad hoc Reports (if required).

17.4 The Grantee must provide Reports in accordance with the timeframes at Table 2: Reports unless 17.5 applies.

17.5 If the Grantee has expended all Grant funds and/or returned any Grant funds additional to the requirements of the Activity, after providing the Quarterly Report for the quarter in which this occurs, the Grantee will not be required to provide any further Quarterly Reports, but will be required to provide the Annual Report.

| Third Instalment: Final payment | Within four weeks of the Secretary of the Commonwealth or their Delegate’s decision being made to release the final instalment upon receipt of the Annual Report. | The Third Instalment will be the lesser of:

- the residual amount of a Grantee’s Nominal Funding Allocation;
- total eligible expenditure under the program less instalments paid to date. |
<table>
<thead>
<tr>
<th>Lodgement period for Quarterly Reports</th>
<th>Quarter: Actual expenditure period</th>
<th>Quarterly Report</th>
</tr>
</thead>
<tbody>
<tr>
<td>1–31 October 2020</td>
<td>1 July to 30 September 2020</td>
<td>Mid payment update of Work schedule. Actual expenditure and eligible project updates for the period commencing on 1 July 2020 and ending on the last day of the quarter to which the Quarterly Report relates. Projected Expenditure for the next quarter.</td>
</tr>
<tr>
<td>1–31 January 2021</td>
<td>1 October to 31 December 2020</td>
<td>Actual expenditure and eligible project updates for the period commencing on 1 July 2020 and ending on the last day of the quarter to which the Quarterly Report relates. Projected Expenditure for the next quarter.</td>
</tr>
<tr>
<td>1–30 April 2021</td>
<td>1 January to 31 March 2021</td>
<td>Actual expenditure and eligible project updates for the period commencing on 1 July 2020 and ending on the last day of the quarter to which the Quarterly Report relates. Projected Expenditure for the next quarter.</td>
</tr>
<tr>
<td>Annual Report must be provided by 14 August 2021</td>
<td>1 July 2020 to 30 June 2021</td>
<td>Annual Report</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Actual expenditure and eligible project updates from 1 July 2020/Commencement of program to 30 June 2021.</td>
</tr>
</tbody>
</table>
18 Quarterly Reports

18.1 Quarterly Reports must be in the manner and form notified by the Commonwealth.

18.2 A Quarterly Report must include the following information:

18.2.1 the amount of Grant funding spent (actual expenditure) for the period commencing on 1 July 2020 and ending on the last day of the quarter to which the Quarterly Report relates;

18.2.2 the amount of Grant funding (proposed expenditure) which the Grantee intends to spend on Eligible Projects in the quarter following the report;

18.2.3 details of progress towards completion of Eligible Projects;

18.2.4 estimated and/or confirmed jobs supported by the Grant funding; and

18.2.5 such other information notified by the Commonwealth from time to time.

18.3 The figures in the Quarterly Reports should be prepared on an accrual basis.

19 Annual Reports

19.1 Annual Reports must be in the manner and form notified by the Commonwealth.

19.2 Annual Reports must include the following information:

19.2.1 Total amount of Grant funding made available and subsequently received over the financial year;

19.2.2 Total amount of Grant funding spent on Eligible Projects;
19.2.3 Total amount (if any) of Grant funding unspent and either returned or will be returned to the Commonwealth;

19.2.4 a written Financial Statement by the Chief Executive Officer or equivalent officer however named. The Financial Statement must be in the form specified by the Commonwealth and include:

19.2.4.1 the amount of Grant payment which remained unspent from the financial year;

19.2.4.2 the amount of Grant payments received by the Grantee in the financial year;

19.2.4.3 the amount of Grant payments available for expenditure by the Grantee on Eligible Projects in that year;

19.2.4.4 the amount spent by the Grantee during that year out of the Grant payments available for expenditure by the Grantee during that year;

19.2.4.5 the amount (if any) retained at the end of that year by the Grantee out of Grant payments available for expenditure by the Grantee during that year and which remained unspent at the end of that year;

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

19.2.5 a report in writing and signed by an appropriate auditor stating whether, in the auditor’s opinion:

19.2.5.1 the Chief Executive Officer’s financial statement is based on proper accounts and records;

19.2.5.2 the Chief Executive Officer’s financial statement is in agreement with the accounts and records;

19.2.5.3 the expenditure referred to in subparagraph (d)(iv) has been on Eligible Projects under the LRCI Program; and

19.2.5.4 the amount certified by the Chief Executive Officer in the Chief Executive Officer’s financial statement as the Grantee’s own source expenditure is based on, and in agreement with, proper accounts and records.

19.2.6 Any further information notified by the Commonwealth.

20 Ad Hoc Reports

20.1 If the Grantee has spent all of their First Instalment in advance of 1 January 2021, the grantee can submit an Ad hoc report to access their Second Instalment of Grant funds early.

20.2 An Ad hoc report must be in the manner and form specified by the Commonwealth.

20.3 An Ad hoc report must contain the following information:
20.3.1 the amount of Grant funding spent from 1 July 2020 until the date specified in the Ad Hoc Report;

20.3.2 the amount of grant funding which the Grantee intends to spend on Eligible Projects following the report until 31 March 2021;

20.3.3 details of progress towards completion of Eligible Projects; including any evidence required per the Local Roads and Community Infrastructure Program Guidelines;

20.3.4 estimated and/or confirmed jobs supported by Grant funding; and

20.3.5 such other information notified by the Commonwealth from time to time.

20.4 The submission of an Ad hoc report does not negate the requirement to submit Quarterly Reports or an Annual Report.

F. Party representatives and address for notices

Grantee’s representative and address

The Grantee’s Representative is the Grantee’s Formal Contact under the Roads to Recovery program unless otherwise agreed by the Commonwealth.

Commonwealth representative and address

<table>
<thead>
<tr>
<th>Name of representative</th>
<th>Daniel Caruso</th>
</tr>
</thead>
<tbody>
<tr>
<td>Position</td>
<td>Assistant Secretary, COVID Recovery Infrastructure Investment Stimulus</td>
</tr>
<tr>
<td>Postal address</td>
<td>GPO Box 594, Canberra Australian Capital Territory 2601</td>
</tr>
<tr>
<td>Physical address</td>
<td>111 Alinga Street, Canberra, Australian Capital Territory</td>
</tr>
<tr>
<td>Business hours telephone</td>
<td>02 6274 6522</td>
</tr>
<tr>
<td>Email</td>
<td><a href="mailto:Daniel.Caruso@infrastructure.gov.au">Daniel.Caruso@infrastructure.gov.au</a></td>
</tr>
</tbody>
</table>

The Parties' representatives will be responsible for liaison and the day-to-day management of the Grant, as well as accepting and issuing any written notices in relation to the Grant.

G. Activity Material

N/A.
Supplementary Terms from Clause Bank

1. Other Contributions
   N/A

2. Activity budget
   N/A

3. Intellectual property in Activity Material
   N/A

3A. Intellectual property – research
   N/A

3B. Creative Commons licence
   N/A

4. Access/Monitoring/Inspection

4.1. The Grantee agrees to give the Commonwealth, or any persons authorised in writing by the Commonwealth:
   (a) access to premises where the Activity is being performed and/or where Material relating to the Activity is kept within the time period specified in a Commonwealth notice; and
   (b) permission to inspect and take copies of any Material relevant to the Activity.

4.2. The Auditor-General and any Information Officer under the Australian Information Commissioner Act 2010 (Cth) (including their delegates) are persons authorised for the purposes of clause CB4.1.

4.3. This clause CB4 does not detract from the statutory powers of the Auditor-General or an Information Officer (including their delegates).

5. Equipment and Assets
   N/A

6. Specified Personnel
   N/A

7. Relevant qualifications, licences, permits, approvals or skills

7.1. The Grantee agrees to ensure that personnel performing work in relation to the Activity:
   (a) are appropriately qualified to perform the tasks indicated;
   (b) have obtained the required qualifications, licences, permits, approvals or skills before performing any part of the Activity and
   (c) continue to maintain all relevant qualifications, licences, permits, approvals or skills for the duration of their involvement with the Activity.

8. Vulnerable Persons
   N/A
9. **Child safety**
N/A

10. **Commonwealth Material, facilities and assistance**
N/A

11. **Jurisdiction**
N/A

12. **Grantee trustee of Trust**
N/A

13. **Fraud**

13.1. In this Agreement, Fraud means dishonestly obtaining a benefit, or causing a loss, by deception or other means, and includes alleged, attempted, suspected or detected fraud.

13.2. The Grantee must ensure its personnel and subcontractors do not engage in any Fraud in relation to the Activity.

13.3. If the Grantee becomes aware of:

(a) any Fraud in relation to the performance of the Activity; or

(b) any other Fraud that has had or may have an effect on the performance of the Activity;

then it must within 5 business days report the matter to the Commonwealth and all appropriate law enforcement and regulatory agencies.


13.5. The Commonwealth may, at its discretion, investigate any Fraud in relation to the Activity. The Grantee agrees to co-operate and provide all reasonable assistance at its own cost with any such investigation.

13.6. This clause survives the termination or expiry of the Agreement.

14. **Prohibited dealings**
N/A

15. **Anti-corruption**

15.1. In this Agreement:

**Illegal or Corrupt Practice** means directly or indirectly:

(a) making or causing to be made, any offer, gift, payment, consideration or benefit of any kind to any party, or

(b) receiving or seeking to receive, any offer, gift, payment, consideration or benefit of any kind from any party, as an inducement or reward in relation to the performance of the Activity, which would or could be construed as an illegal or corrupt practice.
15.2. The Grantee warrants that the Grantee, its officers, employees, contractors, agents and any other individual or entity involved in carrying out the Activity have not, engaged in an Illegal or Corrupt Practice.

15.3. The Grantee agrees not to, and to take all reasonable steps to ensure that its officers, employees, contractors, agents and any other individual or entity involved in carrying out the Activity do not:
(a) engage in an Illegal or Corrupt Practice; or
(b) engage in any practice that could constitute the offence of bribing a foreign public official contained in section 70.2 of the Criminal Code Act 1995 (Cth).

15.4. The Grantee agrees to inform the Commonwealth within five business days if the Grantee becomes aware of any activity as described in CB15.3 in relation to the performance of the Activity.

16. **Step-in rights**
N/A

17. **Grant Administrator**
N/A

18. **Management Adviser**
N/A

19. **Indemnities**
N/A

20. **Compliance with Legislation and policies**
20.1. In this Agreement: Legislation means a provision of a statute or subordinate legislation of the Commonwealth, or of a State, Territory or local authority

20.2. The Grantee agrees to comply with all Legislation applicable to its performance of this Agreement.

20.3. The Grantee agrees, in carrying out its obligations under this Agreement, to comply with any of the Commonwealth’s policies as notified, referred or made available by the Commonwealth to the Grantee (including by reference to an internet site).

21. **Work health and safety**
21.1. The Grantee agrees to ensure that it complies at all times with all applicable work health and safety legislative and regulatory requirements and any additional work health and safety requirements set out in the Grant Details.

21.2. If requested by the Commonwealth, the Grantee agrees to provide copies of its work health and safety management plans and processes and such other details of the arrangements it has in place to meet the requirements referred to in clause ST21.1.

21.3. When using the Commonwealth’s premises or facilities, the Grantee agrees to comply with all reasonable directions and procedures relating to work health and safety and security in effect at those premises or facilities, as notified by the
Commonwealth or as might reasonably be inferred from the use to which the premises or facilities are being put.

22. Transition
   N/A

23. Corporate governance
   N/A

23A. Incorporation requirement
   N/A

24. Counterparts
   N/A

25. Employees subject to SACS Decision
   N/A

26. Program interoperability with National Disability Insurance Scheme
   N/A

27. Rollover of surplus and uncommitted funds
   N/A

28. Secret and Sacred Indigenous Material
   N/A
## Signature

Executed as an agreement:

### Grantee

<table>
<thead>
<tr>
<th>Full legal name of the Grantee</th>
<th>&lt;name of the grantee&gt;</th>
</tr>
</thead>
<tbody>
<tr>
<td>&lt;ABN of the grantee&gt;</td>
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<table>
<thead>
<tr>
<th>Signatory Name</th>
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<tr>
<th>Signature</th>
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<tr>
<th>Witness Name</th>
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<th>Signature and date</th>
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</table>

### Commonwealth

Signed for and on behalf of the Commonwealth of Australia as represented by the Commonwealth of Infrastructure, Transport, Regional Development and Communications

<table>
<thead>
<tr>
<th>Name</th>
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<th>Signature and date</th>
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</table>
Schedule 1: Commonwealth Standard Grant Conditions

1. **Undertaking the Activity**

1.1. The Grantee agrees to undertake the Activity for the purpose of the Grant in accordance with this Agreement.

1.2. The Grantee is fully responsible for the Activity and for ensuring the performance of all its obligations under this Agreement in accordance with all relevant laws. The Grantee will not be relieved of that responsibility because of:

   (a) the grant or withholding of any approval or the exercise or non-exercise of any right by the Commonwealth; or

   (b) any payment to, or withholding of any payment from, the Grantee under this Agreement.

2. **Payment of the Grant**

2.1. The Commonwealth agrees to pay the Grant to the Grantee in accordance with the Grant Details.

2.2. Notwithstanding any other provision of this Agreement, the Commonwealth may by notice withhold payment of any amount of the Grant and/or take any other action specified in the Supplementary Terms if it reasonably believes that:

   (a) the Grantee has not complied with this Agreement;

   (b) the Grantee is unlikely to be able to perform the Activity or manage the Grant in accordance with this Agreement; or

   (c) there is a serious concern relating to the Grantee or this Agreement that requires investigation.

2.3. A notice under clause 2.2 will contain the reasons for any action taken under clause 2.2 and, where relevant, the steps the Grantee can take to address those reasons.

2.4. The Commonwealth will only be obliged to pay a withheld amount once the Grantee has addressed the reasons contained in a notice under clause 2.2 to the Commonwealth’s reasonable satisfaction.

3. **Acknowledgements**

3.1. The Grantee agrees not to make any public announcement, including by social media, in connection with the awarding of the Grant without the Commonwealth’s prior written approval.

3.2. The Grantee agrees to acknowledge the Commonwealth’s support in all Material, publications and promotional and advertising materials published in connection with this Agreement. The Commonwealth may notify the Grantee of the form of acknowledgement that the Grantee is to use.

3.3. The Grantee agrees not to use the Commonwealth Coat of Arms in connection with the Grant or the Activity without the Commonwealth’s prior written approval.

4. **Notices**
4.1. Each Party agrees to promptly notify the other Party of anything reasonably likely to adversely affect the undertaking of the Activity, management of the Grant or its performance of any of its other requirements under this Agreement.

4.2. A notice given by a Party under this Agreement must be in writing and addressed to the other Party’s representative as set out in the Grant Details or as most recently updated by notice given in accordance with this clause.

4.3. A notice is deemed to be effected:
   (a) if delivered by hand - upon delivery to the relevant address;
   (b) if sent by post - upon delivery to the relevant address; or
   (c) if transmitted electronically - upon actual receipt by the addressee.

4.4. A notice received after 5.00 pm, or on a day that is a Saturday, Sunday or public holiday, in the place of receipt, is deemed to be effected on the next day that is not a Saturday, Sunday or public holiday in that place.

4.5. The Commonwealth may, by notice, advise the Grantee of changes to the Agreement that are minor or of an administrative nature, provided that any such changes do not increase the Grantee’s obligations under this Agreement. Such changes, while legally binding, are not variations for the purpose of clause 8.

5. **Relationship between the Parties**

   A Party is not by virtue of this Agreement the employee, agent or partner of the other Party and is not authorised to bind or represent the other Party.

6. **Subcontracting**

   6.1. The Grantee is responsible for the performance of its obligations under this Agreement, including in relation to any tasks undertaken by subcontractors.

   6.2. The Grantee agrees to make available to the Commonwealth the details of any of its subcontractors engaged to perform any tasks in relation to this Agreement upon request.

7. **Conflict of interest**

   7.1. Other than those which have already been disclosed to the Commonwealth, the Grantee warrants that, to the best of its knowledge, at the date of this Agreement neither it nor its officers have any actual, perceived or potential conflicts of interest in relation the Activity.

   7.2. If during the term of the Agreement, any actual, perceived or potential conflict arises or there is any material change to a previously disclosed conflict of interest, the Grantee agrees to:

       (a) notify the Commonwealth promptly and make full disclosure of all relevant information relating to the conflict; and

       (b) take any steps the Commonwealth reasonably requires to resolve or otherwise deal with that conflict.

8. **Variation, assignment and waiver**

   8.1. This Agreement may be varied in writing only, signed by both Parties.
8.2. The Grantee cannot assign its obligations, and agrees not to assign its rights, under this Agreement without the Commonwealth’s prior approval.

8.3. The Grantee agrees not to enter into negotiations with any other person for the purposes of entering into an arrangement that will require novation of, or involve any assignment of rights under, this Agreement without first consulting the Commonwealth.

8.4. A waiver by a Party of any of its rights under this Agreement is only effective if it is in a signed written notice to the other Party and then only to the extent specified in that notice.

9. **Taxes, duties and government charges**

9.1. The parties have entered into this Grant Agreement on the understanding that the Commonwealth and the Grantee are both government related entities, and that the amount of the Grant and anything else the Grantee receives from another entity in relation to any supply under this Agreement does not exceed the Grantee’s cost of making that supply. On this basis, and in accordance with GSTR 2012/2 the parties rely on s.9-17 of the GST Act for no GST being imposed in connection with a supply made under this Agreement. Consequently, the actual and projected expenditure the Grantee reports to the Commonwealth must exclude the GST component on goods and services, and the payments the Commonwealth makes under this Agreement will not include GST.

9.2. The Grantee agrees to pay all taxes, duties and government charges imposed or levied in Australia or overseas in connection with the performance of this Agreement, except as provided by this Agreement.

9.3. If Goods and Services Tax (GST) is payable by a supplier on any supply made under this Agreement, the recipient of the supply will pay to the supplier an amount equal to the GST payable on the supply, in addition to and at the same time that the consideration for the supply is to be provided under this Agreement.

9.4. If at the commencement of the Agreement the Grantee is not registered for GST and during the term of the Agreement the Grantee becomes, or is required to become, registered for GST, the Grantee agrees to notify the Commonwealth in writing within 7 days of becoming registered for GST.

10. **Spending the Grant**

10.1. The Grantee agrees to spend the Grant for the purpose of performing the Activity and otherwise in accordance with this Agreement.

10.2. Within one month after the Activity Completion Date, the Grantee agrees to provide a statement signed by the Grantee in a form specified by the Commonwealth verifying the Grant was spent in accordance with this Agreement.

11. **Repayment**

11.1. If any amount of the Grant:

(a) has been spent other than in accordance with this Agreement; or

(b) is additional to the requirements of the Activity; then the Commonwealth may by written notice:
(c) require the Grantee to repay that amount to the Commonwealth;
(d) require the Grantee to deal with that amount as directed by the Commonwealth;
or
(e) deduct the amount from subsequent payments of the Grant or amounts payable under another agreement between the Grantee and the Commonwealth.

11.2. If the Commonwealth issues a notice under this Agreement requiring the Grantee to repay a Grant amount:
(a) the Grantee must do so within the time period specified in the notice;
(b) the Grantee must pay interest on any part of the amount that is outstanding at the end of the time period specified in the notice until the outstanding amount is repaid in full; and
(c) the Commonwealth may recover the amount and any interest under this Agreement as a debt due to the Commonwealth without further proof of the debt being required.

12. **Record keeping**

12.1. The Grantee agrees to keep financial accounts and other records that:
(a) detail and document the conduct and management of the Activity;
(b) identify the receipt and expenditure of the Grant separately within the Grantee’s accounts and records so that at all times the Grant is identifiable; and
(c) enable all receipts and payments related to the Activity to be identified and reported.

12.2. The Grantee agrees to keep the records for five years after the Activity Completion Date or such other time specified in the Grant Details and provide copies of the records to the Commonwealth upon request.

13. **Reporting and Liaison**

13.1. The Grantee agrees to provide the Reporting Material specified in the Grant Details to the Commonwealth.

13.2. In addition to the obligations in clause 13.1, the Grantee agrees to:
(a) liaise with and provide assistance and information to the Commonwealth as reasonably required by the Commonwealth; and
(b) comply with the Commonwealth’s reasonable requests, directions and monitoring requirements, in relation to the Activity.

13.3. If the Commonwealth acting reasonably has concerns regarding the performance of the Activity or the management of the Grant, the Commonwealth may by written notice require the Grantee to provide one or more additional reports, containing the information and by the date(s), specified in the notice.

13.4. The Grantee acknowledges that the giving of false or misleading information to the Commonwealth is a serious offence under the Criminal Code Act 1995 (Cth).

14. **Privacy**

14.1. When dealing with Personal Information in carrying out the Activity, the Grantee agrees:
(a) to comply with the requirements of the Privacy Act 1988 (Cth); and
(b) not to do anything which, if done by the Commonwealth, would be a breach of an Australian Privacy Principle.

15. **Confidentiality**

15.1. The Parties agree not to disclose each other’s confidential information without the other Party’s prior written consent unless required or authorised by law or Parliament to disclose.

15.2. The Commonwealth may disclose the Grantee’s confidential information where;

(a) the Commonwealth is providing information about the Activity or Grant in accordance with Commonwealth accountability and reporting requirements;

(b) the Commonwealth is disclosing the information to a Minister of the Australian Government, a House or Committee of the Commonwealth Parliament; or

(c) the Commonwealth is disclosing the information to its personnel or another Commonwealth agency where this serves the Commonwealth’s legitimate interests.

16. **Insurance**

16.1. The Grantee agrees to maintain adequate insurance for as long as any obligations remain in connection with this Agreement and provide proof of insurance to the Commonwealth upon request.

17. **Intellectual property**

17.1. Subject to clause 17.2, the Grantee owns the Intellectual Property Rights in Activity Material and Reporting Material.

17.2. This Agreement does not affect the ownership of Intellectual Property Rights in Existing Material.

17.3. The Grantee provides the Commonwealth a permanent, non-exclusive, irrevocable, royalty-free licence to use, modify, communicate, reproduce, publish, adapt and sub-license the Reporting Material for Commonwealth Purposes.

17.4. The licence in clause 17.3 does not apply to Activity Material.

18. **Dispute resolution**

18.1. The Parties agree not to initiate legal proceedings in relation to a dispute arising under this Agreement unless they have first tried and failed to resolve the dispute by negotiation.

18.2. Unless clause 18.3 applies, the Parties agree to continue to perform their respective obligations under this Agreement when a dispute exists.

18.3. The Parties may agree to suspend performance of the Agreement pending resolution of the dispute.

18.4. Failing settlement by negotiation in accordance with clause 18.1, the Parties may agree to refer the dispute to an independent third person with power to intervene and direct some form of resolution, in which case the Parties will be bound by that resolution. If the Parties do not agree to refer the dispute to an independent third person, either Party may initiate legal proceedings.
18.5. Each Party will bear their own costs in complying with this clause 18, and the Parties will share equally the cost of any third person engaged under clause 18.4.

18.6. The procedure for dispute resolution under this clause does not apply to any action relating to termination, cancellation or urgent interlocutory relief.

19. **Reduction, Suspension and Termination**

19.1. Reduction in scope of agreement for fault

19.1.1. If the Grantee does not comply with an obligation under this Agreement and the Commonwealth believes that the non-compliance is incapable of remedy, or if the Grantee has failed to comply with a notice to remedy, the Commonwealth may by written notice reduce the scope of the Agreement.

19.1.2. The Grantee agrees, on receipt of the notice of reduction, to:

(a) stop or reduce the performance of the Grantee’s obligations as specified in the notice;

(b) take all available steps to minimise loss resulting from the reduction;

(c) continue performing any part of the Activity or the Agreement not affected by the notice if requested to do so by the Commonwealth; and

(d) report on, and return any part of, the Grant to the Commonwealth, or otherwise deal with the Grant, as directed by the Commonwealth.

19.1.3. In the event of reduction under clause 19.1.1, the amount of the Grant will be reduced in proportion to the reduction in the scope of the Agreement.

19.2. **Suspension**

19.2.1. If:

(a) the Grantee does not comply with an obligation under this Agreement and the Commonwealth believes that the non-compliance is capable of remedy;

(b) the Commonwealth reasonably believes that the Grantee is unlikely to be able to perform the Activity or manage the Grant in accordance with this Agreement; or

(c) the Commonwealth reasonably believes that there is a serious concern relating to the Grantee or this Agreement that requires investigation;

the Commonwealth may by written notice:

(d) immediately suspend the Grantee from further performance of the Activity (including expenditure of the Grant); and/or

(e) require that the non-compliance or inability be remedied, or the investigation be completed, within the time specified in the notice.

19.2.2. If the Grantee:

(a) remedies the non-compliance or inability specified in the notice to the Commonwealth’s reasonable satisfaction, or the Commonwealth reasonably concludes that the concern is unsubstantiated, the Commonwealth may direct the Grantee to recommence performing the Activity; or

(b) fails to remedy the non-compliance or inability within the time specified, or the Commonwealth reasonably concludes that the concern is likely to be substantiated, the Commonwealth may reduce the scope of the Agreement in accordance with clause
19.1 or terminate the Agreement immediately by giving a second notice in accordance with clause 19.3.

19.3. **Termination for fault**

19.3.1. The Commonwealth may terminate this Agreement by notice where the Grantee has:

(a) failed to comply with an obligation under this Agreement and the Commonwealth believes that the non-compliance is incapable of remedy or where clause 19.2.2.b applies; or

(b) provided false or misleading statements in relation to the Grant; or

(c) become bankrupt or insolvent, entered into a scheme of arrangement with creditors, or come under any form of external administration.

19.3.2. The Grantee agrees, on receipt of the notice of termination, to:

(a) stop the performance of the Grantee’s obligations;

(b) take all available steps to minimise loss resulting from the termination; and

(c) report on, and return any part of, the Grant to the Commonwealth, or otherwise deal with the Grant, as directed by the Commonwealth.

20. **Cancellation or reduction for convenience**

20.1. The Commonwealth may cancel or reduce the scope of this Agreement by notice, due to:

(a) a change in government policy; or

(b) a Change in the Control of the Grantee which the Commonwealth reasonably believes will negatively affect the Grantee’s ability to comply with this Agreement.

20.2. On receipt of a notice of reduction or cancellation under this clause, the Grantee agrees to:

(a) stop or reduce the performance of the Grantee’s obligations as specified in the notice;

(b) take all available steps to minimise loss resulting from that reduction or cancellation;

(c) continue performing any part of the Activity or the Agreement not affected by the notice if requested to do so by the Commonwealth; and

(d) report on, and return any part of, the Grant to the Commonwealth, or otherwise deal with the Grant, as directed by the Commonwealth.

20.3. In the event of reduction or cancellation under this clause, the Commonwealth will be liable only to:

(a) pay any part of the Grant due and owing to the Grantee under this Agreement at the date of the notice; and

(b) reimburse any reasonable and substantiated expenses the Grantee unavoidably incurs that relate directly and entirely to the reduction in scope or cancellation of the Agreement.

20.4. In the event of reduction, the amount of the Grant will be reduced in proportion to the reduction in the scope of the Agreement.
20.5. The Commonwealth’s liability to pay any amount under this clause is:
   (a) subject to the Grantee’s compliance with this Agreement; and
   (b) limited to an amount that when added to all other amounts already paid under the
       Agreement will not exceed the total amount of the Grant.

20.6. The Grantee will not be entitled to compensation for loss of prospective profits or
       benefits that would have been conferred on the Grantee but for the cancellation or
       reduction in scope of the Agreement under clause 20.1.

20.7. The Commonwealth will act reasonably in exercising its rights under this clause.

21. **Survival**

The following clauses survive termination, cancellation or expiry of this Agreement:

- clause 10 (Spending the Grant);
- clause 11 (Repayment);
- clause 12 (Record keeping);
- clause 13 (Reporting);
- clause 14 (Privacy);
- clause 15 (Confidentiality);
- clause 16 (Insurance);
- clause 17 (Intellectual property);
- clause 19 (Reduction, Suspension and Termination);
- clause 21 (Survival);
- clause 22 Definitions; and
- Any applicable provisions included from the clause bank; and
- Any other clause which expressly or by implication from its nature is meant to survive.

22. **Definitions**

In this Agreement, unless the contrary appears:

- **Activity** means the activity described in the Grant Details and includes the provisions of
  the Reporting Material.
- **Activity Completion Date** means the date or event specified in the Grant Details.
- **Activity Material** means any Material, other than Reporting Material, created or
  developed by the Grantee as a result of the Activity and includes any Existing Material
  that is incorporated in or supplied with the Activity Material.
- **Agreement** means the Grant Details, Supplementary Terms (if any), the Commonwealth
  Standard Grant Conditions and any other document referenced or incorporated in the
  Grant Details.
- **Agreement End Date** means the date or event specified in the Grant Details.
- **Australian Privacy Principle** has the same meaning as in the *Privacy Act 1988.*
- **Change in the Control** means any change in any person(s) who directly exercise
  effective control over the Grantee.
• **Commonwealth** means the Commonwealth of Australia as represented by the Commonwealth entity specified in the Agreement and includes, where relevant, its officers, employees, contractors and agents.

• **Commonwealth Purposes** includes the following:
  a. the Commonwealth verifying and assessing grant proposals, including a grant application;
  b. the Commonwealth administering, monitoring, reporting on, auditing, publicising and evaluating a grant program or exercising its rights under this Agreement;
  c. the Commonwealth preparing, managing, reporting on, auditing and evaluating agreements, including this Agreement; and
  d. the Commonwealth developing and publishing policies, programs, guidelines and reports, including Commonwealth annual reports;
  but in all cases:
  e. excludes the commercialisation (being for-profit use) of the Material by the Commonwealth.

• **Commonwealth Standard Grant Conditions** means this document.

• **Existing Material** means Material developed independently of this Agreement that is incorporated in or supplied as part of Reporting Material or Activity Material.

• **Grant** means the money, or any part of it, payable by the Commonwealth to the Grantee for the Activity as specified in the Grant Details.

• **Grantee** means the legal entity other than the Commonwealth specified in the Agreement and includes, where relevant, its officers, employees, contractors and agents.

• **Grant Details** means the document titled Grant Details that forms part of this Agreement.

• **Intellectual Property Rights** means all copyright, patents, registered and unregistered trademarks (including service marks), registered designs, and other rights resulting from intellectual activity (other than moral rights under the *Copyright Act 1968*).

• **Material** includes documents, equipment, software (including source code and object code versions), goods, information and data stored by any means including all copies and extracts of them.

• **Party** means the Grantee or the Commonwealth.

• **Personal Information** has the same meaning as in the *Privacy Act 1988*.

• **Records** includes documents, information and data stored by any means and all copies and extracts of the same.

• **Reporting Material** means all Material which the Grantee is required to provide to the Commonwealth for reporting purposes as specified in the Grant Details and includes any Existing Material that is incorporated in or supplied with the Reporting Material.
Schedule 2: Work Schedule

Nominating Projects through the Work Schedule

1. The Department will provide a form that the Grantee must complete and submit to the Department at IIP@infrastructure.gov.au.

2. The following information must be provided for each project an Eligible Funding Recipient proposes to spend LRCI Program funds on:
   a. the project type (small <$10,000 or normal >$10,000);
   b. the work category;
   c. the work location or address, and primary road if relevant;
   d. data for use in a Geographical Information System in the manner and form required by the Department;
   e. description of the proposed project and work proposed;
   f. the problem the proposed project is seeking to address;
   g. the estimated construction start and completion date (physical not financial).
   h. the estimated total cost of the project, excluding GST;
   i. whether the project is being fully funded by the LRCI Program;
   j. the estimated council or other funding co-contributions (if applicable);
   k. how much LRCI Program funding is required;
   l. if the project land or asset is state/territory/crown or Commonwealth owned, please provide evidence of authority to undertake the project from the land or asset owner;
   m. the benefits from each project, including:
      o primary project goal;
      o estimated number of full time equivalent jobs supported over the construction period; and
      o any specific outputs/project activities being undertaken, for example:
         i. repair of 400 metres of fencing;
         ii. installation of ten waste and recycling bins to a Council’s local park;
         iii. building of a swing set for children’s play; or
         iv. painting of a community hall.
   n. conflict of interest declarations in accordance with requirements.

3. Once an approved project has been completed, Funding Recipients will need to detail whether the project goal has been achieved, and if it not, what outcome has been achieved and why.

4. Funding Recipients may group a series of individual projects valued at less than $10,000 that are of the same or similar nature as one ‘group project’. In these circumstances, the Funding Recipient must provide the same information as individual projects with the following modifications:
   o. a general description of each group project;
   p. the location and cost (excluding GST) of each small funded project within the group project;
   q. the estimated total cost of the group project, excluding GST as a whole;
   r. how much LRCI Program funding is required for the group project as a whole;
   s. the estimated start date of the first of the small funded projects in the group project to begin and the scheduled completion date of the small funded project in
the group expected to be completed last;
t. specifies the overall expected outcome from the group project;
u. the collective benefits from each group project, including:
   o primary project goal;
   o estimated amount of full time equivalent jobs supported over the construction period; and
   o each specific outputs/project activity being undertaken (e.g. Xkm of road resealed/Repair of 400m of fencing/Add ten waste and recycling bins to Council’s local park/ Building of swing set for children’s play/Painting of a community hall).
7.5.1. DEBATE AGENDA – DEVELOPMENT SERVICES REPORT

7.5.1.1
BAROSSA ASSESSMENT PANEL – APPOINTMENT OF INDEPENDENT MEMBERS
B10956

Author: Director, Development and Environmental Services

PURPOSE

To seek Council resolution to appoint Independent Members of the Barossa Assessment Panel pursuant to the Planning, Development and Infrastructure Act 2016 and Planning, Development and Infrastructure (General) Regulations 2017.

RECOMMENDATION

That Council:

(1) Appoint the following persons, who hold the required Professional Accreditation, to the Barossa Assessment Panel pursuant to the Planning Development and Infrastructure Act 2016 and Planning Development and Infrastructure (General) Regulations 2017 for the period 1 October 2020 – 31 October 2022 (or until further reviewed and changed):

Members:    Rob Veitch
            Grant Hewitt
            Susan Giles

Deputy Member:   Jake McVicar

Presiding Member  Bruce Ballantyne

(2) Set the remuneration fee for the independent members of the Barossa Assessment Panel for the period 1 October 2020 – 31 October 2022 as follows:

<table>
<thead>
<tr>
<th>Role</th>
<th>Fee</th>
</tr>
</thead>
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<tr>
<td>Presiding Member</td>
<td>$500 per meeting</td>
</tr>
<tr>
<td>Members</td>
<td>$300 per meeting</td>
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</table>

REPORT

Background

Council must appoint the members of the Council Assessment Panel in accordance with the provisions of the Planning, Development and Infrastructure Act 2016 (the PDI Act).
Pursuant to Section 83 of the PDI Act, Council must determine:

1. the membership of the Assessment Panel, being no more than five Members, only one of which may be a Member of a council
2. the terms of office of Members
3. conditions of appointment of Members, or the method by which those conditions will be determined, (including as to their remuneration)
4. the appointment of Deputy Members
5. who will act as the Presiding Member of the panel

Council Assessment Panels form part of the development consent process in the South Australian Planning System. Decisions regarding certain applications involving public representation or non-delegated assessment are decided by the Panel.

On 29 November 2018, Council resolved to appoint Council Member (Cr Richard Miller), Council Deputy Member (Cr Russell Johnstone) for the period 1 July 2018 for the term of the current Council, and commence an Expression of Interest process in the lead up to the expiry of the current term (30 June 2020) for the Independent Panel Members, taking into account any requirements associated with the proposed Accredited Professionals Scheme.

Bruce Ballantyne (Presiding Member) and Deirdre Reiman, Grant Hewitt, Rob Veitch (Independent Members) were recently extended until 30 September 2020 to coincide with the anticipated commencement of the Planning and Design Code for Phase 3 Councils following a decision of the Minister to delay its start.

Deirdre Reiman (Health) has indicated a desire not to continue on the Panel. All other existing members wish to continue.

**Introduction**

Following the Expression of Interest process, Council received applications from ten candidates (including the three existing members).

A summary of each of the candidates is provided in Attachment 1. A copy of their applications are provided in Attachment 2.

While all of the candidates bring knowledge and skills that are pertinent to the role of the Assessment Panel, the Manager Development Services and the Director Development and Environmental Services interviewed three of the candidates to assess their suitability. These being Susan Giles, Jake McVicar and Myles Somers.

**Discussion**

Appointment of Members:

Independent Members are required to obtain a Level 2 Planning Accreditation under the Professional Accreditation Scheme. All of the candidates either have or are in the process of receiving the required Level 2 Accreditation.

The majority of the candidates are qualified and experienced in planning or building assessment. Three of the candidates have knowledge and experience that include health, law or environment.
It is recommended that the existing members (Rob Veitch (Planning) and Grant Hewitt (Building)) be reappointed to the Panel, leaving one vacancy.

Under the PDI Act, there is no requirement for there to be a gender balance on the Panel. At the 17 December 2019 meeting, Council had adopted new Terms of Reference for the Assessment Panel commencing 1 July 2020 that retained the requirement.

3.5 At least one (1) Member of the Panel must be a woman and at least one (1) Member a man, and should, insofar as is reasonably practicable, ensure that the Panel consists of equal numbers of men and women.

On the basis that only two candidates fulfil the requirement, Council has the option to appoint either Susan Giles or Jane Evans to the Panel.

Both of the candidates are still awaiting confirmation for their Level 2 Accreditation. Neither of the candidates have had previous experience as a Panel Member.

Susan Giles would provide a mix of planning and building qualifications and experience to the Panel, and has an understanding of the operations of an Assessment Panel through her employment as a development assessment officer.

Jane Evans brings a legal, as well as an environmental perspective to the Panel, given Jane’s interest in water security etc. In addition, Jane provides a local community member perspective.

Appointment of Deputy Member:

Pursuant to Section 83(1)(b)(v) of the PDI Act, Council may appoint Deputy Members of the Panel. The current Panel only has a Deputy Member for the Council Member. Deputy Members will only be entitled to sit as a Member of the Panel if one of the appointed Members is not present at a meeting.

To ensure a quorum is achievable, it is proposed that Council support the appointment of a Deputy Member. Accordingly, it is recommended that Jake McVicar be appointed.

Appointment of Presiding Member:

Of the candidates, only Bruce Ballantyne has sought to be appointed to the role of Presiding Member.

It is recommended that Bruce Ballantyne be appointed as Presiding Member.

Summary and Conclusion

Council is required to appoint the membership of the Council Assessment Panel based on statutory requirements, in particular the State Government’s accreditation scheme for panel members.

Following an Expressions of Interest process, Council Administration has conducted a review of the candidates and has put forward a recommendation to Council for the appointment of the Independent Members.
COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan

- Natural Environment and Built Heritage

Corporate Plan

1.11 Provide transparent, efficient and effective development assessment processes and regulatory activities.

Legislative Requirements

- Planning, Development and Infrastructure Act 2016
- Planning, Development and Infrastructure (General) Regulations 2017
- Development Act 1993
- Development Regulations 2008

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial Management

Council is responsible for the costs and other liabilities associated with the activities of the Assessment Panel. The Assessment Panel will operate in accordance with the existing budget allocation.

Risk Management

If Council does not resolve to appoint its own Assessment Panel the Minister for Planning can establish a Local Assessment Panel which will make decisions on the Council’s behalf, at the Council’s cost.

In addition, if the Minister has reason to believe that the Assessment Panel appointed by Council has consistently failed to comply with a requirement under the PDI Act, the Minister may request the State Planning Commission to conduct an inquiry under the PDI Act.

COMMUNITY CONSULTATION

Not required.
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<thead>
<tr>
<th>Candidate</th>
<th>Kieron Barnes</th>
<th>Paul Ainsworth</th>
<th>Susan Giles</th>
<th>Jake McVicar</th>
<th>Myles Somers</th>
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<td>Bachelor of Arts (Planning) Grad Dip Environmental Studies</td>
<td>Assistant Building Surveyor level 2 Cert 4 - Local Govt (Planning) Assoc Dip Building Technology</td>
<td>Cert 4 - Local Govt (Planning) Grad Cert Building and Planning Grad Dip Urban and Regional Planning Building Design Drafting</td>
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<td>Previous roles</td>
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<td>Solicitor Registered Nurse</td>
<td>Planning Consultant</td>
<td>Manager Major Urban Projects</td>
<td>Senior Building Inspector</td>
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<td>Notes</td>
<td>Current Assessment Panel Presiding Member</td>
<td>Current Member of Assessment Panel</td>
<td>Current Member of Assessment Panel</td>
<td>Had previously worked for TBC</td>
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19 May 2020

Mr Gary Mavrinac
Director, Development and Environmental Services
The Barossa Council
PO Box 867
NURIOOTPA SA 5355

Via Email: barossa@barossa.sa.gov.au

Dear Gary,

BAROSSA ASSESSMENT PANEL: EXPRESSIONS OF INTEREST – INDEPENDENT MEMBERS

I refer to a recent notice I received seeking expressions of interest for independent membership of the Barossa Assessment Panel (the Panel) and am pleased to advise that I wish to formally apply for the position of independent member of the Panel.

By way of introduction, I am a qualified town planner having graduated from the University of South Australia in 2007 and am a Registered Planner of the Planning Institute of Australia. I also confirm that I have received Level 2 accreditation with the SA Government Accredited Professionals Scheme. Professionally, I am the Director – Development and Environmental Services at Mid Murray Council.

I have substantial experience in development assessment having worked as both a Senior Planner within Local Government and as a private consultant full-time over a period in excess of 14 years. Further to this, I am a current independent member of the Riverland Regional Assessment Panel, as well as the Assessment Manager for the Mid Murray Council Assessment Panel. These experiences clearly provide me with a sound understanding of how an effective Panel should operate. I have a pragmatic approach to town planning and I believe in facilitating quality development outcomes while having regard to the importance of legislative process.

My experience in Local Government has been on the fringes of the Barossa region, both at Light Regional Council and now Mid Murray Council. This experience has given me an understanding of the development issues facing The Barossa Council and the need to balance development pressures with the retention of the unique character the Barossa exhibits. If successful in obtaining in the position, I feel my experience would assist in facilitating planning decisions that would be beneficial to the local community and the Barossa region.

I thank you for the opportunity to register an interest in becoming an independent member of the Panel. I enclose my CV for your information and would welcome the opportunity to discuss my application further with you. I can be contacted on [REDACTED].

Yours sincerely,

Jake McVicar RPIA
Profile

As a qualified town planner with over 14 years experience, I am passionate about helping the community navigate the complex legislative environment in which we work, and have a sound understanding of the social, economic and environmental benefits of quality development outcomes. Over the past few years, I have been privileged to lead a talented team and enjoy supporting and motivating staff in order to realise their potential as not only workers, but as people.

Experience includes development assessment, strategic & policy planning, economic development strategies, wastewater management and health & regulatory services.

I have developed core skills in leadership and people management, project management and conflict resolution throughout my career.

Competencies

Past experience in Local Government management and as a consultant have assisted in developing skills in the following areas:

- In excess of 14 years experience in a Development & Environmental Services department;
- Expertise in project management;
- A comprehensive understanding of planning, building and construction processes and methods for all scales of development, together with experience in the fields of building, environmental health and regulatory services;
- Development of comprehensive communication, negotiation and conflict resolution skills;
- A sound understanding of the economic, environmental and social benefits and impacts of development and decision making.

Key Achievements

- Co-ordination of significant Council projects such as design and installation (currently under construction) of Community Wastewater Management Systems at Cowirra and Wongulla, Mannum Leisure Centre re-roof, Building Maintenance Program, Southern Heritage Places Development Plan Amendment.
Jake McVicar

Co-ordination, assessment and facilitation of numerous economic development projects including:

- Various Renewable Energy Projects (wind farms, solar farms)
- Various large scale Intensive Animal keeping Projects (poultry farms, piggeries)
- Adelaide University Wind Tunnel (only industrial scale wind tunnel in SA and second largest in Australia)
- Redevelopment of Fairview Park Shopping Centre ‘Fairview Green’ and Pasadena Shopping Centre ‘Pasadena Green’
- Numerous ‘On The Run’ sites
- Telecommunications facilities
- A variety of development types along the River Murray corridor
- Land divisions

Represented the Mid Murray Council in the Environment, Resources and Development Court.

Member of the winning Mid Murray Council team in the 2015 LG Professionals Rural Management Challenge.

Independent Member, Riverland Regional Assessment Panel, 2016 – present.

Forming and maintaining of extensive networks and professional relationships throughout Local and State Government and related fields and organisations.

Employment History

Mid Murray Council

June 2018 – Present
Director – Development & Environmental Services
Reporting to Chief Executive Officer

Roles and Responsibilities:

- Responsible for the operation and direction of the Development & Environmental Services Team including:
  - Development Officers (Planning and Building);
  - Environmental Health Officers;
  - Regulatory Services Officers;
  - Building Maintenance Officer; and
  - Customer Service Staff.

- Pursuing the strategic direction of Council
- Departmental budgeting
- Representing the Department at Council meetings
- Representing the Department at Senior Management Team meetings
Jake McVicar

- Assessment Manager – Council Assessment Panel

**May 2017 – June 2018**
Manager – Development Services  
Manager – Health Services  
Reporting to Acting Director – Development & Environmental Services

**Roles and Responsibilities:**

- Responsible for the following staff:
  - 2 X Development Officer – Planning
  - 2 X Development Officer – Building
  - 3 X Environmental Health Officers
  - 2 X CWMS Maintenance staff
  - Casual staff / Consultants
- Overseeing Council’s Development Assessment Functions;
- Progressing Council’s Development Plan Amendment program;
- Overseeing of Council’s Environmental Health functions including:
  - Wastewater applications;
  - Liquor licensing;
  - Food inspection;
  - Mosquito control; and
  - Immunisation program.
- Overseeing of Council’s Community Wastewater Management Systems of which there are 29.
- Management of Council’s Building Maintenance Program
- Management of relevant departmental budgets
- Assessment Manager – Council Assessment Panel
- Presenting reports to Council’s Assessment Panel
- Presenting reports to Council and Council Committees

**November 2012 – May 2017**
Senior Development Officer – Planning  
(Acting Manager – Development Services as required)  
Reporting to Manager – Development Services

**Roles and Responsibilities:**

- Assessing a range of development applications in areas including:
  - Residential
  - Commercial
  - Industrial
  - Rural (Intensive animal keeping)
  - Development along the River Murray
  - Land Division
  - Non-complying
- Undertaking site inspections where necessary
- Assisting with formulation of planning policy
- Presenting reports to Council’s Development Assessment Panel
- Presenting reports to Council
Jake McVicar

- Representing Council at the ERD Court
- Responding to both telephone and counter enquires in a timely manner
- Investigating issues to do with compliance and breaches of the Development Act
- Responsible for Graduate Development Officer- Planning
- Mentoring planning students from University of South Australia.

**Light Regional Council**

**July 2011 – November 2012**

**Development Officer – Planning**

**Reporting to Manager – Development Services**

Roles and Responsibilities:

- Assessing a range of development applications in areas including:
  - Residential
  - Commercial
  - Industrial
  - Rural
  - Land Division
  - Non-complying
- Undertaking site inspections where necessary
- Presenting reports to Council’s Development Assessment Panel
- Presenting reports to Council
- Responding to both telephone and counter enquires in a timely manner
- Investigating issues to do with compliance and breaches of the Development Act.

**QED Pty Ltd - Aurecon**

**June 2006 – July 2012**

**Urban Planner**

**Reporting to Team Leader of Planning**

Roles and Responsibilities:

- Preparing and delivering a range of planning statements, Development Plan Amendments and land use strategies
- Attendance and presentation at a number of Development Assessment Panel meetings within the State
- Project Manager of over $100K worth of projects.

Achievements:

- 86% individual productivity target
- Project Manager.
Contact Details

Jake Barry McVicar

Education

2007 - Bachelor of Urban and Regional Planning - University of South Australia
2003 - South Australian Certificate of Education – Xavier College, Gawler Belt

Training and Development

- Registered Planner (Planning Institute of Australia)
- Level 1 & 2 Accredited Professional
- Attendance at various ‘professional development’ events including:
  - Norman Waterhouse seminars;
  - State Planning seminars;
  - National Planning seminars;
  - Country Planning Officers Group meetings and seminars;
  - Various other training seminars organised by the Planning Institute of Australia and the Local Government Association.
- Year 12 House Captain
- Young Leaders Development Course, 2003

Associations

Corporate Member/Registered Planner of the Planning Institute of Australia (PIA)

Country Planning Officers Group (CPOG)
Referees

**Mr Gavin Leydon**  
Partner  
Norman Waterhouse

**Mr Ben Scales**  
Chief Executive Officer  
Mid Murray Council

**Mr Geoff Parsons**  
Manager – Development & Regulation  
Rural City of Murray Bridge  
Presiding Member – Adelaide Hills and Playford CAP’s
24 May 2020

Mr Gary Mavrinac  
Director, Development and Environmental Services  
The Barossa Council  
PO Box 867  
NURIOOTPA   SA   5355

Via email: barossa@barossa.sa.gov.au

Dear Mr Mavrinac,

Expression of Interest  
Independent Member of The Barossa Council Assessment Panel

Please except my Expression of Interest to be a member of the Barossa Assessment Panel.

I have a passion for planning and I am committed to facilitate sound planning outcomes for local communities. I have a profound interest in land use and built form outcomes, as they are important for the future growth of the communities that would be located.

My career comprises 21 years in Local Government, where during this time I have obtained considerable knowledge through various sectors.

I am a qualified planner, currently employed at City of Prospect. Prior to my current role, I was employed with the Clare & Gilbert Valleys Council, where I obtained extensive knowledge of planning matters relating to rural communities and townships.

Throughout my planning career, I have a thorough understanding of the Development Act 1993, the Development Regulations 2008, the procedure for assessing development applications, and ensuring that proposed developments are consistent with the intent of Council’s Development Plan (or Better Development Plan). I have a sound understanding of the role and responsibilities of Council’s Assessment Panels, Government Agencies, and the general community. I am also familiar with the Planning and Design Code and the change of legislation through the Planning, Development and Infrastructure Act 2016.

I am a Full Member of the Planning Institute of Australia, and I am currently enrolled to become a Registered Planner. I have attached a copy of my CV which provides referees and a detailed description of my qualifications and experience relevant for this role.

I would provide an effective and positive perspective to the BAP and I look forward to having an opportunity to meet with you, to further discuss how I can contribute to The Barossa Council’s vision.

Yours sincerely,

Susan Giles

Encl.
PROFILE

A high achiever who has obtained considerable knowledge after 21 years in local government. An ambitious individual, dedicated to continuous improvement and customer satisfaction. An intelligent and likeable person who is determined to “make a difference” in the local government and private sector environment.

In 2019 I was the Team Leader for City of Prospect’s LG Professions Management Challenge, and I have been selected by Council’s Executive Leadership Team to represent City of Prospect in the 2020 Emerging Leaders Program.

PERSONAL DETAILS

NAME: Susan Giles

ADDRESS: Woodville North SA

TELEPHONE: [redacted]
CAREER SUMMARY

- City of Prospect - Development Officer, Planning  
  August 2010 – Current

- Clare & Gilbert Valleys Council - Development Officer, Planning  
  June 2008 – July 2010
  - Trainee Development Officer, Planning  
    Dec 2006 – June 2008
  - Administration Officer, Environmental Services Department  
  - Customer Service/Administration Officer  
    June 2000 – Aug 2002
  - Office Trainee (Front Counter/Administration)  
    June 1999 – June 2000

EDUCATION/PROFESSIONAL DEVELOPMENT

- 2020  
  2020 Emerging Leaders Program

- 2019  
  City of Prospect’s LG Management Team (Team Leader)

- 2017 – Current  
  Building Design Drafting, TAFE SA
- May 2017  
  Acting Senior Planner, City of Prospect

- October 2015  
  Acting Manager Development Services, City of Prospect

- 2009 – 2010  
  Graduate Diploma in Urban & Regional Planning, University of SA

- 2008 – 2009  
  Graduate Certificate in Building & Planning, University of SA

- 2006  
  Certificate IV in Local Government (Planning), Murray Institute of TAFE SA

- 2002 – 2004  
  Certificate IV in Business (Administration), Murray Institute of TAFE SA

- 2001  
  Certificate II in Business (Administration), Murray Institute of TAFE SA

- 1997  
  TRAC Program – (Training Retail And Commerce) Office Training
  TRAC Placements – Clare District Council
  Clare Medical Centre
  LJ Hooker Clare Valley
  Clare & Gilbert Valleys Council

- 1997  
  Business Studies

PERSONAL ATTRIBUTES

- Have an enthusiastic approach in the execution of duties
- Selected by City of Prospect Executives to participate in 2020 Emerging Leaders Program
- Participated (and was Team Leader) in City of Prospect’s 2019 LG Management Team
- Staff representative on the Staff Reference Group for the new Council Office Building
- Panelist for several Interview Panels for employment at City of Prospect
- Master of Ceremonies at Full Council Staff Meetings (2014, 2015 and 2016)
- Full Staff Meetings Committee Member (2013-2018)
Communications Officer for Work Health Safety Committee for City of Prospect
WHS Committee Member for City of Prospect
Bully and Harassment Contact Officer for City of Prospect
Ability to deal with problems or queries in a calm and professional manner
Possess high level of enthusiasm
Possess a high level of customer service
Have a sound working knowledge of the following:
- Development Act 1993
- Development Regulations 2008
- Local Government Act 1999
- Environment Protection Act
- The Better Development Plan format
- Development Plan format
- ERD Court procedures
- Council Assessment Panels
- Knowledge of the legal system and law as it applies to planning legislation
- Comprehension of the dynamics of Local Government affairs and Local Government relationship with State Government
Work well as part of a team and/or independently
Maintain confidentiality
Maintain decision making ability whilst also being able to carry out instructions of supervisor/s
Prioritize and plan work to meet deadlines
A mature and friendly personality
Willingness to increase Personal Development
Implemented and operate the Social Club for City of Prospect employees
A South Australian Class C Driver’s Licence

CAREER DETAILS

EMPLOYER: CITY OF PROSPECT

Position: Development Officer, Planning
Description: Provide high level support to the Manager Development Services through receiving planning applications and conducting assessments.

Provide technical and professional advice in relation to planning matters in the Council area, including ensuring compliance with relevant legislation.

Planning assessments include, but not limited to, change in land use, medium-high density dwellings (4-5 storeys residential flat buildings and mixed use buildings and 3 storey dwellings), bulky goods outlets, commercial land uses, land divisions, residential development, and Historic Conservation Zones.

Duration: August 2010 – Current
Responsibilities: Details can be provided

EMPLOYER: CLARE & GILBERT VALLEYS COUNCIL

Position: Development Officer, Planning
Description: Provide high level support to the Principal Planner/Manager Environmental Services through receiving planning applications and conducting assessments.
Provide technical and professional advice in relation to planning matters in the Council area, including ensuring compliance with relevant legislation.

Planning assessments included, but not limited to, residential developments, change in land use, chicken farms, horticulture, viticulture, hay sheds, non-complying developments, land divisions, animal keeping, light industry, commercial land uses and State Heritage Townships.

Duration: December 2006 – July 2010

Responsibilities: Details can be provided

**TRAINING/SEMINARS/NETWORKING**

- Emerging Leaders Program 2020 – Commencing 4 June 2020 2020
- PIA PLANET 2020 – Effective Verbal Communication – How to deliver your planning opinion to panels, applicants, clients and the community 13 February 2020
- SA LG Professionals, Management Challenge 2 May 2019
- LG Professionals, SA Women’s Network Conference: ‘You Got This’ 15 November 2019
- Planning Reform Seminar, LGA of SA 8 November 2019
- Planning Development & Environment Master Class 2019, Norman Waterhouse 18 October 2019
- SA Planning Institute of Australia State Conference 14 June 2019
- Incident Investigation Training, LGRS 4 July 2019
- SCAP Operating Procedures Workshop 2 April 2019
- High Performing Teams, LG Professionals Australia SA 18 March 2019
- Powerful Business Writing, LG Professionals Australia SA 25 February 2019
- Cyber Awareness, Education and Training, Diamond Cyber Security 6 February 2019
- FACETS: Success at Work Profile®, Stillwell Management Consultants 19 February 2019
- Community Engagement Charter, DPTI 14 November 2018
- LG Professionals, SA Women’s Network Conference; ‘Reaching Your Full Potential’ 2 November 2018
- Planning Development & Environmental Master Class 2018, Norman Waterhouse Lawyers 12 October 2018
- PIA Breakfast Event: “On the Couch’ with Hon. Stephen Knoll 8 August 2018
- Internal Audit Review Training, LGRS 5 July 2018
- Case Law Update, Mellor Olsson Lawyers 31 May 2018
- URPS Apartments Breakfast Seminar 4 May 2018
- Auditor - Internal Audit of Plant at City of Prospect Depot 20 April 2018
- Business Chicks Breakfast with Lisa Wilkinson, Hilton Adelaide 26 March 2018
- Managing Challenging Client Interactions and Work Related Trauma, Human Psychology 8 March 2017
- Land Contamination Seminar, Wallmans Lawyers 21 February 2018
- SA Planning Institute of Australia State Conference 13 February 2018
- Internal Auditor Training 7-8 March 2018
- Master of Ceremonies at Full Council Staff Meetings 2014, 2015, 2016
- Confidence & Assertiveness, Platforms for Effective Negotiations, LG 1 September 2016
- The Cases Every Planner Should Know, Mellor Olsson Lawyers 5 May 2016
- Planning for Emergencies in Facilities (Fire Safety (Fire Extinguishers)), AusCompliance Training 7 March 2016
- Manual Handling Training, CHG 18 Nov 2015
- Level 3 Initial Two Day Refresher HSR (Health and Safety Representative) Training Course, Job Safe SA 12-13 Nov 2015
- Level 2 Three Day Refresher HSR (Health and Safety Representative) Training Course, Job Safe SA Nov 2014
- Work safely at heights, Fire & Safety Australia 28 October 2014
- Norman Waterhouse Annual Local Government Conference 8 August 2014
- Preventing & Managing Workplace Bullying, Harassment & Discrimination, City of Prospect 19 June 2014
- The Cases Every Planner Should Know, Mellor Olsson Lawyers 15 May 2014
- Heritage Planning Masterclass, LGA of SA 16 April 2014
- Level 1 Initial Five Day HSR (Health and Safety Representative) Training Course, Job Safe SA 25-29 Nov 2013
- WHS Committee Training, Job Safe SA 13 May 2013
- Achieving ‘Livability’ and Managing Noise Conflicts in Greater Metropolitan Adelaide, Kennedy Jones Lawyers 6 May 2013
- Trees and the Law, Norman Waterhouse Lawyers 20 April 2012
- Development Act Enforcement Basics, LGA of SA 15 April 2011
- Safer Manual Handling Course, C&GV Council together with Better Bodz exercise studio 28 October 2009
- Precision in Decision, PIA of SA together with Wallmans Lawyers 24 July 2009
- St John First Aid Session, St John Ambulance Australia 21 April 2009
- Residential Development Code Implementation, LGA of SA 7 April 2009
- Report Writing – Communicating Effectively, LGA of SA together with Australian Institute of Management (AIM), SA 12 May 2009
- DAP Workshop – Development control system & Development Act approval process, C&GV Council together with Norman Waterhouse 25 February 2009
- Managing Liquor Licensing Applications, LGA of SA 13 Nov 2008
- Land Division Workshop, LGA of SA 16 June 2008
- Biodiversity Toolkit Workshop, Northern & Yorke NRM Board 14 May 2008
- Threatened Species Information Seminar, Dept Environment & Heritage 6 February 2007
- System Indicators, Development Act & Regulation Changes & other Planning & Development Questions – Information Session, Planning SA/LGA 17 March 2006
- Fire Awareness Training, C&GV Council 28 Sept 2005
- Ergonomics Training, C&GV Council July 2005
- MapInfo Upgrade to V8 version, Tonkin Engineering June 2005
- EDALA Upgrade session, Planning SA 29 April 2005
- MapInfo Professional Level 1 User Course Version 7.5, Tonkin Engineering 1 & 2 April 2004
- Assess Minor Applications for Use of Building Applications, LGA of SA 11 February 2004
- Personal Development for Juniors, LGA of SA 25 March 2003
- Customer Service Improvement & Change, LGA & MacDonald’s Human Resource Development Consultancy
- Building on your Achievements, C&GV Council together with MacDonald’s Human Resource Development Consultancy July 2003
- Prepare Council Meeting Agendas & Minutes, LGA of SA 19 Nov 2003
- Clerical Processing (Office Administration) Level 2, ARC (Accreditation and Registration Council of SA) October 2000
- 12 Month Local Government Traineeship 1999-2000
- Year 12 SACE (South Australia Certificate of Education) 1998
- TRAC Passport (High Distinction) 1998
- Business Studies Course, Murray Institute of TAFE 1997

PERSONAL INTERESTS

- Sports
- Architecture
- Travelling
- Reading

REFEREES

Mr Darren Starr
Leading Edge Town Planners Pty Ltd
Director & Registered Planner (RPIA)

Mr Nathan Franklin
Strategic Policy Planner, Mt Barker Council

Mr Nathan Cunningham
Director Planning and Community
City of Prospect

Mrs Carly Broadbent
Previous Administration Officer at City of Prospect
8th May 2020

Mr. Gary Mavrinac
Director Development and Environmental Services
The Barossa Council
PO Box 867
NURIOOTPA SA 5355

Dear Gary,

Re: Expression of interest- Independent Member Barossa Assessment Panel

I wish to express interest in the vacancy for Membership of the Barossa Assessment Panel (BAP). At the time of writing I am currently the Manager Environmental Services and Major Projects at Berri Barmera Council and have in excess of 25 years Local Government experience including two years working for Barossa Council and a further 10 years with private enterprise in major infrastructure development. I am a Registered Planner and hold tertiary qualifications in Environmental Health, Economics and Planning. My experience includes working in both urban and rural environments and I have a strong understanding of the planning related issues faced by The Barossa Council. I am also an Independent Member on the Rural City of Murray Bridge Council Assessment Panel. Please note I have moved permanently back to Lobethal having completed a five year contract with Berri Barmera Council. I commence employment with The Coorong Council in June as Development and Environmental Services Coordinator.

I would bring a wealth of experience to the Barossa Assessment Panel along with a very fair and balanced approach. I am very familiar with the Council district having worked for Council and being a resident of the eastern Hills. Importantly I have significant experience as a Planner in both Local Government and the Private Sector. I am very confident that my skills and experience support my ability to critically assess all types of Development Applications and in particular the more complex applications which are referred to BAP.

If successful in being accepted as a Member of Barossa Assessment Panel I would easily be able to coordinate associated responsibilities and meeting attendance and can assure you I would be a highly reliable Member. I am accredited at Levels 1, 2, 3 & 4 under provisions of the Planning and Development Act 2016 as evidenced by attached DPTI Accreditation Certificate.

My resume including contact details is attached for your perusal. I am happy to provide further information should you have any queries and can be contacted at any time on [redacted] or at

Yours sincerely,

[Signature]

MYLES SOMERS
CERTIFICATE OF ACCREDITATION

Pursuant to Regulation 16 of the Planning Development and Infrastructure (Accredited Professionals) Regulations 2019 this is to certify that

Myles Somers

Is accredited at the Accredited Professional Planning Level 1, 2, 3 and 4

for the period

1 July 2019 to 30 June 2020

Subject to such condition/s pursuant to Regulation 17 as specified on the Accredited Professionals Register on the SA planning portal
Dear Gary,

**RE: EXPRESSION OF INTEREST – INDEPENDENT MEMBER OF THE BAROSSA ASSESSMENT PANEL**

I refer to the Barossa Council’s expression of interest for an Independent Member to sit on the Barossa Assessment Panel (BAP) and wish to nominate for this position. I have a strong background and keen interest in planning for peri-urban and rural areas and believe that I will be able to provide a positive contribution to the Barossa Council’s BAP.

I have set out my qualifications, knowledge and experience relevant to the position within this letter. I have also attached a summary CV which outlines my professional history.

1.0 Qualifications

I have a Bachelor of Arts (Planning) gained through the University of South Australia in 1996. I also have a Graduate Diploma in Environmental Studies gained through the University of Adelaide in 1997.

I am a Corporate Member of the Planning Institute of Australia and am also a Certified Practising Planner.

I am also an Accredited Professional – Planning Levels 1, 2, 3 and 4 in accordance with the South Australian Accredited Professional’s Scheme.

2.0 Knowledge and Experience

I have worked continuously in the planning profession for the last 23 years which has provided me with extensive experience in both the private sector and Local Government. More specifically, I have a wide range of skills and expertise across all areas of planning including development assessment and strategic planning policy. In addition, I have appeared numerous times as an expert witness before the Environment Resources and Development Court.

In terms of my development assessment experience, I have assessed a wide variety of applications including land divisions and non-complying development as well as residential, commercial, industrial and agricultural proposals. I have undertaken this assessment while in the employ of various Councils and also as a Planning Consultant providing ‘in-house’ planning advice to local Government. This has included a number of peri-urban and regional Councils such as the Adelaide Hills Council, the District Council of Franklin Harbour, the Port Augusta City Council and the Coorong District Council.

I have also provided (and continue to provide) development assessment advice to a wide range of private sector and ‘not for profit’ developers. Most recently, I played a key part in the roll out of a major retailer across South Australia. I was also instrumental in gaining approvals for
large greenfield developments in Mount Barker and Gawler as well as significant residential infill developments in inner suburban areas such as Bowden and Norwood.

I have also prepared many Development Plan Amendments (DPAs) for numerous Councils and private developers. Of particular relevance to the Barossa Council, I have prepared strategies and DPAs to manage the future growth of a number of regional towns including, Murray Bridge, Port Augusta and Clare. I am currently working with the Alexandrina Council to prepare a DPA to guide future growth in the Goolwa North area.

I also have a strong understanding of the forthcoming new planning system having been involved in the drafting and ‘road testing’ of sections of the new, state-wide, Planning and Design Code.

3.0 Professional History

During my career, I have held senior roles as a planning consultant at Hassell, URPS, Ekistics Planning & Design and now as a Director of Planning Studio. These roles have required the provision of detailed and accurate advice to a range of clients, including the development industry, local Councils, not-for-profit organisations and State Government Agencies.

My private sector experience has been complemented through my local Government work where I previously managed the Planning Department at the Rural City of Murray Bridge and, before that, I managed the Planning Policy functions of the Adelaide Hills Council. These experiences have given me a first-hand understanding of the environment within which local Councils operate and the particular pressures that they face.

I have attended and presented at numerous CAPs as well as the State Commission Assessment Panel (SCAP). I have also written many Agenda Reports and Planning Statements which have assisted CAPs and the SCAP with their decision making functions.

4.0 Conclusion

Thankyou for the opportunity to submit this expression of interest to sit on the Barossa Council’s BAP as an Independent Member. As mentioned, I believe that I have the necessary skills and experience to provide a positive contribution to the BAP and, more broadly, to the community of the Barossa Council.

I look forward to hearing from you and would be pleased to provide additional information if required. I can be contacted on [Contact Information]

Yours sincerely

Kieron Barnes | MPIA | Director
Appendix A

Curriculum Vitae
Kieron Barnes

Director
BA (Planning), GRAD DIP ENV STUDIES, CPP

Expertise
— Strategic Planning
— Policy Planning
— Development Assessment
— Development Advice

Professional History
Kieron is an Accredited Professional (Planning Level 1, Assessment Manager) and a Certified Practising Planner with a diverse background in both the private sector and Local Government. During his 23 years as a planning professional, Kieron has developed particular strengths in the following areas:

— Advanced strategic and statutory planning skills developed through the preparation of numerous Development Plan Amendments and strategic plans;
— Excellent development skills, including the preparation of planning reports for Development Assessment Panels and Expert Witness Statements for the Environment, Resources and Development Court;
— Strong management experience, demonstrated through his previous role as the Planning Manager at the Rural City of Murray Bridge; and
— Excellent communication skills with the ability to listen effectively and act on this information.

During his career, Kieron has held senior roles as a planning consultant at Hassell Pty Ltd, URPS, Ekistics Planning and Design and now at Planning Studio. These roles have required the provision of detailed and accurate advice to a range of clients, including the development industry, local Councils, not-for-profit organisations and State Government Agencies.

Kieron is a well-rounded planning professional with particular strengths in the development of planning policy, including the preparation of growth area studies for urban and regional areas.

Kieron also has significant experience in the assessment and facilitation of development applications, having provided ‘in-house’ advice to a number of Councils, while also providing advice to the private sector in relation to a wide range of development proposals including large-scale land divisions, non-complying applications and retail development.

Kieron’s private sector experience has been complemented through his local Government work where he has managed the Planning Policy functions of the Adelaide Hills Council and managed the Planning Department at the Rural City of Murray Bridge. These experiences have given Kieron a first-hand understanding of the environment within which local Councils operate and the particular pressures that they face.

Kieron’s skills in development assessment have been ‘sharpened’ through numerous appearances in the Environment, Resources and Development Court where he has provided expert planning evidence to assist the Court with its deliberations.

Qualifications
Bachelor of Arts (Planning) – University of South Australia
Graduate Diploma Environmental Studies – University of Adelaide
Certified Practising Planner
Accredited Professional – Planning Levels 1-4

Affiliations
Corporate Member of the Planning Institute of Australia
Summary:

I was born in Horsham on 6th January 1953 and grew up in the Wimmera region on the family farm at Laharum with my parents, two brothers and two sisters.

I have over 40 years’ experience in Local Government as can be seen by my work history. During this time I have been involved with all aspects of Planning and Engineering.

I recently retired from work with the Loxton Waikerie Council (18 Jan 2019) and am enjoying life in Loxton.

I am still a member of PIA.

I am in the process of obtaining the necessary level 2 accreditation, prior to 1st July 2020, through the SA Planning Authority.

Council Assessment Panels – Membership

At present I am an Independent member of the Southern Mallee and Goyder Council Assessment Panels.

Work History:

2004 - 2019 Senior Town Planner, District Council of Loxton Waikerie (SA)

- Responsible for: Town Planning
- Processing Planning Permits and Land Divisions
- Amendments to Planning Schemes
- Reports to Council’s Riverland Regional Development Assessment Panel
- Knowledge of relevant Planning & Development Acts
- Strategic Direction reviews

2000 - 2004 Town Planner, Horsham Rural City Council (Vic)

- Responsible for: Town Planning
Processing Planning Permits & Subdivisions
Plan checking
Maintaining Planning Permit Register
Amendments to the Planning Scheme
Municipal Strategic Statement review
Knowledge of the Planning & Environment Act 1987

1998-2000 Building/Planning officer, Yarriambiack Shire Council (Vic)
Qualified as Building Inspector

1995-1997 Assistant Design Engineer, Hepburn Shire (Vic)

1989-1995 Assistant Engineer, Shire of Creswick (Vic)

1975-1989 Assistant Engineer, Shire of Donald (Vic)

Professional Memberships:
I am a Registered Planner with the Planning Institute of Australia Member No. 9192
I am no longer a member of The Institute of Engineers, Australia or APESMA

Qualifications
Diploma of Civil Engineering No.1224 The School Of Mines And Industries Nov 1975 (Now Ballarat University)

Graduate Diploma in Rural and Regional Planning – Latrobe University May 2004
29 May 2020

Dear Mr McCarthy,

**RE: EXPRESSION OF INTEREST, INDEPENDENT MEMBER BAROSSA ASSESSMENT PANEL.**

I write in response to the call for Expression of Interest for Independent Members of the Barossa Assessment Panel. My name is Jane Evans, and I have been involved in health care for 20 years, and a practising lawyer over a period of 10 years.

I have lived in the Barossa Community on a livestock property, for over 20 years with my husband Michael Evans, a grazier, whose family have been farming in the Barossa Valley since the 1850’s.

I have a background and experience with working within legislative frameworks, drafting legal documents, and representation of cliental in litigation. Whilst working in general practice for several years in a local Barossa law firm, I practiced in several areas of law, one of which was conveyancing. I was required to facilitate land transfers whilst working in general legal practice.

I also hold a keen interest in planning, and the future of our Barossa region. In September 2019, I initiate and co-facilitated the Barossa Community Water Forum. I wanted to assist the Barossa Community to connect with their Federal, State and local representation, through a positive, collaborative forum. My objective was to facilitate an open discussion with the community and their representatives and advocates, in a positive way, so that discussion could lead to identifying general needs, concerns, hopes and suggested innovations for the long and short-term future, with regards to water security and sustainable use. I then wrote a Barossa Community Water Forum summary, which illustrates the community’s general ideas, and suggested future innovations that they would welcome as a general community. I continue to assist both PIRSA, SA Water, together with BGWA and local agricultural producers, to help collect data, which is contributing with planning for a future of infrastructure and improved water security for our Barossa Region.

I have contacted the Planning Accredited Professionals Scheme, and have been informed that with my qualifications, experience, and membership of The Law Society of South Australia, I should be able to be accredited at Level 2, under the Accredited Professionals Scheme.

I thank you for your consideration.

Kind Regards,

Jane Evans.
CURRICULUM VITAE

JANE EVANS

MAY 2020
NAME: Jane Warburton Evans

ADDRESS: “Wootoona”
143 Karra Yerta Rd
Flaxman Valley
South Australia 5235
PO Box 230
Angaston
South Australia 5353

TELEPHONE: 0412 500 752
(08) 8565 3222

EMAIL: wootoona@bigpond.com

DATE OF BIRTH: 10 April 1969

FAMILY: Married
Two Children

NATIONALITY: Australian

ACADEMIC ACHIEVEMENTS:
Bachelor of Laws and Legal Practice
Graduate Diploma in Legal Practice
Bachelor of Nursing
Diploma in Applied Science – Nursing

LEGAL EXPERIENCE:

• Liquor licensing,
• Dispute resolution,
• Personal injury,
• Medical negligence,
• Farming and succession planning,
• Debt recovery,
• Conveyancing,
• Criminal law,
• Wills, estates and probate.
• Dispute resolution, negotiation and mediation.
• Litigation Tanunda Magistrate’s Court, the Adelaide Magistrate’s and District Courts.
• Attended numerous client interviews and mediations,
• Conciliation conferences,
• Drafting court documents,
• Legal research: The Law Society, Supreme Court, Industrial Court, the Adelaide and Flinders University Libraries.
• Court registry searches in the District and Supreme Courts.
LEGAL EXPERIENCE (CONTINUED:)


Insurance Law, specializing in medical negligence, areas of legal practice:
- Insurance law, medical negligence, coronial inquiries, general commercial law.
- Attendance of legal education workshops and seminars.
- Litigation and mediation in Adelaide Magistrates & District Courts.


NURSING EXPERIENCE


1996 - 90 Dr David Hamilton
General Surgeon
69 Finniss St,
North Adelaide 5006
Day Surgery Unit.

1995 High Wycombe Hospital
South Buckinghamshire
NHS Trust
UNITED KINGDOM
Intensive Care Unit

1992-94 Calvary Wakefield Hospital
300 Wakefield St,
Adelaide, SA, 5000.
Intensive Care Unit
High Dependency Unit

1989 – 91 Flinders Medical Center
Flinders Drive,
Bedford Park SA 5042.

Graduate Nurse Program
Orthopedics
Respiratory and HIV
High Dependency Unit
Intensive Care Unit, 18 months
TERTIARY EDUCATION

2000 - 2001
University of South Australia
Graduate Diploma of Law and Legal Practice
Completed 2001

1996 – 1999
The Flinders University of South Australia
Sturt Road Bedford Park, SA, 5042.
Bedford Park
SA
Bachelor of Laws and Legal Practice
Completed 2000

1994
The University of South Australia
North Terrace,
Adelaide, SA, 5000.
Bachelor of Nursing
Completed 1994

1987 – 1990
The South Australian Institute of Technology
North Terrace,
Adelaide, SA, 5000.
Diploma in Applied Science- Nursing
Completed 1990

SECONDARY EDUCATION
Walford Anglican School for Girls
316 Unley Road,
Hyde Park,
Adelaide, SA, 5061.

PERSONAL STRENGTHS
Communication skills both written and verbal
Interpersonal skills
Organizational skills
Word processing & drafting skills

INTERESTS
Barossa Community
Water security and sustainability
Environmental health
Community Health
Agriculture
Music – violin and singing
Equestrian, Natural Horsemanship
EXTRA-CURRICULAR ACHIEVEMENTS

2020  I met with Mayor Lange and discussed the possibility of installation of water tanks on the Eden Valley Oval, as a resource for emergency water access, and for livestock and domestic assistance for the Barossa Community of Eden Valley. I identified a tank manufacturer who was pleased to assist the community, and offered quotations for a reduced rate for provision of the materials and attachments. This proposal is currently under consideration by The Barossa Council.

2020  The Barossa Community Water Forum Summary. This is my summary of the Barossa Community’s opinions, concerns, needs, short and long-term solutions, challenges and objectives, regarding water security and water sustainability for the future. This information was collected from two independent ‘Survey Monkey’ surveys that I created, and the community feedback session at the Water Forum.

2020  I voluntarily assisted Barossa Grape Wine Association, and SA Water, to assist to connect these industry bodies with local primary producers, who needed access to an external water source, for the purposes of data collection. I contacted about 25% of the overall respondents from other rural enterprises other than solely irrigation, and was a source of contact to assist with data collection about water security and future needs for water use in our Barossa region. This information is now being further investigated, and is being used to assist SA Water with future hydraulic modeling and mapping for our region.

2019  Life Coaching course

2019  Initiator and co-facilitator for the Barossa Community Water Forum – over 150 attendees, with Federal, State and Local Government representation as well as industry experts and leaders. My work was all voluntary.

2018  Farm Owners Academy
EXTRA-CURRICULAR ACHIEVEMENTS (continued:)

2017 Australian Wool Network affiliation, “Wootoona” (our property,) and our merino wool product has worked together with a group of Barossa producers. We created a ‘Barossa Brand’ of Merino Wool. I volunteered my time to assist launch the “Barossa Merino Brand,” collaborating with the “Australian Wool Network.”

2016 National LAMBEX Conference

2016 Pasture Principles conference, Rural Directions.

2014 Competed in the Masters Games, equestrian, Clare, SA, 1 gold and 6 silver medals.


2008 Development of a company, “Wrapped with Love,” creating a baby wrap design for newborn babies. Production of a website, brochures and information, negotiating with Specialists for endorsements, drug dependent baby trials in Lyell McEwin Hospital, Women’s and Children’s Hospital. Sold the Company in 2012.


2005 Strategic Focus Rural Management Course, Resource Consulting Services.


1991-94 Extensively traveled through Europe, America, Hong Kong, and within Australia.

1987 Diploma Prides Business College Typing and word processing skills

1986 Selected for the International Youth Orchestra, performed the Violin and voice at the Sydney Opera House
MEMBERSHIPS

The Water Allocation Advisory Committee, Board Member.
The Barossa Health Advisory Council, Board Member.
The Law Society of South Australia.
The South Australian Cricket Association.
The Walford Anglican School for Girls Incorporated Old Scholar’s Association.

REFEREES

Mr Brenton Miegel
Partner
Teusner Lawyers
4 Elizabeth Street,
TANUNDA, SA, 5352.
Ph: [Redacted]

Dr Kate Oaten
Klemzig Medical Centre
78 OG Road,
KLEMZIG, SA, 5087.
Ph: [Redacted]
24 May 2020

Director
Development & Environmental Services
The Barossa Council

Mr Gary Mavrinac

Re: Barossa Assessment Panel

Dear Sir,

Please accept my expression of interest for Independent Member for the Barossa Assessment Panel.

My previous positions within local government as a Development Assessment Officer have demanded a high level of customer service and a working knowledge of the relevant legislation, codes and standards to be able to advise, assess and inspect varying types of applications. As well represent Council in the ERD Court. Due to the diversity of areas I have worked in, I have had the pleasure to be involved in some of the more interesting planning and building applications which may be politically sensitive or involve heritage buildings or zoning.

My work, together with additional team training, customer service training and a management course, have provided me with excellent customer service, team work and communication skills. Computer literacy is essential to maintain both systems and customer service and training has been undertaken to keep abreast of technological improvements when required.

I have included my work experience and work qualification for your perusal, however. I would be happy to discuss with you in more detail, the content of my resume, as well as to provide any further information you may require in assessing my suitability for the position.

I trust favourable consideration will be given of my application and look forward to a reply in due course.

Yours Sincerely

Paul Ainsworth
BACKGROUND EXPERIENCE

Having retired from working life in December 2019, I am keen to put my experience and qualifications to work for the betterment of my community. With a desire to become a valued and contributing member of the community, I am a supportive, reliable and hardworking team player who is both loyal and honest. Showing, I am able to complete all tasks according to time demands.

A self-motivated and enthusiastic person, I pride myself on my ability to work as part of a successful team as well as unsupervised. I am committed to producing a high level of quality work in line with the organisation’s goals and objectives.

My background is sourced from a practical and technical experience in the building industry, combined with substantial experience, education and management at Local Government level.

SKILLS AND EXPERIENCE SUMMARY

- Proficient with the Development Act and Regulations 1993, Building Code of Australia, SA Housing Code, Building Standards, as well as Councils Development Plan.
- Assessment and approval of both planning and building applications.
- Site inspection of structures at various stages during construction, including planning.
- Provide both building and planning advice, to Council, Councillors, building professionals, Master Builders, Architects, Developers and the general public.
- Writing reports for the Development Assessment Panel, Council and Development Assessment Commission.
- Investigate both Council and resident initiated complaints.
- Represent Council in, in-house dispute resolutions, ERD court hearings and the Development Assessment Commission reports and site inspections.
- Prepare evidence, written statements and reports for Council’s Lawyers/Solicitors, brief the legal team and act as an expert witness.
- Active member of Council Building Fire Safety Committee and Disaster Management Team
- Practical skills as a Carpenter and Joiner working on the tools.
- Building work supervision.
- General building work. ( New homes and extensions )

QUALIFICATIONS

- Qualified, Assistant Building Surveyor. ( Level 2)
- Certificate IV, Local Government Planning
- Certificate IV in Frontline Management
- Associate Diploma in Building Technology.
- Advanced Certificate in Building Technology. ( Supervision )
- Advanced Certificate in Building Technology. ( Estimation / Administration )
Paul Ainsworth

• Building Surveying Practices and Procedures.
• Various other relevant courses.
• Computer studies (various programs, including Word, Excel, and Authority)
• Trade Qualifications, Carpenter and Joiner.

Yours Sincerely

Paul Ainsworth

PAUL AINSWORTH
From: Bruce Ballatyne [mailto:bballantyne@internode.on.net]
Sent: Wednesday, 20 May 2020 4:54 PM
To: Gary Mavrinac <gmavrinac@barossa.sa.gov.au>
Cc: Louis Monteduro <LMontedu@barossa.sa.gov.au>
Subject: HPE CM: Barossa Council Assessment Panel Expression of Interest
Importance: High

The Director
Development and Environmental Services

Dear Gary

As the current Presiding Independent Member of the Barossa Assessment Panel, I register an Expression of Interest to be considered by Council as suitable to continue in that position beyond 30th September 2020.

I advise that I hold a current Certificate of Accreditation being an Accredited Professional Planning Level 2

Please contact me if you require further information.

Regards

BRUCE BALLANTYNE
B G BALLANTYNE & ASSOCIATES
Details of relevant experience, skills and knowledge

Hold the appropriate professional qualifications which would be relevant to the activities of the Development Assessment Panel

Since 1974 I have had been an active practitioner in the areas of rural and urban planning, land valuation, social planning and local government administration. During this period gained qualifications in Planning (Grad. Dip Town Planning-1983) and in Valuation (Valuation of Real Estate of Real Estate Certificate-1976). Currently hold membership of the Planning Institute of Australia and Australian Property Institute as a Valuer.

Practical experience and understanding of the operation of the assessment and decision making within Local Government.

I have held senior positions in Local Government being Planner and District Valuer (District Council of Light), District Valuer (District Council of Barossa), City Planner, Director of Environmental Services, Director of Community Services (City of Enfield). This provided extensive experience in provision of rural and urban planning and social planning within the framework of Local Government services.

Working in a relevant field of expertise and have extensive knowledge which would be of benefit to the Council Development Assessment Panel.

I have more recently been providing a range of services to Local Government as a consultant acting independently or as a part of a consultancy team. These services have been provided to the Local Government Association of South Australia and/or Planning SA, Adelaide Hills Council and the City of West Torrens. The services have included assessment of development applications, total review of council planning and development services, a review of development fees and contributions, a Country

**Special knowledge and experience of the Council area in which the Development Assessment Panel operates.**

I have worked in the Council area and the surrounding districts since 1974 and have been involved in and observed the changes that have taken place. I have an understanding of the challenges of township growth, preservation of local heritage, rural living, intensive animal keeping, urban growth and its effect on agricultural activities, viability and growth of agricultural activities from broad acre farming to the wine industry, the environment and the expansion of industrial and commercial enterprises.

**Presiding Member**

I have extensive knowledge and experience, being currently the Presiding Member of The Barossa Council, Riverland Regional, Regional Council of Goyder, Mid Murray, Light Regional Council and the Town of Gawler Development Assessment Panels. I am the holder of the appropriate qualifications and experience in a field that is relevant to the activities of the Development Assessment Panel as required by the relevant provisions of the Development Act to be a Presiding Member. I have extensive knowledge of the operations and requirements of the Development Act and Regulations.

Have the ability to make decisions and speak openly and confidently in a public environment. I have convened meetings and facilitating discussion with agenda ranging from local employment, regional strategic planning, real estate acquisition, provision of human services and opportunities for economic growth. I was appointed by the Minister for Education and Children’s Services to be Chairperson of a committee set up the future of three high schools in the Enfield area. Chairperson of the Northfield/Ingle Farm Human Services Planning Team which was formed to formulate the Northfield Community Plan for the new residential area of Regent Gardens. I have also been Chairperson of numerous Apex and Rotary committees. I have endeavoured to ensure that all members of the Committees were provided with an opportunity to contribute to the matters being addressed.
Future Professional Activities
If selected as a Independent Member of the Development Assessment Panel I would not accept any employment or contract work in the Council area where such activity would result in the submission of development application to the Council.
CURRICULUM VITAE
Bruce Ballantyne

Personal Information

Full Name: Bruce Gibson Ballantyne
Business Address: 29 Fourth Avenue, St Peters, South Australia 5069
Telephone: (08) 8362 1803
Mobile: 0409 697 901
E-mail: 

Academic Qualifications:
Graduate Diploma in Town Planning awarded by the South Australian Institute of Technology 1983.
Valuation of Real Estate Certificate awarded by the New South Wales College of External Studies (1976).

Membership of Professional Organisations
Corporate member of the Planning Institute Australia (PIA)
Corporate member of the Australian Property Institute (AAPI) –Practising Valuer.

Professional Experience:
South Australian Development Assessment Panels 2006 - present
Independent Presiding Member of The Barossa Council, Riverland Regional Development, Mid Murray Council, Regional Council of Goyder, Light Regional and the Town of Gawler Council Assessments Panels.

Planning Consultancy Services provided to the Local Government Association and/or Planning SA 2002 - present
Development Fees and Contribution Review
(The Review was undertaken by Bruce Ballantyne)
The Review and subsequent Report considered the existing range of fees and contributions as applied to the Development Act and Regulations. To determined the extent of cost recovery experience by Councils, Development Assessment Commission and Referral agencies. Reviewed the levels of fees and contributions and recommended proposed new fees having regard to improved cost recovery.

Country Planning Pilot
(Undertaken by Bruce Ballantyne and Garth Heynen)
A review of the current status of planning/development assessment of four country South Australian Councils was undertaken with a view to identifying a list of actions and services to be provided to each of the Councils. The Review considered the
Development Assessment Panels arrangements, delegations, budgets, use of external resources and department structures.

Planning Referral Agency Project  
(Undertaken by Bruce Ballantyne and Garth Heynen)  
A Report was prepared having compared the various methods that are currently being used to monitor referrals as they pertain to Plan Amendment Reports and development applications. Made recommendations on options to be undertaken both individually and collaboratively by Referral Agencies to refine and support current development application assessment process.

Development Assessment Panels Review and Council Survey  
(Undertaken by Bruce Ballantyne and Garth Heynen)  
Preparation of three LGA Fact Sheets addressing issues raised in the survey of Councils in respect of the then proposed changes by the State Government to the composition of Development Assessment Panels.

Sustainable Development Bills – LGA Response  
(Undertaken by Bruce Ballantyne and Garth Heynen)  
Updated the information held by the LGA on development assessment process of South Australian. Reviewed the development assessment process of a group of selected Councils, those Councils had been criticised by the Development Industry and certain Parliamentarians.

(Undertaken by Bruce Ballantyne and Garth Heynen)  
The Project Report provided  
- A clear understanding of the characteristics of development applications that are not assessed by officers acting pursuant to delegated authority.  
- Quantitative information about the time associated with segments of the development assessment and decision making process.  
- An understanding of differences in processes and decisions for “non-delegated” development applications.  
- Clarity in relation to the “myths” and “truths” associated with these development applications.  
- Indication of the elapsed times for the Plan Amendment Report process.  
- Commentary on opportunities for data recorded for System Indicators.

System Indicator Project  
(Undertaken by Brice Ballantyne and Garth Heynen)  
The Report provided  
- An identification of System Performance Indicators which would assist in the improvement and reporting of the South Australian Planning System.  
- The best format in which such Indicators could be recorded and collated.  
- Results from interviews with and other agencies which have a responsibility to provide System Performance Indicators on the provision of certain System Indicators.
Local Government Consultant 1997 – present

2006 & 2010 – Engaged as Election Consultant for the 2006 and 2010 Local Government Elections by Local Government Corporate Services (LGCS). Duties included liaising with the State Electoral Office to identify relevant Elections requirements for Postal Voting and co-ordinate the printing and supply of the materials.

2003 – 2008 Centrum Planning (Directors and review consultants Bruce Ballantyne and Garth Heynen) undertook a review of the Adelaide Hills Council planning and development service. Undertook extensive program of internal consultation (Council Members and officers), external consultation with applicants that had recently received a development application determination, quantitative and qualitative analysis and reviews of specific procedures and processes. The Report addressed resources issues, organizational and structural matters, procedural changes, strategic relationships and the Development Assessment Panel. The majority of recommendations from the Report have been implemented by the Council.

2002 – Locum Consultancy Planning Services to the City of West Torrens. Three and half months contract to provide assessment of development applications, prepare reports for the Development Assessment Panel and respond to development enquires.

1997 - 2010 Engaged as a consultant by the Local Government Association of South Australia and its associated entities. Work included:

- A review of the corporate and operational structures of the Council Purchasing Authority Pty Ltd
- Implementation of the recommendations from the review.
- Formation of a Purchasing Co-operative to undertake the purchasing and Council commercial services formerly provided by the Council Purchasing Authority Pty LTD.
- Appointed Acting Secretary and Manager of the Co-operative.
- Carried out a review of the accommodation requirements of the Local Government Association tenancy at Local Government House.
- During the design process and building works acted as Project Supervisor.
- Project Supervisor for the internal and external upgrade of Local Government House.
- Engaged as Project Supervisor by the Local Government Finance Authority to assist the upgrading their tenancy at Local Government House.
- Consultant and supervisor for the purchase by the LGA and fit out of new premises at 148 Frome Street and the sale and decommissioning of Local Government House Hutt Street.

Relevant Employment History

City of Enfield/City of Port Adelaide Enfield
1986 to 1996 employed by the then City of Enfield as the City Planner, Director of Environmental Services, Director of Community Development and Assets and Valuation Manager.

As the responsible senior manager integrated land use planning, building and health services together with community services into a new Environmental Services Department.
Responsible for the Integration of community services, libraries and recreation sections into a new Community Development Department.

Activities undertaken included:

- Senior management duties.
- Preparation and implementation of residential, commercial.
- Preparation of industrial strategic plans.
- Community needs studies and recreation plans.
- Council asset management.
- Property valuation (for rating, acquisition and sale purpose).
- Negotiation, preparation and maintenance of property leases.
- The development of culturally sensitive community services to large and diverse non-English speaking communities.

District Council of Light
1979 to 1986 employed as the Planner and District Valuer for the District Council of Light. Activities undertaken included development control, strategic planning, heritage studies and property valuation. Also the Light Council contracted Bruce Ballantyne to the District Barossa Council to act as District Valuer.

Other Relevant Experience:

Currently an Independent Review Valuer appointed under the provisions of the Valuation of Land Act to review valuations prepared by the Valuer-General.

Have been involved as:

- Chairperson of the Strategy Planning Committee, appointed by the then Minister for Education and Children’s Services. The Committee was formed to determine the future of Enfield, Northfield and Nailsworth High Schools.
- Chairperson of the Northfield/Ingle Farm Human Services Planning Team that produced the Northfield Community Plan for the new residential area of Regent Gardens.
- Member of the Advisory Committee on Planning Technical Sub-Committee
- Member of the various working groups for the Local Government Association of South Australia, including:
  - Commonwealth State Migration Committee - Strategic Planning Group.
  - Migrant Access Project Scheme Committee - Local Government Project.
- A joint instigator of the review of metropolitan planning strategies for Adelaide North West area.
- Member of the North West Strategy Plan Management Group.
- Member of the former Local Government Planners Association and past Chairman

Community Activities:

Current Member of the Rotary Club of St Peters, Past President, Paul Harris Fellow and held a number of positions including Chairman on Rotary District Committees.

Life Member and past District Governor of The Association of Apex Clubs of Australia.
Curriculum Vitae

Robert Veitch

Career Objective

Empower and strategically assist in leading the organisation (people/places - human, financial and physical resources), to bring benefit to the community

Effectively assist the organisation in delivering cost efficient and effective projects, good urban design outcomes, via good decision making and sound customer service

Lead timely policy development, to meet legislative requirements.

Skills, Knowledge & Experience

Leadership & Management

I lead Council’s Development & Community (DC) team, in the design and delivery of public realm assets, contributing to good urban design outcomes

I direct, advance and coordinate Council’s major urban developments

I am an active member of Council’s Executive Management Team and regularly chair management and other meetings

Supervise Council’s Development Services team for development assessment and strategic planning

Direct Council’s Regulatory team (Environmental Health, General Inspectorial, & Compliance), Economic Development, Library and Community Services staff

Econ. Development

Establish, manage and grow relationships with industry and government

Negotiate with major developers and landholders in planning and delivery of infrastructure, including Infrastructure Agreements and Deeds

Strategic Planning

Led Council in 2017 in the development of Council’s four-year Strategic Plan

Deliver annual plans and programs as part of four-year Strategic Plan

I lead policy development, implementation and review, via effective supervision and appropriate delegation

Finance

I effectively manage all available resources to deliver agreed business results, to agreed procurement delegation limit (currently $100,000)

Lead Council strategic business plans within various teams

Allocate resources and develop contingency plans for team performance

I have good financial management skills, working within annual budgetary controls, internal financial processes and Council’s four-year Financial Plan

Governance

I have confident written and verbal communications skills with Elected Members, the public, management and staff

I regularly provide balanced reports, policy advice and information to Council and Council committees

Excellent liaison and mediation skills. Extensive public speaking experience

I have represented Council in all forms of media and various judiciary forums.
Personal Qualities

I quickly develop an amicable rapport with people at all levels

I bring the best out in people, in both productivity and good working relationships

I am broad minded, eager to take on new challenges and apply myself.

Employment

<table>
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<tr>
<th>Position</th>
<th>Key Tasks</th>
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<tbody>
<tr>
<td><strong>Current</strong>&lt;br&gt;2016 - GMDC&lt;br&gt;Adelaide Plains Council</td>
<td>As General Manager Development and Community (GMDC), I am primarily responsible for ensuring Council’s statutory obligations in a development and regulatory sense and economic development. Acting CEO on occasions</td>
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<tr>
<td>I lead the Community, Development, Economic Development, Library, and Regulatory Services functions of Council</td>
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<tr>
<td><strong>2013 - 2016</strong>&lt;br&gt;Manager, DI&lt;br&gt;City of Playford</td>
<td>Led the delivery of Council’s Major Urban Projects, working with developers; to strategic objectives, annual business plans and programs</td>
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<td>Directed the planning and delivery of appropriate hard and soft infrastructure, with high level Urban Design outcomes achieved for people and places</td>
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<tr>
<td>Acting General Manager, Planning, Strategy &amp; Compliance as required</td>
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<td>Managed the preparation, monitoring, evaluation and reporting of DI annual budget and forward financial plans</td>
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<td>Led forums, committees and meetings for large urban development, relating to case management, civil and traffic engineering, and landscape architecture</td>
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<td>Undertook extensive liaison with and establish close working relationships with customers, stakeholders and external service providers</td>
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<td>Responded appropriately to issues of strategic importance, relating to the area’s future development</td>
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<td>Provided expert policy advice to Elected Members, Executive Team, staff and clients regarding infrastructure provision and development assessment</td>
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<tr>
<td>Established and grew relationships with developers, ensuring quality of delivery of major urban commercial and residential projects</td>
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<td>Managed all infrastructure and development related correspondence.</td>
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<tr>
<td><strong>2009 - 2013</strong>&lt;br&gt;Manager, PB&lt;br&gt;City of Playford</td>
<td>Led Council’s PB functions, working to strategic objectives, annual business plans</td>
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<tr>
<td>Set, managed and reviewed the annual PB budget and forward financial plans</td>
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<tr>
<td>Represented Council at various forums, committees and meetings relative to PB</td>
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<tr>
<td>Set up &amp; maintained good working relationships with customers and developers</td>
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<tr>
<td>Responded appropriately to PB issues, relating to the area’s future development</td>
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<tr>
<td>Provided expert technical advice to Elected Members, Executive, staff &amp; clients</td>
<td></td>
</tr>
<tr>
<td>Ensured quality development assessment, follow up and compliance occurred</td>
<td></td>
</tr>
<tr>
<td>Received and responded to all PB correspondence.</td>
<td></td>
</tr>
</tbody>
</table>
2002 – 2009  
Gen Manager, ES  
**Clare & Gilbert Valleys Council**  
1997 – 2002  
**Wakefield Regional Council**  

Effectively managed Council’s Environmental Services team, incl heritage matters  
Acting Deputy CEO for 4 months in 2007 and 2 months in 2006  
Coordinated strategic planning initiatives and economic development projects  
I was a member of Council’s Executive Management Teams  
Managed Section 30 Reviews and Development Plan Amendments  
I had extensive experience in policy development, implementation and review  
Developed community strategic plans and facilitated public meetings in main towns, resulting in the formation of local area management committees.

1990 – 1997  
**Asset Mgt Officer City of Salisbury**  
1985 – 1990  
**Architect’d Drafter Various Architects**  

Asset managed 160 Council owned buildings and supervised staff and tradesman  
Prepared design, sketch, presentation and working drawings  
Inspected new and existing Council owned buildings.

1997 – 2002  

Education  

2014 –  
Local Government Association (SA), Planning Institute of Australia (PIA), Urban Design Institute of Australia (SA) and legislation update short courses  
2008 – 2010  
PIA Certified Practising Planner, Chifley Business School, Melbourne  
2007  
LGA training on Development Assessment Panel membership  
2006  
Gained initial CPP accreditation, via PIA  
2001  
Skillpath Seminars Excelling as a First-Time Manager  
1997  
Associate Diploma in Applied Science (Building Surveying), Hobart TAFE  
1996 - 1995  
Cert in Urban/Regional Planning, New England University, Armidale NSW  
1991  
Certificate of Registration as Local Government Building Inspector  
1986 - 1983  
Associate Dip in Built Environment, University of South Australia, Adelaide

Boards & Memberships  

<table>
<thead>
<tr>
<th>Year</th>
<th>Position</th>
<th>Board/Committee</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018</td>
<td>Bd Member</td>
<td>RDA Barossa, Gawler, Light and Adelaide Plains</td>
</tr>
<tr>
<td>2016</td>
<td>Member</td>
<td>The Barossa Council Assessment Panel</td>
</tr>
<tr>
<td>2014 - 2015</td>
<td>Bd Member</td>
<td>Playford Alive Initiatives Fund Board</td>
</tr>
<tr>
<td>2008 - 2014</td>
<td>Bd Member</td>
<td>Wakefield Regional Christian School Board (Board Chair 2009-14)</td>
</tr>
<tr>
<td>2012</td>
<td>Member</td>
<td>Light Regional Council Assessment Panel</td>
</tr>
<tr>
<td>2007</td>
<td>Member</td>
<td>Wakefield Regional Council Assessment Panel</td>
</tr>
<tr>
<td>2007 - 2013</td>
<td>Member</td>
<td>Mallala District Council Development Assessment Panel</td>
</tr>
<tr>
<td>2005 - 2009</td>
<td>Member</td>
<td>LG Managers Aust – Lower North Branch (Acting Chair, 2006/07)</td>
</tr>
<tr>
<td>2003</td>
<td>Member</td>
<td>Planning Institute of Australia (Certified Practising Planner 2006 - )</td>
</tr>
<tr>
<td>1997 - 2009</td>
<td>Member</td>
<td>Country Planning Officers Group (Chair ‘99, ‘00, ‘05 &amp; Sec ‘01, ‘04)</td>
</tr>
<tr>
<td>1997 - 2009</td>
<td>Member</td>
<td>Australian Inst of Building Surveyors (Assistant Building Surveyor)</td>
</tr>
</tbody>
</table>

Personal Interests  

Family, umpiring/coaching/participation in various sports, travelling, home improvements/landscaping, and local church involvement

Referees  

Tim Jackson  
Administrator/former CEO  
DC Coober Pedy/City of Playford

Robert Lawson  
Chief Executive Officer  
Balco Australia PL

450
Hi Louis,

I would like to advise that I am interested in standing on the Barossa Assessment Panel as an independent member for another term.

Regards

Grant Hewitt

AMAIBS
BLD 55212

Dear Members

We are preparing a report to council to appoint a new Assessment Panel as the current one has expired.

Would you please confirm your interest in continuing with the Barossa Council Assessment Panel as soon as possible.

In the interim, the report is being drafted to propose an extension of the current membership for another period of twelve months.

Louis Monteduro
Manager, Development Services
Grant David Hewitt

Date of Birth: 24th April 1962
Status: Married

Career objective:
• To continually learn and mentor skills/ knowledge learnt
• To be continually challenged to improve.
• Enjoy my career path with a positive outlook and creative output.

Key skills:
• Excellent communication skills—written, oral
• Computer literate in MS word, Excel, Project & AUTOCADLT 2007
• Local Government software—Pathway, Exponaire, TRIM , Authority
• Understanding of local council Development Plans , Strategic Plans, Community & Corporate Plans, Development Act 1993 & Development Regulations 2008
• Ability to read plans & specifications and implement the construction.
• Trained in designIT Series 5 and DesignPine span tables software
• Able to learn tasks quickly and accurately
• Approachable and positive attitude.

Education

Graduate Diploma of Built Environment (Building Surveying) (IGBE), University of South Australia, (Academic qualifications for Building Surveyor—Level 1) - completed 2014

Principles of Asset Management (BUIL 5039) - pass—Credit
Development Law N (BUIL 5032) - pass—Distinction
Fire Engineering (BUIL 5033) - pass—High Distinction
Advanced Building Surveying Practice (BUIL 5034) - pass—P1

Graduate Certificate in Built Environment (Building Surveying)(ICBE), University of South Australia, (Academic qualifications for Building Surveyor Limited—Level 2) - completed 2013

Building Surveying Practice - Pass—Credit
Introduction to Construction Law - Pass—Credit
Building Structures & Materials - Pass—Distinction
Statutory Controls 1 - Pass – (transfer from 2012 studies completed under different course structure)

Bachelor of Applied Science in Building Studies, (B.App.Sc.B.S.), University of South Australia
Completed 1988
Awards
Barossa Valley Junior Soccer Club.
Perpetual Trophy 2011—service to club.

Work Experience
20/10/2014—current
Town of Gawler Council—Building Inspector (Senior Building Officer)

Building Rules Assessment— all Classes not exceeding 3 storey & not more than 2,000m2
Building Fire Safety Committee—convener
Building inspections—footings, wall/roof frame, wet area , final inspection and Certificate of Occupancy.
Liaising with both Planning & Engineering Department on proposed land divisions and development applications.
Council report writing
Dealing with customers at counter or telephone
Council asset—project management, tender assessments
Policy writing
Currently, NALGIG (Northern Area Local Government Inspector Group) secretary
- Convener of Regional AIBS conference (60 building inspectors)

5/8/13—15/10/2014
The Barossa Council—Building Officer (Development Assessment & Compliance Officer)
Building Rules Assessment— Class 1 & 10 up to 500m2
Building Fire Safety Committee—convener
Building inspections—footings, wall/roof frame, wet area , final inspection and Certificate of Occupancy.
Dealing with customers at counter or telephone

1/7/2007—5/8/13
GD & SL Hewitt—Master Builder
General Builder in residential, commercial and industrial up to $3million
Residential new, alterations and additions
Including design work using AutoCAD 2007 LT
Commercial shop fitout /alterations/ additions.

Bartsch Builders Pty Ltd.
Building Supervisor/ contracts manager
Residential new. Additions and alterations with price range from $100K to $1.5M
Aged care unit complexes
Supervision of all trade contracts and direct employees on-site
Liaise with council, clients and contractors.
Estimating and contract administration
Grant David Hewitt

1992—2005
Paneltek Pty Ltd
Managing Director—commercial/industrial builder specializing in sandwich panel construction.
Tasks:
Payroll and work force scheduling ranging from 8—37 employees
Estimating, drafting, materials procurement
Site supervision, safety officer
Attend meetings with clients, head contractors, union representatives.

Highlight:
Importing European cladding panels, design and installation on the Bureau of Meteorology building at the Adelaide Airport.

1990—1991
University of S.A.—School of Built Environment
Part-time lecturer/tutor to Associate Diploma students in Physics 5A & 6A
daylighting
Artificial lighting
Acoustics
Thermal Physics

Bondor
Contracts & Construction Manager

Licenses and Certificates
Wet Area Waterproofing—14/02/2012—Master Builders Association
Roof Truss Installation—1/12/2011—Master Builders Association—ID Number MBA-25704
Asbestos Removal (Non-friable) - 17/2/2009—Construction Industry Training Centre
Dulux Acra-tex—Approved Applicator—12/3/2008-
Safety Supervisor—13/12/2005—Master Builders Association
Working at Heights Safety course—27/6/2005
Building Works Supervisor license BLD55212—since 1992
White Card # 0646-00025704-01

Training Completed:
Personal safety/bullying in the workplace
Delegation Awareness
Building Fire Safety & Emergency orders (Wallman Lawyers)
Development Act Enforcement (Wallman Lawyers)
Managing Conflict & Difficult Customers.
Planning Reform (Kelley Jones Lawyers)
Local Nuisance & Litter Control Act (Kelley Jones Lawyers)
Grant David Hewitt

**Professional Membership.**
AIBS accreditation—L2 Building Surveyor Limited —# 7377
Member Australian Institute of Building Surveyors—# 6040
NALGIG – Northern Area Local Government Inspector Group

**References**

David Bielatowicz—Team Leader Development Services—Town of Gawler Council—

Peter Graham—Principal—Conceptio Engineering—

Robert Schmidt—Compliance Officer— Town of Gawler Council—

Paul Bert— Manager—Elders Insurance—
7.5.2. DEBATE AGENDA – ENVIRONMENTAL SERVICES REPORT

7.5.2.1 GENETICALLY MODIFIED CROPS MORATORIUM – COMMUNICATION PLAN
B11127

Author: Director Development and Environmental Services

PURPOSE

To present the Communications Plan to Council to undertake the necessary consultation pursuant to Genetically Modified Crops Management Act 2004.

RECOMMENDATION

That Council
(1) Receive and note the proposed Communications Plan and Survey on the Genetically Modified Crops Moratorium.
(2) Note that the consultation period will commence 29 July 2020 and close 5pm 19 August 2020.
(3) Allocate $5,000 to collate and provide evidence of market and trade advantages, including any price premiums, that could not be achieved without being declared a no GM food crop area, as preparatory work should Council proceed to lodge an application.

REPORT

Background

At the 29 June Special Council meeting, Council resolved as follows:
**Introduction**

At the Council Workshop on 8 July 2020, members were presented with an outline of the proposed Communications Plan for undertaking the Community Consultation pursuant to Section 5A of the Genetically Modified Crops Management Act 2004 (the Act).

**Discussion**

At a recent Webinar hosted by the LGA, it was pointed out that there are two main components to consider under the Act. These being public consultation and the application itself.

As per the guidelines issued by the LGA, the process under Section 5A of the Act outlines the following key steps.

Step 1: Public consultation
Step 2: Consideration of community views
Step 3: Deciding whether or not to make an application
Step 4: Consideration by Minister

Council is to determine how it will consult with the community, including persons engaged in primary production activities and food processing or manufacturing activities in the area of the Council. At the Webinar, it was suggested that Councils should ensure a rigorous consultation framework that engages a diversity of views.

Key messaging needs to highlight that the GM Crop Moratorium Consultation relates to risks to marketing and trade only, and not include matters of human health or environmental impacts.

The Communications Plan ([Attachment 1](#)) proposes to undertake the survey as provided in [Attachment 2](#). The survey has been based on a survey prepared by the City of Onkaparinga who have also sought to engage with its community.
The survey is constructed to engage with the following groups:

- Community Members
- Business Owner or Primary Producer
- Association or incorporation representing members

The questions are targeted for each of the groups. The survey is to be incorporated into the Your Say Barossa platform and will be available on the website.

The groups are to be notified of the survey through general notices in the paper, and social media. In addition, direct mail out will be used to notify the key Associations or Incorporations seeking them to notify their members of the survey. In addition, Council will write to the Local Agricultural Bureaus as recommended by the Agricultural Bureau SA.

All previous submissions will be collated as part of the consultation.

As per the resolution from the Special Council meeting, Council Administration will liaise with neighbouring Councils with the intent to see if there is any interest in making a joint application. As reported, the Adelaide Hills Council has already suggested an opportunity to collaborate.

At the conclusion of the consultation process, all submissions will be collated as per a recommended template provided by PIRSA. The summary table will be submitted with any application to the Minister for Primary Industries and Regional Development which would be due on 30 September 2020.

There will be limited time between the end of consultation and the deadline for an application to be lodged. Without pre-empting Council’s future decision as to whether or not to lodge an application, Council Administration will prepare a draft application during the consultation period to ensure any application is robust and thorough. As per PIRSA criteria, any application should:

- relate to risks to marketing and trade only
- not include matters of human health or environmental impacts, as these are managed under Commonwealth legislation
- demonstrate that stakeholders in their area are currently receiving a marketing or trade advantage as a result of being no GM food crop area
- show evidence of market and trade advantages, including any price premiums, that could not be achieved without being declared a no GM food crop area
- include a summary of all views expressed during consultation (in favour or against declaration).

Summary and Conclusion
Council has resolved to undertake the form community consultation process required under the Act.

A Communication Plan has now been prepared for Council’s consideration and adoption in order to commence the consultation.

**ATTACHMENTS OR OTHER SUPPORTING REFERENCES**

Attachment 1 – Communication Plan
Attachment 11 – GM Crops Moratorium Survey
COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan

- Natural Environment and Built Heritage
- Community and Culture
- Business and Employment

Corporate Plan

1.5 Maintain and seek to expand Council initiated native conservation and land management initiatives.

2.3 Support and promote community involvement and networks and provide opportunities for participation in local decision making.

5.7 Contribute to the ongoing development of a coordinated local economic development strategy and ensure that Council’s land use policy and practices enable and support the strategy’s implementation.

Legislative Requirements

Genetically Modified Crops Management Act 2004
Local Government Act 1999

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial Management

No budget has been assigned to undertake any aspect of Section 5A of the Act. Should Council seek to pursue an application, a budget allocation will be required in order to assist Council.

It is proposed that $5,000 be allocated to collate and provide evidence of market and trade advantages, including any price premiums, that could not be achieved without being declared a no GM food crop area, as preparatory work should Council proceed to lodge an application.

Risk Management

Council does not have the necessary scientific and economic skills that would be required to fulfil the requirements of the application – addressing the necessary criteria. This would need to be outsourced through a consultancy.

COMMUNITY CONSULTATION

The Act is not prescriptive as to the method of consultation, so it is open for councils to develop a consultation process which it considers to be suitable in the circumstances and one which ensures that all relevant community members are appropriately included.

A Communication Plan has been prepared to outline the proposed consultation to fulfil the requirements of the Act.
GM CROPS COMMUNICATIONS PLAN

Consultation dates: 29 July – 19 August

Trim ref 20/36353

Desired outcomes

- Ensure community and stakeholder views are represented in community feedback
- Identify marketing and trade impacts associated with ‘non-GM crop’ status
- Use community feedback to inform Elected Member decision-making as whether or not Council make a Ministerial application to be declared a ‘non-GM crop’ area

Specific considerations & inclusions

- Feedback to collected using Your Say Barossa survey tool (hard copies available branch offices)
- Consultation is restricted to marketing and trade considerations; matters of health or environmental impacts will not be taken into account
- Minister for Primary industries and Regional Development is the ultimate decision maker

<table>
<thead>
<tr>
<th>Initiative</th>
<th>Communication Method</th>
<th>Responsible Officer</th>
<th>Timeframe</th>
<th>Tone/Content/Message</th>
</tr>
</thead>
<tbody>
<tr>
<td>Survey</td>
<td>Your Say Barossa</td>
<td>C&amp;EOs</td>
<td>29 July</td>
<td>Refer attachment to July Council Report for survey questions</td>
</tr>
<tr>
<td></td>
<td>• Survey</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Q&amp;A forum</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Supporting documentation</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Stakeholder Liaison</td>
<td>Letter or email to identified stakeholder groups and forums</td>
<td>DDES Principal Planner</td>
<td>29 July</td>
<td>Promote availability of survey and education through respective networks</td>
</tr>
<tr>
<td>Media Release</td>
<td>Media outlets</td>
<td>C&amp;EOs</td>
<td>29 July</td>
<td>Outlines purpose of consultation - Refer desired outcomes and specific considerations to guide content</td>
</tr>
<tr>
<td>Video</td>
<td>• You Tube</td>
<td>C&amp;EOs</td>
<td>29 July</td>
<td>Outlines purpose of consultation - Refer desired outcomes and specific considerations to guide content</td>
</tr>
<tr>
<td></td>
<td>• Facebook</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Website</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Online</td>
<td>• Council website</td>
<td>C&amp;EOs</td>
<td>Weekly throughout consultation</td>
<td>Video content and link to survey</td>
</tr>
<tr>
<td></td>
<td>• Facebook</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Advertisement</td>
<td>The Leader • The Bunyip • The Courier</td>
<td>C&amp;EOs</td>
<td>29 July</td>
<td>Content and sizing to be developed in consultation with DDES and Principal Planner</td>
</tr>
<tr>
<td>---------------</td>
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<td>---------------------------------------------------------------</td>
</tr>
<tr>
<td>Publications</td>
<td>Monthly d’Vine</td>
<td>C&amp;EOs</td>
<td>August edition</td>
<td>Content and sizing to be developed in consultation with DDES and Principal Planner</td>
</tr>
<tr>
<td>Brief customer service/Barossa Visitor Centre staff/Records</td>
<td>Email</td>
<td>C&amp;EOs</td>
<td>29 July</td>
<td>Information and awareness of how to make comment</td>
</tr>
<tr>
<td>Staff awareness</td>
<td>The Mark</td>
<td>C&amp;EOs</td>
<td>August edition</td>
<td>Abridged version of media release</td>
</tr>
</tbody>
</table>

**CLOSE THE LOOP**

| Media release | Media outlets | C&EOs | Close of consultation | • Decision of Council  
• Ministerial decision (if application made) |
|---------------|---------------|-------|-----------------------|---------------------------------------------------------------|
| Online        | • Your Say Barossa  
• Facebook  
• Website | C&EOs | Close of consultation | • Publish summary of submissions (Your Say & web only)  
• Decision of Council  
• Ministerial decision (if application made) |
| Staff awareness | The Mark | C&EOs | Close of consultation | Abridged version of media release |
Introduction

The South Australian Parliament has passed legislation to lift the Genetically Modified (GM) moratorium and allow GM crops to be grown on mainland South Australia under changes to the Genetically Modified Crops Management Act 2004.

Under the changes, the moratorium will remain in place on Kangaroo Island indefinitely. In order for the moratorium to remain in place on mainland South Australia a council may apply to the Minister for Primary Industries and Regional Development to retain the moratorium.

Before making an application a council must consult with its community, including persons engaged in primary production activities and food processing or manufacturing activities in the area of the council.

Given that there is only one opportunity to remain GM Free, The Barossa Council has decided to seek feedback from our community, primary producers and food processors/manufacturers, about the impact (if any) of GM crops in our Region (see Map), and what level of support there is to remain GM crop free.

This will help Council to decide whether to apply for The Barossa Council area to be designated as a ‘Non-GM crop area’.

The Minister will ONLY consider how GM crops could impact trade and marketing potential when deciding whether or not our region should be GM crop free. Views on the health and environmental impacts cannot be considered. Because of this, our survey is focused on these issues in particular.

It is important to note, that while Council is undertaking this consultation a decision whether or not to make an application will only be made on receipt of feedback from the consultation. Should Council make an application, the final decision to designate The Barossa Council area as a ‘Non-GM crop area’ rests with the Minister NOT Council.

We estimate that the survey will take between five to ten minutes to complete with questions structured around whether you are a primary producer or food processor/manufacturer, answering on behalf of an association or other representative body, or a general community member.

Thank you for taking the time to share your thoughts on this important issue.
Further Information

GM moratorium now lifted on mainland SA (Premiers Release)


PIRSA Website

https://www.pir.sa.gov.au/primary_industry/genetically_modified_gm_crops

Genetically Modified Crops Management Act 2004


How to Apply

https://www.pir.sa.gov.au/primary_industry/genetically_modified_gm_crops/apply_to_become_a_no_gm_food_crop_area

Anderson Report - Independent Review of the South Australian GM Food Crop Moratorium
BUSINESS OWNER OR PRIMARY PRODUCER

1. Are you responding as a business owner/primary producer, an association or incorporation representing your members, or a community member?

☐ Business Owner or Primary Producer

☐ Association or Incorporation representing our members

☐ Community Member

2. What is the name of your business?

3. In which industry is your business? (Multiple selections allowed.)

☐ Agriculture support services

☐ Dairy Farming

☐ Livestock farming (other than dairy)

☐ Grain farming

☐ Grape growing

☐ Fruit and nut tree growing (other than grapes)

☐ Mushroom and vegetable growing

☐ Nursery and floriculture production

☐ Other plant or crop growing (not specified above)

☐ Wine making

☐ Beverage manufacturing (other than wine)

☐ Bakery product manufacturing

☐ Dairy product manufacturing

☐ Fruit and vegetable processing

☐ Grain mill and cereal product manufacturing

☐ Meat and meat product manufacturing

☐ Other food or beverage product manufacturing (not specified above)

☐ Supermarket and grocery stores

☐ Other industry (please specify)

4. What crop(s)/product(s) does your business/produce/manufacture/retail/export?

5. Do you export any of your crop(s)/product(s) overseas?

☐ Yes
6. Is your business located in The Barossa Council area?
   - Yes, we are located in The Barossa Council area
   - Yes, our head office is located in The Barossa Council area
   - Yes, we have a branch/office/presence in The Barossa Council, but our head office is located elsewhere
   - No, my business is located elsewhere (please specify)

7. How likely are there to be trade and marketing impacts on your business by genetically modified crops being allowed in The Barossa Council area? (These impacts could be positive or negative)
   - Very likely
   - Likely
   - Neutral
   - Unlikely
   - Not at all likely
   - Unsure

8. Based only on trade and marketing implications, would your business support a decision by Council to apply to the Minister for Primary Industries and Regional Development, asking that The Barossa Council is designated as a non-GM crop area?
   - Strongly support
   - Neutral
   - Do not support
   - Strongly do not support
   - Unsure

9. Please explain why?

10. Aside from the trade and marketing implications, do you have any other comments regarding genetically modified crops in The Barossa Council area?

11. If you have any additional supporting evidence or other material you’d like to submit, please upload it now.

   Choose File  No file chosen

12. If you would like to be kept informed of this process please provide your email address (optional)

   Please note: your email address will not be linked to your survey response

   Email Address  467
13. The feedback we collect in this survey will be collated and presented without identifying individual responses, unless you give us permission to include quotes from your survey results via the question below. If you prefer you can choose for your responses to remain anonymous.*

*We will endeavour to keep your details private, however under the Freedom of Information Act 1991 it is possible that we may be required by law to make your full submission/survey details public.

☐ I am OK with you publishing quotes from my survey results

☐ I would prefer that my survey response remain anonymous
1. Are you responding as a business owner/primary producer, an association or corporation representing your members, or a community member?
   - Business owner or primary producer
   - Association or corporation representing our members
   - Community member

2. What is the name of the association or incorporation you are representing?

3. How many members does your association or incorporation have?

4. In which industry is your business? (Multiple selections allowed).
   - Agriculture support services
   - Dairy Farming
   - Livestock farming (other than dairy)
   - Grain farming
   - Grape growing
   - Fruit and nut tree growing (other than grapes)
   - Mushroom and vegetable growing
   - Nursery and floriculture production
   - Other plant or crop growing (not specified above)
   - Wine making
   - Beverage manufacturing (other than wine)
   - Bakery product manufacturing
   - Dairy product manufacturing
   - Fruit and vegetable processing
   - Grain mill and cereal product manufacturing
   - Meat and meat product manufacturing
   - Other food or beverage product manufacturing (not specified above)
   - Supermarket and grocery stores
   - Other industry (please specify)

5. What types of goods do your members typically produce/manufacture/retail/export?
6. How likely are there to be trade and marketing impacts on members by genetically modified crops being allowed in The Barossa Council area?

- Very likely
- Likely
- Neutral
- Unlikely
- Not at all likely
- Unsure

7. Based only on trade and marketing implications, would your organisation support a decision by Council to apply to the Minister for Primary Industries and Regional Development, asking that The Barossa Council is designated as a non-GM crop area?

- Strongly support
- Neutral
- Do not support
- Strongly do not support
- Unsure

8. Please explain why?

9. Aside from the trade and marketing implications, do you have any other comments regarding genetically modified crops in The Barossa Council area?

10. If you have any additional supporting evidence or other material you’d like to submit, please upload it now.

Choose File   No file chosen

11. If you would like to be kept informed of this process please provide your email address (optional)

   Please note; your email address will not be linked to your survey response

   Email Address

12. The feedback we collect in this survey will be collated and presented without identifying individual responses, unless you give us permission to include quotes from your survey results via the question below. If you prefer you can chose for your responses to remain anonymous*

   *We will endeavour to keep your details private, however under the Freedom of Information Act 1991 it is possible that we may be required by law to make your full submission/survey details public.

- I am OK with you publishing quotes from my survey results
- I would prefer that my survey response remain anonymous
1. Are you responding as a business owner/primary producer, an association or incorporation representing your members, or a community member?
   - Business Owner or Primary Producer
   - Association or Incorporation representing our members
   - Community Member

2. What is your link to The Barossa Council? (Select all that apply).
   - I am a resident of The Barossa Council
   - I work in The Barossa Council area
   - I own a property in The Barossa Council area, but live elsewhere
   - I visit The Barossa Council area
   - Other (please specify)

3. How often do you choose products based on them being labelled as GM-free?
   - Always
   - Sometimes
   - Rarely
   - Never
   - Unsure

4. Where do you live?

   The Barossa Council residents can select your township or village from the drop down list. If you live outside of The Barossa council area, please choose ‘Other’ at the bottom of the list and type in the name of your township/village.

5. Based only on trade and marketing implications, would you support a decision by Council to apply to the Minister for Primary Industries and Regional Development, asking that The Barossa Council is designated as a non-GM crop area?
   - Strongly support
   - Neutral
   - Do not support
   - Strongly do not support
   - Unsure

6. Please explain why?
7. Aside from trade and marketing implications, do you have any other comments regarding genetically modified crops in The Barossa Council region?

8. If you have any additional supporting evidence or other material you’d like to submit, please upload it now.

   Choose File  No file chosen

9. If you would like to be kept informed of this process please provide your email address (optional)

   Please note: your email address will not be linked to your survey response

   Email Address

10. The feedback we collect in this survey will be collated and presented without identifying individual responses, unless you give us permission to include quotes from your survey results via the question below. If you prefer you can choose for your responses to remain anonymous*

   *We will endeavour to keep your details private, however under the Freedom of Information Act 1991 it is possible that we may be required by law to make your full submission/survey details public.

   ☐ I am OK with you publishing quotes from my survey results

   ☐ I would prefer that my survey response remain anonymous
7.5.2 DEBATE AGENDA – ENVIRONMENTAL SERVICES REPORT

7.5.2.2 CONSIDERATION AND ADOPTION OF COMMITTEE RESOLUTIONS – BAROSSA BUSHGARDENS B9068

Author: Director, Development and Environmental Services

PURPOSE
The Minutes of Council Section 41 Committees are presented for consideration and adoption of Council and appoint new members to the Committee.

RECOMMENDATION
That Council:

(1) Receive and note the Minutes of the Barossa Bushgardens S41 Committee Meeting held on 10 June 2020.

(2) Appoint Gaby Lengyel and Jan McKenzie to the Committee for the life of the Council (or until further reviewed and changed).

REPORT
The consideration and adoption of recommendations of Council Committees to Council requires assessment by Council to ensure compliance with Council obligations under section 6(a) of the Local Government Act. The relevant Minutes received in the past month are hereby presented for Council adoption.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES
Attachment 1: Minutes - Barossa Bushgardens S41 Committee Meeting held 10 June 2020.

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan

Natural Environment and Built Heritage

Corporate 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 that support native flora and fauna.
1.3 Ensure environmental and agricultural sustainability and historic significance of the region is retained.

Legislative Requirements
Local Government Act and Regulations
Development Act and Regulations

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS
Identified within the body of the Minutes, and is included within the endorsed Council Budget.

COMMUNITY CONSULTATION
Not required by Council.
1. **WELCOME**

The Chair welcomed everyone, and opened the meeting at 1:06pm.

2. **PRESENT**

   Members
   Russell Johnstone  Chairperson
   Cr Kathryn Schilling  Member
   Bryce Lillecrapp  Member
   Trevor Waldhuter  Member
   Louise Mason  Member

   Staff
   Gary Mavrinac  Director, Development and Environmental Services
   Doreen Von Linde  NRC Coordinator
   Pam Payne  Nursery Manager
   Chris Kruger  Minute Secretary

3. **APologies**

   Andrew Fairney (Seeding Natives)
   Elspeth Morgan and Gaby Lengyel (Carers and Disability Link).
   Kim Thompson (Team Leader, Environmental Services)

4. **ELECTION OF CHAIRPERSON/DEPUTY CHAIRPERSON**

G Mavrinac assumed the Chair at 1:09pm and called for nominations.

**Recommendation**

That the Committee:

1. Appoint R Johnstone as Chairperson of the Committee for the period February 2020 to January 2020
2. Resolve to appoint a Deputy Chairperson

**Decision**

Moved: T Waldhuter  Seconded: B :Lillecrapp
That the recommendation be adopted.

CARRIED
R Johnstone assumed the Chair at 1:12pm.

**Recommendation**

That the Committee:
Appoint L Mason as Deputy Chairperson of the Committee for the period February 2020 to January 2021

**Decision**

Moved: T Waldhuter Seconded: R Johnstone
That the recommendation be adopted. **CARRIED**

5. **GUESTS**

Cr David Haebich
James Maitland – Friends of Barossa Bushgardens

6. **DECLARATION OF INTEREST BY MEMBERS**

Nil.

7. **CONFIRMATION OF MINUTES FROM PREVIOUS MEETING**

Moved: L Mason Seconded: T Waldhuter
That the minutes of the Barossa Bushgardens S41 Committee meeting held on 12 February 2020 be received and confirmed. **CARRIED**

8. **BUSINESS ARISING FROM PREVIOUS MINUTES (ACTION LIST)**

8.1 **ACTION LIST**

<table>
<thead>
<tr>
<th>Meeting Date</th>
<th>Resolution/Action</th>
<th>Status</th>
<th>Actioning Officer</th>
</tr>
</thead>
<tbody>
<tr>
<td>18 October 2017</td>
<td>Seed collection site – Contact owner for further information.</td>
<td>Letter to Native Vegetation Council to be prepared, seeking funding opportunities and support to purchase the allotment.</td>
<td>Chairperson/Director DES</td>
</tr>
<tr>
<td>Meeting Date</td>
<td>Resolution/Action</td>
<td>Status</td>
<td>Actioning Officer</td>
</tr>
<tr>
<td>--------------</td>
<td>-------------------</td>
<td>--------</td>
<td>------------------</td>
</tr>
<tr>
<td>11 April 2018</td>
<td>To approach Gawler NRC – ecologist for a Letter of Support. On hold until Landscapes SA introduced. G Mavrinac to prepare a report to Council once status has been clarified.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>113 February 2019</td>
<td>Staff to investigate opportunity to expand seed collection from many isolated reserves in the region, instead of having reliance on the same Bushgardens stock each year.</td>
<td>Have verbal permission to collect from a winery near Altona Reserve. Update to be provided at next S41 Committee meeting.</td>
<td>Nursery Manager</td>
</tr>
<tr>
<td>10 April 2019</td>
<td>Prepare Brochures and marketing material (hard copy and electronic format) with assistance from Marketing and Communications Team.</td>
<td>8 of the 9 completed. Working on design with the Marketing and Communications team.</td>
<td>NRC Coordinator</td>
</tr>
<tr>
<td>17 July 2019</td>
<td>Provision of assistance to drought affected landholders.</td>
<td>With the consensus of the Committee, this Action Item is to be removed as funding allocation is being overseen by Council.</td>
<td>NRC Coordinator</td>
</tr>
<tr>
<td>14 August 2019</td>
<td>Discussion on marketing and future opportunities for sales at the Bushgardens.</td>
<td>In progress.</td>
<td>Management Committee</td>
</tr>
<tr>
<td>9 October 2019</td>
<td>Prepare a draft Master Plan in consultation with Council’s engineering Department, with considerations of pedestrian and disabled access, lighting, signage and the potential for a second building.</td>
<td>With the consensus of the Committee, it was agreed to remove this action.</td>
<td>Director DES</td>
</tr>
<tr>
<td>113 February 2019</td>
<td>Weed control practices will be reviewed and presented to the</td>
<td>With the consensus of the Committee, it was agreed to remove this action.</td>
<td>NRC Coordinator/Nursery Manager</td>
</tr>
</tbody>
</table>
**Meeting Date** | **Resolution/Action** | **Status** | **Actioning Officer**
--- | --- | --- | ---
|
11 December 2019 | Notification to community – on ground weed spraying. | With the consensus of the Committee, it was agreed to remove this action. | NRC Coordinator/ Nursery Manager.

**COMPLETED ACTION LIST**

<table>
<thead>
<tr>
<th>Meeting Date</th>
<th>Resolution/Action</th>
<th>Status</th>
<th>Actioning Officer</th>
</tr>
</thead>
<tbody>
<tr>
<td>13 June 2018</td>
<td>A Work Plan taking the recommendations from T Bateman’s two Audit reports to be prepared as a matter of priority.</td>
<td>Completed.</td>
<td>Nursery Manager</td>
</tr>
<tr>
<td>11 December 2019</td>
<td>Review the necessary approvals required for Crown Land management in relation to the Community Labyrinth signage.</td>
<td>Completed.</td>
<td>Director DES</td>
</tr>
<tr>
<td>12 February 2019</td>
<td>Identification of Trees that represent a potential risk.</td>
<td>Completed.</td>
<td>Director DES</td>
</tr>
</tbody>
</table>

**Recommendation**

That the Committee receive and note the progress of decisions from previous meetings.

**Decision**

Moved: K Schilling  
Seconded: L Mason  
That the recommendation be adopted.  
CARRIED

9. **CORRESPONDENCE**

Nil.
10. RISK MANAGEMENT

10.1 Work Health and Safety

P Payne advised the Committee that incidents of graffiti vandalism were increasing in frequency.

**ACTION:** Contact to be made with local Police to request after hours monitoring.

**Recommendation**

That the Committee receive and note the report.

**Decision**

Moved: T Waldhuter  
Seconded: B Lillecrapp  
That the recommendation be adopted.

CARRIED

11. REPORTS – CONSENSUS AGENDA

11.1 Chairperson’s Report

**ACTION:** G Mavrinac to reschedule presentation to Council Workshop or visit by Elected Members to Barossa Bushgardens.

The meeting was adjourned at 1:50pm for a short break.

The meeting resumed at 2:09pm.

11.2 Strategic Plan Progress Report

11.3 Visitation

11.4 Partner Projects

12. Adoption of Consensus Agenda

**Recommendation**

That the Committee receive and note the information items contained in the consensus agenda and that any recommendations contained therein be adopted.
Decision

Moved: B Lillecrapp  Seconded: L Mason
That the recommendation be adopted.

CARRIED

13. FOCUS AGENDA

Barossa Bushgardens ‘Food for the Soul’ Garden Proposal

D Von Linde distributed a draft proposal for the Committee’s consideration. Should the Committee decide to proceed with the proposal, inclusions would need to be made within the Masterplan. A further report will be presented to the next S41 Committee meeting.

14. DEBATE AGENDA

14.1 Finance

Recommendation

That the Committee receive and note the report.

Decision

Moved: T Waldhuter  Seconded: L Mason
That the recommendation be adopted.

CARRIED

14.2 Strategic Plan Update 2020

Recommendation

To adopt the revised Strategic Plan 2020 as presented.

Decision

Moved: L Mason  Seconded: B Lillecrapp
That the recommendation be adopted.

CARRIED

14.3 Sponsorship

Minor edits were suggested for the Sponsorship/Donor Letter which will be incorporated into the final version for distribution.
Recommendation

That the Committee endorse the Sponsorship Letter for distribution to potential Sponsors and Donor.

Decision

Moved: L Mason  Seconded: T Waldhuter
That the recommendation be adopted.

CARRIED

14.4 Outcomes of Barossa Bushgardens Staff Team Meeting

ACTION: Nursery Manager to prepare Contact Tracing Record – Attendance at Public Activities for the Nursery Sales area.

Recommendation

That the Committee note and receive the report.

Decision

Moved: B Lillecrapp  Seconded: T Waldhuter
That the recommendation be adopted.

CARRIED

14.5 Endorsement of New Committee Members

Recommendation

That the Committee recommend to Council to:
1. Appoint Gaby Lengyel (replacing Elspeth Morgan) as the Carers and Disability Link representatives to the Barossa Bushgardens S41 Committee
2. Appoint Jan McKenzie as representative of the Nursery Management Committee to the Barossa Bushgardens S41 Committee.

Decision

Moved: T Waldhuter  Seconded: L Mason
That the recommendation be adopted.

CARRIED

15. URGENT OTHER BUSINESS

15.1 Friends of Barossa Bushgardens
J Maitland (Friends of Barossa Bushgardens) requested that a formal letter be provided to the Friends of the Barossa Bushgardens, requesting the transfer of $3910.00 (AMLR NRM Board 2019-20 Community Environment Grant) to enable the finalisation of the Open Spaces Places for People Grant by 30 June 2020.

Friends of Barossa Bushgardens have also requested that consideration be given to the transfer of monies received from the donation tins to FoBB to boost operating income.

**Recommendation**

That the verbal report be received and noted.

**Decision**

Moved: T Waldhuter  
Seconded: B Lillecrapp

That the recommendation be adopted.  

**CARRIED**

12. **NEXT MEETING**

Wednesday 12 August 2020 commencing at 1.00pm.

13. **CLOSURE OF MEETING**

The Chair declared the meeting closed at 3:02pm.

Confirmed

Date: ...........................................  Chairman: ...........................................
8.1 MAYOR - CONFIDENTIAL

8.1.1 CHIEF EXECUTIVE OFFICER’S 2019/20 PERFORMANCE AND REMUNERATION REVIEW E1200

The matter of the agenda item being a matter pertaining to the review of an employee’s performance and employment conditions pursuant to Section 90(3)(a) of the Local Government Act 1999 (“the Act”) being information that should be considered in confidence in order to ensure that private information as contemplated by the Section 90(9) being information that is personal as it relates to the employment conditions and performance of the Chief Executive Officer. The personal affairs definition under Section 90(9) will be limited to consideration of the necessary matters and no resolution may be made that restrict the release of information required under of Section 91(8) of the Act which is to release information on the remuneration and conditions of service will be disclosed in the public register of salaries, once set.

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 given the matter pertains to employment details that would not be expected to be open other than by way of ensuring the requisite legislative disclosures.

On balance, the above reasons which support the need for confidentiality pursuant to Section 90(2) of the Act outweigh 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 and officers be excluded from the meeting, in order to consider in confidence a report relating to Section 90(3)(a) of the Local Government Act 1999, relating to agenda item 8.1.1 Chief Executive Officer’s 2019/20 Performance and Remuneration Review 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 release information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead); 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 are that the disclosure of private information of an individual would be unfair given the matter pertains to employment details that would not be expected to be open other than by way of ensuring the requisite legislative disclosures.
8.2 CONFIDENTIAL AGENDA – DIRECTOR CORPORATE AND COMMUNITY SERVICES

8.2.1 SANTOS TOUR DOWN UNDER 2021

The matter of the agenda item being a Report regarding Council’s Expression of Interest to host an event or events in the 2021 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 2021 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 8.2.1 Santos Tour Down Under 2021 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.