NOTICE OF MEETING

Notice is hereby given that the next ordinary meeting of Council will be held on Tuesday 18 August 2020 in the Council Chambers, 43 – 51 Tanunda Road, Nuriootpa, commencing at 9.00am.

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 21 July 2020 at 9.00am
      • Special Council Meeting held on Tuesday 21 July 2020 at 11.50am; and
      • Special Council meeting held on Wednesday 5 August 2020 at 6.31pm
   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
   2.1 Mayor’s report – attached
3. **COUNCILLORS’ REPORTS**
   3.1 Nil

4. **CONSENSUS AGENDA**
   4.1 **MAYOR**
      4.1.1.1 South Australian Region Organisation of Councils (SAROC) – Annual Business Plan 2020-21

4. **EXECUTIVE SERVICES**
   4.2.1 **CHIEF EXECUTIVE OFFICER**
      4.2.1.1 Correspondence Seeking Change of Part of the Barossa Trail name

4. **COMMUNICATION AND ENGAGEMENT OFFICERS**
   Nil

4. **CORPORATE & COMMUNITY SERVICES**
   4.3.1 **DIRECTOR CORPORATE AND COMMUNITY SERVICES**
   Nil

   4.3.2 **MANAGER COMMUNITY PROJECTS**
      4.3.2.1 Minutes Community Assistance Scheme Committee

4. **WORKS AND ENGINEERING**
   4.4.1 **DIRECTOR’S REPORT**
   Nil

4. **DEVELOPMENT & ENVIRONMENTAL SERVICES**
   4.5.1 **DEVELOPMENT SERVICES**
   Nil

   4.5.2 **ENVIRONMENTAL SERVICES**
      4.5.2.1 Williamstown, Lyndoch Landcare Group Inc
      4.5.2.2 Gawler River Floodplain Management Authority

   4.5.3 **HEALTH SERVICES**
      4.5.3.1 Food Recalls
      4.5.3.2 Food Premises Inspections
      4.5.3.3 Food Act Annual Report 2019-20
      4.5.3.4 Safe Drinking Water Act 2011 Annual Report 2019-20

   4.5.4 **REGULATORY SERVICES**
   Nil

   4.5.5 **WASTE SERVICES**
   Nil
5. CONSENSUS AGENDA ADOPTION
   5.1 ITEMS FOR EXCLUSION FROM CONSENSUS AGENDA
   5.2 RECEIPT OF CONSENSUS AGENDA
   5.3 DEBATE OF ITEMS EXCLUDED FROM CONSENSUS AGENDA

6. VISITORS TO THE MEETING/ADJOURNMENT OF MEETING
   6.1 VISITORS TO THE MEETING
       Nil
   6.2 ADJOURNMENT OF COUNCIL MEETING

7. DEBATE AGENDA
   7.1 MAYOR
       Nil
   7.2 EXECUTIVE SERVICES
       7.2.1 CHIEF EXECUTIVE OFFICER
           7.2.1.1 Quarterly Update to Delegations Register
       7.2.2 FINANCE
           7.2.2.1 Monthly Finance Report (as at 31 July 2020 Year)
           7.2.2.2 2020/21 Cash Advance Debenture Discount Facility
   7.3 CORPORATE AND COMMUNITY SERVICES
       7.3.1 DIRECTOR CORPORATE AND COMMUNITY SERVICES
           Nil
       7.3.2 MANAGER COMMUNITY PROJECTS
           7.3.2.1 Revised Disability Access and Inclusion Plan
           7.3.2.2 Dog Parks – Project Summary
   7.4 WORKS AND ENGINEERING
       7.4.1 DIRECTOR’S REPORTS
           7.4.1.1 Request for Stormwater Drainage Works – 1303 Barossa Valley Way - Lyndoch
       7.5 DEVELOPMENT AND ENVIRONMENTAL SERVICES
           7.5.1 DEVELOPMENT SERVICES
               7.5.1.1 Planning, Development and Infrastructure Act – Implementation – Service Levels
               7.5.1.2 Draft Local Design Review Scheme for South Australia – Analysis and Key Submission Response
           7.5.2 ENVIRONMENTAL SERVICES
               Nil
7.5.3 HEALTH SERVICES
Nil

7.5.4 REGULATORY SERVICES
7.5.4.1 Mobile Food Vendor Policy and Location Rules 225
7.5.4.2 Draft Enforcement Policy 245

7.5.5 WASTE SERVICES
Nil

8. CONFIDENTIAL AGENDA
Nil

9. URGENT OTHER BUSINESS
Nil

10. NEXT MEETING
Tuesday 15 September 2020 at 9.00am

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

July

16/07/2020 Advertiser Regional Report Meeting
17/07/2020 GRFMA meeting – Playford Council office
20/07/2020 Site meeting representative St Jakobi Cemetery - Gods Hill Road Lyndoch
22/07/2020 Site discussion Rushlea Road Eden Valley Cr David de Vries, Matt Elding, and Steven Kaesler
23/07/2020 Tanunda Show Hall Media Promotions - Cr Richard Miller and Heidi Helbig and Rebecca Tappett
29/07/2020 Radio Interview ABC Port Pirie - Leader Interview - Tourist Train opportunities
30/07/2020 Resident On-site discussions Corella Street, Nuriootpa with Matt Elding,
Road reserve concerns Falland Ave, Nuriootpa with Martin McCarthy and Matt Elding
31/07/2020 Meeting with Matt Hale, Simon Taylor and Rebecca Tappett – Proposed Barossa Triathlon Event

August

3/08/2020 Redeemer Lutheran School, Nuriootpa - Student Parliament Swearing-in Ceremony
Redeemer Lutheran School class presentation - Role of Local Government
Meeting with Rolf Binder vice Chair, RDA Barossa
Leader Media photo and interview - Barossa Council Planning
4/08/2020 Attended DAP meeting to observe
5/08/2020 Meeting Mount Pleasant Business Representatives – General Mt Pleasant opportunities
Meeting with Pernod Ricard representatives, Matt Elding and Steve Kaesler - progress of the Kroemer Crossing project and Barossa transport routes
Magnolia Road - Traffic Management discussion with Tanunda Primary School representatives, concern parent, Matt Elding and Steve Kaesler
5/08/2020 Teams Meeting with Department Infrastructure and Transport (DIT) formerly DPTI and Matt Elding to discuss construction Pedestrian Refuge Lyndoch

7/08/2020 LGA Webinar – Update Covid-19 restriction update
Meeting with Martin McCarthy and Jo Thomas
4.1.1 CONSENSUS AGENDA – MAYOR

4.1.1.1 SOUTH AUSTRALIAN REGION ORGANISATION OF COUNCILS (SAROC) – ANNUAL BUSINESS PLAN 2020-21

B10495

Correspondence, as attached, has been received from the Chairperson of SAROC Mayor Erika Vickery outlining the adoption of its annual business plan, also attached.

RECOMMENDATION
That report item 4.1.1.1 be received and noted.
31 July 2020

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

Dear Mayor Lange,

**SAROC Annual Business Plan 2020-21**

As chair of the LGA’s South Australian Regional Organisation of Councils (SAROC) committee, I am writing to provide you with a copy of the SAROC Annual Business Plan 2020-21.3

Following consultation with all regional councils and regional LGAs, the Annual Business Plan has been endorsed by the LGA Board of Directors. I would like to take this opportunity to thank all mayors, elected members, council staff and the regional LGA executive officers for providing written submissions and verbal feedback during our consultations.

Overwhelmingly, member councils expressed a view that SAROC should prioritise the economic development and undertake actions to support local government’s role in economic and social recovery from the Covid-19 pandemic.

SAROC will advocate for funding, initiatives and legislation that assists with the growth and development of regional South Australia, including commitments towards assisting regional councils and communities to respond and recover from the Covid-19 pandemic, bushfires and drought events, as well as for the decentralisation of South Australia’s population.

SAROC recognises that to be a strong partner and voice representing the regions, it will need to work in close collaboration with regional councils along with key stakeholders including RDAs and Federal and State Government agencies. We will seek to bring interested parties together on issues such as economic and regional development, public health and community wellbeing.

Other priority actions have been identified to continue our collective advocacy on improving the regional health workforce and a national water policy, as well as contributing to projects on management of Little Corellas, coastal issues, waste management and regional local road strategies.

In setting this Annual Business Plan, the SAROC committee has also emphasised the need to maintain flexibility to accommodate topical issues that arise. In all our actions, we will continue to listen to and represent the interests of all regional councils and the communities we serve.

---

I encourage you to familiarise yourself with these documents and consider how we can come together for the benefit of our communities and give every South Australian the best local government experience.

If you have any questions about SAROC, please do not hesitate to contact me directly or email Lea Bacon, Director Policy (LGA) at: Lea.Bacon@lga.sa.gov.au.

Yours sincerely

Mayor Erika Vickery OAM  
Chairperson - South Australian Region Organisation of Councils (SAROC)  
Email: lgasa@lga.sa.gov.au

Attach: ECM 707208 – SAROC Annual Business Plan 2020-21
SAROC Annual Business Plan 2020-21
Introduction

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

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

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

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

Theme 1: Economic Development

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

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

Theme 2: Community Development

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

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

Theme 3: Natural and Built Environment

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

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

Theme 4: Financial Sustainability and Governance

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

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

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

The SAROC Annual Business Plan will be supported by a budget to cover anticipated expenses of the proposed activities to be undertaken during the financial year.

The SAROC Annual Business Plan and budget is required to be presented to the LGA Board of Directors for approval by June each year.

On a quarterly basis, the SAROC will assess its performance against the Strategic Plan and Annual Business Plan and provide a report to the LGA Board of Directors and member councils.

Other Plans

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

1. The LGA Strategic Plan and Annual Business Plan
2. The LGA Advocacy Plan
3. LGA Work Plans
4. The LGA Research and Development Fund Annual Business Plan
5. Regional LGA Annual Business Plans
## Theme 1: Economic Development

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

<table>
<thead>
<tr>
<th>Actions</th>
<th>Milestone</th>
<th>Proposed Outcomes</th>
<th>Budget / Resources</th>
<th>Link to SAROC role</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1.1 Supporting regional economies – advocacy</strong></td>
<td>June 2021</td>
<td>SAROC will listen and represent the interest of regional councils and advocate for policy and legislation that supports South Australia’s regions. Significant State Government strategies in PIRSA’s regional development strategy and Infrastructure SA’s 20-year strategy are due to be released in 2020. It is likely these reports will further implement the State Government’s Royalties for Regions and impact on SAROC’s activity in this area in 2020-21. SAROC will continue to seek opportunities to consult with member councils and regional LGAs to inform and make written submissions to influence policy, funding and legislative arrangements being considered by State and Federal government, and their agencies. Key opportunities for advocacy will include assisting regional councils and communities to respond and recover from the Covid-19 public health emergency, implementation of South Australia’s forthcoming Regional Development Strategy, increased funding and appropriate locations for mobile phone towers to address blackspots, changes to mobile food van licencing, and responding to increased instances of drought and bushfire conditions.</td>
<td>LGA Secretariat Regional LGA executive officers $20,000 budget allocation in 2020-21 for optional research and workshop required, as identified by SAROC</td>
<td>Regional advocacy Leadership</td>
</tr>
</tbody>
</table>
1.2 Supporting regional economies – partnerships

<table>
<thead>
<tr>
<th></th>
<th>September 2020</th>
<th>SAROC recognises that in order to be a strong partner and voice representing the regions, it will need to work in close collaboration with regional LGAs and regional councils along with key stakeholders including RDAs and Federal and State Government agencies. In the main, councils are funding members of RDAs that have undertaken significant engagement with regional councils to understand their needs. There is an opportunity to bring this work together to support greater interaction between SAROC and RDASA in areas of state significance to inform local government policy, council activities at the local level and ensure that RDAs are supported in common objectives.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>LGA Secretariat Regional LGA executive officers $15,000 budget allocation in 2020-21 for optional research and workshop activities as required, as identified by SAROC.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Regional advocacy Leadership Policy initiation and review</td>
</tr>
</tbody>
</table>
## Theme 2: Community Development

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

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<th>Budget</th>
<th>Link to SAROC role</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.1 Regional health workforce</td>
<td>June 2021</td>
<td>In September 2019, consulted with members and considered evidence provided by the Eyre Peninsula LGA in making a submission to the State Government’s draft Rural Medical Workforce Plan. In December 2019, the Minister for Health and Wellbeing, the Hon. Stephen Wade MLC, released South Australia’s Rural Medical Workforce Plan, prepared to meet the Government’s commitment to develop and implement ‘a plan to recruit, train and develop the health professionals... needed to deliver country health services’. The Plan identifies a specific strategy to collaborate with local government to address the unique challenges facing rural communities, recognising that the social and economic wellbeing of their community is paramount to councils in their role as public health authorities. Over the next two years, the Plan commits that the Government will seek to partner with councils through the LGA to maximise the personal and family supports provided to rural doctors, particularly for recruiting to challenging areas, by: 1) creating partnerships between councils, regional Local Health Networks, the Rural Doctors Workforce Agency and other key stakeholders to provide a holistic approach to doctor recruitment, considering opportunities and support for partners and families, and including social and community supports.</td>
<td>LGA Secretariat Regional LGA executive officers $25,000 allocated from SAROC’s budget in 2019-20 and is carried forward to 2020-21 to support advocacy on this issue, which is being used to identify the health service needs of regional communities and commission research to identify sustainable health models for small communities undertaken.</td>
<td>Regional advocacy Leadership Policy initiation and review</td>
</tr>
</tbody>
</table>
## 2.2 Regional Public Health Planning

Assist councils and regional LGAs to build capacity and best practice in their development, review and renewal of regional public health plans and to assist regional councils and communities to respond and recover from the Covid-19 public health emergency.

| June 2021 | In 2019, the LGA and SA Health concluded their Local Government Public Health Program, with the release of Regional Public Health Guidelines and other support materials. SAROC will facilitate a ‘learning circle’ to support councils and regional LGAs, and other critical stakeholders, who are currently reviewing their regional public health plans under the Public Health Act 2011. This activity will seek to identify how regional councils can assist communities to respond and recover from the Covid-19 public health emergency, and support advocacy identified in the LGA Advocacy Plan 2019-23 to seek support for public health planning and improving the relationship between councils and Public Health Partner Authorities. Regional LGA executive officers have highlighted an opportunity for ‘volunteering in local government’ to be a focus area that links regional public health plans and support for areas that councils are involved with including local assets such as ovals and institutes / town halls plus, visitor information services and events. SAROC and regional LGAs could support councils to run a series of trial projects across each region that focus on attraction and retention of volunteers. | LGA Secretariat Regional LGA executive officers | Leadership Policy initiation and review |

## 2.3 Community Wellbeing Alliance

Advocate for a State and local government partnership to finalise the Community Wellbeing Alliance.

| October 2020 | The Local Government Research and Development Scheme has supported the implementation and evaluation of two regional LGA trials that are currently underway (MRLGA and Southern & Hills LGA). SAROC will facilitate a workshop to bring together regional LGAs and councils to use the outcomes of the pilot program evaluation to refine a proposal for a state-wide program. | LGA Secretariat Regional LGA executive officers |  |
### Theme 3: Natural and Built Environment

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

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</thead>
<tbody>
<tr>
<td>3.1: Overabundant Species – Little Corellas</td>
<td>June 2021</td>
<td>The LGA and SAROC have consistently sought a State Government commitment to fund implementation of a statewide Little Corella strategy that includes financial assistance to local governments for the development of integrated local management plans and the implementation of medium- and long-term management options at a local-scale. In 2020-21, SAROC will continue to advocate to the State Government for the management and control of abundant species. SAROC will also, in line with any implementation of the forthcoming State Government statewide Little Corella strategy: 1. facilitate council and regional LGA discussions with the Department for Environment and Water, at their request, to identify potential processes, permissions and approach to short-term culling activities. 2. reassess available research on medium and long-term actions and provide funding to commission advice on biological/sterilisation options. 3. assist councils to undertake further research by trailing coordinated habitat interventions at sites affected by Little Corellas. Such trials will to be conducted with academic rigour, documented and shared among stakeholders so that other councils benefit from the lessons learned.</td>
<td>LGA Secretariat Regional LGA executive officers $19,000 budget allocation in 2020-21 for biological advice and coordinated habitat interventions and trial sites.</td>
<td>Policy initiation and review Leadership Regional advocacy</td>
</tr>
<tr>
<td>3.2 Coastal Management</td>
<td>June 2021</td>
<td>Ensure the financial sustainability of SA Coastal Council Alliance, that the momentum generated through the early start-up phase of the Alliance is not lost, and that issues facing coastal councils continue to be strongly advocated and workable solutions implemented.</td>
<td>$20,000 grant to SACCA in 2020-21.</td>
<td>Regional advocacy</td>
</tr>
</tbody>
</table>

**Financial contribution to the activities and resourcing of the SA Coastal Council Alliance.**

3.3 Water Policy

| June 2021 | In 2019, SAROC facilitated a meeting of the SA Inter regional Murray Darling Association at LGA House, attended by 30 plus local government and other representatives. In 2020, SAROC will host a second annual meeting of the MDA member councils to discuss issues relating to water policy, prior to the Murray Darling Authority AGM. | LGA Secretariat Regional LGA executive officers | Leadership |

**Facilitate local government discussion relating to water policy including advocating for a national water policy**

3.4 Regional waste

| June 2021 | The Legatus Group will manage the delivery of a draft SA Regional Waste Management Strategy in partnership with others including the LGA and SAROC. The Legatus Group has secured further grant funding from Green Industries SA (GISA) to create a draft Regional Waste Management Strategy to enable South Australian regions to contribute increasingly to the circular economy. This will provide an understanding of regional waste streams and processing costs to provide a foundation and hence a pathway for future infrastructure and management system planning. | LGA Secretariat Regional LGA executive officers SAROC’s budget of $30,000 towards this action in 2019-20, has been allocated to the Legatus Group. | Policy initiation and review Leadership |

**Develop a regional waste management strategy to enable the coordination of waste and recycling infrastructure across regions**
**Theme 4: Financial Sustainability and Governance**

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

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<tbody>
<tr>
<td><strong>4.1 Regional local roads – mapping and priorities</strong>&lt;br&gt;Facilitate coordination between regional LGAs to prepare a SAROC SA Regional Local Road Priorities report that will enable a cross regional approach to support funding applications to State and Federal Government based on an agreed priority list. Leadership from SAROC on this issue, will also assist in strengthening the linkages with Regional Development South Australia for collaborative approaches to gaining resources for Regional SA.</td>
<td>June 2021</td>
<td>Regional LGAs have developed local road plans that identify road priorities. These are used to assist in funding applications usually by individual councils but on occasions jointly across council boundaries, including the Special Local Roads Program (SLRP) administered by the LGA.&lt;br&gt;Regional LGAs would like to take a state-wide approach that identifies the linkages beyond regional boundaries and establishes a priority list it would allow for increased discussions with industry and to seek funding support from Federal and State Governments. This would also assist the LGA in forming recommendations to the State and federal government on priorities to be funded from the SLRP.&lt;br&gt;A state-wide, regional mapping activity and priority report could be used to develop funding proposals from the Heavy Vehicle Safety and Productivity Program, the Better Regions Fund, the Regional Black Spot Fund and or a specific infrastructure approaches to State and federal governments.</td>
<td>LGA Secretariat&lt;br&gt;Regional LGA executive officers&lt;br&gt;$15,000 budget allocation in 2020-21, to be supplemented by regional LGAs.</td>
<td>Regional advocacy&lt;br&gt;Policy initiation and review</td>
</tr>
</tbody>
</table>
4.2.1 CONSENSUS AGENDA

4.2.1.1 CORRESPONDENCE SEEKING CHANGE OF PART OF THE BAROSSA TRAIL NAME
B10493

Correspondence, as attached, suggesting a further renaming of the Barossa Trail. This Council renamed the track to Barossa Trail in July 2019 and incurred:

1. $5,400 in signage replacements; and
2. $7,383 to reprint 30,000 Barossa by Bike; and
3. Minor advertising and other relaunch costs.

If Council support such a direction the costs to brand the area of track are estimated at $3,000 for signage in this section and $7,500 to again reprint the Barossa by Bike materials.

Attached also is the extract of the minutes of the meeting of 16 July 2019.

In accordance with Regulation 12 (3) of the Local Government (Procedures at Meetings) Regulations should a Councillor wish to pursue the renaming it is required to come forward as a formal notice of motion to amend the existing motion of 16 July 2019 being 2018-22/250. This regulation stipulates that any proposal to pass a motion that has the effect of revoking or amending a motion of the current Council but be brought forward by way for a formal motion.

RECOMMENDATION
That Council receive and note the request.
20th July 2020

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

By email: mayor.lange@barossa.sa.gov.au

Dear Bim,

Having been a regular user of the “bike track” between Angaston and Nuriootpa in our recent COVID times it has struck me that as an Angastonian the trail could do with branding which is more evocative.

I have been briefly in touch with you regarding this and now know that the Angaston to Gawler section is known as “Barossa Trail” which was done to coincide with the changing of the Jack Bobridge trail from Tanunda to Gawler.

With the opening of the Adventure Park in Angaston and the increase in our intrastate tourism and our own local focus on Shiraz and Grenache in particular, not forgetting Riesling in Eden Valley, it seems to me we could do a lot better.

Even though Clare has a Riesling Trail is not a reason for Eden Valley to go without and acknowledging that Shiraz is essentially generic to the Barossa I can’t help think that a valuable point of difference is our under rated re-emerging hero, Grenache. I am also writing to Martin McCarthy of the Barossa Council, BGWA, ACBA and possibly the Barossa Tourism Association seeking a response and ideally some support to ideally take this further. However, I would like you to be a supporter as well.

I have no idea how much work might be involved in this but I do think it is at least worth raising the flag because I know that there are genuine promotional opportunities that can arise from it and give the track a greater sense of identity that aligns itself with our local hero. Grenache is not well known outside of South Australia to be honest and is better known in America, Canada and England than here. However, the timing is right for us to differentiate and focus on a style of wine which if you take a cue from the uplift of interest in Pinot Noir, the world is now showing a greater enthusiasm for savoury, spicy, silky, mid weight red wine.

Bim you may well wish to chat about this over the phone and advise me on a path forward. I look forward to further discussions on this.

Yours Sincerely,

Robert W. Hill Smith
Chairman
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
Council is asked to consider renaming the Tanunda to Gawler Cycle and Walking Trail, known as the Jack Bobridge Track (the track).

REPORT
The track was constructed during three financial years with its conclusion in 2015. On 20 December 2011 minute page reference 2011/324 the then Council determined to name the track after Jack Bobridge.

The track has significant community and visitor use and as such has considerable connection to Brand Barossa. There is also significant marketing and other materials branded.

The stocktake of materials and estimates to provide new branding are as follows:

1. On-line, fact sheets and other references are not significant and easily and quickly changed within existing resources;
2. The Barossa by bike map will need to be rebranded, it is currently available across the region. Of the current print of 30,000 there are estimated to be 18,000 remaining in stock. The original cost was $6,500 plus $1,000 for the set up/ artwork, with price changes overtime we estimate $9,000 in total;
3. There are five commissioned interpretative signs which will also need rebranding, they cannot be removed as they are connected to grant funding and provide a story to the region. The signs are fixed to iron sculptures, but the plates are attached to the sculptures by rivet and can be replaced. Each plate is approximately $200-$300 plus labour replace estimated at $3,500. These signs are branded also with State / DPTI logo and they need to remain on the signs for as long as the asset is used.
4. There are approximately 10 blue and white standard signs at each “entry point” to the requiring rebranding. The cost to replace each is at $100 each plus a further $1,500 labour - $2,500 to replace.

A renaming provides an opportunity to rebrand the track.

At this time it is suggested that the track be named the Barossa Trail.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES
Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan

☆ Community and Culture

двигатель Business and Employment
2.1 Initiate and support activities which encourage participation and pride in the Barossa Council area.

5.3 Help build the capacity of the tourism sector and encourage the development of tourist services, including eco and recreational tourism infrastructure.

Legislative Requirements
Local Government Act 1999, Section 219

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Finance
Costs to be funded are not budgeted and total $15,000.

Resource
As outlined in the report.

Risk Management
No specific physical risk, need to align track with Brand Barossa and the worldwide name of Barossa is a key consideration.

COMMUNITY CONSULTATION
Not required under Legislation and Council’s Public Consultation Policy.
4.3.2 CONSENSUS AGENDA – MANAGER COMMUNITY PROJECTS

4.3.2.1 MINUTES COMMUNITY ASSISTANCE SCHEME COMMITTEE
The Community Assistance Scheme Committee is established to assess Heritage Grant Applications and Community Grant applications in accordance with Council’s Community Assistance Scheme Policy and Guidelines. The Minutes of the Community Assistance Scheme Committee Meeting held 5 August 2020 are presented for information (copy attached).

RECOMMENDATION:
That Report 4.3.2.1 be received.
MINUTES OF THE MEETING
OF THE BAROSSA COUNCIL COMMUNITY ASSISTANCE SCHEME COMMITTEE
held in the Council Chamber at The Barossa Council, 43-51 Tanunda Road, Nuriootpa
on Wednesday 5 August 2020 commencing at 5.30pm

WELCOME
Cr Boothby declared the meeting open at 5.30pm and welcomed all in attendance.

1. PRESENT
Cr Leonie Boothby (Deputy Mayor), Mayor Bim Lange, Cr Kathryn Schilling, Cr Cathy Troup, Cr Carla Wiese-Smith, Cr Don Barrett, Rebecca Tappert (CASC Executive Officer), Annette Randall (CASC Administration Officer).

2. APOLOGIES
Nil

3. CONFIRMATION OF PREVIOUS MINUTES

MOVED Mayor Lange that the Minutes of the Community Assistance Scheme Committee meeting held on 5 February 2020 as circulated, be confirmed as a true and correct record of the proceedings of that meeting.
Seconded Cr Troup
CARRIED

4. BUSINESS ARISING FROM PREVIOUS MINUTES
Nil

5. CONSENSUS AGENDA

5.2 ITEMS FOR EXCLUSION FROM THE CONSENSUS AGENDA
Nil

6.2 RECEIPT OF CONSENSUS AGENDA

MOVED Cr Wiese-Smith that the items contained in the Consensus Agenda be received and that any recommendations contained therein be adopted.
Seconded Cr Schilling
CARRIED

6. DEBATE AGENDA

6.1 COMMUNITY GRANTS

6.1.1 NEW APPLICATIONS

6.1.1.1 EDEN VALLEY TOURISM AND PROMOTIONAL GROUP INC - EDEN VALLEY WINE REGION TOURISM WEBSITE B3342

MOVED Cr Wiese-Smith that the Community Assistance Scheme Committee defers a decision on the Community Grant Application submitted by the Eden Valley Tourism and Promotional Group Inc (EVTPG) for funding towards its project, Eden Valley Wine Region Tourism Website, pending further information following consultation between EVTPG and Tourism Barossa and Barossa Grape and Wine Association (BGWA) regarding its project and how Eden Valley currently fits into Tourism Barossa and BGWA strategy and promotion.
Seconded Cr Troup
CARRIED
PURPOSE
To consider a Community Grant Application from Eden Valley Tourism and Promotional Group Inc, (the Group) seeking $6,300 (ex GST) towards their Eden Valley Wine Region Tourism Website project (Attachment 2).

REPORT
Background
The Eden Valley Tourism and Promotional Group became incorporated in 2009. Their Constitution states that “The Chief Objects of The Association are to improve services, maintain the heritage of Eden Valley and promote the interests of its community from a social, economic, environmental and recreational perspective.” They state numerous small goals have been achieved including the development of the Eden Valley Lookout, the Sculpture Project depicting the town’s local history, and Eden Valley float for the biennial Vintage Festival Parade.

Introduction
The Group is seeking funding to overhaul their aged website and replace it with a modern, user-friendly upgrade to promote Eden Valley specifically and the whole geographic indicator area generally, as a part of the greater Barossa region. They hope to build brand awareness, promote tourism activity and bring people and therefore revenue, to the region. The Group engages with community members and local businesses to highlight their activities and events through their facebook page, website and newsletter.

Discussion
The Group states that the Eden Valley Wine Region encompasses 1,500+ people and approximately 35 small business operators. It has conducted extensive surveys of over 40 local wineries, cellar doors and eateries, 21 suppliers of accommodation, 12 art and cultural venues and 12 function hire venues, with 91% of responses saying they would actively support the website by taking advantage of its membership options, and over 50% of them already committing what financial package they would buy. (Letters of support are provided in Attachment 2.)

In March 2020, the Group applied for funding through the Foundation of Rural and Regional Renewal Small Vital Grants, but were not successful. Subsequently, the Group decided to divide the project into discrete stages to increase the opportunities for funding. Stage 1, for which this Community Grant application is seeking funding of $6,300, is as follows:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount (ex GST)</th>
</tr>
</thead>
<tbody>
<tr>
<td>BASE Website Design and Development</td>
<td>$8,870</td>
</tr>
<tr>
<td>Hosting Fee</td>
<td>$300</td>
</tr>
<tr>
<td>SSL Certificate</td>
<td>$130</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$9,300</strong></td>
</tr>
</tbody>
</table>

Future stages are “add-on” components which they hope to achieve through other funding grants, such as ANZ Seeds of Renewal.

(The Group has provided a quote and project proposal from Stellar Digital. It is not included in Attachment 2 as it is marked Commercial in Confidence information.)

The Group hopes that once the first stage is implemented, it will make attracting future funding for further modules easier to secure. This is the reason they are requesting a larger Community Grant from Council. They feel the project is so important for the development of tourism in the area and also why they have committed half of their current cash reserves to the project. It is their highest priority.

Stated income for the project is:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount (ex GST)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Group Funds</td>
<td>$1,000</td>
</tr>
</tbody>
</table>
NOT CONFIRMED

<table>
<thead>
<tr>
<th>Fundraising</th>
<th>$ 2,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Requested Community Grant</td>
<td>$ 6,300</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$ 9,300</strong></td>
</tr>
</tbody>
</table>

They state that the project could proceed if only partial funding is received from Council, but significant additional fundraising would need to occur. For a community the size of Eden Valley, the website rebuild is a significant project.

Various Council Officers have provided comment on the Application and proposal ([Attachment 1](#)).

**Summary and Conclusion**
Officers are generally supportive of the website project, provided it aligns with Barossa branding and barossa.com. Council’s Manager Tourism Services is supportive of the overall concept to help promote the sub-region, and encourages the Group to consult and communicate with the Barossa Visitor Centre team to avoid duplication of resources and to develop a more strategic approach to promotion and how they can link in with Barossa.com, regional visitor guide, social media and other key regional resources.

Officers have some concern about consistency of approach by Council, in that requests from other organisations for funding through the New Initiatives process were not approved, due to no New Initiatives accepted in the 2020/21 financial year.

The Hosting Fee ($300) and SSL Certificate ($130) may be considered operational/admin costs which are not supported under the Community Grant Guidelines.

CASC has delegation to approve Community Grants up to $3,000 (ex GST). This Application is requesting $6,300 (ex GST). The Application, together with a report and the CASC recommendation will be presented to the next Council Meeting for decision.

**ATTACHMENTS OR OTHER SUPPORTING REFERENCES**
Attachment 1: Community Grant Application Summary Sheet
Attachment 2: Community Grant Application and supporting documentation

**Policy**
Community Assistance Scheme Policy
Community Grant Guidelines

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

**Community Plan**
- Community and Culture
- Infrastructure
- Business and Employment

**Corporate Plan**
2.3 Support and promote community involvement and networks and provide opportunities for participation in local decision making.
2.4 Foster volunteering opportunities that are responsive to the needs of the Community.
2.6 Provide, promote and support community arts and cultural events, programs, attractions and services.
5.3 Support Barossa regional branding in our tourism activities and product.
5.5 Contribute to tourism industry capacity building through the facilitation of tourism infrastructure development, including eco and recreational tourism.
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.

**Legislative Requirements**
FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial
The adopted Budget for the Community Grants and Youth Grants for 2020/21 is $25,500 (excl GST).

<table>
<thead>
<tr>
<th>August 2020:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>TOTAL CURRENT FUNDS AVAILABLE</td>
<td>$25,500</td>
</tr>
<tr>
<td>Requested Community Grants</td>
<td>3 Applications</td>
</tr>
<tr>
<td>FUNDS REMAINING IF APPLICATIONS GRANTED</td>
<td>$1,908</td>
</tr>
</tbody>
</table>

Note: The CASC, at its meeting held 7 August 2019, provided in-principle support for the Southern Barossa Alliance Inc (SBA) – Development of Sustainable Wildlife Rescue Service in Barossa Valley project concept, but deferred consideration of a Community Grant pending completion of several tasks in the SBA Project Plan. The SBA were seeking $3,000 ex GST. Refer to the update report in item 5.1.6 of the Consensus Agenda.

Risk Management
Adherence to Council’s Community Assistance Scheme Policy and Community Grant Guidelines is a risk management tool.

Various Officers have reviewed the Grant Application and proposal.

COMMUNITY CONSULTATION
Community Consultation is not required under legislation or Council Policy.

6.1.1.2
PARKRUN INC - ESTABLISHMENT OF WEEKLY PARKRUN EVENT AT SOUTH PARA RESERVOIR B3342

MOVED Cr Wiese-Smith that the Community Assistance Scheme Committee approves a Community Grant of $3,000 (ex GST) to Parkrun Inc towards establishment of a free weekly parkrun event at South Para Reservoir near Williamstown, subject to Parkrun Inc receiving written approval from SA Water for use of the property.

Seconded Cr Schilling

CARRIED

PURPOSE
To consider a Community Grant Application from Parkrun Inc, seeking $3,000 (ex GST) towards establishment of a parkrun event at South Para Reservoir, near Williamstown (Attachment 2).

REPORT
Background
Parkrun is a not-for-profit organisation which provides free weekly, timed, volunteer led 5km walk/run to communities across the world. In 2017, Council supported the establishment of the Nuriootpa parkrun at Coulthard Reserve, Nuriootpa.

Discussion
This project will establish a new parkrun event at South Para Reservoir near Williamstown. It will be a free, weekly 5km walking/running/volunteering event, held every Saturday morning on an ongoing basis (with no additional funding required). The idea for the project came from the community and it will be delivered by local volunteers, supported by parkrun Australia. It is anticipated that the start date for the proposed new event will be late 2020, subject to Covid-19 restrictions.
NOT CONFIRMED

As parkrun is a not-for-profit organisation, each new event is responsible for sourcing its own start up funds of $7,500. The cash and investment holdings of parkrun Australia are held in reserve to cover the ongoing costs of the 402 parkrun events currently established in Australia.

The start up and establishment costs ($5,500 ex GST) fund essential equipment, licences, IT infrastructure and insurance and the remaining $2,000 is required for a defibrillator (mandatory at all Australian events). (Refer quote in Attachment 2.) A Community Grant of $3,000 ex GST would finance portion of the start-up and establishment costs. Additional funding is being sourced for the remaining $4,500.

Parkrun expect that the project will benefit the Williamstown and surrounding community by promoting community physical activity participation for people of all abilities and removing traditional barriers to physical activity participation.

Various Council Officers have provided comment on the Application and proposal (Attachment 1).

Summary and Conclusion

Officers support the proposed new parkrun event. The Manager Community Projects provided a formal letter to the Williamstown community group, supporting the application for a parkrun event at Williamstown.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1: Community Grant Application Summary Sheet
Attachment 2: Community Grant Application and supporting documentation

Policy
Community Assistance Scheme Policy
Community Grant Guidelines

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan

Community and Culture

Health and Wellbeing

Corporate Plan

2.4 Foster volunteering opportunities that are responsive to the needs of the Community.
4.1 Deliver and promote health and wellbeing initiatives in line with the Public Health Plan.
4.6 Support the growth and sustainability of sporting, recreational and community clubs and organisations through provision of shared infrastructure, grants and opportunities to shape future use and development.
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.

Legislative Requirements
Local Government Act 1999

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial

The adopted Budget for the Community Grants and Youth Grants for 2020/21 is $25,500 (excl GST).

<table>
<thead>
<tr>
<th>TOTAL CURRENT FUNDS AVAILABLE</th>
<th>$25,500</th>
</tr>
</thead>
<tbody>
<tr>
<td>August 2020: Requested Community Grants</td>
<td>3 Applications</td>
</tr>
</tbody>
</table>
Minutes of the Community Assistance Scheme Committee Meeting held on 5 August 2020

**Risk Management**
Adherence to Council’s Community Assistance Scheme Policy and Community Grant Guidelines is a risk management tool.

Various Officers have reviewed the Grant Application and proposal.

**COMMUNITY CONSULTATION**
Community Consultation is not required under legislation or Council Policy.

### 6.1.1.3
**MT MCKENZIE HALL INC - COMMUNITY FIRE FIGHTING TANK**
*B3342*

**MOVED** Mayor Lange that the Community Assistance Scheme Committee:

1) supports in principle, the Mt McKenzie Hall Inc Community Fire Fighting Tank project;

2) defers a decision on the Community Grant Application submitted by Mt McKenzie Hall Inc for funding towards its Community Fire Fighting Tank project, pending further information on the following:
   - access to water to fill the tank (ie where will the water come from)
   - whole of life costs of the project
   - how ongoing costs will be funded

**Seconded** Cr Barrett

**CARRIED**

**PURPOSE**
To consider a Community Grant Application from Mt McKenzie Hall Inc, (the Group) seeking $15,722 (incl GST) towards their Community Fire Fighting Tank project *(Attachment 2)*.

**REPORT**

**Background**
Mt McKenzie is a small semi rural community, half way between Angaston and Eden Valley. The Mt McKenzie Hall property has been owned by the local Community for 94 years and is managed by Mt McKenzie Hall Inc. Objectives of the organisation include provision of “facilities for all people who identify with the Mount McKenzie community to interact with each other and share ideas” and “at all times be operated for the benefit of community members”. (From Rules of the Mount McKenzie Hall Incorporated)

**Introduction**
The Group’s planned major capital expense for 2020 was the installation of a fire fighting water tank. This project can now no longer be funded by the Group due to cancellation of all community fundraising events in response to the COVID-19 pandemic. (In 2019, the Group’s fundraising exceeded $15,000 which was used to upgrade the Hall facilities.)

**Discussion**
The Mt McKenzie Hall is one of the last remaining community managed halls in the region. There are 36 properties in the near area of the Hall and an estimated 400 residents in the wider area. There is
no mains water connected at Mt McKenzie and also no communal water infrastructure. The Group unanimously agreed that the purchase of a 160kl fire fighting tank would come from funds raised during 2020. The proposed asset would help both the CFS and farm fighting units to protect the local area.

The Group has sourced quotes from local trades and businesses (refer Attachment 2) and provided the following costs:

<table>
<thead>
<tr>
<th>Description</th>
<th>$ (inc GST)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Heritage 160kl tank</td>
<td>13,550</td>
</tr>
<tr>
<td>Quarry materials</td>
<td>753</td>
</tr>
<tr>
<td>Civil site works and prep</td>
<td>2,000</td>
</tr>
<tr>
<td>Materials, 100mm water delivery</td>
<td>200</td>
</tr>
<tr>
<td>Fire pump and electrical installation</td>
<td>719</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$17,222</strong></td>
</tr>
</tbody>
</table>

The Group has indicated it can provide $1,500 of its own funds toward the project.

They understand that the application is for a substantial sum of money and if Council cannot grant the full amount, request that consideration be given for the cost of the supply and installation of the tank. The Group would then concentrate future community fundraising to raise the shortfall after Covid-19 restrictions are lifted. They have not sought other funding sources at this point. The Chair of Mt McKenzie Hall Inc has stated that their application is “critical for our local community”.

Various Council Officers have provided comment on the Application and proposal (Attachment 1). Planning and building approval will be required and, as the site is local heritage listed, any application will be required to be reviewed by Council’s Heritage advisor.

**Summary and Conclusion**

Officers have briefly investigated other funding sources for this project, given the scale of funding sought. CASC could be used to leverage other funding applications (grants, etc). It is suggested that the Group enquire with Primary Industries and Regions SA (PIRSA) or investigate the Building Better Regions Fund round 5 that may come out at the end of the year. It is understood that there are currently no Emergency Services Grants out, but this may change coming into summer. Council’s drought support funding program has already been resolved by Council.

Officers recommend that any Community Grant payment be subject to Planning and Building approvals being granted prior to 30 June 2021 and the project being fully funded.

Officers have some concern about consistency of approach by Council, in that the request may be considered a New Initiative. Requests from other organisations for funding through the New Initiatives process were not approved, due to no New Initiatives in the 2020/21 financial year.

CASC has delegation to approve Community Grants up to $3,000 (excl GST). This Application is requesting $14,292 ex GST (ie $15,722 inc GST). The Application, together with a report and the CASC recommendation will be presented to the next Council Meeting for decision.

**ATTACHMENTS OR OTHER SUPPORTING REFERENCES**

Attachment 1: Community Grant Application Summary Sheet
Attachment 2: Community Grant Application and supporting documentation

**Policy**

Community Assistance Scheme Policy
Community Grant Guidelines

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

Community Plan

Community and Culture
NOT CONFIRMED

Corporate Plan
2.4 Foster volunteering opportunities that are responsive to the needs of the Community.
2.10 Collaborate with key emergency management stakeholders and provide support for community safety initiatives.
4.14 Plan for public health and security risks associated with climatic changes.
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.

Legislative Requirements
Local Government Act 1999

Financial, Resource and Risk Management Considerations

Financial
The adopted Budget for the Community Grants and Youth Grants for 2020/21 is $25,500 (excl GST).

| August 2020: | $25,500 |
| Requested Community Grants | 3 Applications | $23,592 (ex GST) |
| FUNDS REMAINING IF APPLICATIONS GRANTED | $1,908 |

Note: The CASC, at its meeting held 7 August 2019, provided in-principle support for the Southern Barossa Alliance Inc (SBA) – Development of Sustainable Wildlife Rescue Service in Barossa Valley project concept, but deferred consideration of a Community Grant pending completion of several tasks in the SBA Project Plan. The SBA were seeking $3,000 ex GST. Refer to the update report in item 5.1.6 of the Consensus Agenda.

Risk Management
Adherence to Council’s Community Assistance Scheme Policy and Community Grant Guidelines is a risk management tool.

Various Officers have reviewed the Grant Application and proposal.

Community Consultation
Community Consultation is not required under legislation or Council Policy.

6.1.2 Grant Acquittals

6.1.2.1 Carers and Disability Link Inc – Acceptance and Commitment Therapy Training for Barossa Carers

B3342

MOVED Mayor Lange that the Community Assistance Scheme Committee receives and approves the Acquittal documentation in relation to the Community Grant of $2,000 awarded to Carers and Disability Link Inc towards its Acceptance and Commitment Therapy Training for Barossa Carers project.

Seconded Cr Troup

CARRIED

Purpose
To consider the acquittal documentation in relation to the Community Grant awarded to Carers and Disability Link Inc towards its Acceptance and Commitment Therapy Training for Barossa Carers project.

Report

Minutes of the Community Assistance Scheme Committee Meeting held 5 August 2020
Minutes of the Community Assistance Scheme Committee Meeting held on 5 August 2020

Background
The Community Assistance Scheme Committee (CASC), at its meeting held 7 August 2019, approved a Community Grant of $2,000 to Carers and Disability Link Inc towards its Acceptance and Commitment Therapy Training for Barossa Carers project.

Introduction
The Community Assistance Scheme Policy requires that “a written assessment of the project, including a financial statement (Acquittal Statement) is required from the Grant recipient on completion of the project”.

Discussion
A project report and a Grant Acquittal Statement and evidence of expenditure is provided in Attachment 1. The Acquittal requests copies of receipts/invoices, but a copy of Account Transactions has been provided in lieu.

Noted that the Account Transactions total $1,961.36 and there was an internal cost allocation for the remainder of the Grant expenditure.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachments
Attachment 1: Project report, Grant Acquittal Statement and evidence of expenditure (P20/27787)

Policy
Community Assistance Scheme Policy
Community Grant Guidelines

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan
How We Work – Good Governance

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.

6.4 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.

Legislative Requirements
Local Government Act 1999

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS
Adherence to Council’s Community Assistance Scheme Policy and Community Grant Guidelines is a risk management tool.

COMMUNITY CONSULTATION
Community Consultation is not required under legislation or Council Policy.

6.1.2.1
BAROSSA ARCHERY CLUB INC - SHED FOR ARCHERY ROAD B3342

Mayor Lange advised that he is not the Michael Lange, Secretary of the Barossa Archery Club, who has authored correspondence received.
Cr Wiese-Smith that the Community Assistance Scheme Committee receives and approves the Acquittal documentation in relation to the Community Grant of $2,000 awarded to Barossa Archery Club Inc towards its Shed for Archery Road project.

Seconded Cr Troup

CARRIED

**PURPOSE**
To consider the acquittal documentation in relation to the Community Grant awarded to Barossa Archery Club Inc towards its Shed for Archery Road project.

**REPORT**

**Background**
The Community Assistance Scheme Committee (CASC), at its meeting held 7 August 2019, resolved the following:

**MOVED** Cr Schilling that the Community Assistance Scheme Committee:

1) supports in principle, the Barossa Archery Club Inc “Shed for Archery Road, Tanunda” project;

2) approves a Community Grant of $2,000 (excl GST) towards the Barossa Archery Club Inc “Shed for Archery Road, Tanunda” project, subject to Development Approval and all conditions of Development Consent being addressed.

Seconded Cr Wiese-Smith

CARRIED

**Introduction**
The Community Assistance Scheme Policy requires that “a written assessment of the project, including a financial statement (Acquittal Statement) is required from the Grant recipient on completion of the project”.

**Discussion**
The Barossa Archery Club Inc provided its Grant Acquittal Statement at the end of April 2020, advising that Club had received Council approval and had progressed with the project. The grounds had been cleared and levelled and the shed base laid, prepared and compacted. Progress stopped when Club activities were halted due to Covid-19 restrictions. They advised that the next stage, when they reopen, was to pour the shed footing, lay the retaining walls and then commence installation of the shed.

The Community Grant assisted with surveyor, engineering, certification and cement costs. Copies of invoices are included with the Acquittal Statement in Attachment 1. The Club has paid for the shed and development approval fees.

The Club has subsequently advised that progress has resumed since restrictions have lifted. They have purchased the materials and installed the retaining wall required to support the foundation. The next phase is for concrete footing and floor, which they are currently fundraising for.

**ATTACHMENTS OR OTHER SUPPORTING REFERENCES**

**Attachments**
Attachment 1: Grant Acquittal Statement and evidence of expenditure (P20/38131); emails dated 28 April and 28 July 2020, advising project status (P20/50770)

**Policy**
Community Assistance Scheme Policy
Community Grant Guidelines

**COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS**
Community Plan

How We Work – Good Governance
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.
6.4 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.

Legislative Requirements
Local Government Act 1999

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS
Adherence to Council’s Community Assistance Scheme Policy and Community Grant Guidelines is a risk management tool.

COMMUNITY CONSULTATION
Community Consultation is not required under legislation or Council Policy.

6.1.2.3 WILLIAMSTOWN SENIOR CITIZENS CLUB INC – REPLACEMENT OF OBSOLETE AIR CONDITIONING UNITS
B3342

MOVED Cr Wiese-Smith that the Community Assistance Scheme Committee receives and approves the Acquittal documentation in relation to the Community Grant of $4,863 (ex GST) awarded to Williamstown Senior Citizens Club Inc for replacement of obsolete air conditioning units in the Senior Citizens/RSL Hall at Williamstown.
Seconded Cr Barrett CARRIED

PURPOSE
To consider the acquittal documentation in relation to the Community Grant awarded to Williamstown Senior Citizens Club Inc for replacement of obsolete air conditioning units in the Senior Citizens/RSL Hall at Williamstown.

REPORT
Background
Council, at its meeting held 19 May 2020, approved a Community Grant of $4,863 (ex GST) to Williamstown Senior Citizens Club Inc for replacement of obsolete air conditioning units in the Senior Citizens/RSL Hall at Williamstown. (The meeting scheduled for the Community Assistance Scheme Committee on 6 May 2020 was cancelled in response to COVID-19 restrictions. The Business Continuity Management Group determined that the items for consideration be presented to full Council to avoid additional meetings during this time.)

Introduction
The Community Assistance Scheme Policy requires that “a written assessment of the project, including a financial statement (Acquittal Statement) is required from the Grant recipient on completion of the project”.

Discussion
A Grant Acquittal Statement, copy of invoice and report is provided in Attachment 1. Council paid the invoice direct to the supplier; an officer has therefore signed the Acquittal Statement, certifying that the funds provided by the Community Assistance Scheme were used for the purpose for which they were approved.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES
Attachments
Attachment 1: Grant Acquittal Statement, Invoice and Report (P20/50830)
NOT CONFIRMED

Policy
Community Assistance Scheme Policy
Community Grant Guidelines

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan

How We Work – Good Governance

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.

6.4 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.

Legislative Requirements
Local Government Act 1999

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Adherence to Council’s Community Assistance Scheme Policy and Community Grant Guidelines is a risk management tool.

COMMUNITY CONSULTATION

Community Consultation is not required under legislation or Council Policy.

6.1.3 REQUEST FOR EXTENSION OF TIME – GRANT ACQUITTAL

6.1.3.1 ANGASTON & PENRICE HISTORICAL SOCIETY INC – REQUEST FOR EXTENSION OF TIME

B3342

MOVED Cr Schilling that the Community Assistance Scheme Committee approves an extension of time to 31 December 2020 to the Angaston & Penrice Historical Society Inc to complete their project: Creation of Angaston Heritage Brand and Cultural Heritage Experience.
Seconded Cr Troup

CARRIED

PURPOSE

To consider a request from the Angaston & Penrice Historical Society Inc for an extension of time to complete their project: Creation of Angaston Heritage Brand and Cultural Heritage Experience.

REPORT

Background
The Community Assistance Scheme Committee, at its 1 May 2019 meeting, approved a Community Grant of $3,000 to the Angaston & Penrice Historical Society Inc towards their project: Creation of Angaston Heritage Brand and Cultural Heritage Experience.

Introduction
The Community Grant Guidelines require the “grant funds must be expended within 12 months of the grant approval (unless prior approval has been sought)”. 

Discussion
A request has been received from Angaston & Penrice Historical Society Inc for an extension of time to complete their project, as the majority of the Grant is not yet expended. They intend to use most
of it for a short video and the remainder for additional printed material. They expect the funds to be expended by the end of 2020.

**ATTACHMENTS OR OTHER SUPPORTING REFERENCES**

**Attachments**
Attachment 1: Request for extension of time to complete project (P20/49421)

**Policy**
Community Assistance Scheme Policy
Community Grant Guidelines

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

**Community Plan**
How We Work – Good Governance

**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.
6.4 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.

Legislative Requirements
Local Government Act 1999

**FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS**

Adherence to Council’s Community Assistance Scheme Policy and Community Grant Guidelines is a risk management tool.

**COMMUNITY CONSULTATION**
Community Consultation is not required under legislation or Council Policy.

**LATE ITEM 6.1.4 – PENDING COMMUNITY GRANT APPLICATION**

**6.1.4.1 SOUTHERN BAROSSA ALLIANCE INC – DEVELOPMENT OF SUSTAINABLE WILDLIFE RESCUE SERVICE IN BAROSSA VALLEY**

B3342

**MOVED** Cr Schilling that the Community Assistance Scheme Committee approves a Community Grant of $2,980 (excl GST) to Southern Barossa Alliance Inc towards its “Development of Sustainable Wildlife Rescue Service in Barossa Valley” project.

**Seconded** Cr Troup

**CARRIED**

**PURPOSE**
To consider the further information and updated Community Grant Application provided by Southern Barossa Alliance Inc (SBA) towards its project: “Development of Sustainable Wildlife Rescue Service in Barossa Valley”.

**REPORT**
**Introduction**
Southern Barossa Alliance Inc submitted a Community Grant application in March 2019 to support the transition of the informal Barossa Wildlife Rescue volunteer group to “a sustainable, incorporated, not-for-profit, charitable body providing a wildlife rescue service in the Barossa Valley”.
The Community Assistance Scheme Committee (CASC), at its meeting held 1 May 2019, resolved the following:

**MOVED** Mayor Lange that the Community Assistance Scheme Committee (CASC) defers its decision on the Community Grant Application submitted by Southern Barossa Alliance Inc for funding towards its “Development of Sustainable Wildlife Rescue Service in Barossa Valley”, until the next CASC meeting and pending clarification of the project in regard to management structure, succession and governance information.

Seconded Cr Wiese-Smith  

CARRIED

An excerpt from the Minutes is provided in Attachment 1.

The CASC, at its meeting held 7 August 2019, resolved the following:

**MOVED** Mayor Lange that the Community Assistance Scheme Committee;

1. acknowledge and commend the work of Barossa Wildlife Rescue;
2. provide in-principle support for Southern Barossa Alliance Inc (SBA) project concept to auspice the transition of Barossa Wildlife Rescue to a sustainable, incorporated, not-for-profit, charitable group providing wildlife rescue service in the Barossa Valley;
3. defer consideration of a Community Grant pending completion of the following Tasks in the SBA Project Plan (Ref: 19/67795):
   - Task 1: SBA/Barossa Wildlife Rescue Auspice Agreement
   - Task 4: Risk Assessment and Risk Management Plan for Wildlife Rescue Operations
   - Task 5: Stakeholder Engagement Workshop with Barossa Wildlife Rescue volunteers, Native Animal Network SA Inc, Fauna Rescue Inc and The Barossa Council
   - Task 6: A report on options for sustainable operations of the Wildlife Rescue Service

Seconded Cr Wiese-Smith  

CARRIED

An excerpt from the Minutes is provided in Attachment 2.

An update report was provided to the 5 February 2020 CASC meeting (Attachment 3) where:

“Members noted the Progress Report from SBA, received by Council on 5 February 2020. Ms Tappert commended SBA on the substantial progress it has made in leading the project and achieving tasks in their Project Plan. Officers will liaise with the SBA to ascertain if any changes are required to their initial Community Grant Application so that it may be considered again at the 6 May 2020 CASC meeting.” (Excerpt from Minutes of meeting.)

Discussion

Since the last update report provided to the 5 February 2020 CASC meeting, Officers have liaised with SBA to ascertain if any changes were required to their initial Community Grant application so that it might be considered again at the next CASC meeting.

SBA have provided a further update report (received 31 July 2020), which outlines the completion of the required tasks and amended project expenditure items (Attachment 4).

A summary of their activities (mapped to their Project Plan) follows:

- BWR has continued to provide a wildlife rescue service in the Barossa and surrounding districts throughout the COVID Crisis at the historical rescue rate level.
- A SBA/Barossa Wildlife Rescue Auspicing Agreement was signed in February 2020 (Completion Task 1).
- Stakeholder Engagement Workshop held on 17 December 2019 with 15 people attending including 10 Carers, Anne Pashley from Native Animal Network SA and Melaney Crawford from the Fauna Permits Unit National Parks and Wildlife Service South Australia. Mel provided a training session for the 10 carers who attended on the updated Fauna Permit requirements and Ann...
briefed on the limited capacity of Native Animal Network SA to support fauna rescue in the Barossa. (Completion Task 5).

- A Barossa Wildlife Rescue Group Sub-Committee of the SBA was formed in February 2020, with finance and governance support provided by the SBA. The sub-committee has been very active in ensuring the BWR operations continue safely during the COVID-19 crisis.

- An initial Risk Assessment has been drafted and is progressing rescue and care policies and procedures for the animal types being rescued and cared for. They are engaging Wildcare Australia Inc to establish a collaborative arrangement to enable BWR to utilise their Safety Management Manual and to provide mentoring support if required. (Task 4).

- Report prepared on the sustainable operations of the Wildlife Rescue Service. Draft constitution completed on 30 July 2020, which included the mandatory requirements for registration as a charity (Task 6).

- Agreement negotiated with Barossa Fresh Foodland in Nuriootpa and She’s Apples for the weekly donation of second grade fruit and vegetables.

- A Flight Cage was donated to BWR and installed by a Pernod Ricard Staff Community Service Working Bee.

- Cooperages 1912 is scheduled to conduct an aviary maintenance and weed removal Staff Community Service day in mid-August 2020.

- The Sub-committee has postponed its planned sponsorship drive due to the impact of COVID-19 on local businesses.

SBA has amended its project expenditure details due to the uncertainty of the ongoing impact of COVID-19 to ensure the security of the supply of the core animal food supplies (hay, pellets, milk supplements and vet supplies) during the transition period:

a. Delete the requirement for the pre-release bird flight cage.

b. Reduce the Volunteer Rescue and Care Training to $200 to cover a cooperative alliance with Australia Wildcare to gain access to wildlife rescue and care policies and procedures and mentoring.

c. Add the requirement for 3 months of animal food supplies at a cost of $1,500.

d. Reduce the marketing effort due to impact of COVID-19 on local economy to $100.

The updated Community Grant application requests funding for the following:

- Public Liability Insurance (SBA) $ 80
- Safe Rescue Equipment – netting, poles, bags, cages: $ 900
- First Aid/Medicine kit $ 200
- Access to Wildcare Policies and procedures $ 200
- Marketing, Membership/ Sponsorship Website $ 100
- Security of Transition Animal Food Supplies $1,500

Total Expenditure $2,980

A copy of the updated Application is provided in Attachment 5.

Noted that Rose Brooks recently retired from her employment and although involved full time with the BWR, is unable to sustain her previous level of funding support. SBA state that “COVID-19 has resulted in significant losses in income in our community a subsequent decrease in donations”.

Summary and Conclusion

Officers agree that the project is a worthwhile cause, but also have mixed opinions as to Council’s funding priorities and core business. There are some concerns with ongoing sustainability of the service; however, the proposed constitution will address management of funds and property and winding up provisions. The BWR has listed fundraising and succession strategies in its “Options for Sustainable Operations of Barossa Wildlife Rescue” report (Attachment 4).
NOT CONFIRMED

ATTACHMENTS OR OTHER SUPPORTING REFERENCES
Attachment 1: Excerpt from CASC Minutes 1 May 2019
Attachment 2: Excerpt from CASC Minutes 7 August 2019
Attachment 3: Update report on the project – 5 February 2020
Attachment 4: Update report on the project – July 2020
Attachment 5: Updated Community Grant Application form

Policy
Community Assistance Scheme Policy
Community Grant Guidelines

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS
Community Plan
Natural Environment and Built Heritage
1.2 Support native ecosystems through a planned management approach
(Council’s role is Provider/Regulator; Advocate; Facilitator/Partner)

Community and Culture
2.4 Encourage and support volunteering in the community.
(Council’s role is Provider/Regulator; Advocate)

Corporate Plan
Community and Culture
2.4 Foster volunteering opportunities that are responsive to the needs of the Community.

Legislative Requirements
Nil

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS
Financial
The adopted Budget for the Community Grants and Youth Grants for 2020/21 is $25,500 (excl GST).

<table>
<thead>
<tr>
<th></th>
<th>$ EX GST</th>
</tr>
</thead>
<tbody>
<tr>
<td>TOTAL CURRENT FUNDS AVAILABLE</td>
<td>$25,500</td>
</tr>
<tr>
<td>August 2020:</td>
<td></td>
</tr>
<tr>
<td>Requested Community Grants</td>
<td></td>
</tr>
<tr>
<td>3 Applications:</td>
<td></td>
</tr>
<tr>
<td>• Eden Valley Tourism &amp;</td>
<td>$6,300</td>
</tr>
<tr>
<td>Promotional Group</td>
<td></td>
</tr>
<tr>
<td>• Parkrun Inc</td>
<td>$3,000</td>
</tr>
<tr>
<td>• Mt McKenzie Hall Inc</td>
<td>$14,292</td>
</tr>
<tr>
<td>Deferred Application from SBA – Barossa Wildlife Rescue</td>
<td>$2,980</td>
</tr>
<tr>
<td>TOTAL REQUESTED</td>
<td>$26,572</td>
</tr>
</tbody>
</table>

Exceeds Budget by $1,072

COMMUNITY CONSULTATION
Community Consultation is not required under legislation or Council Policy.

7. OTHER BUSINESS
Nil

8. NEXT MEETING
Tuesday 3 November 2020

9. CLOSE
Cr Boothby declared the meeting closed at 6.19pm
4.5.2  CONSENSUS AGENDA – ENVIRONMENTAL SERVICES REPORT

4.5.2.1  WILLIAMSTOWN, LYNDUCH LANDCARE GROUP INC.
B2791,
Minutes of the Williamstown, Lyndoch Landcare Group Inc. General Meeting an Annual General Meeting held 22 July 2020, are attached for information.

RECOMMENDATION:
The report items 4.5.2.1 be received.
Meeting Minutes

PO Box 694
Lyndoch, SA 5351

Purpose
General Meeting

Prepared by
Tina Woods

Phone No.
0421 616 444

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

Date/Time
22 July 2020, 8.25pm – 8.45pm

Attendees
Angus Atkinson (Chair)
Don Wegener
Shirley Wegener
Diana Dancer
Elke Wiese
Joerg Wiese
Tina Woods

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

File
20200722_GeneralMeetingMinutes.docx

<table>
<thead>
<tr>
<th>Item</th>
<th>Action by</th>
<th>Date Due</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Meeting Opened</td>
<td>8.25pm.</td>
<td></td>
</tr>
<tr>
<td>2 Apologies</td>
<td>Margaret Teskey, Brian Teskey, Rod Baker, Tracy Sinclair.</td>
<td></td>
</tr>
<tr>
<td>3 Minutes of previous Meeting</td>
<td>held 24 June 2020 – Accepted</td>
<td></td>
</tr>
<tr>
<td>Moved by Angus Atkinson, seconded by Don Wegener – Carried.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4 Business Arising last meeting:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Actions now closed:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nil to report</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Actions still open:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ACTION: Follow up with <strong>Friends of Para Wirra Conservation Park</strong> for possible joint Working Bee. Tracy Sinclair and Angus Atkinson to visit Friends of Para Wirra Conservation Park.</td>
<td>T. Sinclair/ A Atkinson</td>
<td>Ongoing</td>
</tr>
<tr>
<td>Update: <strong>Awaiting the COVID 19 restrictions to be lifted to enable joint working bee.</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>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.</td>
<td>B Green</td>
<td>Ongoing</td>
</tr>
<tr>
<td>Update: <strong>Review timing and need with Brian Green</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ACTION: Signage updates for walking tracks - Plan the updates required and estimate numbers, signage details and posts required for replacement track markers like the maps on the WalkingSA website for Altona. Follow Up costing with sign makers next season.</td>
<td>A Atkinson</td>
<td>Aug 2020</td>
</tr>
<tr>
<td>Update: <strong>Waiting on delivery of signage which will be installed during normal Volunteering maintenance hours.</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ACTION: Investigate costs of advertising in the local Barossa and Gawler papers.</td>
<td>A Atkinson</td>
<td>Aug 2020</td>
</tr>
<tr>
<td>ACTION: Camping – investigate group camping excursion as social activity.</td>
<td>A Atkinson</td>
<td>Ongoing</td>
</tr>
</tbody>
</table>
New Actions from Business Arising this meeting:

**ACTION: Mistletoe Survey** – Seeking quotes from Contractors to undertake the mistletoe pruning required for the mistletoe survey.

A. Atkinson  Sept 2020

**ACTION: Weed Control Plan for FY21** – Organise a meeting with Amanda Pearce on a Thursday to coincide with a Busy Bee to determine the Weed Control plan for FY21 (pending funding advise from The Barossa Council).

J. Wiese  Aug 2020

5  Correspondence:

In:

- Beyond Bank - Notice of changes to fees and charges, terms and conditions and credit information effective from 1 September 2020

Out:

- Nil.

6  Chair Report:

- Refer to Chair Report at AGM

7  Treasurers Report – as presented by Joerg Wiese:

Moved by Tina Woods, seconded by Shirley Wegener – Carried.

- **Monthly Income & Expenditure** – since last General Meeting in June 2020

<table>
<thead>
<tr>
<th></th>
<th>JUN 20</th>
</tr>
</thead>
<tbody>
<tr>
<td>Balance Brought Forward</td>
<td>$4,379.71</td>
</tr>
<tr>
<td>Income</td>
<td>$0.05</td>
</tr>
<tr>
<td>Expenses</td>
<td>$714.00</td>
</tr>
<tr>
<td><strong>End Month Balance</strong></td>
<td><strong>$3,665.76</strong></td>
</tr>
</tbody>
</table>

- **Account Balances** – since last General Meeting in June 2020

<table>
<thead>
<tr>
<th></th>
<th>JUN 20</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administration</td>
<td>$479.46</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>$3,665.76</strong></td>
</tr>
</tbody>
</table>

Joerg advised that the Landcare accounts would be provided to The Barossa Council for auditing.


Meeting Minutes

8 Publicity:
Nil to report.

9 General Business:

- **Mistletoe Survey** – Angus advised that it has been determined that there is no safe way to undertake the mistletoe pruning required for the survey by Landcare volunteers therefore he is exploring options with Contractors

- **Active Tree Services** – Pruning now complete in the Reserve, with light pruning of pine trees and three small gum trees. They were requested to leave all pruning on site.

- **Removal of Dead Bushes** – Don suggest the removal and relocation of three dead bushes (to be undertaken without ground disturbance) on the Right-hand track. Moved by Don Wegener, seconded by Angus Atkinson – Carried (5 for to 1 against).

10 Next Meeting – Wednesday 26 August 2020, 7.30pm Council Rooms, Lyndoch.

11 Meeting Closed 8.45pm.
Purpose  
2020 Annual General Meeting

Prepared by  
Tina Woods  
Phone No.  
0421 616 444

Location  
Council Rooms,  
29 Barossa Valley Way, Lyndoch,  
SA 5351  
Date/Time  
22 July 2020, 8.05pm – 8.20pm

Attendees  
Angus Atkinson (Chair)  
Tina Woods  
Diana Dancer  
Joerg Wiese  
Don Wegener  
Shirley Wegener  
Elke Wiese

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

File  
20200722_2020 AGM_Minutes.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 8.05pm</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Apologies – Tracy Sinclair (proxy provided to Tina Woods), Helen Atkinson (Proxy provided to Angus Atkinson), Margaret Teskey, Brian Teskey and Rod Baker.</td>
<td></td>
</tr>
</tbody>
</table>
| 3    | Minutes of 2019 AGM Meeting held 28 August 2019 – Accepted  
Moved by Joerg Wiese, seconded by Tina Woods – Carried. |          |
| 4    | Business Arising last meeting:  
No business arising. |          |
| 5    | Chair Report: – as presented by Angus Atkinson: |          |
| 5.1  | COVID 19: The early part of 2020 has been particularly challenging due to the impact of Public Health Restrictions imposed to control the COVID-19 outbreak. The group was unable to hold working bee events or General meetings for 4 months. Thankfully the pandemic seems to be under control at this time and restrictions are being lifted. This has allowed a return to weekly activity and monthly meetings.  
I do however applaud the members who managed to continue with ad-hoc monitoring and non-group maintenance activity during the last 4 months. Culminating in our last General Meeting which was held under extraordinary circumstances as an outdoor activity at the Reserve. |          |
5.2 **Weed Control and Track Maintenance:** The major part of invasive weed control activity has been completed by Amanda Pearce over the last year. Her regular reports and tireless supervision is, as always, greatly appreciated. The Landcare members also provided over 350 hours of hand weeding and controlled spraying weed control, with particular focus on Scabiosa, Salvation Jane and a significant Lupin outbreak at the end of the Peninsula.

Construction and maintenance within the Reserve also benefited from more than 200 hours of direct Volunteer activity on track maintenance, container painting and signage updates. Given the constraints on Volunteer hours in early 2020 a very encouraging activity list.

5.3 **Open Day 15 Sep 2019** - 2019 saw another successful Community Open Day on the 15th September 2019. Over 51 visitors were logged for this modest open day event.

5.4 **Lyndoch Community Market 14 Sep 2019** - September also saw our first Lyndoch Community Market stall. Much interest was generated and the feedback from the local community was excellent.

5.5 **Friends of Parks SA** - Our group has also joined the Friends of Parks South Australia. This group provides access to other volunteer support groups, a monthly newsletter and discounts on Parks SA access fees. Tracy Sinclair has generously donated the fees for our 5-year subscription. Many thanks to Tracy.

5.6 **Projects:**

- **Cross track maintenance** - With the generous assistance of The Barossa Council a load of road base gravel was used to resurface and repair the steps on the cross track. This has repaired the erosion damage and gravel loss caused by the steep terrain and water flowing over the path.

- **Mistletoe control** - Our limited scope control project for invasive Mistletoe in the Reserve has been approved by the Native Vegetation Branch - Environment, Heritage and Sustainability and The Barossa Council. Initial survey work has been completed but the action has been delayed due to the restrictions imposed for the COVID-19 pandemic. As this is now being relaxed the working bee group is preparing to implement the pruning ahead of the follow up surveys at 12 months and 24 months as per the agreement.
• Walking track signage update - The colored arrow signs used to guide visitors around the walking paths were exhibiting damage and color fading. After a review with the members a project has been implemented to replace the arrows with larger versions and add some descriptive text signs to assist. These have now been finalised and the supply has been approved. Delivery is expected in July and the working bee group will then install the new signs and remove the old ones.

Volunteer Hours 2019-2020:

<table>
<thead>
<tr>
<th>No.</th>
<th>Description</th>
<th>Hours</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Admin Duties (Committee members)</td>
<td>75</td>
</tr>
<tr>
<td>2</td>
<td>Meetings, Home &amp; Away</td>
<td>64</td>
</tr>
<tr>
<td>3</td>
<td>Promotions (Tours, Demos, etc.)</td>
<td>52</td>
</tr>
<tr>
<td>4</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Weed &amp; Pest Control</td>
<td>453</td>
</tr>
<tr>
<td>6</td>
<td>Construction &amp; Maintenance (Equip't, fencing, trails,</td>
<td>229</td>
</tr>
<tr>
<td></td>
<td>buildings etc.)</td>
<td></td>
</tr>
<tr>
<td>7</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>Equipment Design &amp; manufacture (Seed boxes, displays,</td>
<td>16</td>
</tr>
<tr>
<td></td>
<td>jigs, tools etc.)</td>
<td></td>
</tr>
</tbody>
</table>

Total: 889

Moved by Tina Woods, seconded by Diana Dancer – Carried.
6 **Treasurers Report** – as presented by Joerg Wiese:
Williamstown, Lyndoch Landcare Group Inc Financial Statements July 2019 to June 2020:

**Yearly Income & Expenditure**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Balance Brought Forward July 2019</strong></td>
<td>3,752.71</td>
</tr>
<tr>
<td><strong>Income</strong></td>
<td>10,328.45</td>
</tr>
<tr>
<td>- Membership Subscriptions</td>
<td>100.00</td>
</tr>
<tr>
<td>- Donations</td>
<td>30.00</td>
</tr>
<tr>
<td>- Interest</td>
<td>11.65</td>
</tr>
<tr>
<td>- Council Contribution</td>
<td>10,000.00</td>
</tr>
<tr>
<td>- Open Day Income</td>
<td>186.80</td>
</tr>
<tr>
<td><strong>Expenses</strong></td>
<td>10,415.00</td>
</tr>
<tr>
<td>- Landcare Assoc. Membership</td>
<td>50.00</td>
</tr>
<tr>
<td>- Petty Cash (Tools, Fuel etc)</td>
<td>350.00</td>
</tr>
<tr>
<td>- Annual Dinner</td>
<td>143.90</td>
</tr>
<tr>
<td>- PO Box Rental</td>
<td>44.00</td>
</tr>
<tr>
<td>- Environmental Weed Control &amp; Revegetation (Amanda Pearce)</td>
<td>8,250.00</td>
</tr>
<tr>
<td>- Purchase of Tractor Battery</td>
<td>195.00</td>
</tr>
<tr>
<td>- Signage</td>
<td>918.50</td>
</tr>
<tr>
<td>- Brochures</td>
<td>464.00</td>
</tr>
<tr>
<td><strong>End Year Balance</strong></td>
<td>3,665.76</td>
</tr>
</tbody>
</table>

**Account Balances:**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bank Statement June 30, 2020</td>
<td>4,127.76</td>
</tr>
<tr>
<td>Plus Credit Union Share</td>
<td>2.00</td>
</tr>
<tr>
<td>Less unpresented cheque (963989)</td>
<td>464.00</td>
</tr>
<tr>
<td><strong>Total End Year Balance</strong></td>
<td>3,665.76</td>
</tr>
</tbody>
</table>
• Joerg thanked The Barossa Council for their continued $10,000 contribution for the weed control on the steep and dangerous sections of the Reserve.

Moved by Angus Atkinson, seconded by Diana Dancer – Carried.

7 Committee Positions:
Angus Atkinson declared all positions vacant. No new nominations were received, all 2019 committee members declared their nomination to continue their roles for 2020.

<table>
<thead>
<tr>
<th>Position</th>
<th>Nominations</th>
<th>Persons elected for 2020</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chair</td>
<td>Angus Atkinson</td>
<td>Angus Atkinson</td>
</tr>
<tr>
<td>Vice Chair</td>
<td>Elke Wiese</td>
<td>Elke Wiese</td>
</tr>
<tr>
<td>Treasurer</td>
<td>Joerg Wiese</td>
<td>Joerg Wiese</td>
</tr>
<tr>
<td>Secretary</td>
<td>Tina Woods</td>
<td>Tina Woods</td>
</tr>
<tr>
<td>Assistant Secretary/Committee Member</td>
<td>Tracy Sinclair</td>
<td>Tracy Sinclair</td>
</tr>
<tr>
<td>Committee Members</td>
<td>Shirley Wegener</td>
<td>Shirley Wegener</td>
</tr>
<tr>
<td>Container Director</td>
<td>Don Wegener</td>
<td>Don Wegener</td>
</tr>
</tbody>
</table>

All nominations be accepted was moved by Angus Atkinson, seconded by Tina Woods – Carried

8 Fees:
Joerg proposed that fees remain as is i.e. $10/single and $15/family.
Moved by Joerg Wiese, seconded by Tina Woods – Carried.

2021 Fees now due.

9 Next Meeting – Wednesday 28 July 2021, 7.30pm Council Rooms, Lyndoch.

10 Meeting Closed 8.20pm.
4.5.2 CONSENSUS AGENDA – ENVIRONMENTAL SERVICES REPORT

4.5.2.2 GAWLER RIVER FLOODPLAIN MANAGEMENT AUTHORITY
B10461, 20/39353

Draft Minutes of the Gawler River Floodplain Management Authority Special Meeting held 17 July 2020, are attached for information.

RECOMMENDATION:
That report items 4.5.2.2 be received.
MINUTES
GAWLER RIVER FLOODPLAIN MANAGEMENT AUTHORITY BOARD
SPECIAL MEETING
10:00am Friday 17 July 2020
City of Playford, Playford Boulevard, Elizabeth

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 119th meeting of the Board.

1.2 Present

- Mr Ian Baldwin, Independent Board Member, Chair
- Cr Terry-Anne Keen, Adelaide Plains Council, Board Member
- Mr James Miller, Adelaide Plains Council, Board Member
- Cr Malcolm Herrmann, Adelaide Hills Council, Board Member
- Mr Gary Mavrinac, The Barossa Council, Board Member
- Mayor Bim Lange, The Barossa Council, Board Member
- Mr Ben DeGilio, Town of Gawler, Deputy Board Member
- Cr Paul Koch, Town of Gawler, Board Member
- Cr William Close, Light Regional Council, Board Member
- Mr Andrew Philpott, Light Regional Council, Deputy Board Member
- Cr Peter Rentoulis, City of Playford, Board Member
- Mr Greg Pattinson, City of Playford, Board Member
- Mr David Hitchcock, Executive Officer

1.3 Apologies

- Mr Sam Dilena, Town of Gawler, Board Member

1.4 Appointment of Observers

GRB 20/49 Observers
Moved: Cr. M Herrmann
Seconded: Mr. G Mavrinac

That:
1. Cr. Russell Johnstone, The Barossa Council, Deputy Board Member; and
2. Cr. John Lush, Adelaide Plains Council, Deputy Board Member.
be appointed as Observers.

CARRIED UNANIMOUSLY
10:07am Cr. C Marsh joined the meeting.

**GRB 20/50 Observers**
*Moved:* Cr. P Koch  
*Seconded:* Mr. G Mavrinac

That Cr. Clint Marsh, City of Playford, Deputy Board Member; be appointed as Observer.

CARRIED UNANIMOUSLY

1.5 Declaratons of Interest

Nil

2. Gawler River Stormwater Management Plan

The Chairman, Mr Ian Baldwin noted item 2 Gawler River Stormwater Management Plan and invited discussion from Board Members.

11:12am the meeting adjourned for a short break.

11:21am the meeting resumed.

**GRB 20/51 Gawler River Stormwater Management Plan**
*Moved:* Mr G Pattinson  
*Seconded:* Mr A Philpott

That the GRFMA Board:
1. Supports the proposal to prepare a Stormwater Management Plan (SMP) for the Gawler River from the junction of the North and South Para to the coast.
2. Supports the proposal to prepare the SMP including Stage 1 - 30% design of the Northern Floodway project as an aligned process.
3. Endorses the City of Playford offer of in-kind support of a Project Manager for the GRFMA SMP process.
4. Authorises the establishment of a GRFMA SMP Governance Group to prepare the scope of the proposed SMP including recommendations for its procurement for GRFMA Board consideration as a matter of urgency.
5. Establishes membership of the SMP Governance Group to include:
   a) GRFMA Council representatives
   b) SMA representative
   c) Green Adelaide representative
   d) Northern and York Landscape Board representative
   e) Department of Water representative
   f) City of Playford Project Manager – GRFMA SMP
6. Requests the Executive Officer to:
   a) Facilitate a briefing for the six Constituent Council CEO’s to inform them of the establishment of the GRFMA SMP Governance Group to prepare the scope of the proposed SMP, discuss funding implications and receive feedback on issues that the GRFMA Board needs to consider.
b) At the appropriate time, following completion of the above, correspond with Constituent Councils advising of the GRFMA Board deliberations, noting cost implications and seeking their support to jointly fund the SMP and completion of Stage 1 - 30% design of the Northern Floodway project.

7. Authorises the GRFMA Chair and Executive Officer to undertake negotiation with Walker Corp regarding co-contribution to the scope of works identified above.

CARRIED

Mayor Bim Lange called for a Division and the Chairman called for a vote.

Members voting FOR the motion:
1. Cr P Rentoulis
2. Mr G Pattinson
3. Cr M Herrmann
4. Cr W Close
5. Cr P Koch
6. Mr B DeGilio
7. Mr A Philpott
8. Mr I Baldwin

Members voting AGAINST the motion:
1. Cr T Keen
2. Mr J Miller
3. Mayor B Lange
4. Mr G Mavrinac

The GRFMA Chairman counted the number of votes as 8 FOR and 4 AGAINST and declared the motion as CARRIED.

3. Closure

The Chairperson thanked members for their considered discussion and also thanked the City of Playford for hosting the meeting and closed the meeting at 11:32am.

Chair ____________________ Date ___________
4.5.3 CONSENSUS AGENDA – HEALTH SERVICES REPORT

4.5.3.1 FOOD RECALLS
B10499

Consumer Level recalls were monitored for:

- Halo Top Chocolate Ice Cream 473ml
- Xiong Mao Pai (Panda Brand) Bamboo Fungus 100g
- Markwell Seafood Sticks and Salad Mix
- Pana Organic Peanut Butter Chocolate
- Twang Brambleberry Sour Beer 375ml
- I&J Tempura Seafood Sticks 3.2kg
- Neptune Frozen Seafood Salad Mix 10x1kg
- Neptune Seafood Sticks 10x1kg
- Neptune Seafood Sticks Wrapped 10x1kg
- Top Sail Seafood Salad 10x1kg
- Top Sail Seafood Sticks 10x1kg
- A&T Seaflakes 10 x 1kg
- A&T Unwrapped Seafood Sticks 10 x 1kg
- A&T Seaflakes 20 x 500g
- A&T Wrapped Seafood Sticks 10 x 1kg
- Mermaids Choice Seafood Sticks 10 x 1kg
- Mermaids Choice Seafood Salad Mix 10 x 1kg
- Keppel Brand Crumbed Seafood Sticks
- Keppel Brand Battered Seafood Sticks

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 July 2020 the following food businesses were inspected for their compliance with the Food Act 2001.

- Atzes Corner Wines – Routine inspection
- Mobile Cake Love – Routine inspection
- Dai Hiro Sushi – Routine inspection
- Western Ridge Brewing and Distilling Company – Routine inspection
- Dai Hiro Sushi – Re-inspection
- Cockatoo Valley Community Store

FOOD SAFETY AUDITS

- Goodstart Early Learning Nuriootpa
- Barossa Village
- Angaston Child Care and Early Learning Centre

RECOMMENDATION:
That the report items 4.5.3.2 be received.
Section 93 of the Food Act 2001 requires that Council provide a summary of activities related to the administration of the Food Act. The attached report is created from the template supplied (and required) by SA Health and was forwarded to their Food Standards Surveillance Branch prior to July 31 (to comply with their requested deadline).

Local councils in their roles as enforcement agencies have an essential role in the administration this Act. The information provided by Local Government contributes an essential part of the required Annual Food Act Report to Parliament each year by the Minister.

Traditionally food businesses in The Barossa Council area are inspected using the Australian Food Safety Assessment (AFSA) system. Developed in SA, food businesses were given an overall risk classification (i.e. low, medium, high) and routine inspection frequencies vary from six to twenty four months (according to risk) to ensure compliance with the National Food Safety Standards.

Recently SA councils have been obliged to also adopt the new ‘South Australian Food Business Risk Classification System’ developed by SA Health and introduced through a Memorandum of Understanding (MOU) between SA Health and the SA Local Government Association (LGA). The MOU also introduces Inspection Principles which are designed to bring about improved consistency across the State.

The SA Food Business Risk Classification System requires an in depth assessment of the types of foods being provided, the food processes undertaken, determining the highest food risk, and categorising the business sector to arrive at an inspection priority (i.e. P1, P2, P3 & P4 with P1 being the highest risk category). A consequence of this priority system is the disclosure of many premises identified as being of high risk requiring more frequent and longer inspections and, thus, more resourcing.
The reporting proforma is also now more detailed in recent years to adopt the new system, which aligns SA with Federal Government requirements for a risk profiling framework for the food business sector. This also means that the reporting template involves considerable manual collation of information to collate (as the granular information requested is beyond the usual software capability).

Food businesses which cater for vulnerable populations (e.g. Child Care Centres, Hospitals or Nursing Homes) are required to have Food Safety Plans (FSP). Such premises are required to have their FSP independently audited (by external third party Auditors, from other councils, or SA Health) and reports on these Audits are then forwarded to the local council by the Auditor. Council currently has an approved Food Safety Auditor on staff (Council’s Manager Health and Environmental Services) auditing premises within the Council area. A fee is charged per Audit. Hospital FSP’s are audited by SA Health.

Due to the COVID-19 outbreak in February 2020 the number of inspections has significantly reduced due to the closure of food premises for an extended period of time. The Mount Pleasant Farmers Market was inspected prior to Christmas 2019 with an additional 35 inspections not accounted for in the attached report.

**RECOMMENDATION:**

That the report item 4.5.3.3 be received
FOOD ACT 2001 - ANNUAL REPORT QUESTIONNAIRE

Information on Local Government Administration of the Food Act for the period 1st July 2019 to 30th June 2020

Council Name: The Barossa Council

1. Authorised Officers

An authorised officer (AO) is defined as “a person appointed under Part 9, Division 3 of the Food Act 2001”. Under Division 3 a council is required to maintain a list of AOs appointed under the Act. Please provide the following advice on persons who were listed as an AO for your council, under this provision, on the 30th June 2020.

The purpose of this question is to update the current list of authorised officers working in South Australia. Where part time staff are employed by more than one council, please indicate the name of all other councils in the table below.
If on the 30th of June 2020 the council did not have an AO under the Food Act please provide a nil return.

<table>
<thead>
<tr>
<th>Name of Authorised Officer</th>
<th>Position Title</th>
<th>Contact Details (phone, fax, mobile, email)</th>
<th>Full time or Part Time appointment</th>
<th><strong>If Part Times, Record the FTE (Full time Equivalent)</strong></th>
<th>Does the authorised officer work for more than one council?</th>
<th>Name the other councils</th>
<th>Percentage of time spent on food related matters (including routine, follow-up and complaints)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>59</td>
</tr>
<tr>
<td>Name</td>
<td>Position</td>
<td>Contact Information</td>
<td>Full Time</td>
<td>Part Time</td>
<td>FTE</td>
<td>No</td>
<td>Total %</td>
</tr>
<tr>
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<td>-----------------------------------------------</td>
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<td>----------</td>
</tr>
<tr>
<td>Steve Carroll</td>
<td>Manager Health &amp; Environmental Services</td>
<td>8563 8491, <a href="mailto:scarroll@barossa.sa.gov.au">scarroll@barossa.sa.gov.au</a></td>
<td>Full Time</td>
<td>No</td>
<td>10.00%</td>
<td></td>
<td>20.00%</td>
</tr>
<tr>
<td>Karen Watson</td>
<td>Environmental Health Officer</td>
<td>8563 8419, <a href="mailto:kwatson@barossa.sa.gov.au">kwatson@barossa.sa.gov.au</a></td>
<td>Part Time</td>
<td>0.6</td>
<td>35.00%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Joel Bray</td>
<td>Environmental Health Officer</td>
<td>8563 8435, <a href="mailto:jbray@barossa.sa.gov.au">jbray@barossa.sa.gov.au</a></td>
<td>Full Time</td>
<td>No</td>
<td>35.00%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>June Saruwaka</td>
<td>Graduate Environmental Health Officer</td>
<td>8563 8419, <a href="mailto:jsaruwaka@barossa.sa.gov.au">jsaruwaka@barossa.sa.gov.au</a></td>
<td>Part Time</td>
<td>0.5</td>
<td>35.00%</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL %</strong></td>
<td><strong>28.75%</strong></td>
<td><strong>20.00%</strong></td>
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</tr>
</tbody>
</table>

**FTE = Part time working hrs per week/ Full time working hours per week**

For example: Officer working 15 hrs a week. Fulltime hours for the week = 37.5. FTE= 15/37.5 which is 0.4 FTE

### 2. Audits & Inspections of Food Premises

#### 2A. Food Audits

The Food Act requires businesses that process food for service to “Vulnerable Populations” to have implemented a documented Food Safety Program and are subject to an audit in order to verify compliance with Standard 3.2.1. Please complete the following table with respect to **your council area only** (if you audit outside your council area, these details will be captured by the respective council). If these businesses were also inspected by your council during the financial year, please provide this information as well.

```
| Business Type- Vulnerable Population | Routine Audits (Standard 3.2.1, 3.2.2 & 3.2.3) | Routine Inspections (Standard 3.2.2 & 3.2.3) |
```

- It includes all the businesses during the financial year including the ones that are closed or changed ownership.
<table>
<thead>
<tr>
<th>Business Type</th>
<th>No. of Businesses</th>
<th>No. of audits conducted by your council (In your Jurisdiction)</th>
<th>No. of audits conducted by other councils (In your Jurisdiction)</th>
<th>No. of inspections conducted of auditable businesses</th>
<th>No. of follow-up inspections conducted of auditable businesses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Child Care Centres</td>
<td>4</td>
<td>3</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Aged Care Facilities</td>
<td>3</td>
<td>3</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Private Hospitals (Do not include Public Hospital data)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Others- Central production kitchen for vulnerable pops</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>7</strong></td>
<td><strong>6</strong></td>
<td><strong>0</strong></td>
<td><strong>0</strong></td>
<td><strong>0</strong></td>
</tr>
</tbody>
</table>

* "Vulnerable Populations" are those types of businesses as defined in Standard 3.3.1 and are required to be audited. It includes all the businesses during the financial year including the ones that are closed or changed ownership.
2B. Food Inspections

All food businesses in South Australia are required to comply with the Food Act 2001, Regulations and Food Safety Standards. Please complete the following table with respect to your Council; however EXCLUDE businesses that service “Vulnerable Populations” which were reported in section 2A of this report.

<table>
<thead>
<tr>
<th>Risk Classification</th>
<th>Number of Businesses</th>
<th>Routine Inspections Conducted</th>
<th>Follow up Inspections</th>
<th>No. of Inspection resulting from complaints</th>
</tr>
</thead>
<tbody>
<tr>
<td>P1 (please exclude businesses that service “Vulnerable Populations”)</td>
<td>135</td>
<td>81</td>
<td>36</td>
<td>5</td>
</tr>
<tr>
<td>P2</td>
<td>118</td>
<td>47</td>
<td>11</td>
<td></td>
</tr>
<tr>
<td>P3</td>
<td>95</td>
<td>8</td>
<td></td>
<td></td>
</tr>
<tr>
<td>P4</td>
<td>77</td>
<td>3</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
3A. Food Audit fees
Councils are able to charge for audits conducted by Authorised Officers.

Does your council conduct Food Audits? Yes

If you answered NO to the above question go to Q3B.

Does your council charge fees for conducting Food Audits? Yes

If you answered NO to the above question go to Q3B.

Please advise the fees currently charged by your council for auditing purposes and clearly specify whether this is an hourly rate or flat fee structure.

<table>
<thead>
<tr>
<th>Audit Type/parameters</th>
<th>Audit Charge ($)/unit*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Desktop Audit (offsite)</td>
<td></td>
</tr>
<tr>
<td>Routine Audit (onsite)</td>
<td>$530</td>
</tr>
<tr>
<td>Follow up Audit</td>
<td></td>
</tr>
<tr>
<td>Travel Cost</td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td></td>
</tr>
</tbody>
</table>
If there is a cap on the maximum cost of an audit? Please advise.

*Unit - please specify in your response, for example “per audit” OR “per hour”

3B. Food Inspection fees

Councils are able to charge for inspections conducted by Authorised Officers.

Does your council charge fees for conducting food premises inspections?  
Yes

If you answered NO to the above question go to Q4.

Please advise the fees currently charged by your council for inspection purposes.

<table>
<thead>
<tr>
<th>Inspection Type</th>
<th>Inspection Charge ($) / unit* (if no fees are charged please write N/A)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Routine Inspection</td>
<td>$127.00 small - $315.00 large - per inspection</td>
</tr>
<tr>
<td>Follow up Inspection</td>
<td>First inspection free</td>
</tr>
<tr>
<td>Complaint Inspection</td>
<td>N/A</td>
</tr>
<tr>
<td>Home Activity Inspection</td>
<td>50% of routine inspection - $63.50</td>
</tr>
<tr>
<td>Other</td>
<td>Market Stall - 25% of routine inspection - $31.75</td>
</tr>
</tbody>
</table>

*Unit - please specify in your response, for example “per inspection” OR “per hour”

4. Food Act Enforcement

4A Enforcement Activities

Please complete the following table indicating the enforcement activities undertaken by your councils during financial year 2019-2020.

It includes all the businesses during the financial year including the ones that are closed or changed ownership.

Please note this column requires number of businesses inspected, not the number of inspections.

Enforcement action here means any of the below activities: written warnings, improvement notices, prohib orders, expiations and prosecutions.
<table>
<thead>
<tr>
<th>Business Sector</th>
<th>Risk Level</th>
<th>No. of Business</th>
<th>No. of business requiring enforcement action</th>
<th>No. of written warnings issued</th>
<th>No. of improvement notices issued</th>
<th>No. of prohibition orders issued</th>
<th>No. of expiations issued</th>
<th>Body Corporate</th>
<th>Natural person</th>
<th>No. of prosecutions</th>
<th>Percent Compliance - Inspected Businesses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alcoholic beverages packaged</td>
<td>P4</td>
<td>32</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>100%</td>
</tr>
<tr>
<td>Bakery products</td>
<td>P3</td>
<td>4</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>#DIV/0!</td>
</tr>
<tr>
<td>Bakery products Perishable fillings</td>
<td>P2</td>
<td>7</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>100%</td>
</tr>
<tr>
<td>Continental Type Delicatessen food</td>
<td>P2</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td>#DIV/0!</td>
</tr>
<tr>
<td>High risk food - perishable</td>
<td>P2</td>
<td>32</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>100%</td>
</tr>
<tr>
<td>Low risk packaged food</td>
<td>P4</td>
<td>32</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Low risk food unpackaged</td>
<td>P3</td>
<td>5</td>
<td></td>
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<td></td>
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<tr>
<td>Medium risk food - perishable</td>
<td>P3</td>
<td></td>
<td></td>
<td></td>
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<td></td>
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<tr>
<td>Raw Meat &amp; Poultry</td>
<td>P2</td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Seafood(excludes Processing of Bivalve mollusc)</td>
<td>P2</td>
<td></td>
<td></td>
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<td></td>
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</tr>
<tr>
<td>Others- see comments</td>
<td>P1</td>
<td></td>
<td></td>
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<td></td>
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<td></td>
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<tr>
<td>Others- see comments</td>
<td>P2</td>
<td></td>
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<td></td>
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<td>#DIV/0!</td>
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<tr>
<td>Others- see comments</td>
<td>P3</td>
<td></td>
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<tr>
<td>Others- see comments</td>
<td>P4</td>
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Comments:
<table>
<thead>
<tr>
<th>Food Service</th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Catering offsite activity</td>
<td>P1</td>
<td>7</td>
<td>4</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Catering onsite activity</td>
<td>P1</td>
<td>5</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Medium risk foods perishable</td>
<td>P3</td>
<td>27</td>
<td>12</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Restaurants and takeaway RTE Food-Prepared in advance &gt;4 hrs</td>
<td>P1</td>
<td>84</td>
<td>36</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Restaurants and Takeaway food RTE food Express order &lt;4hrs</td>
<td>P2</td>
<td>34</td>
<td>19</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Restaurants and takeaway RTE Food-no raw preparation</td>
<td>P2</td>
<td>8</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Others- see comments</td>
<td>P1</td>
<td>#DIV/0!</td>
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<td></td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Others- see comments</td>
<td>P2</td>
<td>#DIV/0!</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Others- see comments</td>
<td>P3</td>
<td>#DIV/0!</td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Others- see comments</td>
<td>P4</td>
<td>#DIV/0!</td>
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</tr>
</tbody>
</table>

Comments:

<table>
<thead>
<tr>
<th>Processor/ Manufacturer</th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Bakery products Perishable fillings processing</td>
<td>P1</td>
<td>11</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Baby Food processing</td>
<td>P2</td>
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<td>Beverage processing small producer</td>
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<td>Category</td>
<td>Industry</td>
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<td>Canned food processing</td>
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<tr>
<td>Canned food processing very small producer &amp;</td>
<td>P3</td>
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<td>high acid food</td>
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<td>Chocolate processing</td>
<td>P2</td>
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<td>Chocolate processing small producer</td>
<td>P3</td>
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<tr>
<td>Cereal processing &amp; medium/low risk bakery</td>
<td>P3</td>
<td>2</td>
<td></td>
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<td>Confectionary processing</td>
<td>P3</td>
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<tr>
<td>Cook-Chill food Short shelf-life processing</td>
<td>P1</td>
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<tr>
<td>Cook-chill food Extended shelf life processing; Aseptic Packaging</td>
<td>P2</td>
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<td>Cook-frozen food processing</td>
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<td>Dairy processing (not including soft cheese)</td>
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<td>Dairy processing - Soft cheese processing</td>
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<td>Egg Processing</td>
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<tr>
<td>Fruit and Vegetables processing</td>
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<tr>
<td>Fruit and vegetable processing frozen</td>
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<tr>
<td>Fruit and vegetable processing frozen, Blanch, wash &amp; pack, dehydrating, condiments, small producer</td>
<td>P3</td>
<td>2</td>
<td>1</td>
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<td>Industry</td>
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<td>Fruit and vegetable Juice</td>
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<td>Unpasteurised processing</td>
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<td>Fruit juice, Pasteurisation</td>
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<td>processing, Shelf stable</td>
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<td>Fruit juice pasteurisation</td>
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<td>Infant formula product</td>
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<td>Meat Processing, Abattoir/</td>
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<td>Processing, Small Goods</td>
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<td>Peanut Butter processing, Nut</td>
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<td>Processing, Small Producer</td>
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<td>Poultry processing</td>
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<tr>
<td>Prepared not ready to eat food</td>
<td>P2</td>
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<td>100%</td>
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<tr>
<td>Prepared ready to eat food</td>
<td>P1</td>
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<tr>
<td>Salt &amp; other low risk</td>
<td>P3</td>
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<td>ingredients/additives</td>
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<tr>
<td>Seafood processing</td>
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</table>

68
<table>
<thead>
<tr>
<th>Seafood processing RTE and shelf stable</th>
<th>P2</th>
<th>#DIV/0!</th>
</tr>
</thead>
<tbody>
<tr>
<td>Seafood processing - Mollusc processing</td>
<td>P1</td>
<td>#DIV/0!</td>
</tr>
<tr>
<td>Snack chips processing</td>
<td>P3</td>
<td>#DIV/0!</td>
</tr>
<tr>
<td>Spices and dried herbs processing</td>
<td>P2</td>
<td>#DIV/0!</td>
</tr>
<tr>
<td>Spices and dried herbs processing small producer</td>
<td>P3</td>
<td>2</td>
</tr>
<tr>
<td>Sprout processing</td>
<td>P1</td>
<td>#DIV/0!</td>
</tr>
<tr>
<td>Sushi processing</td>
<td>P1</td>
<td>5</td>
</tr>
<tr>
<td>Vegetables in oil processing</td>
<td>P1</td>
<td>#DIV/0!</td>
</tr>
<tr>
<td>Others- see comments</td>
<td>P1</td>
<td>#DIV/0!</td>
</tr>
<tr>
<td>Others- see comments</td>
<td>P2</td>
<td>#DIV/0!</td>
</tr>
<tr>
<td>Others- see comments</td>
<td>P3</td>
<td>#DIV/0!</td>
</tr>
<tr>
<td>Others- see comments</td>
<td>P4</td>
<td>#DIV/0!</td>
</tr>
</tbody>
</table>

Comments:

<table>
<thead>
<tr>
<th>Food Transporter</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bulk flour storage distributor</td>
</tr>
<tr>
<td>Bulk milk collection distributor</td>
</tr>
<tr>
<td>Dairy produce distributor</td>
</tr>
<tr>
<td>Dry goods and beverages distributor</td>
</tr>
<tr>
<td>Frozen food distributor</td>
</tr>
<tr>
<td>Fruit and vegetables distributor</td>
</tr>
<tr>
<td>Reason for enforcement activity</td>
</tr>
<tr>
<td>------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td><strong>Standard 3.2.1 (Food Safety Program)</strong></td>
</tr>
<tr>
<td>FSP not prepared, implemented, maintained and monitored</td>
</tr>
<tr>
<td>FSP not audited at the frequency determined by the auditor</td>
</tr>
<tr>
<td>FSP not revised so as to comply with the regulations</td>
</tr>
<tr>
<td>FSP audit report not retained by business for four years</td>
</tr>
</tbody>
</table>
5. Food related complaints

5A. Food Complaints
Please complete the following table indicating the complaints received and actioned by your councils during financial year 2019-2020.

<table>
<thead>
<tr>
<th>Complaint Type</th>
<th>Total No. received</th>
<th>No. Justified/ Confirmed</th>
<th>% Overall Justified</th>
</tr>
</thead>
<tbody>
<tr>
<td>Food unsuitable/unsafe due to foreign matter</td>
<td></td>
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<td>#DIV/0!</td>
</tr>
<tr>
<td>Food unsuitable/unsafe due to microbial contamination / growth</td>
<td>2</td>
<td>1</td>
<td>50.00%</td>
</tr>
<tr>
<td>Food unsuitable/unsafe due to presence of unapproved or excessive chemical residues</td>
<td></td>
<td></td>
<td>#DIV/0!</td>
</tr>
<tr>
<td>Alleged food poisoning</td>
<td>1</td>
<td>0</td>
<td>0.00%</td>
</tr>
<tr>
<td>Unclean premises</td>
<td>1</td>
<td>0</td>
<td>0.00%</td>
</tr>
<tr>
<td>Poor personal hygiene or poor food handling practices</td>
<td>2</td>
<td>1</td>
<td>50.00%</td>
</tr>
<tr>
<td>Vermin / insects / pests observed in premises</td>
<td></td>
<td></td>
<td>#DIV/0!</td>
</tr>
<tr>
<td>Refuse storage</td>
<td></td>
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<td>#DIV/0!</td>
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</tbody>
</table>
6. Proactive projects, surveys and sampling programs

It is requested the report uses the following general format:

- What was the project and why was it done
- A précis of what and how it was done.
- Results/Outcomes

Please keep summaries brief and ½ page in length as a maximum.
Enforcement agencies including local councils have an essential role in the administration of the Safe Drinking Water Act 2011 (the ‘Act’). Subsequently the information provided by these agencies contributes significantly to the required Annual Report to Parliament each year prepared by the Minister.

Section 52 of the Act requires that enforcement agencies provide an annual report on activities performed under the Act. The attached report is created from the template supplied (and required) by SA Health and was forwarded to their Water Quality Unit prior to 31 July (to comply with their requested deadline).

The Act and Regulations came into operation on 1 March 2013 and were followed by a 12 month transitional period (24 months for audits). The Act applies to all drinking water providers who supply water to the public, it does not apply to domestic use of rainwater or supplies in private use.

Although SA Health take primary responsibility in administering the legislation (including registration and auditing of large suppliers like SA Water, Hospitals etc), Local Government maintain inspection and enforcement powers in their area – eg water carters, B&B’s, food premises. Council’s Environmental Health Officers are responsible for regulating these premises under the Food Act 2001, thus the safe drinking water inspection and enforcement requirements were intended as an adjunct to Council’s role in administering the food hygiene legislation.

Council has four separate drinking water providers registered with SA Health. Of these, three are inspected by Council and one is audited by SA Health.

SA Health expects that any Council that receives a complaint in relation to drinking water will investigate, in a similar fashion to their current role
under the Food Act 2001. No complaints have been received by the Barossa Council during this reporting period.

**RECOMMENDATION:**

That the report item 4.5.3.4 be received
Activities under the Act

1. Appointment of authorised officers under the Safe Drinking Water Act

<table>
<thead>
<tr>
<th>Name of authorised officer &amp; qualifications (including auditing qualifications)</th>
<th>Position Title</th>
<th>Does the authorised officer work for more than one council? Provide details.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gary Mavrinac</td>
<td>Director Development &amp; Environmental Services</td>
<td>No</td>
</tr>
<tr>
<td>Steve Carroll</td>
<td>Manager Health and Environmental Services</td>
<td>No</td>
</tr>
<tr>
<td>Karen Watson</td>
<td>Environmental Health Officer</td>
<td>No</td>
</tr>
<tr>
<td>Joel Bray</td>
<td>Environmental Health Officer</td>
<td>No</td>
</tr>
</tbody>
</table>

2. Audits and inspections

<table>
<thead>
<tr>
<th>Trading name of drinking water provider</th>
<th>Date of audit/inspection</th>
<th>Name of auditor/inspector</th>
</tr>
</thead>
<tbody>
<tr>
<td>Boutique Tankers</td>
<td>6 December 2019</td>
<td>Steve Carroll</td>
</tr>
</tbody>
</table>

3. Fees for audits and inspections

$123
4 Enforcement activities

No enforcement activities for the reporting period.

5 Drinking water related complaints

<table>
<thead>
<tr>
<th>Trading name of drinking water provider</th>
<th>Date complaint received</th>
<th>Details of follow-up/investigation, etc</th>
</tr>
</thead>
<tbody>
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</tbody>
</table>

6 Consultation and Education


7 Other activities


7.2.1 DEBATE AGENDA – CHIEF EXECUTIVE OFFICER

7.2.1.1 QUARTERLY UPDATE TO DELEGATIONS REGISTER
B8826

Author: Governance Advisor

PURPOSE
Council is asked to:

- revoke the Instrument of Delegation under the Natural Resource Management Act 2004 and associated Regulations, as this Act has been repealed and replaced by the Landscape South Australia Act 2019;
- delegate to the CEO, the new Instrument of Delegation under the Landscape South Australia Act 2019 and Regulations as specified in Attachment 2; and
- delegate the amended powers to the Chief Executive Officer which are now available under the Fire and Emergency Services Act 2005 and the SA Public Health Act 2011;

RECOMMENDATION


(a) Council hereby revokes all delegations to the Chief Executive Officer of those powers and functions under the provisions of the Natural Resource Management Act 2004, Natural Resources Management (General) Regulations 2005 and Natural Resources Management (Transitional Provisions - Levies) Regulations 2005, and set out at Attachment 1 of this report.

(2) Delegations made under the Landscape South Australia Act 2019 and Landscape South Australia (General) Regulations 2020

(a) In exercise of the powers contained in Section 44 of the Local Government Act 1999, Council hereby delegates to the person occupying the office of the Chief Executive Officer of the Council, the powers and functions under the Landscape South Australia Act 2019 and Landscape South Australia (General) Regulations 2020, as set out in Attachment 2 of this report.

(b) Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit and in accordance with sections 44 and 101 of the Local Government Act 1999.
(3) Delegations made under the Fire and Emergency Services Act 2005 and Fire and Emergency Services Regulations 2005

(a) In exercise of the powers contained in Section 44 of the Local Government Act 1999, Council hereby delegates to the person occupying the office of the Chief Executive Officer of the Council, the powers and functions under section 105F(9) of the Fire and Emergency Services Act, which is specified in an extract contained in Attachment 3 of this report.

(b) Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit and in accordance with sections 44 and 101 of the Local Government Act 1999.

(4) Delegations made under the South Australian Public Health Act 2011, South Australian Public Health (Legionella) Regulations 2013, South Australian Public Health (Wastewater) Regulations 2013 and South Australian Public Health (General) Regulations 2013

(a) In exercise of the powers contained in Section 44 of the Local Government Act 1999, Council hereby delegates to the person occupying the office of the Chief Executive Officer of the Council, the powers and functions under Sections 92(5), 95(15) and 96(3) of the South Australian Public Health Act 2011 which are specified in the extract contained in Attachment 4 of this report.

(b) Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit and in accordance with sections 44 and 101 of the Local Government Act 1999.

REPORT

Background

Council may only exercise those powers and functions which are conferred on it by legislation. The ways in which Council may exercise its powers and functions are:

- When the Elected Body itself exercises the power or function at a formally constituted meeting; and
- When the legislation enables it, a power or function may be delegated pursuant to an Instrument of Delegation and exercised in the name of a delegate.

Used well, delegations greatly assist Council by enabling the Elected Body to progress with the strategic element of local government and leave the day-to-day operations and administration to the staff who have the relevant expertise and experience to deal with such matters – thus improving effectiveness and efficiency.

Introduction

The Barossa Council’s Delegations Register is reviewed each financial year in accordance with Section 44(6) of the Local Government Act 1999, and by way of best practice, quarterly and amended in the Local Government Association’s (“LGA”) Quarterly Reviews of urgent updates recommend that amended Instruments of Delegation be immediately adopted. Council’s most recent annual review of delegations occurred in May earlier this year.
The review before Council today is as a result of a quarterly update on advice from the LGA which has identified updates to the delegations templates, and confirms that new delegations should be in place as soon as possible.

Attachment 5 is the LGA’s Table of Delegations Updates, which outlines the required changes to powers and functions of its Instruments of Delegation under:

- Fire and Emergency Services Act 2005 and Fire and Emergency Services Regulations 2005;
- South Australian Public Health Act 2011, South Australian Public Health (Legionella) Regulations 2013, South Australian Public Health (Wastewater) Regulations 2013 and South Australian Public Health (General) Regulations 2013; and
- Landscape South Australia Act 2019 and Landscape South Australia (General) Regulations 2020

Discussion

1. Natural Resource Management Act and Associated Regulations

The Natural Resource Management Act 2004 (the “NRM Act”) has been repealed by the Landscape South Australia Act 2019 (the “Landscape SA Act”). As a result, the delegations under the NRM Act are no longer valid, and the Elected Body is asked to consider revoking all delegations under the Instrument of Delegation under the NRM Act. The Instrument of Delegation under the NRM Act is attached at Attachment 1 for the Elected Body’s reference.

2. Landscape South Australia Act 2019 and Regulations

The LGA has prepared a new Instrument of Delegation under the Landscape South Australia Act 2019 (the “Landscape SA Act”), which sets out Council’s powers under the Landscape SA Act and Landscape South Australia (General) Regulations 2020.

The LGA recommends that Council make delegations under the new Instrument at its next review. Council is asked to delegate all powers under the Landscape SA Act to the CEO as set out in the attachment, and authorise the CEO to make sub-delegations as required.

The Instrument of Delegation under the Landscape SA Act and Landscape South Australia (General) Regulations 2020 is attached as Attachment 2 to this report.

3. Fire and Emergency Services Act 2005

Section 105F(9) of the Fire and Emergency Services Act 2005 (the “Fire and Emergency Services Act”) has been amended, and the LGA has advised that Council should update its instrument of delegation at the next review.

The Instrument of Delegation under the Fire and Emergency Services Act and Regulations has now been updated to reflect the abovementioned change. An extract of the Instrument showing the amendment by way of track changes, is attached as Attachment 3 to this report.

4. SA Public Health Act 2011 and associated Regulations
Sections 92(5), 95(15) and 96(3) of the South Australian Public Health Act 2011 (the “SA Public Health Act”) have been amended, and the LGA has advised that Council should update its instrument of delegation at the next review.

The Instrument of Delegation under the South Australian Public Health Act 2011, South Australian Public Health (Legionella) Regulations 2013, South Australian Public Health (Wastewater) Regulations 2013 and South Australian Public Health (General) Regulations 2013 has now been updated to reflect the abovementioned amendments. An extract of the Instrument showing the amendment by way of track changes, is attached as Attachment 4 to this report.

Summary and Conclusion
Council is now asked to receive, adopt and delegate to the CEO, the new and amended provisions as set out in this report.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

| Attachment 1 - | The Instrument of Delegation under the Natural Resource Management Act and associated Regulations (Ref: 20/41441) |
| Attachment 2 - | Proposed Instrument of Delegation under the Landscape SA Act and Regulations (Ref: 20/41318) |
| Attachment 3 - | Proposed amendments to the Instrument of Delegation under the Fire and Emergency Services Act and associated Regulations (Ref: 20/41316) |
| Attachment 4 - | Proposed amendments to the Instrument of Delegation under the SA Public Health Act and associated Regulations (Ref: 20/41315) |
| Attachment 5 - | LGA’s Table of Delegations Updates (Ref: 20/41309) |

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan

How We Work – Good Governance

Corporate Plan

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

Legislative Requirements

Local Government Act 1999
Development Act 1993 and Development Regulations 2008
Development (Waste Reform) Variation Regulations 2019
State Records Act 1997
Community Titles Act 1996

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial

There are no financial considerations.

Resource

Facilitation of these delegations to the Chief Executive Officer will be undertaken according to officer’s existing duties.

Risk
The risk of having ineffective or invalid delegations is minimised as the delegations being considered have been recommended by Norman Waterhouse Lawyers (which prepared the Instruments for the LGA). It is imperative that delegations are validly made as consequences of ineffective or invalid delegations include:

- the exercise of power may fail – i.e. the decision made may be liable to being overturned by a court
- the cost of a successful challenge to a decision made without lawful delegation will likely be borne by the Council
- where the unlawful exercise of the power has caused loss or damage the Council may be liable for such loss or damage.

**COMMUNITY CONSULTATION**

There is no legislative requirement to consult the community in this situation, nor, in officers’ opinions, do the particular circumstances require it as the delegations themselves are based on prescribed LGA templates where there is no option for amendment through community feedback.

For transparency, the community has access to the delegations register on Council’s website so is made aware of the powers of the Chief Executive Officer as delegated by the Council, and also the powers of officers as sub-delegated by the Chief Executive Officer.
THE BAROSSA COUNCIL DELEGATIONS REGISTER


Preamble

1. To identify when these delegations were made, reviewed or amended, refer to the relevant Council resolution in the Schedule of Amended Delegations on Council’s website at www.barossa.sa.gov.au.

2. To identify when the sub-delegations were made, reviewed or amended, refer to the Instrument of Sub-delegation for the individual officer's position in Council’s Electronic Document Records Management System.

3. In this Instrument of Delegation:
   'Council' means the Council.
   'constituent council' has the meaning given in Section 3 of the Act, namely:-
   (a) in relation to a regional Natural Resources Management board ("NRM board"), or the region of a regional NRM board, a Council whose area, or part of whose area, comprises or is included in the region of the regional NRM board;
   (b) in relation to a Natural Resources Management group ("NRM group"), or the area of an NRM group, a Council whose area, or part of whose area, comprises or is included in the area of the NRM group

4. Sub-delegates by Title:
   - AO-P: Assessment Officer, Planning
   - DDES: Director, Development and Environmental Services
   - MDS: Manager, Development Services
   - MRS: Manager, Regulatory Services
   - PP: Principal Planner
   - SAO-P: Senior Assessment Officer, Planning
   - TL-ES: Team Leader Environmental Services

Head delegations reviewed by Council at its Annual Review on 21 May 2019
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## THE BAROSSA COUNCIL DELEGATIONS REGISTER


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<tr>
<th>Provision</th>
<th>Item Delegated by Council to Chief Executive Officer</th>
<th>Conditions and Limitations</th>
<th>Sub-Delegate</th>
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</thead>
<tbody>
<tr>
<td>s29(4)(d)</td>
<td>1. Collaboration with NRM board</td>
<td></td>
<td>DDES</td>
</tr>
<tr>
<td></td>
<td>1.1 The power pursuant to Section 29(4)(d) of the Natural Resources Management Act 2004 (&quot;the Act&quot;) to work collaboratively with a regional NRM board in the performance of its functions.</td>
<td></td>
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</tr>
<tr>
<td>s30</td>
<td>2. The power pursuant to Section 30 of the Act to act in conjunction with a regional NRM board in relation to the NRM board doing anything necessary, expedient or incidental to -</td>
<td></td>
<td>DDES</td>
</tr>
<tr>
<td></td>
<td>a) performing the functions of the NRM group under the Act or any other Act; or</td>
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<tr>
<td></td>
<td>b) assisting in the administration of the Act; or</td>
<td></td>
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<tr>
<td></td>
<td>c) furthering the objects of the Act</td>
<td></td>
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<tr>
<td>s33(7)</td>
<td>3. Special Vesting of Infrastructure</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>3.1 The power pursuant to Section 33(7) of the Act to give consent on behalf of the Council in respect of making, varying or revoking a proclamation under Section 33(1), 33(2) or 33(6) of the Act.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>s36(1)(c)</td>
<td>4. Approval of Delegation by NRM board to Council Officers</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>4.1 The power pursuant to Section 36(1)(c) of the Act to give approval to a regional NRM board to delegate a function or a power of the board under the Act or any other Act to the Council or a Council officer.</td>
<td></td>
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</tr>
</tbody>
</table>

Head delegations reviewed by Council at its Annual Review on 21 May 2019
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<th>Description</th>
<th>Notes</th>
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</thead>
<tbody>
<tr>
<td>s41</td>
<td>5. Use of Facilities</td>
<td>DDES</td>
</tr>
<tr>
<td></td>
<td>5.1 The power pursuant to Section 41 of the Act to enter into arrangements with a regional NRM board for the board to make use of the services of the staff, equipment or facilities of the Council.</td>
<td></td>
</tr>
<tr>
<td>s42(2), s42(1)</td>
<td>6. Boards Power to Provide Financial Assistance etc</td>
<td>DDES</td>
</tr>
<tr>
<td></td>
<td>6.1 The power pursuant to Section 42(2) of the Act where a Council wishes to obtain financial or any other form of assistance from a regional NRM board under Section 42(1) of the Act, to make a written submission to the board setting out -</td>
<td></td>
</tr>
<tr>
<td></td>
<td>6.1.1 the nature of the assistance requested (and, in the case of financial assistance, the amount requested); and</td>
<td></td>
</tr>
<tr>
<td></td>
<td>6.1.2 the purpose or purposes for which and the manner in which the assistance will be used; and</td>
<td></td>
</tr>
<tr>
<td></td>
<td>6.1.3 the reasons why, in the Delegate's opinion, the granting of the assistance by the regional NRM board is justified.</td>
<td></td>
</tr>
<tr>
<td>s43(2)</td>
<td>7. Assignment of Responsibility for Infrastructure</td>
<td>This power remains with Council - delegation does not apply.</td>
</tr>
<tr>
<td></td>
<td>7.1 The power pursuant to Section 43(2) of the Act to make a submission to a regional NRM board in response to notice given by the board under Section 43(2) of the Act of the proposed assignment of the responsibility for the care, control or management of infrastructure to the Council as a third party pursuant to Section 43(1) of the Act.</td>
<td></td>
</tr>
<tr>
<td>s43(3)</td>
<td>7. Assignment of Responsibility for Infrastructure</td>
<td>This power remains with Council - delegation</td>
</tr>
</tbody>
</table>
THE BAROSSA COUNCIL DELEGATIONS REGISTER


### NATURAL RESOURCES MANAGEMENT ACT 2004

<table>
<thead>
<tr>
<th>Section</th>
<th>Power Description</th>
<th>Delegation Status</th>
</tr>
</thead>
</table>
| s44(4)(c) | 8. Appointment of Body to act as a Board  
8.1 The power pursuant to Section 44(4)(c) of the Act to agree that by way of a regulation revoking a regulation made under Section 44(1) of the Act, the assets, rights and liabilities of a body appointed by such regulation to be a regional NRM board under the Act, will vest in or attach to the Council. | This power remains with Council - delegation does not apply. |
| s45(5) | 9. Establishment of Areas  
9.1 The power pursuant to Section 45(5) of the Act to receive notice as a constituent council from a regional NRM board and to make a submission to the regional NRM board within a period (being at least 21 days) specified in the notice. | DDES |
| s46(5) | 9. Establishment of Areas  
9.2 The power pursuant to Section 46(5) of the Act to enter into an agreement pursuant to which the property, assets, rights or liabilities of the local NRM group will vest in the Council pursuant to a notice under Section 46(4) of the Act. | This power remains with CEO - no further sub-delegation |
| s48(2)(b)(i) | 10. Composition of NRM groups  
10.1 The power pursuant to Section 48(2)(b)(i) of the Act to consult with the relevant regional NRM board or boards, if the Council is also a constituent council for the area of the NRM group to which that board belongs, before an appointment is made by the board under Section 48(1) of the Act. | This power remains with Council - delegation does not apply. |

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# THE BAROSSA COUNCIL DELEGATIONS REGISTER


## NATURAL RESOURCES MANAGEMENT ACT 2004

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<thead>
<tr>
<th>Section</th>
<th>Description</th>
<th>Responsibility</th>
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</thead>
</table>
| s52(2)(c) | 11. Functions of Groups  
11.1 The power pursuant to Section 52(2)(c) of the Act, to work collaboratively with an NRM group in the performance of its functions under Section 52(1) of the Act. | DDES |
| s53(2)(g) | 12. Acting in Conjunction with NRM Group  
12.1 The power pursuant to Section 53(2)(g) of the Act to act in conjunction with an NRM group in relation to the NRM group doing anything necessary expedient or incidental to:  
a) performing its functions under the Act or any other Act  
b) assisting in the administration of the Act or  
c) furthering the objects of the Act  
pursuant to Section 53(1) of the Act. | DDES |
| s55(2) | 13. Power of Delegation  
13.1 The power pursuant to Section 55(2) of the Act, to approve a delegation made by an NRM group in accordance with Section 55(1) of the Act to the Council or a Council subsidiary, or to an officer of the Council or a Council subsidiary (as the case requires), of a function or power of the NRM group under the Act or any other Act. | This power remains with CEO - no further sub-delegation |
| s60 | 14. Use of Facilities  
14.1 The power pursuant to Section 60 of the Act to enter into an arrangement with an NRM group for the NRM group to use the services of the staff, equipment or facilities of the Council. | DDES |
| s61(4)(c) | 15. Appointment of Body to Act as Group  
15.1 The power pursuant to Section 61(4)(c) of the Act to agree that by way of a regulation revoking a | This power remains with |

Head delegations reviewed by Council at its Annual Review on 21 May 2019  
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THE BAROSSA COUNCIL DELEGATIONS REGISTER


NATURAL RESOURCES MANAGEMENT ACT 2004

<table>
<thead>
<tr>
<th>Regulation</th>
<th>Delegation</th>
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<tbody>
<tr>
<td>regulation made under Section 61 of the Act, the assets, rights and liabilities of a body appointed by such regulation, to be a regional NRM group under the Act, will vest in or attach to the Council.</td>
<td>Council - delegation does not apply.</td>
</tr>
<tr>
<td>s67(10)</td>
<td>16. Regional Authorised Officers</td>
</tr>
<tr>
<td>16.1 The power pursuant to Section 67(10) of the Act to agree to the appointment of an officer of the Council as an authorised officer by a regional NRM board</td>
<td>This power remains with CEO - no further sub-delegation</td>
</tr>
<tr>
<td>s74(8)</td>
<td>17. State NRM Plan</td>
</tr>
<tr>
<td>17.1 The power pursuant to Section 74(8) of the Act to consult with the NRM Council in relation to any proposal to create or amend the State NRM Plan as defined in Section 74 of the Act, where the Local Government Association has nominated the Council pursuant to Section 74(14)(b) of the Act.</td>
<td>DDES</td>
</tr>
<tr>
<td>s75(9)</td>
<td>18. Regional NRM Plans</td>
</tr>
<tr>
<td>18.1 The duty pursuant to Section 75(9) of the Act, when performing functions or exercising powers under the Local Government Act 1999 or any other Act, to have regard to any regional NRM plan that applies within the relevant area and in particular to give consideration to the question of whether changes should be implemented to the manner in which, or the means by which, the Council performs a function or exercises a power or undertakes any other activity that has been identified in the regional NRM plan as requiring change.</td>
<td>AO-P, DDES, MDS, MRS, PP, SAO-P, TL-ES</td>
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<td>19.1</td>
<td>19. Deliberately left blank</td>
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</table>
| 19.1 Deliberately left blank                                              | This power remains with Council - delegation                             

Head delegations reviewed by Council at its Annual Review on 21 May 2019
Sub-delegations amended by the Chief Executive Officer on 6 December 2018

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### NATURAL RESOURCES MANAGEMENT ACT 2004

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<tr>
<th>Section</th>
<th>Description</th>
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</table>
| s79(6)(a)(vii) | 20. Preparation of Plans and Consultation  
20.1 The power pursuant to Section 79(6)(a)(vii) of the Act where a draft plan has been prepared by a regional NRM board, to receive a copy of the draft plan. | DDES, MDS, MRS, PP, TL-ES |
| s79(8) | 20. Preparation of Plans and Consultation  
20.2 The power pursuant to Section 79(8) of the Act to prepare and furnish a response to the regional NRM board within the period prescribed by the Regulations to a draft plan provided to the Council as a constituent council in accordance with Section 79(6)(a)(vii) of the Act. | DDES, MDS, PP, TL-ES |
| s80(5) | 21. Submission of Plan to Minister  
21.1 The power pursuant to Section 80(5) of the Act to receive a copy of a draft plan as amended by the Minister, or if it appears to the Minister that the part or parts of the plan that have been amended can conveniently be substituted in the draft plan - a copy of that part or those parts as amended. | DDES, MDS, PP, TL-ES |
| s81(7)(a)(ii) | 22. Review and Amendment of Plans  
22.1 The power pursuant to Section 81(7)(a)(ii) of the Act, to consult with a regional NRM board within the prescribed period (being a period of at least 21 days), in respect of amendments to a regional NRM plan which are within the ambit of Section 81(8) of the Act. | DDES, MDS, MRS, PP, TL-ES |
| s82(2) | 23. Time for Implementation of Plans  
23.1 The power pursuant to Section 82(2) of the Act to give consent to the implementation by a regional NRM board of a draft plan or amendments to a plan that have not been adopted by the Minister. | This power remains with Council - delegation |

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# THE BAROSSA COUNCIL DELEGATIONS REGISTER


### NATURAL RESOURCES MANAGEMENT ACT 2004

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<thead>
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<th>Description</th>
<th>Delegation Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>s92(1)</td>
<td>24. Contributions by Constituent Councils&lt;br&gt;24.1 The duty pursuant to Section 92(1) of the Act if a regional NRM plan for a regional NRM board specifies an amount (the base contribution amount) to be contributed by the constituent councils for the region towards the costs of the board performing its functions under the Act in a particular financial year, to make a contribution based on that amount in accordance with the requirements of Part 1 of Chapter 5 of the Act in respect of that financial year.</td>
<td>This power remains with CEO - no further sub-delegation</td>
</tr>
<tr>
<td>s92(7)</td>
<td>24. Contributions by Constituent Councils&lt;br&gt;24.2 The power pursuant to Section 92(7) of the Act to receive notice from the Minister of the Minister's determination.</td>
<td>DDES</td>
</tr>
<tr>
<td>s93(1)</td>
<td>25. Payment of Contributions by Councils&lt;br&gt;25.1 The duty pursuant to Section 93(1) of the Act, subject to Section 93(2) of the Act, to pay the Council's share of the amount to be contributed by the constituent councils in approximately equal instalments on 30 September, 31 December, 31 March and 30 June in the year to which the contribution relates, including any interest which accrues on any amount unpaid at the rate and in the manner prescribed by regulation.</td>
<td>This power remains with CEO - no further sub-delegation</td>
</tr>
<tr>
<td>s93(2)</td>
<td>25. Payment of Contributions by Councils&lt;br&gt;25.2 The duty pursuant to Section 93(2) of the Act, if notice of a regional NRM levy imposed by a Council in respect of a financial year could not be included in the notice of general rates for that year because the share to be contributed was not approved by the Governor on or before 1 June preceding that year, to pay the Council's share of the amount to be contributed by constituent councils in approximately equal instalments on 31 December, 31 March and 30 June in that year.</td>
<td>This power remains with CEO - no further sub-delegation</td>
</tr>
</tbody>
</table>
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### Natural Resources Management Act 2004

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<th>Section</th>
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<td>26.1</td>
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<td>26.4</td>
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</tr>
<tr>
<td>s96(1)</td>
<td>Cost of Councils</td>
<td></td>
</tr>
<tr>
<td>27.1</td>
<td>The power pursuant to Section 96(1) of the Act, subject to Section 96(2) and 96(3) of the Act, to receive an amount from a regional NRM board determined in accordance with the regulations on account of the costs of the Council as a constituent council in complying with the requirements of Part 1 of Chapter 5 of the Act.</td>
<td>DDES</td>
</tr>
<tr>
<td>s125(5)(b)</td>
<td>Declaration of Prescribed Water Resources</td>
<td></td>
</tr>
<tr>
<td>28.1</td>
<td>The duty pursuant to Section 125(5)(b) of the Act, to receive a copy of a notice from the Minister outlining a proposed recommendation to the Governor declaring that part of the State is a surface water prescribed area.</td>
<td>-</td>
</tr>
<tr>
<td>s136(3)</td>
<td>Requirement for notice of certain applications</td>
<td></td>
</tr>
<tr>
<td>29.1</td>
<td>The power pursuant to Section 136(3) of the Act, where the Council is a person specified in the plan to whom notice of an application must be given pursuant to Section 136(2) of the Act to make representations in writing to the relevant authority in relation to the granting or refusal of a permit.</td>
<td>DDES</td>
</tr>
<tr>
<td>s136(6)</td>
<td>Requirement for notice of certain applications</td>
<td></td>
</tr>
<tr>
<td>29.2</td>
<td>The duty pursuant to Section 136(6) of the Act, if the Council has made a representation under Section 136(3) of the Act, as part of that representation indicated an interest in appearing before the authority, to appear personally or by representative before the authority to be heard in support of the representation.</td>
<td>DDES</td>
</tr>
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<th>Delegations</th>
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<tbody>
<tr>
<td>s136(11)</td>
<td>29. Requirement for notice of certain applications&lt;br&gt;29.3 The power pursuant to Section 136(11) of the Act to lodge an appeal with the ERD Court.</td>
<td>DDES</td>
</tr>
<tr>
<td>s171(7)(a)</td>
<td>30. By-Laws&lt;br&gt;30.1 The power pursuant to Section 171(7)(a) of the Act to consult with a regional NRM board before a by-law is made by the NRM board under Section 171 of the Act that directly affects the area of the Council.</td>
<td>DDES, MDS, MRS, PP, TL-ES</td>
</tr>
<tr>
<td>s171(7)(c)</td>
<td>30. By-Laws&lt;br&gt;30.2 The power pursuant to Section 171(7)(c) of the Act to submit to the regional NRM board the Council's views on a by-law proposed to be made under Section 171 of the Act.</td>
<td>DDES, MDS, MRS, PP, TL-ES</td>
</tr>
<tr>
<td>s201(5)</td>
<td>31. Orders made by ERD Court&lt;br&gt;31.1 The power pursuant to Section 201(5) of the Act, where the Council's interests are affected by the subject matter of the application to make an application to the ERD Court for Orders under Section 201 of the Act.</td>
<td>DDES</td>
</tr>
<tr>
<td>s201(7)</td>
<td>31. Orders made by ERD Court&lt;br&gt;31.2 The duty pursuant to Section 201(7) of the Act where an application is made to the ERD Court to serve a copy of the application on the Minister within 3 days after filing the application with the ERD Court.</td>
<td>DDES, MDS, MRS, PP, TL-ES</td>
</tr>
<tr>
<td>s205(3)</td>
<td>32. Management Agreements&lt;br&gt;32.1 The power pursuant to Section 205(3) of the Act to receive notice from the Minister of a proposal to provide for the remission of any Council rate under Section 205(2)(j) of the Act by way of a management agreement.</td>
<td>DDES</td>
</tr>
<tr>
<td>s208(1), s208(2)</td>
<td>33. Service of notices or other documents&lt;br&gt;33.1 The duty pursuant to Section 208(1) of the Act, subject to Section 208(2) of the Act, where required or authorised by the Act to serve a notice or other document on a person, to effect service of the notice or other document by -</td>
<td>DDES</td>
</tr>
</tbody>
</table>

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### NATURAL RESOURCES MANAGEMENT ACT 2004

33.1.1 giving the notice or document to the person or an agent of the person; or

33.1.2 leaving the notice or other document for the person at his or her place of residence or business with someone apparently over the age of 16 years; or

33.1.3 if the notice or document is to be served on the owner of the land and the land is unoccupied, and the Delegate has taken reasonable steps to effect service under the other paragraphs of Section 208(1) of the Act, to serve the notice or document by fixing it to some conspicuous part of the land; or

33.1.4 if the notice or document is to be served on the occupier of the land, be sent by post to the occupier of the land; or

33.1.5 be served on the person by fixing it to, or leaving it on, a vessel or craft that the person is apparently in charge of, or expected to board at some stage, if the Delegate has reasonable grounds to believe that service in this manner will bring the notice or document to the attention of the person to be served; or

33.1.6 send the notice or document to the person by facsimile transmission; or

33.1.7 serve or give the notice or document to a person in a manner prescribed by the Regulations.

**s208(3)** 33. Service of notices or other documents

33.2 The power pursuant to Section 208(3) of the Act, subject to the Regulations, if a notice or document is required or authorised to be given to an owner of land, if it is to be served personally, to serve the notice on the owner, one of any joint owners, or the agent of the owner.
### NATURAL RESOURCES MANAGEMENT ACT 2004

<table>
<thead>
<tr>
<th>Clause 46(1)(d) of Schedule 4</th>
<th>34. Vesting of Property</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>34.1 The power pursuant to Clause 46(1)(d) of Schedule 4 of the Act to consent to the vesting in the Council by proclamation of the Governor any asset, right or liability of a statutory body or of a related body nominated by the proclamation.</td>
</tr>
<tr>
<td></td>
<td>This power remains with Council - delegation does not apply.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Clause 54(17) of Schedule 4</th>
<th>35. Special Provisions relating to the repeal of the Water Resources Act 1997</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>35.1 The duty pursuant to Clause 54(17) of Schedule 4 of the Act, subject to Clause 55 of the Act, to pay any amount payable by the Council under Part 8, Division 2 of the Water Resources Act 1997 under a scheme established by the Minister for the purposes of Clause 54 of Schedule 4 of the Act (and such a scheme may provide than an amount be paid to a regional NRM board rather than a catchment water management board).</td>
</tr>
<tr>
<td></td>
<td>This power remains with CEO - no further sub-delegation</td>
</tr>
</tbody>
</table>

|                             | 35.2 Deliberately left blank |
|                             | This power remains with Council - delegation does not apply. |

| -                            | 36. Special Provisions related to levies |
|                             | 36.1 Deliberately left blank |
|                             | 36.2 Deliberately left blank |
|                             | 36.3 Deliberately left blank |
|                             | This power remains with Council - delegation does not apply. |

Head delegations reviewed by Council at its Annual Review on 21 May 2019
Sub-delegations amended by the Chief Executive Officer on 6 December 2018
# THE BAROSSA COUNCIL DELEGATIONS REGISTER


## NATURAL RESOURCES MANAGEMENT (GENERAL) REGULATIONS 2005

<table>
<thead>
<tr>
<th>Provision</th>
<th>Item Delegated by Council to Chief Executive Officer</th>
<th>Conditions and Limitations</th>
<th>Sub-Delegate</th>
</tr>
</thead>
<tbody>
<tr>
<td>r35(2)</td>
<td>DELEGATIONS UNDER THE NATURAL RESOURCES MANAGEMENT (GENERAL) REGULATIONS 2005 37. The power pursuant to Regulation 35(2) of the Natural Resources Management (General) Regulations (&quot;the Regulations&quot;), when making an agreement under Section 43 of the Act, to include provisions terms or conditions other than those identified in Regulation 35(1) of the Regulations.</td>
<td>This power remains with Council - delegation does not apply.</td>
<td></td>
</tr>
</tbody>
</table>

## NATURAL RESOURCES MANAGEMENT (TRANSITIONAL PROVISIONS LEVIES) REGULATIONS 2004

<table>
<thead>
<tr>
<th>Provision</th>
<th>Item Delegated by Council to Chief Executive Officer</th>
<th>Conditions and Limitations</th>
<th>Sub-Delegate</th>
</tr>
</thead>
<tbody>
<tr>
<td>-</td>
<td>38. Contributions by Councils 38.1 Deliberately left blank</td>
<td>This power remains with Council - delegation does not apply.</td>
<td></td>
</tr>
</tbody>
</table>
## NEW Provisions

<table>
<thead>
<tr>
<th>#</th>
<th>Delegation Source</th>
<th>Section</th>
<th>Powers and Functions Delegated by Council to the Chief Executive Officer</th>
<th>Conditions and Limitations</th>
</tr>
</thead>
<tbody>
<tr>
<td>387836</td>
<td>Landscape South Australia Act 2019</td>
<td>s32(7)</td>
<td>1. Special Vesting of Infrastructure</td>
<td>This power remains with Council - delegation does not apply.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>1.1 The power pursuant to Section 32(7) of the Landscape South Australia</td>
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<td></td>
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<td></td>
<td>Act 2019 to consent in writing to the Governor making a proclamation under</td>
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<td></td>
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<td>Sections 32(1), (2) or (6) of the Act in relation to infrastructure or</td>
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<td></td>
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<td></td>
<td>land vested in or under the care, control or management of the Council.</td>
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</tr>
<tr>
<td>387837</td>
<td>Landscape South Australia Act 2019</td>
<td>s37(1)(c)</td>
<td>2. Power of Delegation</td>
<td>This power remains with Council - delegation does not apply.</td>
</tr>
<tr>
<td></td>
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<td></td>
<td>2.1 The power pursuant to Section 37(1)(c) of the Act to approve a regional</td>
<td></td>
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<td>landscape board delegating a function or power of the board under the Act</td>
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<td></td>
<td></td>
<td></td>
<td>or any other Act to the Council or an officer of the Council.</td>
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<tr>
<td>387838</td>
<td>Landscape South Australia Act 2019</td>
<td>s41</td>
<td>3. Use of Facilities</td>
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<td></td>
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<td>3.1 The power pursuant to Section 41 of the Act to make arrangements with</td>
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<td></td>
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<td>a regional landscape board for the regional landscape board to make use of</td>
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<td></td>
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<td></td>
<td>the services of the staff, equipment or facilities of the Council.</td>
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<tr>
<td>387839</td>
<td>Landscape South Australia Act 2019</td>
<td>s47(7)</td>
<td>4. Key Features of Plan</td>
<td></td>
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<td></td>
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<td>4.1 The power pursuant to Section 47(7) of the Act to, when performing</td>
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<td>functions or exercising powers under the Local Government Act 1999 or</td>
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<td>any other Act, have regard to any regional landscape plan that applies</td>
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<td>within the relevant area and in particular to give consideration to the</td>
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<td>question whether the Council should implement changes to the manner in</td>
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<td>which, or the means by which, it performs a function or exercises a</td>
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<td>power or undertakes any other activity that has been identified in the</td>
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<td></td>
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<td>plan as requiring change.</td>
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<tr>
<td>387840</td>
<td>Landscape South Australia Act 2019</td>
<td>s51(5)(b)</td>
<td>5. Annual Business Plan</td>
<td></td>
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<tr>
<td></td>
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<td></td>
<td>5.1 The power pursuant to Section 51(5)(b) of the Act, if a regional</td>
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<td></td>
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<td></td>
<td>landscape board is intending to include in its annual business plan any</td>
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<td></td>
<td></td>
<td></td>
<td>proposal referred to in Section 51(4) of</td>
<td></td>
</tr>
</tbody>
</table>
# Delegation Source | Section | Powers and Functions Delegated by Council to the Chief Executive Officer | Conditions and Limitations | Sub-Delegate
--- | --- | --- | --- | ---
2019 | Landscape South Australia Act 2019 | §67(1) 6. Payment of Contributions by Councils 6.1 The power pursuant to Section 67(1) of the Act, subject to Section 67(2) of the Act to pay the Council’s share of the amount to be contributed by the constituent councils in approximately equal instalments on 30 September, 31 December, 31 March and 30 June in each year to which the contribution relates. | | |
387841 | Landscape South Australia Act 2019 | §67(2) 6. Payment of Contributions by Councils 6.2 The power pursuant to Section 67(2) of the Act, if notice of a regional landscape levy imposed by the Council in respect of a financial year could not be included in the notice of general rates for that year because the regional landscape board’s annual business plan was not finalised (and, if necessary, approved by the Minister) on or before 1 June preceding that year, to pay the Council’s share in approximately equal instalments on 31 December, 31 March and 30 June in that year. | | |
387842 | Landscape South Australia Act 2019 | §69(10) 7. Imposition of Levy by Councils 7.1 The power pursuant to Section 69(10) of the Act, if the Council writes off a debt constituted by an unpaid regional landscape levy (or part of a regional landscape levy) under Section 143 of the Local Government Act 1999, to apply to the regional landscape board in accordance with the regulations, for a refund of an amount equal to the amount of the levy (not including any related interest) that has been written off. | | |
387843 | Landscape South Australia Act 2019 | §72(6) 8. Board May Declare a Levy 8.1 The power pursuant to Section 72(6) of the Act to arrange with a regional landscape board for service of a notice to be effected as part of any other notice served by the Council and arrange with a regional landscape board for collection of a levy to be effected by the Council. | | |
387844 | Landscape South Australia Act 2019 | §101(6) 9. Declaration of Prescribed Water Resources 9.1 The power pursuant to Section 101(6) of the Act to make submissions to the Minister in accordance with the notice served by the Minister on the Council. | | |
<table>
<thead>
<tr>
<th>#</th>
<th>Delegation Source</th>
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</tr>
</thead>
</table>
| 387846 | Landscape South Australia Act 2019  | s202(4) | 10. Authorised Officers  
10.1 The power pursuant to Section 202(4) of the Act to agree to the Minister appointing  
an officer of the Council as an authorised officer under Section 202 of the Act. | | | |
| 387847 | Landscape South Australia Act 2019 | s219(3) | 11. Management Agreements  
11.1 The power pursuant to Section 219(3) of the Act to make submissions to the Minister  
within a period specified by the Minister in relation to a proposal to provide for the remission  
of any Council rates under Section 219(2)(j) of the Act. | | | |
| 387848 | Landscape South Australia (General) Regulations 2020 | r13(3) | 12. Refunds to Councils in Relation to Unpaid Regional Landscape Levies (Section 69(10)  
of the Act)  
12.1 The power pursuant to Regulation 13(3) of the Landscape South Australia (General)  
Regulations 2020 (the General Regulations) if:  
12.1.1 the Council writes off a debt constituted by an unpaid regional landscape levy (or  
part of a levy); and  
12.1.2 a refund is made to the Council under Section 69(10) of the Act in relation to the  
unpaid levy; and  
12.1.3 the Council subsequently recovers an amount (the relevant amount) with respect to  
the unpaid levy as part of steps taken by the Council to recover rates in arrears under the  
Local Government Act 1999,  
to pay the relevant amount to the regional landscape board that made the refund under  
Section 69(10) of the Act. | | | |
| 387849 | Landscape South Australia (General) Regulations 2020 | r14(4) | 13. Cost of Councils (Section 70 of the Act)  
13.1 The power pursuant to and subject to Regulation 14(4) of the General Regulations to  
recover establishment costs the amount being:  
13.1.1 fair costs incurred by the Council with respect to:  
13.1.1.1 consulting with the relevant regional landscape board in relation to the basis  
for the regional landscape levy; and  
13.1.1.2 establishing the ability of the Council’s rating system to deal with the regional  
landscape levy; and  
13.1.1.3 making any amendments to the Council’s rating system on account of the | | |
<table>
<thead>
<tr>
<th>#</th>
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</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
<td></td>
<td>imposition of the regional landscape levy; and</td>
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<td></td>
<td>13.1.1.4 conducting any tests involving the Council’s rating system on account of the imposition of the regional landscape levy; and</td>
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<td></td>
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<td></td>
<td>13.1.1.5 setting up and assigning codes within the Council’s rating system on account of the imposition of the regional landscape levy; and</td>
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<td></td>
<td></td>
<td></td>
<td>13.1.1.6 obtaining any new assessment or valuation information on account of the imposition of the regional landscape levy; and</td>
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<td></td>
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<td></td>
<td>13.1.1.7 confirming the imposition of the appropriate levy with respect to rateable land in the area of the Council; or</td>
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<td></td>
<td></td>
<td></td>
<td>13.1.2 $10,848 (indexed), plus 71 cents (indexed) for each assessment of levy against a piece of rateable land, adjusted, if necessary under Regulation 14(6) of the General Regulations.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Landscape South Australia (General) Regulations 2020</td>
<td>r14(8)</td>
<td>13. Cost of Councils (Section 70 of the Act)</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>13.2 The power pursuant to and subject to Regulation 14(7) of the General Regulations to recover as ongoing costs the amount being:</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>13.2.1 fair costs as described in Regulation 14(3)(b) of the General Regulations; or</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>13.2.2 $2,532 (indexed), plus 25 cents (indexed) for each assessment of levy against a piece of rateable land.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Landscape South Australia (General) Regulations 2020</td>
<td>r14(8)</td>
<td>13. Cost of Councils (Section 70 of the Act)</td>
<td></td>
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<td></td>
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<td></td>
<td>13.3 The power pursuant to Regulation 14(8) of the General Regulations, if the Council is claiming transitional costs from two or more regional landscape boards with respect to a particular financial year to agree as between them the respective shares of those boards.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Landscape South Australia (General) Regulations 2020</td>
<td>r14(9)</td>
<td>13. Cost of Councils (Section 70 of the Act)</td>
<td></td>
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<td></td>
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<td>13.4 The power pursuant to Regulation 14(9) and subject to Regulation 14(11) of the General Regulations, if the Council is seeking to recover any costs with respect to a particular financial year, other than the 2020/2021 financial year, to as a preliminary step, furnish to the relevant regional landscape board or boards, a reasonable estimate of the costs that the</td>
<td></td>
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<td>#</td>
<td>Delegation Source</td>
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<tr>
<td>2020</td>
<td></td>
<td>Council expects to claim under Regulation 14 of the General Regulations.</td>
<td></td>
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</tr>
</tbody>
</table>
# CHANGED Provisions

<table>
<thead>
<tr>
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<th>Sub-Delegate</th>
</tr>
</thead>
</table>
| 14240 | Fire and Emergency Services Act 2005       | s105F(9)    | 11. Private Land  
11.5 The power pursuant to Section 105F(9) of the Act to give a notice under Section 105(5) of the Act -  
11.5.1 personally; or  
11.5.2 by post; or  
11.5.3 if the delegate cannot, after making reasonable inquiries, ascertain the name and address of the person to whom the notice is to be given -  
11.5.3.1 by publishing the notice –  
(A) on a website determined by the Minister; or  
(B) in a newspaper circulating in the locality of the land; and  
11.5.3.2 by leaving a copy of the notice in a conspicuous place on the land. |                             | GI, MRS                   |
## CHANGED Provisions

<table>
<thead>
<tr>
<th>#</th>
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</tr>
</thead>
<tbody>
<tr>
<td>12171</td>
<td>South Australian Public Health Act 2011</td>
<td>s96(3)</td>
<td>17. Appeals 17.1 The power pursuant to Section 96(3) of the Act and subject to Section 96(4) of the Act, appeals to apply to the District Tribunal Court under against Section 34 of the South Australian Civil &amp; Administrative Tribunal Act 2013 for a review of the outcome of review proceedings by the Review Panel under Division Section 3, Part 1295 of the Act.</td>
<td></td>
<td>DDES</td>
</tr>
<tr>
<td>12163</td>
<td>South Australian Public Health Act 2011</td>
<td>s92(5)</td>
<td>13. Notices 13.6 The power pursuant to Section 92(5) of the Act issue a notice under Section 92 of the Act: 13.6.1 in the form of a written notice served on the person to whom it is issued; and 13.6.2 specifying the person to whom it is issued (whether by name or by a description sufficient to identify the person); and 13.6.3 directing 2 or more persons to do something specified in the notice jointly; and 13.6.4 without limiting any other provision, in the case of a notice that relates to the condition of any premises, to any person who: 13.6.4.1 is the owner or occupier of the premises; or 13.6.4.2 has the management or control of the premises; or 13.6.4.3 is the trustee of a person referred to in Section 92(5)(i) or (ii) of the Act or is managing the affairs of such a person on some other basis; and 13.6.5 stating the purpose for which the notice is issued and giving notice of the requirement or the risk to which it relates; and 13.6.6 imposing any requirement reasonably required for the purpose for which the notice is issued including 1 or more of the following:</td>
<td></td>
<td>EHO, Grad EHO, MHS</td>
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<tr>
<td>#</td>
<td>Delegation Source</td>
<td>Section</td>
<td>Powers and Functions Delegated by Council to the Chief Executive Officer</td>
<td>Conditions and Limitations</td>
<td>Sub-Delegate</td>
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<td>13.6.6.1 a requirement that the person discontinue, or not commence, a specified activity indefinitely or for a specified period or until further notice from a relevant authority;</td>
<td></td>
<td>DDES, MHS</td>
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<tr>
<td></td>
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<td>13.6.6.2 a requirement that the person not carry on a specified activity except at specified times or subject to specified conditions;</td>
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<td>13.6.6.3 a requirement that the person take specified action in a specified way, and within a specified period or at specified times or in specified circumstances;</td>
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<td></td>
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<td>13.6.6.4 a requirement that the person take action to prevent, eliminate, minimise or control any specified risk to public health, or to control any specified activity;</td>
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<td>13.6.6.5 a requirement that the person comply with any specified code or standard prepared or published by a body or authority referred to in the notice;</td>
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<td>13.6.6.6 a requirement that the person undertake specified tests or monitoring;</td>
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<td>13.6.6.7 a requirement that the person furnish to a relevant authority specified results or reports;</td>
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<td>13.6.6.8 a requirement that the person prepare, in accordance with specified requirements and to the satisfaction of the relevant authority, a plan of action to secure compliance with a relevant requirement or to prevent, eliminate, minimise or control any specified risk to public health;</td>
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<td>13.6.6.9 a requirement prescribed under or for the purposes of the regulations; and</td>
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<td>13.6.7 stating that the person may, within 14 days, apply for a review of the notice or institute an appeal against the notice under the provisions of the Act.</td>
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</tr>
</tbody>
</table>

**South Australian Public Health Act 2011 s95(15)**

16. Reviews - Notices Relating to General Duty
16.2 The power pursuant to Section 95(15) of the Act to make an application to the Review Panel to:

16.2.1 dismiss or determine any proceedings that appear:

16.2.1.1 to be frivolous or vexatious; or
<table>
<thead>
<tr>
<th>#</th>
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</thead>
<tbody>
<tr>
<td>16.2.1.2</td>
<td>to have been instituted for the purpose of delay or obstruction, or for some other improper purpose;</td>
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<td>16.2.2</td>
<td>bring any proceedings to an end that appear:</td>
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<tr>
<td>16.2.2.1</td>
<td>to be more appropriate suited to proceedings before the District Court Tribunal rather than the Review Panel; or</td>
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<td>16.2.2.2</td>
<td>to be unable to be satisfactorily resolved (or resolved within a reasonable period) by proceedings before the Review Panel; or</td>
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<tr>
<td>16.2.3</td>
<td>bring any proceedings to an end for any other reasonable cause.</td>
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</tbody>
</table>
## LOCAL GOVERNMENT ASSOCIATION
### UPDATES OF DELEGATION TEMPLATES ON WEBSITE

(Note: Paragraph references below refer to updated version – As at 8 July 2020)

<table>
<thead>
<tr>
<th>Act Document/ Page on Website</th>
<th>Para number in instrument which contain changes</th>
<th>Section number of Act/ Regulation</th>
<th>Whether change is Addition/ Amendment/ Deletion</th>
<th>Reason for change</th>
<th>Date of latest version</th>
<th>Recommendation</th>
</tr>
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<tbody>
<tr>
<td>Instrument of Delegation under the Burial and Cremation Act 2013 and Burial and Cremation Regulations 2014</td>
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<td>Instrument of Delegation under the Community Titles Act</td>
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<td>Instrument of Delegation under the Dog &amp; Cat Management Act</td>
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<td>Instrument of Delegation under the Electricity Act 1996 and Electricity (Principles of Vegetation Clearance) Regulations 2010</td>
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<td>Instrument of Delegation under the Electronic Conveyancing National Law (South Australia) Act 2013</td>
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<td>Instrument of Delegation under the Environment Protection Act</td>
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<td>Instrument of Delegation under the Expiation of Offences Act</td>
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<td>Instrument of Delegation under the Fences Act</td>
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<td>Instrument of Delegation under the Fines Enforcement and Debt Recovery Act 2017</td>
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<tr>
<td>Instrument of Delegation under the Fire &amp; Emergency Services Act</td>
<td>11.5.3</td>
<td>105F(9)</td>
<td>Amendment</td>
<td>Legislative amendment</td>
<td>8 July 2020</td>
<td>Use updated instrument at next review</td>
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<tr>
<td>Instrument of Delegation under the Food Act</td>
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<td>Instrument of Delegation under the Freedom of Information Act</td>
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<td>Instrument of Delegation under the Heavy Vehicle National Law Act</td>
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<td>Instrument of Delegation under the Gas Act 1997</td>
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<td>Instrument of Delegation under the Land &amp; Business (Sale &amp; Conveyancing) Act</td>
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<td>Instrument of Delegation under the Landscape South Australia Act 2019</td>
<td>New</td>
<td>New</td>
<td>New</td>
<td>Commenced 1 July 2020</td>
<td>8 July 2020</td>
<td>Use new instrument at next review</td>
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<tr>
<td>Instrument of Delegation under the Liquor Licensing Act</td>
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<tr>
<td>Instrument of Delegation under the Local Government Act 1999</td>
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<td>Instrument of Delegation under the Local Nuisance and Litter Control Act 2016 and Local Nuisance and Litter Control Regulations 2017</td>
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<tr>
<td>Instrument of Delegation under the Natural Resources Management Act</td>
<td>Removed.</td>
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<td>Replaced by Landscape South Australia Act 2019 on 1 July 2020</td>
<td>8 July 2020</td>
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<tr>
<td>Instrument of Delegation under the Planning, Development and Infrastructure Act 2016</td>
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<td>Instrument of Delegation under the Real Property Act</td>
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<tr>
<td>Instrument of Delegation under the Roads (Opening &amp; Closing) Act</td>
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<tr>
<td>Subdelegations to Chief Executive Officer under the Road Traffic Act 1961</td>
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<td>Authorisations under Road Traffic Act 1961</td>
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<td>Act Document/ Page on Website</td>
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<td>Instrument of Delegation under the Safe Drinking Water Act 2011</td>
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<td>Instrument of Delegation under the South Australian Public Health Act 2011, South Australian Public Health (Legionella) Regulations 2013, South Australian Public Health (Wastewater) Regulations 2013, South Australian Public Health (General) Regulations 2013 and South Australian Public Health (Fees) Regulations 2018</td>
<td>13.6, 16.2, 17.1</td>
<td>92(5), 95(13), 96(3)</td>
<td>Amendment, Amendment, Amendment</td>
<td>Legislative Amendment, Legislative Amendment, Legislative Amendment</td>
<td>8 July 2020, 8 July 2020, 8 July 2020</td>
<td>Use updated instrument at next review, Use updated instrument at next review, Use updated instrument at next review</td>
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<tr>
<td>Instrument of Delegation under the State Records Act 1997</td>
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<td>Instrument of Delegation under the Strata Titles Act 1988</td>
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<td>Instrument of Delegation under the Supported Residential Facilities Act</td>
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<td>Instrument of Delegation under the Work Health Safety Act 2012</td>
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<tr>
<td>Instrument of Delegation under the Unclaimed Goods Act 1987</td>
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<tr>
<td>Draft Resolutions for the making of Delegations</td>
<td>1.1</td>
<td>Landscape South Australian Act added, Fines Enforcement and Debt Recovery Act 2017 added, Natural Resources Management Act removed.</td>
<td>Commencement of Landscape South Australia Act on 1 July 2020 replaces the Natural Resources Management Act. Fines Enforcement and Debt Recovery Act unintentionally omitted from template.</td>
<td>8 July 2020</td>
<td>Use updated instrument at next review</td>
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</tr>
</tbody>
</table>
7.2.2 DEBATE AGENDA – FINANCE

7.2.2.1 MONTHLY FINANCE REPORT (AS AT 31 JULY 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 Report as at 31 July 2020 be received and noted.

REPORT
Discussion
The Monthly Finance Report (as at 31 July 2020) is attached. The report has been prepared comparing actuals to the Original adopted budget 2020/21.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES
Attachment 1: Monthly Finance Report 31 July 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.
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/July 2020, as per legislation. This report is advising Council of the monthly finance position compared to that budget.
MONTHLY FINANCE REPORT
AS AT 31 JULY 2020
FOR YEAR ENDING 30 JUNE 2021

<table>
<thead>
<tr>
<th>Notes</th>
<th>% Actual Expenditure to Original Budget</th>
<th>Original Budget (Full-Year)</th>
<th>Actual Result (Year-to-Date)</th>
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<td>$'000</td>
<td>$'000</td>
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</tbody>
</table>

Uniform Presentation of Finances

OPERATING ACTIVITIES:

Operating Income 1)  39,728 32,840
Less Operating Expenses 4.98% (39,494) (1,967)
Operating Surplus / (Deficit) 234 30,873

CAPITAL ACTIVITIES:

Net Outlays on Existing Assets
Capital Expenditure on Renewal and Replacement of Existing Assets 2) 0.65% (7,690) (50)
Add back Depreciation, Amortisation & Impairment 8,032 669
Add back Proceeds from Sale of Replaced Assets 412 59
Subtotal 754 678

Net Outlays on New and Upgraded Assets
Capital Expenditure on New and Upgraded Assets 2) 3.57% (18,862) (673)
Add back Amounts Received Specifically for New and Upgraded Assets 8,480 211
Add back Proceeds from Sale of Surplus Assets 2) 0 685
Subtotal (10,382) 223

Net Lending/(Borrowing) for the Financial Year (9,394) 31,774

Total % Capital Budget Spent 2.72%

NOTES
1) Rates income generated in July
2) 2020/21 Capital Expenditure spent to end of July includes:
   Drainage $2k
   Road Resheeting $1k
   Sealed Roads $11k
   Website Development Project $5k
   Land Swap $666k (refer offset in Proceeds Surplus Assets)
COUNCIL
EXECUTIVE SERVICES
FINANCE
18 AUGUST 2020

7.2.2 DEBATE AGENDA – FINANCE

7.2.2.2
2020/21 CASH ADVANCE DEBENTURE DISCOUNT FACILITY
B11014

PURPOSE
To arrange the discounted interest rate facility for Convertible Cash Advance Debentures (CAD) with the Local Government Finance Authority of SA (LGFA).

RECOMMENDATION
That:
(a) Council convert debenture number 115 for $3,000,000 and establish an additional Cash Advance Debenture facility of $900,000, for a total $3,900,000 to the discounted interest rate facility provided by the Local Government Finance Authority of SA.
(b) The loan facility will be drawn down and repaid to maintain adequate cash for Council operations and projects within the approved budgets.
(c) The discount interest rate is 0.75% off the standard variable interest rate.
(d) The converted debenture number 115 of $3,000,000 is for a three-year term and then reverts to its original agreement.
(e) The additional debenture of $900,000 be established for a three-year term.
(f) The Mayor and Chief Executive Officer be authorised to sign and affix the Common Seal on the Local Government Finance Authority of SA discounted Cash Advance Debenture facility for a variation agreement and debenture loan application form.

REPORT
Background
Council has financing arrangements established with its banking providers National Australia Bank and the LGFA. The following information includes the facilities and amounts for Council’s single subsidiary, Nuriootpa Centennial Park Authority (NCPA) with their financial providers.

An overdraft facility is established with banks at $300,000 along with Corporate Credit Cards current limit set at $79,000.

Council has three CAD facilities in place with the LGFA for a total of $4,260,000 as follows:

- debenture number 70, maturity date of 15/4/2023 for $1,000,000
- debenture number 111, maturity date of 15/3/2021 a facility established for the NCPA for $260,000, and
- debenture number 115, maturity date of 15/5/2030 for $3,000,000.

Currently none of the three CAD facilities are drawn and as noted above the NCPA facility expires 15/3/2021.
Council also has in place with the LGFA, fixed terms debenture loans and as at 5 August 2020 the principle amounts total $10.4m. Within the $10.4m include self-funded loans for community groups and clubs for $0.8m and the NCPA at $1m.

The existing financing arrangements and debenture loan balances Council (and NCPA) has in place as at 5/8/2020 are:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bank overdrafts</td>
<td>$ 300,000</td>
</tr>
<tr>
<td>Corporate Credit Cards</td>
<td>$ 79,000</td>
</tr>
<tr>
<td>CAD</td>
<td>$ 4,260,000</td>
</tr>
<tr>
<td>Debenture loans*</td>
<td>$10,388,937</td>
</tr>
<tr>
<td>Total</td>
<td>$15,027,937</td>
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</tbody>
</table>

*The fixed loan principle amount reduces on each bi-annual instalment payment. The debenture loans do not include Council funded loans for the Barossa Valley Machinery Preservation Society Inc. and the NCPA with balances as at 5 August 2020 at $23k and $520k respectively.

Council adopted budget for 2020/21 includes additional $9.7m in loans to finance the cash requirements for operations and capital project spends (after grant funding) for a forecast cash position at 30 June 2021 of $1.5m. This cash projections include substantial capital expenditure for infrastructure works and staged items for The Big Projects (TBP) and many of these works dependent on grant funding support.

As grant funding applications decisions comes to hand, Council will consider and approve amendments with the 2020/21 budget updates and the mid-year review for these significant works and review the cash position and loan financing requirements.

**Discussion**

In response to COVID-19 financial pressures on Councils, the LGFA are providing support to Councils through a discounted interest rate on CAD loans.

The Barossa Council’s discounted convertible CAD entitlement is $3.9M, calculated at 10% of the 2018/19 total operating income of $38.9M.

The discounted facility is for a three-year term from date of establishment and is available for access until 31 December 2020. If Council approve the arrangement, the discount facility and funding will be available on 15 October 2020 and end on 15 October 2023, at which time debenture loan number 115 will revert back to the standard interest rate and reach maturity 15 May 2030.

The discount interest rate is 0.75% off the standard variable interest; the standard rate on 6/8/2020 was 2.2%, so the discounted rate applicable is 1.45%.

To facilitate the annexation of an existing debenture, an addendum (to the debenture) will be prepared and a debenture loan application form for new CAD facilities, both requiring execution by the Mayor and CEO and affix the Councils Common Seal.

As Council’s total entitlement is $3.9m, approach options are as follows:

1. convert all of debenture number 115 of $3,000,000, and either
2. from debenture number 70, annex an amount of $900,000,
   or
3. establish a new CAD facility of $900,000,
For option 2, debenture number 70 will result in a remaining facility of $100,000 as a separate CAD debenture. As the maturity date for number 70 is on 15 April 2023 the $900,000 discounted interest rate will end before the three year period provided, expected to be 15 October 2023.

As an alternative approach option 3, Council could establish a new $900,000 CAD facility taking full advantage of the discounted interest rate for the full three year period. And CAD number 70 would still be in place at $1m with a maturity date of 15 April 2023.

The total financing arrangements and debenture loan balances Council (and NCPA) in place as at 5/8/2020 and if approved Option 3:

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<tbody>
<tr>
<td>Bank overdrafts</td>
<td>$300,000</td>
</tr>
<tr>
<td>Corporate Credit Cards</td>
<td>$79,000</td>
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<tr>
<td>CAD existing</td>
<td>$4,260,000</td>
</tr>
<tr>
<td>CAD new Option 3</td>
<td>$900,000</td>
</tr>
<tr>
<td>Debenture loans</td>
<td>$10,388,937</td>
</tr>
<tr>
<td>Total</td>
<td>$15,927,937</td>
</tr>
</tbody>
</table>

As required in the treasury management policy and appropriate financial management the CAD facility will only be drawn down and then repaid while maintaining adequate cash for Council operations and projects within approved budgets.

These CAD facility would be accessed only if required, noting that the 2020/21 includes budget loans at $9.7m. And before drawing down from the CAD facilities, Council staff will continue to utilise its existing cash and investments first. As at 6/8/2020 the balance of cash and investments was $7m. During 2020/21 Council’s income will provide cash inflows, and depending on the timing of cash receipts will offset the use of CAD facilities. To ensure adequate cash is held for Councils day-to-day operations, the minimum balance held in cash and investments will be around $1.5m.

**Summary**
Council to consider and approve changes to the CAD facilities to access the discounted interest rate facility with the Local Government Finance Authority of SA (LGFA).

The Mayor and Chief Executive Officer are required to sign and affix the Common Seal on the discounted Cash Advance Debenture facility documents as provided by the Local Government Finance Authority of SA.

The recommendation approach is to convert CAD number 115, Option 1 at $3,000,000 with a variation agreement document and establish an additional CAD as per Option 3 for $900,000 on a new debenture loan application form.

**ATTACHMENTS OR OTHER SUPPORTING REFERENCES**
- No attachments
- Policy
- Treasury Management Policy
- Annual Budget and Business Plan 2020/21

**COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS**
- Corporate Plan
- "How We Work – Good Governance"
6.2 Ensure that Council’s policy and process frameworks are based on principles of sound governance and meet legislative requirements.

6.3 Align operational strategy to strategic objectives and measure organisational performance to demonstrate progress towards achieving our goals.

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

6.9 Provide access to Council’s plans, policies and processes and communicate with the community in plain English.

6.16 Provide contemporary internal administrative and business support services in accordance with mandated legislative standards and good practice principles.

Legislative Requirements
Local Government Act 1999 Sect 123 (13)
Local Government (Financial Management) Regulations 2011 Regulation 9(1)(b)

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial
Through good financial management Council needs to ensure adequate cash is available to meet both operational and capital expenditure. A reduced interest rate on the CAD facilities will also improve Council's operation result.

As this discount interest rate facility will be in place for the next three years it is proposed to consider the use these in preference to fixed loans.

COMMUNITY CONSULTATION

Council does not need to consult the community for the establishment of debenture loans as CAD and/or fixed, expected loan requirements formed part of the budget.

Community Consultation was part of the original budget adoption process in June 2020, as per legislation.
7.3.2 DEBATE AGENDA – MANAGER COMMUNITY AND CULTURE

7.3.2.1 REVISED DISABILITY ACCESS AND INCLUSION PLAN
B7156
Author: Collaborative Project Officer

PURPOSE
To seek Council’s endorsement to release the Revised Barossa Council Disability and Access Inclusion Action Plan for public information and promotion to comply with requirements of the SA Disability Inclusion Act 2018 (the Act).

RECOMMENDATION
That Council:
(1) approves the Revised Barossa Council Disability Access and Inclusion Action Plan, 2020-2023 (the Plan);
(2) approves public notification and promotion of the Plan noting that a consultation process is not required;
(3) notes the changed status of the Barossa, Light and Lower North Regional Disability Access and Inclusion Plan.

REPORT
Background
On 17 April 2018 Council resolved:

MOVED Cr de Vries that:
(1) Council approves the final Barossa, Light and Lower North Regional Disability Access and Inclusion Plan.
(2) Council approves that the draft of The Barossa Council Disability Access and Inclusion Action Plan be released for public consultation.
(3) Officers to submit a further report to Council should any submissions be received.
(4) Should no submissions be received from the public by the conclusion of the public consultation period, Council approves the final draft of The Barossa Council Disability Access and Inclusion Action Plan.
Seconded Cr Angas CARRIED 2014-18/1370

No submissions were received during the public consultation period and The Barossa Council Disability Access and Inclusion Action Plan has been in place since June 2018. The Action Plan is overseen by a Disability Access and Inclusion Advisory Group (DAIAG) whose membership is comprised of people with disability, carers of people with disability, disability service providers and relevant Council Officers. The DAIAG’s role is to be:
“actively involved in identifying and reporting access issues across the Council area, and in developing and implementing activities that promote and facilitate the inclusion of people with disability to enable them to lead and enjoy an ordinary life.”

At each meeting, a Council Officer provides an update on the deliverables from the Action Plan. This reporting is shared between directorates and feedback from DAIAG members indicates that this communication is informative and effective.

Delivery of a number of actions within the Plan to date has resulted in improved access and inclusion for people with disability, and will continue to produce positive outcomes for the life of the plan and beyond.

**Introduction**

In 2018, the State Government passed the SA Disability Inclusion Act “… to promote the full inclusion in the community of people with disability; to assist people with disability to achieve their full potential as equal citizens; to promote improved access to mainstream supports and services by people with disability; to provide for the screening of persons who want to work or volunteer with people with disability and to prohibit those who pose an unacceptable risk to people with disability from working or volunteering with them; to provide for a community visitor scheme; to provide for responsibilities of the State during and following the transition to the National Disability Insurance Scheme; and for other purposes.”

It is a requirement of the Act that all State authorities develop a Disability Access and Inclusion Plan (DAIP) by 31 October 2020. The State Government’s own DAIP - Inclusive SA - was published in October 2019, and hereafter all DAIPs prepared by State authorities are required to demonstrate their alignment with the State Disability Inclusion Plan (SDIP). State authorities with an existing DAIP are not required to produce a new DAIP but to undertake a review and identify how it aligns with the themes, priority areas and actions of the SDIP.

Under the Act, local councils can prepare a single plan that covers more than one council area; however, at a meeting held on 1 July 2020 involving officers from the four councils, it was agreed that the Barossa, Light and Lower North Regional Disability Access and Inclusion Plan in its current form could not be revised to adequately meet the requirements of the Disability Inclusion Act, and therefore each Council would revise and publish their own Disability Access and Inclusion Action Plan to comply with the Act. The adopted Regional Plan will later be revised slightly to acknowledge the SA Disability Inclusion Act 2018, and will become a high level regional strategy document.

Consequently, The Barossa Council’s Disability Access and Inclusion Action Plan was reviewed and re-formatted using the State Government’s template and was endorsed by the DAIAG on 5 August 2020. The Revised Barossa Council Disability Access and Inclusion Action Plan, 2020-2023 [Attachment 1] now aligns with the SDIP.

**Discussion**

**Alignment with State Disability Inclusion Plan**

The State Disability Inclusion Plan (SDIP) is comprised of 4 themes, 12 priorities and 39 actions. The existing Barossa Disability Access and Inclusion Action Plan had 25 actions and 73 deliverables, and needed only a few changes to align with the SDIP.
The actions and deliverables of the original Action Plan were arranged under 5 areas that correlated with Council directorates and functions:

- Community and Culture
- Development and Environment
- Governance
- Corporate Services
- Engineering and Infrastructure

The Revised Action Plan has the same 25 actions and 73 deliverables presented under the four themes of the SDIP:

1. Inclusive communities for all
2. Accessible communities
3. Leadership and collaboration
4. Learning and employment

There are six actions in the SDIP that local councils are required to align with (actions 9, 11, 19, 31, 36). To achieve this, two additional actions and four additional deliverables have been added to the revised action plan to align with actions 11 and 36 of the SDIP. As these are youth and volunteering activities that Council was already undertaking or proposing to undertake, there will be no additional impact on resources.

<table>
<thead>
<tr>
<th>Additional Action</th>
<th>Additional Deliverables</th>
<th>Alignment with SDIP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Young people living with disability will be supported to actively participate in youth leadership programs.</td>
<td>• There will be participation by young people living with disability in Council’s youth leadership program.</td>
<td>SDIP Action 11&lt;br&gt;State authorities to support young people living with disability to actively participate in decision-making.</td>
</tr>
</tbody>
</table>
| Provide meaningful volunteering opportunities for people with disability.        | • There will be volunteering opportunities for people with disability at the Barossa Bushgardens.  
• There will be participation by volunteers with disability on Council’s Disability Access and Inclusion Advisory Group  
• Opportunities for volunteering by people with disability in other areas of Council operations will be explored. | SDIP Action 36<br>State authorities to facilitate meaningful volunteering opportunities for people living with disability |
The Act requires each State authority to report to the relevant State Government Chief Executive on the operation on its DAIP on or before 31 October each year. A reporting template will be provided. The first report will be due 31 October 2021.

In addition, each State authority must undertake a review of its DAIP at least once each four year period and submit a report on the review to the State authority and then to provide an approved copy to the Minister. Our review will be due in 2022.

**Priority Groups and Consultation**

The Act requires that DAIPS must contain provisions setting out strategies to ensure the needs of persons referred to in section 9 (2), (3) (4) and (5) of the Act are properly addressed by the DAIP, that is, Culturally and Linguistically Diverse persons, Aboriginal and Torres Strait Islander persons, women and children. The consultation process undertaken in the development of both the Barossa, Light and Lower North Regional Disability Access and Inclusion Plan and The Barossa Council’s Disability Access and Inclusion Action Plan did not specifically target these priority groups; therefore further and more targeted consultation with these priority groups will need to take place as part of the four year review process to ensure that future plans respond to their specific needs.

State authorities with existing DAIP’s are not required to undertake additional consultation until their DAIP is due for review; however we have consulted with our DAIAG and will also provide information regarding the Revised Action Plan to the community.

**Summary and Conclusion**

The Barossa Council’s Disability Access and Inclusion Action Plan has been in place since June 2018 and has achieved a number of deliverables. The passing of the State’s Disability Inclusion Act 2018 requires all State authorities to publish a Disability Access and Inclusion Plan that aligns with the State Disability Inclusion Plan by 31 October 2020. Council’s Action Plan has been reviewed, slightly revised and reformatted to demonstrate alignment with the SDIP. It has been endorsed by the Disability Access and Inclusion Advisory Group and is ready to be published as Council’s DAIP by the 31 October 2020 deadline as required by the SA Disability Inclusion Act 2018.

**ATTACHMENTS OR OTHER SUPPORTING REFERENCES**


*The Barossa Council - Disability Access and Inclusion Action Plan, 2018 - 2023*

*The Barossa, Light and Lower North Regional Disability Access and Inclusion Plan*

*Inclusive SA - State Disability Inclusion Plan*

*Disability Inclusion Act 2018*

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

Community Plan
The Regional DAIP will have an impact on all themes within the Community Plan as a Whole of Council approach will need to be adopted for it to be effective.

Natural Environment and Built Heritage
Community and Culture
Infrastructure
Health and Wellbeing
Business and Employment
How We Work – Good Governance

Strategies:
2.3 Contribute to creating strong and sustainable community networks.
2.4 Encourage and support volunteering in the community.
2.5 Engage with, and support, young people to actively participate in the community and develop the leaders of the future.
2.8 Provide opportunities for the community to participate in local decision-making.
2.9 Create places where people want to live and plan for the future in a coordinated, appropriate and proactive manner.
2.11 Encourage a learning community.
2.12 Contribute to a safer community.
3.2 Collaborate with private and public utilities providers to ensure infrastructure is adequate to support the community both now and into the future.
3.7 Ensure infrastructure meets the needs of people with and provides for all abilities access.
4.3 Work with emergency services to prepare for disaster management and recovery.
4.4 Support sporting, recreational and community clubs and organisations to grow and be sustainable.
4.5 Advocate for and encourage services and resources that ensure equity and support for disadvantaged, disabled and at risk members of the community.
4.8 Promote a healthy community through a planned approach to public health.
4.9 Design our future developments and facilities to support active lifestyles and community health and wellbeing.
5.3 Help build the capacity of the tourism sector and encourage the development of tourist services, including eco and recreational tourism infrastructure.

Legislative Requirements
SA Disability Inclusion Act 2018

**FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS**

The following excerpt from a table in *Attachment 2*, prepared for the Local Government Access and Inclusion Network, shows the SDIP actions that local councils are required to align with and the likely financial impact.
<table>
<thead>
<tr>
<th>Action</th>
<th>Likely Impact</th>
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<tbody>
<tr>
<td><strong>Action 9:</strong> Ensure induction of new State authority employees includes information about working with people living with disability.</td>
<td>All Council employees will need to undertake role-specific evidence-based training in disability awareness. This can be part of a broader and coordinated diversity learning program. All new employees will be required to undergo specific training upon commencement. This may also extend to contractors, sub-contractors and volunteers. Budget Impacted: Yes for delivery but possibly with NDIS Information, Linkages and Capacity-Building Grants to develop training resources. Roles impacted: Human Resources and Learning and Development</td>
</tr>
<tr>
<td><strong>Action 11:</strong> State authorities to support young people living with disability to actively participate in decision-making.</td>
<td>Councils will need to provide a community engagement model that will target young people with disability and support them to actively participate in Council decision-making processes. Budget Impacted: No Teams impacted: Child and Youth Development, Community Engagement, community development</td>
</tr>
<tr>
<td><strong>Action 19:</strong> Local council access and inclusion planning to consider consultation outcomes including:</td>
<td>All Council assets, products and services will be required to provide:  - Flexibility  - Simple and equitable use  - Perceptible Information  - Tolerance for Error  - Low Physical Effort  - Size and space for use All Council staff will need to be trained in Universal Design Principles. Council contractors will also need to demonstrate their understanding of universal design principles. Car Parking review will need to be undertaken, noting not just the number of spaces available but also the placement of spaces in areas where they are needed. Consideration needs to be given to the increased demand for extended length car parking to allow for the increasing number of rear loading vehicles. This may only be possible for Council owned carparks until Australian Standards are reviewed for other locations. Events will also need to consider parking availability. Budget Impacted: Yes Teams impacted: Properties and Building Assets, Design, Construction and Transport, Parks and Gardens, Infrastructure Assets and Maintenance, Planning and Assessment</td>
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<tr>
<td><strong>Action 26:</strong> State authorities to consider including in their infrastructure</td>
<td>Review of Councils signage may be required Possible restoration or refit of Council Signage may be required.</td>
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<tr>
<td>Action 31:</td>
<td>Consider establishing minimum standards for priority parks and reserves (including coasts, heritage places and Crown land) that improve access and inclusion for people living with disability and implement a program of priority actions, including exemplary visitor experiences.</td>
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<tr>
<td>Opportunities for technology improvements to provide inclusive services.</td>
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<td>Budget Impacted: Yes</td>
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<tr>
<td>Teams impacted: Property and Building Asset Management, Customer Services, Libraries, IT.</td>
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<tr>
<th>Action 36:</th>
<th>State authorities to facilitate meaningful volunteering opportunities for people living with disability.</th>
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<tr>
<td>Council will need to work with specialist agencies in order to provide these opportunities.</td>
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<tr>
<td>Budget Impacted: No (minor, possible funding opportunities and grants may be available)</td>
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<tr>
<td>Roles impacted: HR, Volunteer Coordination, possibly IT and Property and Building Asset Management</td>
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**COMMUNITY CONSULTATION**

The development of the Barossa, Light and Lower North Regional Disability Access and Inclusion Plan was undertaken by a consultant and involved extensive consultation with community, Council staff and elected members of the four partnering councils.

The draft Barossa Disability Access and Inclusion Action Plan was finalised in conjunction with Council’s Disability Access and Inclusion Advisory Group (DAIAG) before being approved by Council and was then released for community consultation for a period of six weeks in 2018. This included a ‘Long Table’ event in the Barossa Coop Mall that was attended by a number of people including:

- 90 people who looked as they passed by
- 60 people actively engaged of which 29 were NDIS participants

The draft Revised Action Plan (Attachment 1) was endorsed by the DAIAG at a meeting on 5 August 2020.
There is no requirement under the SA Disability Inclusion Act 2018 for State authorities with existing DAIPS to undertake further community consultation, and as the changes to the Revised Action Plan are minimal and not material to the intent of the Plan, community consultation will involve providing notification, updated information and promotion through the following channels:

- Promotion on Council’s website
- Promotion on Barossa Cares website
- Promotion via social media
- Direct communication to the Barossa Community Services Network, the NDIS Local Area Coordinator and via networks of DAIAG members
- Direct communication to all Council staff
THE BAROSSA COUNCIL – REVISED Disability Access & Inclusion Action Plan, 2020-2023

The Barossa Council’s Disability Access and Inclusion Action Plan complements the values of The Barossa Council’s Community Plan that expounds “A commitment to our community, embracing a culture of mutual respect, inclusion, safety and security.” It acknowledges that disability is a natural part of human diversity and that people with disability are to be included in all aspects of life. This Action Plan was a deliverable identified in the Barossa, Light & Lower Northern Region Public Health & Wellbeing Plan, and was approved by Council in 2018 following community consultation.

The purpose of the Action Plan is to develop an integrated whole-of-Council approach to achieving equitable access and inclusion for everyone. This plan guides us in making mainstream facilities and services universally accessible to all residents and visitors with disability. Council also recognises that better access and inclusion will benefit all Barossa residents and visitors.

The Action Plan is overseen by a Disability Access and Inclusion Advisory Group whose membership is comprised of people with disability, carers of people with disability, disability service providers and relevant Council officers. The Advisory Group’s role is to be actively involved in identifying and reporting access issues across the Council area, and in developing and implementing activities that promote and facilitate the inclusion of people with disability to enable them to lead and enjoy an ordinary life.

In 2018 the SA Disability Inclusion Act was passed with a requirement that all state authorities develop a disability access and inclusion plan (DAIP) by 31 October 2020. The State Government’s own DAIP - Inclusive SA - was published in October 2019 and all other DAIPS are required to demonstrate their alignment with the State Disability Inclusion Plan (SDIP). State authorities with an existing DAIP are not required to produce a new DAIP but to undertake a review and identify how to align it with the themes, priority areas and actions of the SDIP.

Consequently, The Barossa Council’s DAIP Action Plan has been reviewed in consultation with the Disability Access and Inclusion Advisory Group and the result is this revised document which demonstrates how The Barossa Council’s Disability Access and Inclusion Action Plan aligns with the SDIP. It was approved by Council in August 2020, and released for community consultation.

This revised Action Plan is presented under the four themes of the State Government Inclusion Plan (SDIP):

1. Inclusive communities for all
2. Leadership and collaboration
3. Accessible communities
4. Learning and employment

The following principles underpin the Barossa Action Plan. They reflect the principles of the United Nations Convention on the Rights of Persons with Disabilities and the National Disability Strategy and give effect to the principles and objectives of the SA Disability Inclusion Act 2018.

- Abilities, not disabilities
- Fundamental rights for all
- Genuine dialogue and participation
- Improving access and inclusion for all
- Prudent utilisation of resources
- The benefits of working across sectors Universal design
This Action Plan will seek opportunities to implement deliverables within existing budget allocations, new initiatives and grant funding over a five year period within short, medium and long term timeframes:

Short term: 1 year    Medium term: 2-3 years    Long term: 4-5 years    Ongoing: duration of Plan

Consultation with Priority Groups

The SA Disability Inclusion Act 2018 requires that DAIPs must contain provisions setting out strategies to ensure the needs of persons referred to in section 9 (2), (3) (4) and (5) of the Act are properly addressed by the DAIP ie Culturally and Linguistically Diverse, Aboriginal and Torres Strait Islander, women and children.

The consultation process undertaken in the development of The Barossa Council’s Disability Access and Inclusion Action Plan did not specifically target these priority groups, therefore further and more targeted consultation with these priority groups will need to take place to ensure that future plans respond to their specific needs.

**SDIP THEME 1: Inclusive communities for all**

Social inclusion is a priority for people living with disability as it affects all aspects of their lives. It is our aim that the contributions and rights of people living with disability are valued and understood by all South Australians and that their rights are promoted, upheld and protected. We also want to ensure that people living with disability are supported to advocate for their own rights.

<table>
<thead>
<tr>
<th>Priority 1:</th>
<th>Priority 2:</th>
<th>Priority 3:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Involvement in the community</td>
<td>Improving community understanding and awareness</td>
<td>Promoting the rights of people living with disability</td>
</tr>
</tbody>
</table>

(SDIP actions 1-5)  
(SDIP actions 6-7)  
(SDIP actions 8-9)

<table>
<thead>
<tr>
<th>Actions</th>
<th>Measurable Target</th>
<th>Timeframe</th>
<th>Responsibility</th>
<th>Alignment with specific SDIP Actions</th>
</tr>
</thead>
</table>
| Council policies, procedures and guidelines will consider the needs of people with disability. | • Council meetings will be clearly communicated.  
• Encourage proposals from the community to be presented to Council regarding access and inclusion issues and concerns. | Ongoing | Director Corporate & Community Services |
- Venues in which Council meetings are held will be accessible and encourage participation of people with disability.
- Encourage participation of people with disabilities, their carers, service providers and community members on the DAIP Advisory Group.

Promote Council’s achievements in providing and improving access and inclusion to the community and relevant stakeholders.
- Develop and implement a DAIP marketing plan
  Short term
  Director Corporate & Community Services

Build on existing community and Council programs, projects and events to increase access and inclusion opportunities.
- Identify relevant community initiatives and an appropriate role for Council involvement.
  Ongoing
  Director Corporate & Community Services

Facilitate inclusive community events
- Develop a DAIP checklist for event and venue hire applications.
- Conduct an audit of Council venues and provide information about level of accessibility in venue hire information.
  Short term
  Director Corporate & Community Services
  Action 1 Develop an event toolkit to promote accessible and inclusive practices for State authorities in community events.
<table>
<thead>
<tr>
<th>Action</th>
<th>Ongoing</th>
<th>Director</th>
<th>Corporate &amp; Community Services</th>
</tr>
</thead>
<tbody>
<tr>
<td>Facilitate local involvement in inclusive programs.</td>
<td>Promote, inform and encourage participation in inclusion projects, eg - Blue Bays (parking app) - National Public Disability Toilet app - National Disability Insurance Scheme (NDIS) Information, Linkages &amp; Capacity building (ILC) program</td>
<td>Ongoing</td>
<td>Director Corporate &amp; Community Services</td>
</tr>
<tr>
<td>Increase community awareness around access and inclusion consideration.</td>
<td>Identify and establish partnerships with relevant stakeholders, eg NDIS Local Area Coordinator (LAC), Regional Development Australia (RDA), service providers etc.</td>
<td>Ongoing</td>
<td>Director Corporate &amp; Community Services</td>
</tr>
<tr>
<td>Support local businesses to assist them in increasing access to their services</td>
<td>Liaise with local businesses and provide guidelines encouraging DDA compliance. - Facilitate opportunities for input from the Disability Access &amp; Inclusion Advisory Group.</td>
<td>Ongoing</td>
<td>Director Development &amp; Environment</td>
</tr>
</tbody>
</table>

Action 2
Explore the redesign or creation of an app (or other medium) that displays existing and future services and facilities (such as toilets, eateries, sports and recreation facilities, parks and trails, arts organisations and cultural institutions, transport services, beaches that are wheelchair and disability-access friendly).

Action 6
Work with relevant State authorities to improve community understanding and awareness that complements and leverages the national effort under the National Disability Strategy 2010-2020 and the emerging national disability strategy for beyond 2020.
**Provide appropriate training to staff, elected members and volunteers regarding effective communication and engagement with people with disability.**

- All frontline staff to be trained in disability awareness.
- All staff to progressively attend disability awareness sessions.
- Ensure staff, elected members, and volunteers have an understanding of the DAIP and DDA obligations.
- Raise awareness of the DAIP at all new staff member and volunteer inductions.

<table>
<thead>
<tr>
<th>Action 9</th>
<th>Ensure induction of new State authority employees includes information about working with people living with disability.</th>
</tr>
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<tbody>
<tr>
<td>Short term</td>
<td>Director Corporate &amp; Community Services</td>
</tr>
<tr>
<td>Medium term</td>
<td></td>
</tr>
<tr>
<td>Short term</td>
<td></td>
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</tbody>
</table>
**SDIP THEME 2: Leadership & Collaboration**

People living with disability want to have a greater role in leading and contributing to government and community decision-making. It is our aim that the perspectives of people living with disability are actively sought and that they are supported to participate meaningfully in government and community consultation and engagement activities.

**Priority 4: Participation in decision making**  (SDIP actions 10-11)
**Priority 5: Leadership and raising profile**  (SDIP actions 12-13)
**Priority 6: Engagement and consultation**  (SDIP actions 14-15)

<table>
<thead>
<tr>
<th>Actions</th>
<th>Measurable Target</th>
<th>Timeframe</th>
<th>Responsibility</th>
</tr>
</thead>
</table>
| **Link the Community and relevant stakeholders to the Council DAIP**   | • Establish a DAIP Advisory Group to advise, monitor, evaluate and review Council’s DAIP and make recommendations to management as appropriate.  
• Provide practical opportunities for Advisory Group members to be involved in implementation of the DAIP eg:  
  o Infrastructure audits  
  o identifying and reporting access and inclusion issues that need to be addressed  
  o reviewing Council documents and providing advice about access improvements  
  o advising on accessible community events and engagement activities  
  o having input into planning and capital works projects | Ongoing | Director Corporate & Community Services |
<p>| <strong>Provide administrative support to the DAIP Advisory Group</strong>         | • Establish a position for a Council social inclusion and access officer, to support the DAIP Advisory Group | Ongoing | Director Corporate &amp; Community Services |</p>
<table>
<thead>
<tr>
<th>New Action:</th>
<th>New Deliverable</th>
<th>Action 1.1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Young people living with disability will be supported to actively participate in youth leadership programs.</td>
<td>There will be participation by young people living with disability in Council’s youth leadership program.</td>
<td>State authorities to support young people living with disability to actively participate in decision-making.</td>
</tr>
</tbody>
</table>
**SDIP THEME 3: Accessible Communities**

The accessibility of the built environment, quality services and information is key to ensuring people living with disability are included and have the opportunity to equally participate in all aspects of community life. It is our aim to increase accessibility to public and community infrastructure, transport, services, information, sport and recreation and the greater community.

<table>
<thead>
<tr>
<th>Priority</th>
<th>Description</th>
<th>Actions</th>
</tr>
</thead>
<tbody>
<tr>
<td>7</td>
<td>Universal Design across South Australia</td>
<td>(SDIP actions 16-19)</td>
</tr>
<tr>
<td>8</td>
<td>Accessible and available information</td>
<td>(SDIP actions 20-22)</td>
</tr>
<tr>
<td>9</td>
<td>Access to services</td>
<td>(SDIP actions 23-31)</td>
</tr>
</tbody>
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<tr>
<th>Actions</th>
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</table>
| The Disability Access and Inclusion Plan (DAIP) will be accessible to people with disability. | • Hard copies of the DAIP will be available at key customer service points (in Arial font and set at the recommended minimum size of 12pt).  
• The DAIP will be available on The Barossa Council website. | Short Term | Director Corporate & Community Services |
| Link the DAIP to all areas of Council | • Ensure the Corporate Plan is inclusive regarding obligations under all relevant statutes and standards. | Short term | Director Corporate & Community Services |
| Council published information will support and inform people with disability. | • Review information and publication processes and formats to comply, where possible, with disability accessible standards.  
• Documents that comply with disability accessible standards will be readily available at Council facilities | Medium term | Director Corporate & Community Services |
| Council Information Technology is provided in accessible formats | • Council website meets the standards of the Australian Government Web Content Accessibility Guidelines for government websites.  
• Web-based information on disability access will be made available on the Council website.  
• Investigate voice activated technology for services.  
• Investigate hearing loop technology for main Council customer service points.  
• Progressively make available adaptive technology, for example, screen magnifiers, alternative keyboards. | Medium term | Director Corporate & Community Services |
| --- | --- | --- | --- |
| DDA requirements will be integrated into the development approval process and will reflect the principles of the Barossa DAIP Action Plan. | • Ensure that any application for government, commercial and industrial buildings meets DDA requirements.  
• Inform builders and developers of access obligations pursuant to the DDA and the National Construction Code (NCC).  
• Development Services staff will remain informed of changes to standards and legislation and will engage with the Disability Access & Inclusion Advisory Group. | Ongoing | Director Development & Environment |

**Action 19**
Local council access and inclusion planning to consider consultation outcomes including:
- incorporating Universal Design principles in criteria for all new building and public projects and planning for programs, services and events
- developing Universal Design training plans for staff and contractors
- review of availability of accessible car parks.
| Conduct audit of customer service areas of Council to identify issues and plan for improved access | • Lower a portion of front counters to enable access by wheelchair users.  
• Improve signage  
• Improve entrance way into main building | Medium term | Director Corporate & Community Services | Action 26  
State authorities to consider including in their infrastructure maintenance and upgrade schedules the installation of signs on the front of public buildings indicating disability access (where this has been assessed by an accredited access consultant) and installation of multi-media devices in queues at service outlets to include people who are deaf, hard of hearing, vision impaired or blind. |
| Address disability access issues in relation to Council owned buildings, including community managed facilities. | • Addressing access issues that meet legislative requirements and community health and well-being objectives, as per the Community Plan, will be prioritised.  
• Access issues will be addressed in accordance with relevant Australian standards such as Disability (Access to Premises – Buildings) Standards 2010 and DDA obligations.  
• Provide advice and support that assists in improving DDA compliance for groups renting or leasing Council property.  
• Establish evacuation plans that consider people with disability and ensure | Ongoing | Director Engineering & Infrastructure | Action 26  
State authorities to consider including in their infrastructure maintenance and upgrade schedules the installation of signs on the front of public buildings indicating disability access (where this has been assessed by an accredited access consultant) and installation of multi-media devices in queues at service outlets to include people who are deaf, hard of hearing, vision impaired or blind. |
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<td>Establish evacuation plans that consider people with disability and ensure relevant staff are aware of these procedures.</td>
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<td>• Identify opportunities to progressively provide charge points for gophers and electric wheelchairs at Council sites.</td>
<td>• Identify opportunities to progressively provide charge points for gophers and electric wheelchairs at Council sites.</td>
<td>• Identify opportunities to progressively provide charge points for gophers and electric wheelchairs at Council sites.</td>
<td>• Identify opportunities to progressively provide charge points for gophers and electric wheelchairs at Council sites.</td>
</tr>
<tr>
<td>• Provide opportunities for input from the Disability Access &amp; Inclusion Advisory Group on existing buildings and proposed works.</td>
<td>• Provide opportunities for input from the Disability Access &amp; Inclusion Advisory Group on existing buildings and proposed works.</td>
<td>• Provide opportunities for input from the Disability Access &amp; Inclusion Advisory Group on existing buildings and proposed works.</td>
<td>• Provide opportunities for input from the Disability Access &amp; Inclusion Advisory Group on existing buildings and proposed works.</td>
</tr>
</tbody>
</table>

<p>| Address disability access issues in relation to Council owned buildings, including community managed facilities. | Address disability access issues in relation to Council owned buildings, including community managed facilities. | Address disability access issues in relation to Council owned buildings, including community managed facilities. | Address disability access issues in relation to Council owned buildings, including community managed facilities. |</p>
<table>
<thead>
<tr>
<th>Identify and address inclusive recreation needs of the community</th>
<th>• Address inclusive recreational needs as part of the Big Project engagement and master planning process.</th>
<th>Short term</th>
<th>Director Corporate &amp; Community Services</th>
<th><strong>Action 31</strong> Consider establishing minimum standards for priority parks and reserves (including coasts, heritage places and Crown land) that improve access and inclusion for people living with disability and implement a program of priority actions, including exemplary visitor experiences.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Identify access issues and opportunities for community emergency response procedures to ensure vulnerable people are considered.</td>
<td>• Address disability access &amp; inclusion issues and opportunities through the Local Emergency Risk Management Project • Provide opportunities for input from the Disability Access &amp; Inclusion Advisory Group on all new projects.</td>
<td>Medium term</td>
<td>Director Corporate &amp; Community Services</td>
<td></td>
</tr>
<tr>
<td>Accessible transport options need to be available where and when appropriate.</td>
<td>• Provide inclusive accessible transport options for our community.</td>
<td>Ongoing</td>
<td>Director Corporate &amp; Community Services</td>
<td></td>
</tr>
<tr>
<td>Provide DDA compliant access to all Council visitor services properties and facilities and apply the principles of the Barossa DAIP Action Plan.</td>
<td>• Investigate adequacy of access facilities at peak visitor times. • Where appropriate, integrate access recommendations in the South Australian Tourism Plan 2015-2020 into Council’s DAIP. • Provide opportunities for input from the Disability Access &amp; Inclusion Advisory Group.</td>
<td>Medium term</td>
<td>Director Corporate &amp; Community Services</td>
<td></td>
</tr>
</tbody>
</table>
| All Council capital works projects will consider DDA compliance issues and apply the principles of the Barossa DAIP Action Plan. | • Project briefs to reference DDA compliance.  
• New facilities and initiatives will incorporate access and inclusion needs and respond to legislative obligations of the DDA.  
• Identify opportunities to upgrade footpaths, ramps and refuge islands and crossings that meet access guidelines where possible.  
• Develop a Tactile Ground Surface Indicators (TGSI) Policy outlining best use in the public realm.  
• Consider the installation of additional refuge islands or pedestrian crossings where possible.  
• Investigate areas where lighting can be improved to address access issues.  
• Provide opportunities for input from the Disability Access & Inclusion Advisory Group on all existing infrastructure and new projects. | Ongoing | Director Engineering & Infrastructure |
|---|---|---|---|
| Ensure ongoing future compliance by incorporating DDA in all future capital works performed by external contractors and apply the principles of the Barossa DAIP Action Plan. | • Review relevant Council contracts and work orders.  
• Project briefs and contracts to reflect compliance with DDA and relevant Australian standards.  
• Tender documents to show compliance with DDA requirements. | Ongoing | Director Engineering & Infrastructure |
| Improve access to public open spaces. | • Identify opportunities to improve access to public open spaces. | Ongoing | Director Engineering |

**Action 31**  
Consider establishing minimum standards for
• All new park facilities to provide adequate access.
• Identify opportunities to create continuous accessible paths of travel to key points such as barbeques, toilets, seating and play equipment.
• Identify opportunities to improve disability signage throughout the Council area and at Council facilities.
• New street furniture will be designed within disability access guidelines.
• When replacing or upgrading play spaces consider the incorporation of accessible equipment and inclusive spaces for example, accessible play items, sensory gardens etc.
• Provide opportunities for input from the Disability Access & Inclusion Advisory Group on all existing infrastructure and new projects.

& Infrastructure

priority parks and reserves (including coasts, heritage places and Crown land) that improve access and inclusion for people living with disability and implement a program of priority actions, including exemplary visitor experiences.
**THEME 4: Learning & Employment**

Workforce participation is fundamental to social inclusion. It provides economic independence and choice, social connections and friendships, value, identity and belonging. It is our aim that people living with disability have access to inclusive places of study and that education and training provides pathways to meaningful and inclusive employment and volunteering opportunities.

**Priority 10:** Better supports within educational and training settings  
(SDIP actions 32-34)

**Priority 11:** Skill development through volunteering and support in navigating the pathway between learning and earning  
(SDIP actions 35-36)

**Priority 12:** Improved access to employment opportunities and better support within workplaces  
(SDIP actions 37-39)

<table>
<thead>
<tr>
<th>Actions</th>
<th>Measurable Target</th>
<th>Timeframe</th>
<th>Responsibility</th>
</tr>
</thead>
</table>
| Provide an equal opportunity workplace.            | • Council recruitment and employment processes will be reviewed to eliminate all areas of possible discrimination.  
• Council employment interview panels to be aware of DDA obligations.  
• Ensure that physical access and communication assistance is provided in interview processes as appropriate.  
• Advertise employment opportunities in inclusive formats and locations.  
• Advertisements for positions are Equal Employment Opportunity (EEO) compliant.  
• Investigate grant opportunities for inclusive employment.  
• Where practicable, ensure that | Medium term  
Short term  
Short term  
Short term  
Short term  
Short term  
Ongoing  
Medium term | Director Corporate & Community Services |


<table>
<thead>
<tr>
<th>New Action: Provide meaningful volunteering opportunities for people with disability.</th>
<th>New Deliverables</th>
<th>Ongoing</th>
<th>Director Corporate &amp; Community Services</th>
</tr>
</thead>
<tbody>
<tr>
<td>• There will be volunteering opportunities for people with disability at the Barossa Bushgardens.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• There will be participation by volunteers with disability on Council’s Disability Access and Inclusion Advisory Group</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Opportunities for volunteering by people with disability in other areas of Council operations will be explored.</td>
<td>Ongoing</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Short term</td>
<td></td>
<td>Action 36</td>
</tr>
<tr>
<td></td>
<td></td>
<td>State authorities to facilitate meaningful volunteering opportunities for people living with disability</td>
<td></td>
</tr>
</tbody>
</table>
15 January 2020

Leanne Davis-King
Community Services Leader
City of Port Adelaide – Enfield

Mike Taggart
Inclusion Project Officer, Community Development
City of Salisbury

With thanks to Myfanwy Mogford Diversity and Inclusion Project Officer City of Salisbury and Sarah Cleggett Senior Social Planner City of Adelaide, who are also members of the Local Government Access and Inclusion Network, and Chris Sweet Risk and Governance Officer City of Port Adelaide - Enfield.

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Introduction
All Councils must publish a Disability Access and Inclusion Plan (DAIP) by 31 October 2020 to comply with the SA Disability Inclusion Act 2018. A DAIP can be developed by one Council or a group of Councils.

Purpose of this document
This document provides Councils with:

- An overview of disability access and inclusion planning in the SA Local Government sector (Section A);
- A detailed description of the potential impact on Councils of “Inclusive SA” (the State Disability Inclusion Plan under the SA Disability Inclusion Act 2018 (Section B)
- Spreadsheet of Council relevant legislation and regulations under the SA Disability Inclusion Act 2018 (Attachment 1).

Section A: SA Local Government and disability access and inclusion planning

Purpose of this section
This section discusses:

- History and prevalence of access and inclusion planning by SA Councils
- Hints about access and inclusion planning drawn from Councils with more than a decade’s experience.

History of disability access and inclusion planning
During the late 1990s there was a wave of Council Action Plans under the Commonwealth Disability Discrimination Act 1992. This was followed by a decade when few of these plans were renewed or others commenced. In the early 2010s a number of Councils developed new plans generally calling them “access and inclusion plans” refer to End Note 1.

Hints about disability access and inclusion planning in Local Government
The following comes from the experience of some Councils whose staff are members of the Local Government Access and Inclusion Network (LGAIN)

All Councils commencing Disability Access and Inclusion Plans (DAIPs) experience some common challenges. This can begin with a period of uncertainty about how to start this process.
Consultants
Councils with sustainable DAIPs have used consultants carefully ensuring that expertise in developing and implementing these plans is transferred to Council personnel. Consultants provide expertise not likely to be found in Local Government.

However, paying a consultant to create a DAIP can leave a Council with limited capacity for implementation and ongoing review. The sustainability of the DAIP relies on building staff capability to implement the first plan and to guide development of revisions in the future.

Consultants are particularly useful for specific projects under a DAIP for example the “Communication Access” project completed by the City of Adelaide in 2018, funded by a National Disability Insurance Scheme (NDIS) “Information, Linkages and Capacity-building” grant.

Understanding the new national approach to disability
Disability access and inclusion planning becomes clearer and more sustainable when leaders and Council staff appreciate the “social model of disability”. This is replacing the “deficit and misfortune” or medical model of understanding disability.

In Australia, over 18% of people live with disability (Survey of Disability Ageing and carers 2019) and 9 out of 10 of these have invisible impairments (intellectual, psycho-social, hearing, vision, neurological and learning).

The social model of disability;

- shifts the focus from an individual's impairment to barriers within the environment which restrict some peoples’ ability to participate fully in the community. Barriers may exist within streets, parks, buildings, websites, programs, policies and mostly in people’s attitudes.
- Shifts disability inclusion and access considerations from special measures towards integration of universal design and social inclusion in general planning and operations.

Engaging people with disability
Engagement with people with disability is the foundation of access and inclusion planning. This begins with consultation about the first DAIP and continues during its implementation. Ongoing engagement has been done in different ways across Australia. Many Councils change how they engage over a number of years as access and inclusion processes become more systemic.
Where and How to start disability access and inclusion planning and implementation

The scope of change can seem overwhelming. The cost of upgrading open space, streetscape and building infrastructure is also daunting. Access and inclusion planning in consultation with community members enables considered, prioritised and ongoing reform over many years within the resources available to Councils (see the State Disability Inclusion Plan “Inclusive SA” Action 26 in Section B below).

An important starting point is to build staff capability in universal design and social inclusion so an access and inclusion lens can be applied to all future planning, policies and operations.

To prevent later retro-fitting and minimise complaints, access and inclusion should be considered up front in infrastructure, communications, programs, services, events and other operations.

Section B: Implications for Councils of “Inclusive SA” - the State Disability Inclusion Plan 2019 – 2023

Purpose of this section

This section presents the “Inclusive SA” Priorities and Actions relevant to Local Government. It includes:

- Areas of potential financial cost for Councils
- Specific operational areas which may be affected in other ways
- Scope and type of impact on Councils.

SA Disability Inclusion Act 2018

The SA Disability Inclusion Act 2018 came into force on 1 July 2018. Under this Act “State authorities” (which include Councils, SA Government Departments and other entities) must among other things:

- Publish a Disability Access and Inclusion Plan (DAIP) by 31 October 2020
- Consult with people with disability when preparing a DAIP
- Include measures which provide for the diversity of people with disability especially women, children, Aboriginal and Torres Strait Islander people and people from culturally and linguistically diverse communities.
- Explain how the DAIP will give effect to the priorities in “Inclusive SA, the State Disability Inclusion Plan 2019 – 2023”.

ATTACHMENT 2
INCLUSIVE SA – State Disability Inclusion Plan 2019–2023 -
Government of South Australia
The Act also provides for a State Disability Inclusion Plan. The first plan is called
“Inclusive SA 2019 - 2023” and became operational on 31 October 2019.

Each State authority’s DAIP must explain how it will give effect to the priorities in
“Inclusive SA”.

While Inclusive SA sets the focus for the next four years, it is also a living document
that will respond to shifting priorities and new information, as governments across
Australia are working together to design a new national disability strategy for 2020
and beyond. Inclusive SA will also be updated to reflect social, political and
environmental changes, as well as any response to recommendations made by the
Royal Commission into Violence, Abuse, Neglect and Exploitation of People with
Disability. A revised plan will be published in 2021.

The Plan Vision
The aim of the plan is to create an accessible and inclusive South Australia based on
fairness and respect.

Four themes
To achieve this vision, Inclusive SA focuses on the following four themes:

1. Inclusive communities for all
2. Leadership and collaboration
3. Accessible communities
4. Learning and employment

Each Theme has a number of Priorities and there are specific Actions under each.
There are:

- 12 Priorities
- 39 Actions
- 23 of these Actions have some relevance for Local Government.
Impact on Local Government: introduction

The tables below

- suggest where Councils may experience increased costs
- identify operational areas which will experience changes in work practice and training, noting that most Councils will have diverse names for these roles which will be part of many performed by a few staff.
- indicate the type of impact using a colour code:

**BLUE** Local Government must consider: Blue coloured Actions are the most important for Councils to consider when developing a DAIP

**Description:** Council access and inclusion plans must include responses to the Actions listed in this section below;

**Action 9:**
Ensure induction of new State authority employees includes information about working with people living with disability.

**Action 11:**
State authorities to support young people living with disability to actively participate in decision-making.

**Action 19:**
Local council access and inclusion planning to consider consultation outcomes (End Note 3) including:
- incorporating Universal Design principles in criteria for all new building and public projects and planning for programs, services and events
- developing Universal Design training plans for staff and contractors
- review of availability of accessible car parks

**Action 26:**
State authorities to consider including in their infrastructure maintenance and upgrade schedules the installation of signs on the front of public buildings indicating disability access (where this has been assessed by an accredited access consultant) and installation of multi-media devices in queues at service outlets to include people who are deaf, hard of hearing, vision impaired or blind.

**Action 31:**
Consider establishing minimum standards for priority parks and reserves (including coasts, heritage places and Crown land) that improve access and inclusion for people living with disability and implement a program of priority actions, including exemplary visitor experiences.

**Action 36:**
State authorities to facilitate meaningful volunteering opportunities for people living with disability.
**Green**

Local Government may benefit from Actions by other State authorities.

**Description:** These Actions need to be monitored because they provide vital resources for the implementation of Councils DAIPs.

**Purple**

Local Government cooperation may be requested

**Description:** Council staff should be aware that other State authorities may request information or assistance concerning Inclusive SA Actions.

**Orange**

Local Government may be affected

**Description:** This lists Actions which should also be monitored because Councils and their communities may be affected incidentally by other State authorities.

Impact in detail

1. **Inclusive Communities for All**
   This Theme is about social inclusion. Its aim is to ensure that the contributions and rights of people living with disability are valued and understood by all South Australians. This means that rights of those with disability are promoted, upheld and protected and those with disability are supported to advocate for their own rights.

*Priority 1: Involvement in the community*
<table>
<thead>
<tr>
<th>Relevant Action Items in Plan</th>
<th>Potential impacts for Council</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Action 1:</strong></td>
<td>This will be a resource for DAIPs which include development of accessible events.</td>
</tr>
<tr>
<td><strong>Develop an event toolkit to promote accessible and inclusive practices for State authorities in community events.</strong></td>
<td>Training of staff who plan events will be required in order to understand the content of the toolkit and how it is best used. It is hoped a team of advisors will be funded to provide support for the introduction of this resource.</td>
</tr>
<tr>
<td></td>
<td>Some Council’s may be invited to contribute feedback and advice during the design / implementation stages of the toolkit creation. There will be some changes to the planning and actions taken by Council in preparation for events. Making events accessible may have an impact on the budget if new traffic management strategies and accessible infrastructure need to be incorporated.</td>
</tr>
<tr>
<td></td>
<td>Council will be in a position to encourage and where possible ensure that events run by the community are also accessible. Sharing the knowledge with community groups will improve understanding and accessibility for all events.</td>
</tr>
<tr>
<td><strong>Budget Impacted:</strong> Yes (minor increase in costs of each major event, maybe once off costs to alter plans and processes).**</td>
<td><strong>Roles impacted:</strong> Event planning &amp; delivery, Marketing, Transport, Place making Activation, cultural development, community development, grants and sponsorship</td>
</tr>
<tr>
<td><strong>Action 2:</strong></td>
<td>The SA Government has not yet clarified whether this would be a single state wide app or a product specific to each Local Government area. The following assumes that the SA Government will provide the leadership for the state wide option.</td>
</tr>
<tr>
<td><strong>Explore the redesign or creation of an app (or other medium) that displays existing and future services and facilities (such as toilets, eateries, sports and recreation facilities, parks and trails, arts organisations and cultural institutions, transport services, beaches that are wheelchair and disability-access friendly).</strong></td>
<td>As an owner of a large number of assets that would appear on the mapping, Council would need to provide this detailed information to the State government or their representative.</td>
</tr>
<tr>
<td></td>
<td>There may be input needed from staff responsible for GIS to facilitate information exchange. Responsibility will have to be assigned to maintain accurate information when needed.</td>
</tr>
<tr>
<td><strong>Budget Impacted:</strong> No</td>
<td><strong>Teams impacted:</strong> IT, GIS</td>
</tr>
<tr>
<td>Action 3:</td>
<td>Develop and promote inclusive play guidelines to guide local councils and other community groups in the development of accessible and inclusive playgrounds and play spaces.</td>
</tr>
<tr>
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<tr>
<td></td>
<td>Council may be forced to comply with the guide and produce a higher standard of accessibility; this could impact the budget as accessible playgrounds are constructed at a higher price per playground. Training of staff will be required to understand accessibility, universal design and inclusive play. There is no training available and Councils will need to request the LGA to lobby for this. Budget Impacted: Yes (accessible playground design and construction may cost more, more time taken to design and consult in the first instance) Roles impacted: Planning and Management of Open Space, Place Making Activation.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Action 4:</th>
<th>Collaborate with relevant organisations to run disability access and inclusion awareness training for arts organisations, cultural institutions, sporting organisations and clubs.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Many Councils host a number of these organisations in both leased and Council managed buildings. There is potential for a number of accessibility requests to be received by Council from these groups as awareness of access and inclusion increases. This could be in the form of grant requests and / or requests for facility improvements. Budget Impacted: Yes (possible ad-hoc requests for improved facilities and services. Possible increase to Capital Projects). Roles impacted: Planning and management of Open Space, Property and Building Asset Management, Libraries, Sport and Recreation, Arts and Cultural Development, Children and Youth Development.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Action 5:</th>
<th>Explore opportunities to increase the involvement of children with disability in sports and cultural activities, for example:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• expanding the Sports Voucher program for children living with disability • providing extra support for children living with disability to participate in VACSWIM • promoting the availability of arts programs for children living with disability.</td>
</tr>
<tr>
<td></td>
<td>May increase demand for participation in Council-related sport and arts programs by families of children with disability. Budget Impacted: No Roles impacted: Sport, Recreation and Arts Programs Planning and Management.</td>
</tr>
</tbody>
</table>

Priority 2: Improving community understanding and awareness
### Action 6:
**Work with relevant State authorities to improve community understanding and awareness that complements and leverages the national effort under the National Disability Strategy 2010–2020 and the emerging national disability strategy for beyond 2020.**

As a state authority Council will need to engage the community to increase awareness of disability.

An engagement strategy will need to be developed and delivered. The process will need to be measurable in its success to demonstrate increased understanding in the community.

**Budget Impacted:** No

**Roles impacted:** Community Development, Marketing Communications, Human Resources

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### Priority 3: Promoting the rights of people living with disability

**Action 9:**
**Ensure induction of new State authority employees includes information about working with people living with disability.**

All Council employees will need to undertake role-specific evidence-based training in disability awareness. This can be part of a broader and coordinated diversity learning program.

All new employees will be required to undergo specific training upon commencement.

This may also extend to contractors, sub-contractors and volunteers.

**Budget Impacted:** Yes for delivery but possibly with NDIS Information, Linkages and Capacity-Building Grants to develop training resources

**Roles impacted:** Human Resources and Learning and Development
## Leadership and collaboration

This theme is about contributing to government and community decision-making. Its aim is to ensure the perspectives of people living with disability are actively sought and that they are supported to participate meaningfully in government and community consultation and engagement activities.

### Priority 4: Participation in decision-making

<table>
<thead>
<tr>
<th>Action Item in plan</th>
<th>Potential impacts for Council</th>
</tr>
</thead>
</table>
| **Action 10:** Share the learnings of the improved Supported Decision-Making approach for people living in State Government accommodation services with State authorities. | It is unclear what the potential outcomes from this action item mean for Councils. The project referenced has a number of key principles about the inclusion of people who require support for making decisions which may affect them.  
Budget Impacted: Unknown  
Roles impacted: Community Development and Community Engagement. |
| **Action 11:** State authorities to support young people living with disability to actively participate in decision-making. | Councils will need to provide a community engagement model that will target young people with disability and support them to actively participate in Council decision-making processes.  
Budget Impacted: No  
Teams impacted: Child and Youth Development, Community Engagement, community development |
| **Action 12:** Develop a communications strategy to promote Boarding Call, the South Australian Government recruitment register for boards and committees, to ensure it is promoted to people living with disability. | Inform residents with disability about this initiative.  
Budget Impacted: No  
Roles impacted: Community Development, HR |
Action 13:
Ensure high quality and co-ordinated engagement with the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, including providing consistent, accurate and relevant information, through a dedicated response unit led by the Attorney-General’s Department.

Inform residents with disability about this initiative.
Budget Impacted: No
Roles impacted: Community Development, Social Inclusion

Priority 6: Engagement and consultation

<table>
<thead>
<tr>
<th>Action Item in plan</th>
<th>Potential impacts for Council</th>
</tr>
</thead>
<tbody>
<tr>
<td>Action 14:</td>
<td></td>
</tr>
<tr>
<td>Develop a toolkit that supports State authorities to consult and engage with people living with disability when developing policies and programs, which;</td>
<td>As a state authority Council will be an end user of this guideline. Council can contribute feedback during the design / implementation stages of the guidelines.</td>
</tr>
<tr>
<td>• Promotes and explains co-design principles</td>
<td>Budget Impacted: No</td>
</tr>
<tr>
<td>• Focuses on supports for consultation within regional South Australia.</td>
<td>Teams impacted: Community Engagement, Community Development, Social Inclusion</td>
</tr>
</tbody>
</table>
3. **Accessible communities**  
This theme is about improving the accessibility of the built environment and the quality of information and services provided. This ensures people living with disability are included and have the opportunity to equally access public and community infrastructure, transport, services, information, sport and recreation and the greater community.

*Priority 7: Universal Design across South Australia*

<table>
<thead>
<tr>
<th>Action Item in plan</th>
<th>Potential impacts for Council</th>
</tr>
</thead>
</table>
| **Action 16:**  
Elevate the design quality of South Australia’s built environment and public realms through promoting design quality policy and the principles of Universal Design. | Monitor or influence development of universal design guidelines and resources which can assist Council implementation of Action 19 (below). |
| **Action 19:**  
Local council access and inclusion planning to consider consultation outcomes (End Note 3) including:  
- incorporating Universal Design principles in criteria for all new building and public projects and planning for programs, services and events  
- developing Universal Design training plans for staff and contractors  
- review of availability of accessible car parks. | All Council assets, products and services will be required to provide:  
- Flexibility  
- simple and equitable use  
- Perceptible Information  
- Tolerance for Error  
- Low Physical Effort  
- Size and space for use  

All Council staff will need to be trained in Universal Design Principals. Council contractors will also need to demonstrate their understanding of universal design principles.  

Car Parking review will need to be undertaken, noting not just the number of spaces available but also the placement of spaces in areas where they are needed. Consideration needs to be given to the increased demand for extended length car parking to allow for the increasing number of rear loading vehicles. This may only be possible for Council owned car parks until Australian Standards are reviewed for other locations. Events will also need to consider parking availability.

**Budget Impacted: Yes**

**Teams impacted:** Properties and Building Assets, Design, Construction and Transport, Parks and Gardens, Infrastructure Assets and Maintenance, Planning and Assessment
<table>
<thead>
<tr>
<th>Action Item in plan</th>
<th>Potential impacts for Council</th>
</tr>
</thead>
</table>
| **Action 20:** Create the Inclusive SA website (and consider other communication media) to provide key resources for people living with disability and the community to raise awareness about disability. | Monitor development of this resource and inform residents with disability and general community and business sectors about its availability.  
Budget Impacted: NO  
Roles impacted: Communications, Libraries, Community Development |
| **Action 21:** Develop a toolkit to support State authorities to ensure communication about their services is available in a range of accessible formats. These may include easy read, Auslan, pictorial forms, large font, audible options, braille, closed captions and voice over. | Council may contribute feedback and advice during the design / implementation stages of the guide creation.  
Training of staff will be required to understand what accessibility means.  
Overhaul or large scale review of Councils online environment may be required.  
Budget Impacted: Yes  
Roles impacted: Communications and Marketing, Libraries, Customer Service, People and Culture/Learning and Development. |

**Priority 9: Access to services**

<table>
<thead>
<tr>
<th>Action Item in plan</th>
<th>Potential impacts for Council</th>
</tr>
</thead>
</table>
| **Action 24:** Further develop Auslan interpreter capacity (by drawing on people with lived experience). | Be aware of increased availability of Auslan interpreting resources  
Budget Impacted: No  
Roles impacted: Community Development, Community Engagement for public events. |
| **Action 25:** Develop and promote a toolkit for signage, wayfinding and multimedia devices for State authorities to support deaf, hard of hearing, blind, and vision or hearing-impaired persons. | Council can contribute feedback and advice during the design / implementation stages of the guide’s development.  
Review of Councils signage may be required  
Possible restoration or refit of Council Signage may be required.  
Opportunities for technology improvements to provide inclusive services.  
Budget Impacted: Yes |
<table>
<thead>
<tr>
<th>Action 26:</th>
<th>State authorities to consider including in their infrastructure maintenance and upgrade schedules the installation of signs on the front of public buildings indicating disability access (where this has been assessed by an accredited access consultant) and installation of multi-media devices in queues at service outlets to include people who are deaf, hard of hearing, vision impaired or blind.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Teams impacted:</strong> Property and Building Asset Management, Customer Services, Libraries, IT, Design, Marketing and Communications</td>
<td>Review of Councils signage may be required Possible restoration or refit of Council Signage may be required. Opportunities for technology improvements to provide inclusive services. Budget Impacted: Yes Teams impacted: Property and Building Asset Management, Customer Services, Libraries, IT.</td>
</tr>
<tr>
<td>Action 28:</td>
<td>Continue to work with the Commonwealth Government to reform the Disability Standards for Accessible Public Transport 2002.</td>
</tr>
<tr>
<td><strong>Roles impacted:</strong> Traffic Planning, Infrastructure Management, Community Development</td>
<td>Monitor and where necessary lobby SA Government about reforms to the “DSAPT”. Budget Impacted: No</td>
</tr>
<tr>
<td>Action 31:</td>
<td>Consider establishing minimum standards for priority parks and reserves (including coasts, heritage places and Crown land) that improve access and inclusion for people living with disability and implement a program of priority actions, including exemplary visitor experiences.</td>
</tr>
<tr>
<td><strong>Teams impacted:</strong> Property and Building Asset Management, Place Making Activation, Design, Construction Parks, Civil Infrastructure Asset Management and Maintenance</td>
<td>Many Councils will need to consider the relevance of this Action and will depend on state-wide universal design guidelines to implement this action. Budget Impacted: Probably</td>
</tr>
</tbody>
</table>
4. **Learning and employment**
This theme delivers support for workforce participation which is fundamental to social inclusion. It provides economic independence and choice, social connections and friendships, value, identity and belonging. People living with disability have access to inclusive places of study and that education and training provides pathways to meaningful and inclusive employment and volunteering opportunities.

*Priority 11: Skill development through volunteering and support in navigating the pathway between learning and earning*

<table>
<thead>
<tr>
<th>Action Item in plan</th>
<th>Potential impacts for Council</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Action 36:</strong> State authorities to facilitate meaningful volunteering opportunities for people living with disability.</td>
<td>Council will need to work with specialist agencies in order to provide these opportunities. Buildings, processes, procedures and IT systems may not be accessible to some volunteers with disability. There may be costs involved in making adjustments where people with disability work at Council locations. Budget Impacted: <strong>No</strong> (minor, possible funding opportunities and grants may be available) Roles impacted: <strong>HR, Volunteer Coordination, possibly IT and Property and Building Asset Management</strong></td>
</tr>
</tbody>
</table>

*Priority 12: Improved access to employment opportunities and better support within workplaces*

<table>
<thead>
<tr>
<th>Action Item in plan</th>
<th>Potential impacts for Council</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Action 39:</strong> Develop data measures to track the percentage of people living with disability employed and retained in State authorities.</td>
<td>This depends on development of a reliable and efficient measure developed for all State authorities in consultation with suitably qualified people with disability Budget Impacted: <strong>No</strong> Teams impacted: <strong>HR</strong></td>
</tr>
</tbody>
</table>
End Notes

End Note: 1 SA Councils and access and inclusion planning
Since 2001 26 of SA’s 68 Councils have had a Disability Access and Inclusion Plan or access and inclusion strategies within broader diversity plans at some time or another. Not all have a plan more recent than 2011.


Many plans on this site are inaccessible as the hyperlink is broken.

7 councils have been engaged in disability access and inclusion planning and policy for a significant part of the past two decades
1. Barossa
2. Campbelltown (not published)
3. Onkaparinga
4. Playford
5. Salisbury
6. Tea Tree Gully.
7. Adelaide

17 other Councils have completed an access and inclusion plan since 2001:

8 between 2001 - 2015:
1. Burnside (2011)
2. Copper Coast (2014)
6. Port Augusta (2013)

8 since 2015:
1. Adelaide Hills
2. Adelaide Plains*
3. Alexandrina.
4. Gawler*
5. Light Regional Council*
6. Mitcham
7. Walkerville
8. West Torrens.
3 other councils are developing either their first DAIP or their first since 2001:
1. Charles Sturt
2. Marion
3. Mt. Barker

(* part of a new regional DAIP with Barossa Council).

End Note 2: Quotations from SA Disability Inclusion Act 2018.
Please refer to Attachment 1 for a breakdown of relevant sections of the SA Disability Inclusion Act 2018 and its Regulations. The Act has several mandatory requirements for Local Government, two of which are:

- Part 5, Section 16
- Each State authority must prepare a Disability Access and Inclusion Plan (DAIP).

A DAIP must:

- Set out measures that the State authority intends to put in place to ensure people with disability can access mainstream supports and services provided by or on behalf of the state authority;
  - Must explain how the State authority proposes to give effect to the State Disability Inclusion Plan;
  - Must include strategies to support people with disability in the following areas:
    - Access to built environs, events and facilities;
    - Access to information and communications;
    - Addressing the specific needs of people with disability in its programs and services;
    - Employment.
- Section 16 (3) [c] includes:
  - 16-Disability Access and Inclusion Plans

(3) A Disability Access and Inclusion Plan-
(c) must explain how the State authority proposes to give effect to the State Disability Inclusion Plan;..."
End Note 3: Consultation outcomes about universal design are quoted below.

Quotation from the community consultation for the State Disability Inclusion Plan

The built environment

“Riding on some footpaths in a wheelchair is like ‘cross country’ riding.”

The physical accessibility of the built environment has a significant impact on people’s ability to participate in social, economic and community life.

Though some consultation participants reported an overall improvement in physical accessibility, especially for wheelchair-users, many remain frustrated about the number of physical access barriers they continue to face on a daily basis.

From footpaths and roads, to businesses and restaurants, to public facilities and community spaces, many stated that there are not enough ramps and accessible toilets. Some people also commented on inconsistent compliance with disability access standards and insufficient commitment to universal design.

Ideas for action

- Commit to universal design across government and introduce stricter compliance requirements
- Develop stricter standards and codes for building and planning
- Modify unsafe roads, pedestrian crossings and footpaths
- Designate more accessible car parks and taxi ranks in suitable locations

Source  “South Australia’s First Disability Inclusion Plan 2019-2023, Community Consultation: “Summary Report (July 2019)”

### South Australia
**Disability Inclusion Regulations 2019**

| 8—Required provisions—disability access and inclusion plans | For the purposes of section 16(3)(e) of the Act, a disability access and inclusion plan is required to contain provisions setting out strategies to ensure that the needs of persons referred to in section 9(2), (3), (4) and (5) of the Act are properly addressed by the plan. | Can only sign this off when the below items are confirmed |
| 9—Requirements relating to preparation of disability access and inclusion plans | (1) For the purposes of section 16(4)(b) of the Act, a State authority must consult with people with disability, their families and carers, and persons or bodies representing the interests of people with disability, in accordance with the following provisions: |  |
| | (a) the State authority must prepare a draft disability access and inclusion plan; | Yes - done |
| | (b) the State authority must publish the draft disability access and inclusion plan on a website determined by the State authority and | Tom - Media - and us all need to make sure this happens |
| | | |
12—Guidelines

(1) The Minister may—
(a) publish guidelines in relation to the preparation and contents of disability access and inclusion plans; and
(b) publish such other guidelines as the Minister thinks appropriate for the purposes of this Act.

(d) the State authority must have regard to any submissions made in the course of such consultation and within the period specified by the State authority.

(2) For the purposes of section 16(4)(c) of the Act, a State authority must (whether in the course of acting under sub regulation (1) or otherwise) call for public submissions in relation to its draft disability access and inclusion plan.
to be made in a manner and form determined, and within the period specified, by the State authority.

(3) A State authority must, in accordance with any guidelines published under section 12(1)(a) of the Act, publish its disability access and inclusion plan in the Gazette (and the plan will be taken to have effect from the day on which it is so published).

(4) A State authority must, on publishing its disability access and inclusion plan, prepare and provide to the Chief Executive a report setting out such information as may be required by the Chief Executive in relation to the preparation of the plan (including information relating to the number of submissions made, and any recommendations that were adopted by the State authority, in the course of preparing the plan).

| Media and Governance Teams |  |  |
(5) For the purposes of section 16(4)(d) of the Act, a draft disability access and inclusion plan must be prepared and published in a form that is accessible to people with disability.

(4) Subject to this section, in preparing a disability access and inclusion plan, a State authority—
(a) must comply with the guidelines published under section 12(1)(a); and
(b) must, in accordance with any requirements set out in the regulations, consult with people with disability and persons or bodies representing the interests of people with disability (and may consult with any other persons or bodies that the State authority thinks fit); and
(c) must call for submissions from members of the public in accordance with the scheme set out in the regulations (and must have regard to the submissions made in response to the call); and
10—Local councils may prepare single disability access and inclusion plan

| 10—Local councils may prepare single disability access and inclusion plan | For the purposes of section 16(5) of the Act, if a local council is to prepare a single disability access and inclusion plan that is to be the plan for more than 1 local council, the local council must take reasonable steps to ensure that the residents in each affected council area are kept informed in respect of the preparation of the plan. | N/A | (d) must comply with any other requirements prescribed by the regulations. |
7.3.2 DEBATE AGENDA – MANAGER COMMUNITY PROJECTS

7.3.2.2 DOG PARKS – PROJECT SUMMARY

19/13603

PURPOSE
To provide a summary of the project costs to date and inform Council of the request for additional facilities.

RECOMMENDATION
That Council:

(1) Notes the expenditure to date of $41,096 ex GST at the Nuriootpa Dog Park and $55,061 ex GST at the Williamstown Dog Park.

(2) Notes that there is a balance of $21,084 ex GST remaining of the $62,470 ex GST budget for the Nuriootpa Dog Park and $409 ex GST remaining of the $55,470 ex GST budget for the Williamstown Dog Park.

(3) Approves that allocation and expenditure of the remaining funds for each dog park be agreed with the Friends of the Barossa Dog Parks and taking into account the priorities identified in the concept plan developed by the Friends Group.

(4) Notes the potential for additional funding for the Nuriootpa Dog Park to be provided by the Rotary Barossa group and that Officers will work with that group and the Friends of the Barossa Dog Parks to agree the allocation of that funding if it eventuates.

REPORT

Background
At its meetings of the 18 December 2018 and 19 March 2019, Council resolved that:

18 December 2018:

MOVED Cr Wiese-Smith that Council:

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

Seconded Cr Boothby

CARRIED 2018-22/69

19 March 2019:

MOVED Cr Wiese-Smith that Council:

(1) Note the assessment of the concerns raised in the deputation to Council on the 19 February 2019 regarding the approved location of the Northern Dog Park at Penrice Road, Nuriootpa.
(2) Confirm the approval of the Northern Dog Park location of Penrice Road, Nuriootpa, opposite the Nuriootpa High School oval as per the 18 December 2018 resolution
(3) Require officers to write to Mrs Weaver and Mr Goudie to inform them of Council’s decision.

Seconded Cr Boothby

CARRIED 2018-22/145

Council officers have completed the original agreed scope of works at both the Nuriootpa and Williamstown Dog Parks.

**Discussion**

The following project financial summary is provided:

**Total budget:**

<table>
<thead>
<tr>
<th>Funding Source</th>
<th>Allocation</th>
</tr>
</thead>
<tbody>
<tr>
<td>State Government Open Space Grant</td>
<td>$100,000</td>
</tr>
<tr>
<td>Council Contribution – Dec 2018</td>
<td>$10,940</td>
</tr>
<tr>
<td>Council Contribution – June 2018 for Nuriootpa</td>
<td>$7,000</td>
</tr>
<tr>
<td><strong>Total Project Budget</strong></td>
<td><strong>$117,940</strong></td>
</tr>
<tr>
<td>Nuriootpa</td>
<td>$62,470</td>
</tr>
<tr>
<td>Williamstown</td>
<td>$55,470</td>
</tr>
</tbody>
</table>

**Nuriootpa**

<table>
<thead>
<tr>
<th>Item</th>
<th>Cost $ ex GST</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water run, fountain and install (initial install only – relocation not costed to the project)</td>
<td>4,987</td>
</tr>
<tr>
<td>Fencing</td>
<td>28,532</td>
</tr>
<tr>
<td>Concrete works</td>
<td>5,166</td>
</tr>
<tr>
<td>Dog Bag Dispensers and fixings</td>
<td>325</td>
</tr>
<tr>
<td>Signage and fixings</td>
<td>360</td>
</tr>
<tr>
<td>Bench Seats</td>
<td>1,482</td>
</tr>
<tr>
<td>Wages</td>
<td>244</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$41,096</strong></td>
</tr>
</tbody>
</table>

**Remaining Nuriootpa Project Funds**

$21,084

**Williamstown**

<table>
<thead>
<tr>
<th>Item</th>
<th>Cost $ ex GST</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water run, fountain and install (initial install only)</td>
<td>12,687</td>
</tr>
<tr>
<td>Fencing</td>
<td>31,470</td>
</tr>
<tr>
<td>Concrete and earthworks</td>
<td>8,213</td>
</tr>
<tr>
<td>Dog Bag Dispensers and fixings</td>
<td>278</td>
</tr>
<tr>
<td>Signage and fixings</td>
<td>397</td>
</tr>
<tr>
<td>Bench Seats</td>
<td>1,482</td>
</tr>
<tr>
<td>Wages</td>
<td>534</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$55,061</strong></td>
</tr>
</tbody>
</table>

**Remaining Williamstown Project Funds**

$409
The Open Space grant from the former Department Planning Transport and Infrastructure (DPTI) has been formally acquitted.

Officers have had two meetings with the Friends of the Barossa Dog Parks (the Group) representatives. Their main focus is Nuriootpa Dog Park. The Group have continued to advance their ideas and concepts for ongoing improvements at the Nuriootpa Dog Park. The concept plan (Attachment 1) outlines the future requests.

It is understood that the Rotary Barossa group are keen to support the Friends of the Barossa Dog Parks with funding the shelter on the concept plan; however there has been no further plans or correspondence on that matter.

It is proposed that allocation of the expenditure of the residual $21,493 plus any funds forthcoming from the Rotary Barossa group, be agreed with the Group and implemented as soon as practicable with available resources. It is understood that the next priority from the Group is a noticeboard at the Nuriootpa Dog Park.

**Conclusion**
The final project costings have been completed and a summary of remaining budget is provided. The Friends of the Barossa Dog Parks group has provided a concept plan of what they wish to continue to develop at the Nuriootpa site.

**ATTACHMENTS OR OTHER SUPPORTING REFERENCES**
Attachment 1: Email from Lyn Winters requesting additional facilities in the Nuriootpa Dog Park. 20/33327

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

**Community Plan**
- Community and Culture
- Infrastructure
- Health and Wellbeing
- How We Work – Good Governance

**Legislative Requirements**
Local Government Act 1999

**FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS**

**Financial**
As detailed earlier in the report.

**Resource**
Should Council support further improvements at the Nuriootpa Dog Park, this will require additional officer time to be allocated to assist the Group and manage any contractors and volunteer activity.

**COMMUNITY CONSULTATION**
The outcome of the further requests arise from interested community members via the Friends of The Barossa Dog Parks. No further public consultation has been required by Council’s Public Consultation Policy.
Dear Rebecca & Council members,

As requested, please find attached our view to landscape the NURIOOTPA DOG PARK into the space the community has requested and deserves.

We seek approval and guidance to move forward with these concepts beginning firstly with the noticeboard, then the pathways and planting.
To achieve the overall outcome we will need to 1. seek donations and kind from local business and community groups to support us in bringing the project together
  2. have Council release of remaining funds from the project grant as discussed since the conclusion of the Williamstown build.
  3. fundraise to finalise the project

Your co-operation and efficiency with this will be greatly appreciated as we approach the first birthday of the park in October. It will be nice to celebrate it with some progress.

If you would find it easier to meet to discuss this proposal, please seek to do so.

Kind regards,

Kelly Adams & Lyn Winter
on behalf of

Friends of Barossa Dog Parks

lynnie.winter@gmail.com  0404401377
emailkelly400@gmail.com  0409799119
Crushed Gravel Paths. No need for borders, except for areas where the path descends the hill. Ideal materials for borders: stones/ NATURAL trunks, border plants.

Plants from Barossa Bushgardens safe for dogs include: Dodoneas, She-Oaks, acacia myrtifolia, corea, senna, hardenbergia, rhagodia, enchylaena tomentosa, eremophila shrubs, and any other suitable ground covers.

Would council prefer to supply the trees more mature than saplings we would eucalypt/she-oak get from bushgardens?

Aluminium seating by Council. This seat is in line with 4th Maroon tree outside fence. 2nd is on ridge 2m away from drain.

Water play area utilises tubs/splash pools bought in by members with suitable ground cover/grass with summer in mind.

Shelter plans to be provided by Keith Rotary Barossa. Members desire seating inside.

Timber notice-board featuring working bee dates, etiquette rules, warnings, community notices.

Tunnels allow for drainage also.

Sandpit use river or play-sand.
7.4.1 DEBATE AGENDA – DIRECTOR WORKS AND ENGINEERING SERVICES

7.4.1.1 REQUEST FOR STORMWATER DRAINAGE WORKS – 1303 BAROSSA VALLEY WAY - LYNDOCH B10606 – 20/42350

Author: Manager Engineering Services

PURPOSE
A request has been received from Michael Kies, owner of the property at 1303 Barossa Valley Way, Lyndoch (Kies Family Wines), for Council to maintain the open drainage swale located within his property, from Barossa Valley Way to Lyndoch Creek.

RECOMMENDATION
That Council accept the offer from Michael Kies, owner of 1303 Barossa Valley Way, Lyndoch, for provision of a drainage easement to Council free of charge over the existing stormwater drainage swale, from Barossa Valley Way to Lyndoch Creek, and that Council assume care and responsibility of the stormwater drainage swale infrastructure within the easement.

REPORT

Background
An open stormwater drainage swale is located within the property at 1303 Barossa Valley Way, which conveys stormwater runoff from Barossa Valley Way to Lyndoch Creek, a distance of approximately 140 metres. Refer attached General Locality Plan. The stormwater catchment includes a large part of the western Lyndoch Township.

Correspondence has been received from Michael Kies, dated 4 July 2017 and 31 July 2017, requesting Council to upgrade and maintain the stormwater drainage swale located within his property at 1303 Barossa Valley Way – Kies Family Wines. Refer attached correspondence.

Intervening correspondence in reply from Council at the time, dated 20 July 2017, outlined Council’s incapacity to upgrade or maintain stormwater drainage infrastructure on private land where there is not an easement to Council for this purpose. Refer attached letter.

Introduction
Stormwater has always traversed the Kies property, evidenced by the local stormwater flow paths and drainage systems. The drainage swale connecting to
Lyndoch Creek appears to have been formalised and straightened over the years by
the respective land owners.

The swale is not listed as a stormwater drainage asset belonging to Council and there
is no stormwater drainage easement in favour of The Barossa Council over the drain
land. Council has no jurisdiction over watercourses or drainage swales on private
property and has no right to enter private land to perform maintenance works where
there is no easement. Notwithstanding, Council has entered the Kies property at least
once in the past decade, with the land owners permission, to de-silt the drainage
swale with a backhoe.

The drainage swale now requires further maintenance work to repair erosion that has
occurred over the past decade, especially in the lower reach. A private irrigation
pipe, originally constructed well under the open drain, has been exposed by erosion
and is now suspended across the scoured drain, with risk of damage to the irrigation
pipe.

A more recent email has been received from Michael Kies, dated 3 August 2020,
confirming the 2017 offer to grant an easement in favour of The Barossa Council for
the purpose of Council maintaining the stormwater drainage swale through the
property. Refer attached email.

Discussion
In South Australia all persons have a general statutory duty under the Landscape
South Australia Act 2019 to maintain and not damage or affect a watercourse, flood
plain, or lake located on their respective private properties. For information, most
rivers, creeks and watercourses in the Barossa Region are located on private land,
including Lyndoch’s main watercourses - Lyndoch Creek and North Para River.

As the Kies drainage swale is located entirely on private property the infrastructure is
likewise deemed to belong to the land owner, with all maintenance of the drainage
flow path deemed the responsibility of the land owner.

For Council to upgrade or maintain a watercourse or drain on private land the drain
is required to be registered as an asset of Council and have an easement over the
infrastructure in favour of Council for drainage purposes, so that it can be accessed
and maintained.

For information, within the Burge Family Wines property across the opposite side of
Barossa Valley Way to the Kies property, an underground base flow drainage pipe
was constructed by Council about 10 years ago to mitigate specific flooding issues
relating to the low lying cellar door building. An easement was provided by the land
owner to ensure legal access for Council to construct and maintain the infrastructure.

Also about a decade ago, Council upgraded the stormwater drainage outfall from
the adjacent stormwater catchment to the east, which traverses the Lyndoch
Recreation Reserve to Lyndoch Creek, with pipe infrastructure and easements
constructed by Council.

There has been significant changes to the stormwater drainage catchment
contributing to the drainage swale through the Kies land as a result of numerous
upstream land divisions and other development over time, which has increased the
overall stormwater runoff flow volumes. Upstream Council stormwater detention infrastructure, however, ensures that the peak developed stormwater flow rates are contained to the equivalent pre-development flow rates for up to the 1 in 100 year Average Recurrence Interval (ARI) – 1% Annual Exceedance Probability (AEP) – storm event.

If there was considered to be warrant for similar base flow pipe infrastructure through the Kies land, this would need to be assessed in terms of the Benefit Cost Ratio (BCR) - benefit gained relative to the cost expended. Whilst the Kies open swale drain adequately conveys the stormwater flow volume from the Barossa Valley Way culvert feeding it, maintenance and erosion control works are required in the immediate and long term.

**Summary and Conclusion**
In terms of the drainage swale on the Kies land, whilst the stormwater runoff peak flow rates for the catchment are considered to be contained appropriately, the overall flow volume has increased over time, which is increasing the risk of erosion within the drainage swale.

Given that development is a function of an approved Council activity, it would be reasonable for Council to take over the care and responsibility for this drainage swale infrastructure, including ongoing maintenance and any future upgrade work that may be deemed necessary for the drain to function at the required safe level of service.

The property owner has offered to provide the necessary easement rights to Council without charge. This would allow Council to legally perform necessary maintenance work on the drainage swale.

Any future need for upgrade of the drainage swale, if deemed necessary, will be the subject of a separate Drainage Capital Works Budget Initiative (NI) report.

**ATTACHMENTS OR OTHER SUPPORTING REFERENCES**
Attachment 1 – General Locality Plan
Attachment 2 – Correspondence from Michael Kies to The Barossa Council, dated 4 July 2017 and 31 July 2017
Attachment 3 – Correspondence from The Barossa Council to Michael Kies, dated 20 July 2017
Attachment 4 - Correspondence from Michael Kies to The Barossa Council, dated 3 August 2020

**COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS**
Community Plan

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

Legislative Requirements
- Natural Resources Management (NRM) Act 2004
- Local Government Act 1999

**FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS**
The costs associated with the easement acquisition process will be:

- Easement Land - Nil cost, easement land rights are proposed to be gifted by the land owner.
- Easement conveyancing, Lands Title Office (LTO) and legal processes – approx. $5,000
- Short term operational maintenance work to repair the drainage swale to a safe and functional level of service – approx. $5,000

If the open drain becomes a Council stormwater drainage asset, a proportionate increase to future drainage maintenance operational budgets will be required.

Future capital upgrade of the drainage swale may be required for the drainage swale to function long term at the required safe level of service, including consideration of erosion control methodologies with possible projected costs of around $55,000. Any future need for upgrade of the drainage swale, if deemed necessary, will be the subject of a separate Drainage Capital Works Budget Initiative (NI) report for Council to consider.

For Council to not assume care and responsibility for the drain and its maintenance will likely realise an increased risk of erosion in the short and long term.

<table>
<thead>
<tr>
<th>COMMUNITY CONSULTATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nil</td>
</tr>
</tbody>
</table>
This map is a representation of the information currently held by The Barossa Council. While every effort has been made to ensure the accuracy of the product, Council accepts no responsibility for any errors or omissions. Any feedback on omissions or errors would be appreciated.
Hi Matt,
Re Drain Kies Family Wines Lyndoch.

Regarding this drain I am willing to grant council an easement across the land associated with the drain at the cost in all things of council and then for council to maintain the drain after that.

Regards,
Michael Kies

Michael Kies
Real Estate Coach
Barossa Valley Hwy Lyndoch South Australia, 5351
tel 1800 759 500 mobile 0438 769 911
website | newsletter | email

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On 4 July 2017 at 7:54:01 pm, Michael Kies (michael@michaelkies.com.au) wrote:

Hi Matt,
There is a drain that's drain into our land which comes through Rick Burges property in an under ground pipe. This is water from a catchment area of residential homes and park land.
The drain through our land silt's up and on one occasion has cause flooding in the Monkey Nut cafe after which time council came and cleared the drain from the silt to fix the problem.
The drain is viewed from the cafe and is an eyesore as the weeds are not able to be mowed because of the shape of the drain and we don't want to spray the weeds in fear it will cause excess erosion. This drain has a lot of silt in it again and my fear is that the cafe could be flooded again with heavy rain.

What I am requesting is that council install an under ground pipe similar to the one council has on Rick Burges land so we can lawn over it to make it attractive for the tourists who visit us daily.
I look forward to hearing from you soon.

Regards,
Michael Kies
0419817203
0885246346
20 July 2017

michael@michaelkies.com.au

Mr Michael Kies
Barossa Valley Way
LYNDON CH SA 5351

Dear Michael,

Thankyou for your email dated 4 July 2017 concerning storm water drainage through the Kies Family Wines property at 1303 Barossa Valley Way, Lyndoch.

It is understood that this drainage flow path has been in existence for many decades, evidenced by the contours of the surrounding area and the culvert under both the Barossa Valley Way and the railway line upstream. The informal nature of the flow path across the Kies Family Wines land has most likely been changed over the years, resulting in the formation of the current straight alignment drain to Lyndoch Creek.

Council is unable to access private land to perform works of any nature if there is no easement to legitimise the access. Notwithstanding, we are aware that about 7-8 years ago, Council entered the property to de-silt the drain with a backhoe. This would have been understood as a once off access of mutual convenience at the time. Broadly speaking, it is common for drains and watercourses to exist on private property in this form and State Government DEWNR legislation requires that landowners maintain watercourses located on private property.

The construction of underground stormwater drainage infrastructure would require a capital budget consideration in a future financial year with the priority for the work measured alongside other planned stormwater drainage works in the region.

In summary, Council is unfortunately unable to intervene to the extent requested in your email at this point in time.

If you require clarification of the above information, please feel free to make further contact with me on 8563 8473 or skaesler@barossa.sa.gov.au

Sincerely

Steve Kaesler OAM
Acting Director – Works and Engineering Services
7.5.1. DEBATE AGENDA – DEVELOPMENT SERVICES REPORT

7.5.1.1
PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT – IMPLEMENTATION – SERVICE LEVELS
B3624

Author: Director Development and Environmental Services

PURPOSE

To seek approval/direction on service levels associated with the implementation of the Planning, Development and Infrastructure Act (PDI Act).

RECOMMENDATION

That Council:

(1) Agree to support messaging to redirect customers from Council’s website to the SA Planning Portal as the first point of contact for information regarding the planning system and assessment processes.

(2) Only accepts applications (hard copy) and payment of fees at the Principal Office (Nuriootpa) for which the Barossa Assessment Panel, Assessment Manager or Council is the relevant authority.

(3) Agree to utilise the existing Library public PC and scanning equipment for the Service Kiosk to allow applicants to lodge applications via the online Planning Portal.

(4) Agree to waive the additional $80 processing fee for hard copy lodgements until 30 June 2021.

(5) Note that a separate Public Notification charge is to be set by Council for the provision and installation of signage at a site where the applicant has requested that Council perform this task, and that a further report be brought back to Council to adopt a Public Notification charge as outlined in this report.

REPORT

Background

As part of the implementation of the Planning, Development and Infrastructure Act (PDI Act) a risk assessment had been prepared to identify any key issues that Council needed to address to ensure successful transition to the new planning system.

The initial risk analysis identified potential issues under the following headings:
Introduction

The internal Transition Working Group has been working through the Action Plan following the completion of the Risk Assessment.

A number of the actions identified require direction as to the level of service that Council is prepared to provide as part of the new planning system, given that the Planning Portal and ePlanning solution is meant to be a centralised State-wide system.

A number of questions have arisen during the discussions, which are now presented to Council for determination as they impact service levels.

Discussion

Website content

The Development Services (DS) business unit currently maintain a number of Development Information Guides/Fact Sheets, as shown below.

Below are a list of fact sheets that relate to any planning and works projects:

- Short Term Visitor Accommodation
- Access and Facilities for People with a Disability
- Liquor Licensing
- Home Activity
- Development Approval
- Guidelines for undertaking Land Division - Standards and Requirements - Infrastructure Assets
- Public Notification and Your Role
- Development Application Requirements
- Development Application Decision Process
- Non-Complying Development
- Owner and Builder Information
- Community Wastewater Management Scheme (CWMS) Drainage Guide
- Vineyard Development
- Development and Maintenance of Road Verges
- Water Licences and Dams
- Audible Bird Scaring Devices
- Swimming Pools and Spas
- Use of Unmade Public Road
- South Australia's OnLine Planning and Design Code is now available
- OnLine Planning and Design Code Frequently Asked Questions

Figure 1 - Council's website content for development
As part of the new website rebuild, DS staff have been tasked to review current development information guides/fact sheets to determine if they are needed to maintain guidance on specific subject matter, or if new information is required.

It is also proposed that the website include messaging/links to redirect customers to the SA Planning Portal as the primary source of information relating to the new planning system and assessment pathways.

**Online and Counter Services**

The new systems seek to direct applicants to the new online Planning and Design Code (Figure 1) and lodgement of applications within the state-wide ePlanning framework.

However, it is acknowledged that not all applicants may necessarily have capability to access the ePlanning framework. Accordingly, there is still an expectation that members of the community/industry can still approach councils to lodge their applications in hard copy at the counter.

Council will be required to lodge applications through the ePlanning framework on behalf of applicants. Applications submitted via email/mail will be treated in the same manner, though over time this will be discouraged.

As is the current service level, applications and payment of fees are to only be made at the Principal Office (Nuriootpa). This is to allow access to a Duty Planner should an applicant seek additional information/support in the lodgement process.

Given that the ePlanning framework is a State-wide system, there is an opportunity to lodge multiple applications for different parts of the State. However, when it comes to hard copy lodgements it is proposed that Council only receive applications on behalf of applicants that are for development within the Council area.

While Council is required to accept hard copy applications, it is proposed that Council establish a Service Kiosk (PC, Monitor and Scanner) that will allow an applicant to self-lodge their applications and payment of fees via the Planning Portal – for proposal anywhere within the State. In the interim, it is proposed that the Service Kiosk be via the PC, Monitor and Scanner located within the Nuriootpa Library to avoid the need
to purchase and set up a stand-alone kiosk. Demand for the kiosk will be monitored and its impact on regular Library customers.

The alternative is to purchase additional equipment to set up a designated Planning Portal Service Kiosk.

**Fees and Charges**

All fees and charges are set by the State Government. A copy of the proposed new Fees and Charges under the PDI Act are provided in *Attachment 1*.

Fees and charges are no longer distributed as a percentage of the fees between councils and the State Government. Instead, councils receive 100% of the Planning Assessment and Compliance fees and the State Government receive 100% of Lodgement (excluding hard copy lodgement), Land Division Assessment and Building Assessment fees.

Under the new model, DPTI will transact all planning and building fees within the online system. For fees charged by councils, DPTI will be responsible for collecting and then forwarding the fee revenue to councils.

A formal Instrument of Agreement needs to be entered into with the Minister for Planning for Fee Collection and GST payments.

As Council Assessment Panels and Assessment Managers are a relevant authority in their own right, regulations have been set to allow a council to receive payment of fees for applications on behalf of a Council Assessment Panel or Assessment Manager.

The question has been raised as to whether councils can process payment at the counter on behalf of an applicant given the complexity of dealing with a non-council payment and credit card requirements – third party transaction. Advice is being sought on these issues through the Local Finance Manager Network and the LGA.

**Lodgement fee**

In addition to the standard Electronic Lodgement Fee ($177), there is a new Hard Copy Lodgement fee. This is an additional $80 that a Council may opt to apply in processing the lodgement on behalf of an applicant. As stated above, Council will receive this component of the Lodgement Fee.

As this additional $80 fee is optional, the question is whether Council wishes to apply this fee or potentially delay its application for six to twelve months.

The Transition Working Group have suggested that a delay in the commencement be considered to allow applicants to adjust to the new system. It is acknowledge that this will reduce revenue from the new system.

**Notification of Performance Assessed Development**

Under the current system, Council charge $330 to an applicant to place the Category 2 or 3 Public Notice in the local paper. This is a charge determined to recover the cost of publishing the Notice.

Under the new system, the State Planning Commission (the Commission) can issue Practice Directions for the purposes of the Act. A Practice Direction has been issued
by the Commission to support the operation of section 107(9) of the Act with respect to the notification of performance assessed development applications.

Under the Practice Direction an applicant is responsible for giving Notice of the application to members of the public by Notice placed on the relevant land (either personally or by engagement of a contractor) or request the relevant authority to place the Notice on the land and pay the relevant fee.

A template outlining the minimum content of the Notice is contained in Attachment 2.

The applicant or council responsible for erecting the Notice are to ensure the following information is uploaded to the relevant application record on the SA Planning Portal:

- Within 1 business day after erecting the Notice on the land, a photograph clearly displaying the Notice on the land, with details of the location, date and time the photograph was taken; and
- Within 2 business days of the end of the notification period, a written statement confirming that the Notice on the relevant land was undertaken in accordance with the relevant requirements of the Act, Regulations and this Practice Direction.

The simplicity of placing a Public Notice in the paper has been replaced with a targeted notification at the property. There is still a requirement to write to adjoining property owners.

The Transition Working Group has identified that the placement of the Notice will require additional resources compared to the current Public Notice. There is the production of the Notice (all weather), installation at the site and reporting via the Planning Portal.

In setting a suitable cost recovery charge for the provision of the service on behalf of the applicant, the working group has identified a potential formula.

Notification Charge = Base Fee (production) + Travel/Installation

The base fee is proposed to be the current $330. The travel/installation cost is to be calculated on the distance from the Principal Office and the township to be travelled to. Notionally, the further away the higher cost. For example, Angaston may be $100 while Williamstown may be $200.

A refined methodology for calculating the charge is being developed and will be presented to Council for endorsement in time for the commencement of Phase 3 of the Planning and Design Code.

Summary and Conclusion

The Transition Working Group has identified a number of actions that require direction as to the level of service that Council is prepared to provide as part of the new planning system.

Once these service levels are agreed to, further refinement of the implementation action plan will be made, along with any amendments needed to our systems and processes.
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 (Fees, Charges and Contributions) Regulations 2019
Planning, Development and Infrastructure (General) Regulations 2017
Planning, Development and Infrastructure (Transitional Provisions) Regulations 2017

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial Management

As identified in this report, the distribution of fees and charges associated with development applications has been altered. Given the categorisation of development under the new assessment pathways, there is a level of uncertainty as to the impact this will have on the revenue received by Council.

The 2020-21 budget has set development assessment revenue at $371,000, with $20,000 in expenditure as levies paid to Government. There is an additional $18,000 payable to government for contribution to the Planning Portal (Group B).

Risk Management

A risk assessment has been prepared as part of the implementation of the PDI Act. The assessment has identified a number of activities that need to be implemented to ensure an effective transition from the current system to the new system at the commencement of the third and final phase of the Planning and Design Code later this year.

COMMUNITY CONSULTATION

Nil
# New Fees and Charges at a Glance

## Lodgement Fees

<table>
<thead>
<tr>
<th>Fee Name</th>
<th>PDI Act Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Electronic Lodgement</td>
<td>$177</td>
</tr>
<tr>
<td>Hard Copy Lodgement (processing fee)</td>
<td>Additional $80</td>
</tr>
</tbody>
</table>

## Assessment - Planning Fees

<table>
<thead>
<tr>
<th>Fee Name</th>
<th>PDI Act Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dawned to Satisfy (&lt;$10,000 development cost)</td>
<td>$127</td>
</tr>
<tr>
<td>Dawned to Satisfy (&gt;=$10,000 development cost)</td>
<td>$210</td>
</tr>
<tr>
<td>Performance Assessed</td>
<td>$250 or 0.125% development cost up to a maximum of $300,000, whichever is greater</td>
</tr>
<tr>
<td>Impact Assessed (Restricted)</td>
<td>$1,750</td>
</tr>
<tr>
<td>Impact Assessed (EIS) Declaration</td>
<td>$1,750</td>
</tr>
<tr>
<td>Crown Development</td>
<td>0.25% development cost up to a maximum of $300,000</td>
</tr>
</tbody>
</table>

## Assessment - Land Division Fees

<table>
<thead>
<tr>
<th>Fee Name</th>
<th>PDI Act Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assessment (4 or less lots with no public road)</td>
<td>$175</td>
</tr>
<tr>
<td>Assessment (&gt;4 or more lots and/or a public road) (fee to Council)</td>
<td>$1.75 plus $16 per additional allotment</td>
</tr>
<tr>
<td>Statement of Requirements (fee to Council)</td>
<td>$200</td>
</tr>
<tr>
<td>Land Division Certificate (includes certificate, consultation report) (fee to DPTI)</td>
<td>$1,028</td>
</tr>
</tbody>
</table>

## Assessment - Building Fees

<table>
<thead>
<tr>
<th>Fee Name</th>
<th>PDI Act Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building Assessment - Class 1 (typically houses)</td>
<td>0.25% development cost, minimum $450</td>
</tr>
<tr>
<td>Building Assessment - Class 2-9 (e.g. apartments, commercial, industrial buildings)</td>
<td>$670 plus 0.125% over $200,000</td>
</tr>
<tr>
<td>Building Assessment - Class 10 (non-habitable structures e.g. sheds or carports)</td>
<td>0.25% development cost, minimum $130</td>
</tr>
<tr>
<td>Building Assessment (Demolition)</td>
<td>$145</td>
</tr>
<tr>
<td>Issue Essential Safety Provision (Class 2-9 commercial)</td>
<td>$240</td>
</tr>
<tr>
<td>Change of Classification</td>
<td>$170</td>
</tr>
<tr>
<td>Referral to Commission (Concurrence)</td>
<td>$345</td>
</tr>
<tr>
<td>Referral to Commission (Opinion)</td>
<td>$345</td>
</tr>
</tbody>
</table>

## Compliance Fees

<table>
<thead>
<tr>
<th>Fee Name</th>
<th>PDI Act Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Certificate of Occupancy (To Council or Certifier)</td>
<td>$50</td>
</tr>
<tr>
<td>Class 1 (e.g. houses) Inspections</td>
<td>$240</td>
</tr>
<tr>
<td>Swimming Pool inspections</td>
<td>$240</td>
</tr>
<tr>
<td>Class 10 &gt;$10,000</td>
<td>$80</td>
</tr>
<tr>
<td>Class 10 &lt;$10,000 Basic compliance fee</td>
<td>$0</td>
</tr>
<tr>
<td>Classes 2,9 inspections (e.g. apartments, commercial buildings etc.)</td>
<td>0.075% development cost, minimum $240, maximum $2,500</td>
</tr>
</tbody>
</table>

## Referral Agency Fees

<table>
<thead>
<tr>
<th>Fee Name</th>
<th>PDI Act Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Standard fee for most referrals of $398 with some variations to the Environmental Protection Authority/Native Vegetation, SA Housing Authority and Technical Regulator.</td>
<td></td>
</tr>
</tbody>
</table>

For more information on the implementation of the new planning system please visit

www.saplaningportal.sa.gov.au
DPTI.PlanSA@sa.gov.au
PlanSA Service Desk 1800 752 664

Government of South Australia
Department of Planning, Transport and Infrastructure
Proposed Development

Planning, Development & Infrastructure Act 2016
Notice under section 107(3)(a)(ii)

«DevelopmentAddress»

Make a representation until «Date»

Applicant
«ApplicantName»

Application Number
«ApplicationNumber»

Proposal
«DevType»
«DevType»
«DevType»

<<IMAGE/PLAN OF PROPOSED DEVELOPMENT>>

View the application
Online «URL»
Scan this code with your phone camera
QR Code
Visit the office of «AuthorityName>>
[Insert Office Location]

Have your say
Online «URL»
Email «AuthorityEmailAddress>>
Post «AuthorityPostalAddress»
Post «AuthorityPostalAddress»

Please note representations must
Be in writing
Include the name and address of the person(s) who are making the representation
Set out the particular reasons why planning consent should be granted or refused
Comment only on the listed elements of the proposal, which does not include the «DTSorAcceptedElements»

It is an offence to damage, destroy, obscure or remove this notice. Penalties apply.
7.5.1 DEBATE AGENDA – DEVELOPMENT SERVICES REPORT

7.5.1.2 DRAFT LOCAL DESIGN REVIEW SCHEME FOR SOUTH AUSTRALIA – ANALYSIS AND KEY SUBMISSION RESPONSE
(B3624)

Author: Paul Mickan, Principal Planner

PURPOSE
To receive and endorse an overview of the draft Local Design Review Scheme for South Australia contained in the Draft for Consultation and Consultation Guide documents together with key messages to deliver in Council's submission. The report recommends that Council notes the report with delegation to the CEO to finalise the submission.

RECOMMENDATION
That Council:

(1) Notes the report and endorses the key messages to be included in its submission on the Local Design Review Scheme for South Australia Draft for Consultation and Consultation Guide;

(2) Authorises the Chief Executive Officer or his delegate to prepare a submission and for this to be submitted to the Office for Design and Architecture South Australia by 21 August 2020.

REPORT

Context
"Design Review" is an independent evaluation process where a panel of built environment experts (a Design Panel) reviews the design quality of a development proposal and provides design advice. In practice this process takes place prior to lodgement of a development application.

Design Review is currently available for certain developments in Metropolitan Adelaide through the Office for Design and Architecture South Australia (ODASA). The Planning, Development and Infrastructure Act 2016 (the Act) provides scope for design review to be available across the whole State, operating through a scheme determined by the Minister for Planning and Local Government.
ODASA has prepared a draft Local Design Review Scheme for South Australia (the draft Scheme) on behalf of the Minister in collaboration with the State Planning Commission and is inviting comments on the draft Scheme until 21 August 2020. The Draft for Consultation and an accompanying Consultation Guide are contained in Attachment 1.

During preparation of the draft Scheme ODASA met with representatives of selected councils including our Council, represented by the Director, Development and Environmental Services and the Principal Planner. Those discussions explored the potential for design review at the local level and any specific aspects the scheme needed to address.

At this point Council does not need to decide if it wishes to offer Design Review and it is important to note that providing comment on the draft Scheme does not commit or oblige Council to participate in the Scheme now or in the future. Participation in the Scheme will be a separate decision for Council.

**Draft Scheme features**

Under the Act Design Review will only be available for classes of development specified by the Planning and Design Code (the Code). The Act also provides that if a person applies for advice in relation to a class of development specified by the Code, a Design Panel will be appointed - i.e. there is no discretion to decline an application for advice.

The Act states that a relevant authority must take into account any advice provided by a Design Panel (insofar as may be relevant to the assessment of the proposal). The Act also states that a Design Panel may adopt its own procedures.

An extract of the Act showing the relevant provisions is included in Attachment 2.

The draft Scheme proposed by the State Planning Commission via ODASA expands on the provisions in the Act, but also introduces new concepts and obligations. The key features of the draft Scheme are:

- Councils will have a choice whether or not to make Design Review available in their area
- If a council chooses to make Design Review available it must work with the State Planning Commission to specify the eligible classes of development to which local design review will be available
- If a council chooses to participate it may:
  - Establish its own Design Panel
  - Establish a joint Panel with a group of councils
  - Procure a Design Panel from an independent provider on an as-needs basis
- A council, group of councils or independent provider will be required to seek registration as a "Designated Entity"
- Procedures will apply regarding recruitment and training of Panel members; Design Panel appointment; process to provide design advice; reporting and monitoring; Code of Conduct
- Participation by proponents would be optional but the process would be undertaken prior to lodgement of a development application
- An application fee (yet-to-be-determined) will apply
- A Design Panel may provide advice about one or more of the following:
  - The form or content of the proposed development
  - How the proposed development might be changed or improved
Other matters that may assist with the assessment of the development
Such other matters as the Design Panel thinks fit

Although silent on the matter, participation by a council in design review will incur costs including reimbursement of Panel members and administration; however any costs would need to be weighed against potential Council or community benefits such as potentially better design outcomes. These are matters to consider at a future time when Council might consider whether or not to participate in the process.

Analysis of the draft Scheme
As Design Review is a component of the new planning system it is accepted there needs to be some formality and detail to the Scheme and associated processes; however there are concerns among council practitioners that the draft Scheme is unnecessarily complex to the point that it might actually discourage participation by councils. In this regard specific concerns relate to:

- The requirement for councils to seek registration as a “Designated Entity”
- The obligation for renewal of registration every three years
- Imposition of a fee to seek registration with no detail provided as to the purpose of the fee and how it is to be used, the actual amount, and whether it is payable annually or only on renewal of registration

There are also concerns about the lack of detail provided regarding the process to specify the classes of development that a council intends to be available for Design Review. As indicated previously these would be identified within the Code, most likely via an Overlay introduced through a Code Amendment (similar to the current Development Plan Amendment process), but no detail is provided on the Code Amendment process such as when it would occur, who initiates it, and whether it would require formal public consultation. It is recommended that Councils’ submission requests that the designation process should be a formality following registration as a Designated Entity (if that requirement is maintained). Councils’ submission should also request that the Scheme include the ability to fine-tune the specified classes of development, perhaps linking this to the proposed reporting and monitoring process.

As indicated earlier, Design Review is currently offered by ODASA for certain designated developments in the metropolitan area. Although the Act appears to envisage a single Design Review Scheme for the State, the draft Scheme appears to only apply to councils and independent providers and would not replace the existing ODASA process. This raises issues such as potential duplication of design review options in the metropolitan area and the unfair treatment of non-metropolitan councils in that metropolitan councils could decide to continue to rely on the ODASA process whereas non-metropolitan councils would need to go through the formal registration and Panel member recruitment processes bearing all the associated Panel costs. Arguably if the ODASA process continues it is questionable what legitimacy it would have in that the Act provides for a Scheme, not multiple Schemes.

Summary
The draft Local Design Review Scheme as proposed by ODASA introduces various formal registration and operational obligations and procedures. While some formalities are necessary it is considered that the proposed Scheme could be too complex which may limit its use. The consultation documents raise a number of issues and questions which should be included in a submission. It is recommended
that the Chief Executive Officer be delegated to prepare a submission on behalf of Council.

**ATTACHMENTS OR OTHER SUPPORTING REFERENCES**

| Attachment 1 - | Local Design Review Scheme for South Australia Draft for Consultation and Consultation Guide |
| Attachment 2 - | Extract from Planning, Development and Infrastructure Act 2016 |

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

**Community Plan**

Natural Environment and Built Heritage

**Corporate Plan**

1.1 Facilitate planned and appropriate development of our townships and district to maintain the character of townships and rural landscapes and to preserve properties and sites which have historic significance.

1.11 Provide transparent, efficient and effective development assessment processes and regulatory activities.

**Legislative Requirements**

*Planning, Development and Infrastructure Act 2016*

**FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS**

**Financial**

There is no relevant consideration at this point. Participation in design review would require a future budget allocation however that would require a separate decision once a Scheme is operational.

**Resource**

There is no relevant consideration at this point. Participation in design review would impose resource demands however they are matters to consider in future at such time that Council considers it potential involvement in a Scheme.

**Risk**

There is no relevant consideration at this point. No action would be able to be brought against a member of a Design Panel on the basis of any advice or other action given or taken by a Design Panel, if Council was to participate. Because a Design Panel is independent and can adopt its own procedures, they may not necessarily or wholly align with local expectations.

**COMMUNITY CONSULTATION**

Consultation on the draft Local Design Review Scheme is being undertaken by the State Planning Commission through ODASA. We are not aware of local community consultation being undertaken.
Local Design Review Scheme for South Australia

Draft for Consultation
June 2020

Government of South Australia
Department of Planning, Transport and Infrastructure

Office for Design + Architecture SA
Design Review is a pre-lodgement service that supports high-quality design outcomes, improves access to independent design expertise and assists with informed decision-making during development assessment.
Design quality of the built environment not only relates to the ‘look and feel’ of buildings and places, but how successfully they meet the needs of the people who use and experience them. High-quality design helps to make buildings and places better for people, our environment and economy.

The Planning, Development and Infrastructure Act 2016 enables South Australia’s new planning system to place greater emphasis on high-quality design. One of the ways it will do this is by creating more opportunities to participate in Design Review under a new Local Design Review Scheme (the Scheme).

This draft Scheme sets out consistent procedural requirements for councils who wish to provide Local Design Review within their communities, as well as independent Design Review providers.

The Office for Design and Architecture South Australia (ODASA) has prepared the draft Scheme on behalf of the Minister for Planning in collaboration with the State Planning Commission, council staff from across the State and peak industry bodies who might provide Local Design Review.

Feedback on the draft Scheme is now being sought from councils, industry professionals and any other interested parties. It is envisaged the Local Design Review Scheme will come into operation with the Phase Three Planning and Design Code.

A consultation guide has been prepared to provide additional background information for the draft Local Design Review Scheme.
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1. Introduction

1.1. Legislative Context

Section 121 of the Planning, Development and Infrastructure Act 2016 (the Act) enables the Minister for Planning (the Minister) to establish a design review scheme (the Scheme), where a person who is considering undertaking types of development specified in the Planning and Design Code may apply to a design panel for design advice.

It is intended that design review under this Scheme be available to development proposals that will be assessed by local relevant authorities in South Australia.

1.2. Design Review

Design Review is an independent evaluation process where a panel of built environment experts (a design panel) review the design quality of a development proposal before it is lodged for assessment. Design Review is most effective when undertaken early in the planning and design process to effect positive change during design development. Proponents are typically encouraged to participate in more than one Design Review session.

The role of Design Review is not to redesign development proposals, but rather to identify and discuss opportunities to encourage high-quality design. In particular, Design Review provides the opportunity to obtain advice (design advice) in relation to:

a) the form or content of a proposed development;
b) how the proposed development might be changed or improved;
c) other relevant matters that may assist with the assessment of the development; and/or
d) other matters that may be relevant to the design of the proposed development.

The design advice is a summary of the Design Review session and is provided to the proponent to assist with design development. The design advice is also provided to the relevant authority when the development application is lodged so that it may be subsequently used for the purposes of development assessment.

The Act requires that any design advice provided by a design panel under this Scheme must be taken into account by the relevant authority when it is undertaking its assessment of the relevant development (insofar as may be relevant to the assessment of the proposed development by the relevant authority).

It is important that Design Review is carried out using a robust process and that it offers consistently high standards in the quality of advice. Design Review under this Scheme is informed by the following Principles of Design Review:

a) Independent
Design Review should be conducted by people who are not connected with the proponent or decision-makers so as to avoid any conflicts of interest.

b) Expert
Design Review should be carried out by appropriately experienced design experts who have training in delivering constructive feedback. Design advice is most effective when carried out by the professional peers of project designers.

c) Multidisciplinary
Design Review should combine the perspectives of architects, landscape architects, urban designers and other specialist experts to provide a complete and rounded assessment.

d) Accountable
A design panel and its advice should be clearly seen to be supporting the public’s interest.

e) Transparent
Information about Design Review, panel membership, funding and governance should be available to the public.

f) Timely
Design Review should take place as early in the design process as possible so as to effect positive change during design development and to avoid reworking.

g) Advisory
A design panel should not make decisions or give direction; it offers impartial advice and recommendations to the panel Chair and to the proponent.

h) Objective
Design Review should appraise development proposals according to reasoned and objective principles, rather than stylistic tastes or subjective opinion.

i) Accessible
The recommendations arising from Design Review should be expressed in terms that design teams, decision-makers and proponents can clearly understand and apply.
1.4. Principles of Good Design

Design Review under this Scheme and the resulting design advice must be guided by South Australia’s Principles of Good Design as published in the design quality policy under section 59 of the Act.

The Principles of Good Design are:

a) Context
   Good design is contextual because it responds to the surrounding environment, and contributes to the existing quality and future character of a place.

b) Inclusive
   Good design is inclusive and universal because it creates places for everyone to use and enjoy, by optimising social opportunity and equitable access.

c) Durable
   Good design is durable because it creates buildings and places that are fit for purpose, adaptable and long-lasting.

d) Value
   Good design adds value by creating desirable places that promote community and local investment, as well as enhancing social and cultural value.

e) Performance
   Good design performs well because it realises the project’s potential for the benefit of all users and the broader community.

f) Sustainable
   Good design is sustainable because it is environmentally responsible and supports long-term economic productivity, health and wellbeing.
1.5. Objects of the Scheme

The objects of this Scheme are to—

1. Support development that demonstrates high-quality design.

2. Improve access to independent and expert design advice early in the planning and design process.

3. Support consistent and informed planning decisions.

4. Support South Australia’s planning system meet the objects of the Act in section 12, including to—

   a) support and enhance the State’s liveability and prosperity in ways that are ecologically sustainable and meet the needs and expectations, and reflect the diversity, of the State’s communities by creating an effective, efficient and enabling planning system;

   b) promote certainty for people and bodies proposing to undertake development while at the same time providing scope for innovation; and

   c) promote high standards for the built environment through an emphasis on design quality in policies, processes and practices, including by providing for policies and principles that support or promote universal design for the benefit of people with differing needs and capabilities.

5. Demonstrate practical application of the Principles of Good Planning identified in section 14 of the Act, particularly—

   a) high-quality design;

   b) activation and liveability; and

   c) sustainability.

1.6. Operation

This Scheme will come into operation on [date to be determined].
1.7. **Interpretations**

In this Scheme, unless the contrary intention appears—

*Act* means the *Planning, Development and Infrastructure Act 2016*;

*applicant* means a proponent who has submitted an application for design review under this Scheme;

*Chief Executive* means the Chief Executive of the Department of Planning, Transport and Infrastructure;

*code of conduct* means the code of conduct referred to in Part 7 of this Scheme;

*Commission* means the State Planning Commission;

*constituent council* means a council that has obtained, or that is a member of a group of councils that have obtained, the registration as a Local Design Review Administrator under this Scheme;

*council* means a council constituted under the *Local Government Act 1999*;

*Department* means the Department of Planning, Transport and Infrastructure;

*design panel* means one or more design panel members (including the panel Chair) selected for a design review session;

*design review session* means the design review of a proposed development;

*designated entity* means a Local Design Review Administrator or Independent Design Review Administrator;

*Government Architect* means the South Australian Government Architect;

*Independent Design Review Administrator* means the person or body recognised by the Department to administer design review under this Scheme;

*Local Design Review Administrator* means the council or group of councils recognised by the Department to administer design review under this Scheme;

*Minister* means Minister for Planning;

*panel Chair* means the Chair of a design panel;

*panel member* means a member of a design panel (including the panel Chair);

*panel member pool* means one or more pre-qualified panel members from which a design panel is selected;

*proponent* means a person, persons or body considering the undertaking of development;
registered architect means a person who is registered as an architect under the Architectural Practice Act 2009;

relevant authority means any relevant authority under section 82 of the Act.

Note: Section 14 of the Acts Interpretation Act 1915 provides that an expression used in an instrument made under an Act has, unless the contrary intention appears, the same meaning as in the Act under which the instrument was made.
2. Establishing Design Review

2.1. Development to which this Scheme will apply

Design review under this Scheme will be available to any class of development specified by the Planning and Design Code.

2.2. Relevant Designated Entity

If a council determines to make design review available in its area by participating in this Scheme, design review in its area will be carried out—

(a) if the council is a constituent council — by a design panel supplied by the constituent council’s Local Design Review Administrator; or
(b) in any other case — by an Independent Design Review Administrator in accordance with the provisions of this Scheme.

2.3. Registration as a Designated Entity

1. The Chief Executive Officer of a council, or a group of two or more Chief Executive Officers of councils, may seek registration as a Local Design Review Administrator for the purposes of this Scheme.

2. A person, body or any other appropriate entity, including a professional association, or a group of two or more professional organisations, may seek registration as an Independent Design Review Administrator for the purposes of this Scheme.

3. An application for registration as a designated entity must—

   a) be made to the Chief Executive; and
   b) be in the approved form determined by the Chief Executive; and
   c) include any information specified in the approved form; and
   d) be accompanied by any registration fee under the Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019.

4. The Chief Executive may, as the Chief Executive thinks fit, accept or refuse any application for registration as a designated entity under this Scheme.

5. Registration under this Scheme will be for a period of 3 years and may be renewed by the Chief Executive from time to time on a new application for registration under this Scheme.

6. The Chief Executive must ensure that a record of current designated entities and their panel members is maintained on the SA planning portal.
2.4. Design Panel Membership

1. Each designated entity may establish one panel member pool under this Scheme.

2. All persons within a panel member pool established by a Local Design Review Administrator must be independent from the council and any relevant authority appointed by that council.

3. Each design panel must have a panel Chair.

4. Where a design panel is made up of one person, this person will be taken to be the panel Chair.

5. Where the proposed development includes built form, the panel Chair must be a registered architect.

2.5. Design Panel Selection Process

1. The panel member selection process for any designated entity must be advertised publicly, including on the SA planning portal, for a minimum of 15 business days.

2. All panel members and Chairs must have at least—

   a) a tertiary degree in a relevant field, such as—
      i. Architecture;
      ii. Ecologically Sustainable Design;
      iii. Landscape Architecture;
      iv. Urban Design; and
   b) 10 years of professional experience relating to that field.

3. The designated entity must be satisfied that—

   a) in addition to the competencies in section 2.5.2, a successful panel member is highly experienced within their field; and
   b) the panel member pool provides a sufficient representation of the expert skills required for design review; and
   c) panel Chairs can fulfil the responsibilities outlined in Part 4.3 to a high standard.

4. The designated entity must provide the names of the successful applicant(s) to the Chief Executive within 10 business days of the applicant(s) being notified of the outcome of their application(s).
2.6. **Engagement of Panel Members**

1. The designated entity must provide each panel member with a contractual agreement.

2. A contractual agreement provided under this section must be accompanied by a copy of the code of conduct requirements under Part 7 of this Scheme.

3. The designated entity must ensure contracts for panel members are current and valid.

2.7. **Induction of Panel Members**

All panel members must complete an induction program prepared in accordance with the Government Architect guidelines prior to being involved in design review under this Scheme.

2.8. **Administrative Requirements**

A designated entity must have sufficient resources to meet the requirements outlined in this Scheme.
3. Preparing for Design Review

3.1. Documentation

1. The Chief Executive must ensure that the information required from a proponent to apply for design review under this Scheme is published on the SA planning portal.

2. The Chief Executive must ensure that the application form for design review under this Scheme is published on the SA planning portal.

3.2. Application Process

1. A proponent who is seeking to participate in design review under this Scheme must apply to the council before lodging their development application with the relevant authority.

2. The application must—
   a) be in the form approved by the Commission; and
   b) include any information specified in the approved form; and
   c) be lodged via the method outlined in the approved form; and
   d) be accompanied by any relevant fee prescribed by the Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019.

3. The council may require an applicant—
   a) to provide such additional documents or information as may be reasonably required to assess the application; and
   b) to remedy any defect or deficiency in any application or accompanying document or information required under this Scheme.

4. If an application for design review under this Scheme is made in relation to a class of development specified in the Planning and Design Code, the council must approve the application for design review.

5. If the council is not a constituent council, the council must forward the application and accompanying information to an Independent Design Review Administrator, taking into account the kind of development to which the application relates, and request that they supply a design panel.

6. After receiving a request for a design panel from a council, the Independent Design Review Administrator must take all reasonable steps to establish a design panel for the council within 5 business days.
4. Undertaking Design Review

4.1. Role of the Designated Entity

A designated entity must, on receiving a valid application for design review under this Scheme—

a) establish a suitable design panel for the design review session from their panel member pool; and
b) coordinate panel member and Chair attendance (and panel members and Chairs should, so far as reasonably practicable, be the same persons when undertaking multiple reviews for the same project); and
c) assist panel members and Chairs to identify any conflicts of interest and maintaining a register of any such conflicts; and
d) coordinate proponents and other stakeholder attendance; and
e) coordinate and distribute design review session agendas; and
f) prepare and provide the design panel briefing prior to the design review session; and
g) coordinate preparation of the design review venue; and
h) assist the panel Chair to minute the discussion from the design review session.

4.2. Role of the Design Panel

1. The design panel established for each design review session must have an understanding of local design and planning challenges, opportunities and priorities, commercial viability and government policy relevant to the proposal.

2. Panel members must—

a) make themselves available for design review sessions where practicable; and
b) review the design review agenda and briefing notes prior to the design review session; and
c) identify any conflicts of interest, inform the designated entity of any such conflicts before the design review session, and not participate in any design review session where a conflict exists; and
d) be objective when reviewing projects; and
e) provide constructive feedback (whether supportive or critical); and
f) treat all information acquired through performing any function relating to this Scheme confidentially.
4.3. **Role of Design Panel Chair**

In addition to the responsibilities in section 4.2, the panel Chair must—

a) welcome attendees and begin the design review session; and  
b) facilitate the design review session in an objective and considerate manner; and  
c) demonstrate strong critical and analytical skills; and  
d) communicate clearly in an accessible manner; and  
e) respectfully manage panel members, proponents or other stakeholders who express strong or conflicting opinions; and  
f) synthesise and summarise disparate or conflicting views; and  
g) summarise the panel discussion in a clear and concise manner; and  
h) close the design review session.
5. Design Advice

5.1. Preparing Design Advice

1. The panel Chair must prepare the design advice arising from the design review session.

2. The design advice must be in the format approved by the Chief Executive and—
   a) be an accurate summary of the design review session; and
   b) where possible, use clear and accessible language; and
   c) include the design review session number; and
   d) specify the date on which the design review session occurred; and
   e) reference any design advice resulting from previously undertaken design review sessions for the relevant development proposal; and
   f) outline the design panel’s involvement with the project, including any site visits; and
   g) include the contact information of the council; and
   h) remain confidential.

5.2. Provision of Design Advice

1. The panel Chair must finalise the design advice and provide a copy to the designated entity as soon as practicable after signing the design advice.

2. Where design review is carried out by an Independent Design Review Administrator, the council must provide a copy of the signed design advice to the proponent.

3. It is intended that a copy of the signed design advice be provided to the proponent within 10 business days after the design review session.

5.3. Correction of Errors

If design advice is found to contain an error, the designated entity may withdraw it and request it be corrected by the panel Chair, and then re-issue it. The report must retain its original date and be clearly marked with an explanation of reissue.
5.4. **Lodging Design Advice with a Development Application**

1. The proponent must provide a complete copy of the most recent design advice and previous iterations of design advice, if there have been two or more design review sessions, to the relevant authority when submitting their development application.

2. The proponent must include a response to the design advice, including a summary of any changes made to the proposal since the most recent design review session.

3. The council should undertake a concurrence check of the proponent’s response to the design advice and the lodged development application before assessment, and alert the relevant authority of discrepancies.

5.5. **Status of the Design Advice in the Planning System**

1. In considering a development application that was subject to design review under this Scheme, the relevant authority must take into account the design advice (insofar as may be relevant to the assessment of proposed development by the relevant authority).

2. The relevant authority should consider how the lodged proposal has responded to the design advice provided by the design panel.
6. Monitoring, Performance and Complaints

6.1. Annual Evaluation

1. The designated entity must undertake an annual evaluation on the impacts and benefits of design review in a format determined or approved by the Government Architect.

2. Each annual evaluation will relate to a financial year.

3. To undertake the evaluation, the designated entity must collect data on each project that was the subject of design review in the relevant year including—
   a) the class of development; and
   b) the address or site of the proposed development; and
   c) any relevant planning zone, subzones and overlays; and
   d) the estimated development cost; and
   e) the Panel members and Chair; and
   f) the number of design review sessions undertaken; and
   g) project status as at the end of the financial year (if known); and
   h) any other information that the Government Architect thinks fit.

4. The designated entity must provide the complete evaluation report to the Government Architect within three months of the end of the financial year.

6.2. Feedback

A proponent may provide feedback to the council on their experiences of design review under this Scheme, the quality of the design advice they received, and the impact it had on the final outcome.

6.3. Data Storage

Designated entities and councils participating in this Scheme must store all data collected under this Scheme securely and take such steps as may be reasonably necessary or appropriate to keep it confidential.
6.4. Complaints

1. A proponent may lodge a complaint to the designated entity under this Scheme, if the proponent—
   a) believes that the designated entity failed to comply with, or acted in contravention of, the Act or any regulations under the Act with respect to any matter associated with this Scheme; or
   b) believes that there has been a breach of the code of conduct; or
   c) believes that the written design advice is not an accurate representation of the discussion from the design review session.

2. A complaint made under this Scheme must—
   a) be made in the form approved by the designated entity; and
   b) contain particulars of the allegation on which the complaint is based; and
   c) include any other information specified by the designated entity.

3. The designated entity may refuse to investigate a complaint or, having accepted a complaint for investigation, may refuse to investigate it further, if it appears that—
   a) the matter raised by the complaint is trivial; or
   b) the complaint is frivolous or vexatious or is not made in good faith; or
   c) it would be more appropriate for proceedings to be initiated in a court or tribunal constituted by law, or for the matter to be handled by another authority; or
   d) there is some other good reason not to proceed (or further proceed) with the matter under this Scheme.

4. While no action may be brought against a panel member on the basis of any advice or other action given or taken by a design panel under section 121(8) of the Act, the designated entity may, at the conclusion of any complaints resolution process—
   a) decide to take no further action on the complaint; or
   b) undertake any consultation or further inquiry as the designated entity thinks fit; or
   c) amend the design advice; or
   d) make recommendations to the panel member; or
   e) caution or reprimand the panel member; or
   f) recommend that a person no longer hold office as a panel member under this Scheme; or
   g) take such other action as the designated entity thinks fit.
7. **Code of Conduct**

7.1. **Introduction**

This Part provides for standards of conduct and professionalism that are to be observed by all persons and bodies operating under the Act.

For the purposes of the Act, all persons and bodies performing a function under this Scheme must carry out, and be seen to carry out, their functions with the highest ethical standards so as to maintain public confidence in the integrity of the design review scheme under the Act.

A designated entity may also develop and maintain other code of conduct requirements for the purposes of this Scheme.

These standards and requirements constitute a code of conduct and must be read in conjunction with the requirements under the Act.

7.2. **Requirements under the Act**

All persons or bodies operating under this Scheme are subject to a statutory duty under section 15 of the Act as follows:

(1) **It is expected that a person or body that**—

   (a) seeks to obtain an authorisation under this Act; or
   (b) performs, exercises or discharges a function, power or duty under this Act; or
   (c) takes the benefit of this Act or is otherwise involved in a process provided by this Act,

   will—

   (d) act in a cooperative and constructive way; and
   (e) be honest and open in interacting with other entities under this Act; and
   (f) be prepared to find reasonable solutions to issues that affect other interested parties or third parties.

(2) **Without limiting subsection (1), a person or body performing, exercising or discharging a function, power or duty under this Act must**—

   (a) exercise professional care and diligence; and
   (b) act honestly and in an impartial manner; and
   (c) be responsible and accountable in its conduct; and
   (d) comply with any code of conduct, service benchmark or other requirement that applies in relation to the person or body.

(3) **The Minister may, after taking into account the advice of the Commission, establish and maintain service benchmarks for the purposes of this section.**

(4) **The principles and benchmarks under this section**—

   (a) do not give rise to substantive rights or liabilities; but
   (b) may lead to action being taken on account of a breach of a code of conduct or professional standard that applies in relation to a relevant person or body.
Have your say

The draft Local Design Review Scheme is available for public comment until Friday 21 August 2020.

Feedback received will help to finalise the Local Design Review Scheme for South Australia.

Please ensure you provide your feedback on the draft Scheme through any of the following channels:

- **Email:** DPTI.ODASAconsultation@sa.gov.au
- **Online:** yoursay.sa.gov.au/local-design-review-scheme
- **Post:** ODASA Consultation, 28 Leigh Street, Adelaide SA 5000

If you would like to speak with someone about Local Design Review, please contact the Office for Design and Architecture South Australia (ODASA) on 8402 1884 during business hours (9am – 5pm, weekdays).

For more information about South Australia’s new planning system, please visit the SA Planning Portal (saplanningportal.sa.gov.au).
Local Design Review Scheme for South Australia

Consultation Guide

June 2020

Government of South Australia
Department of Planning, Transport and Infrastructure

OFFICE FOR DESIGN + ARCHITECTURE SA
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Design Review is a pre-lodgement service that supports high-quality design outcomes, improves access to independent design expertise and assists with informed decision-making during development assessment.

Cover image by Sam Noonan
Introduction

Design quality of the built environment not only relates to the 'look and feel' of buildings and places, but how successfully they meet the needs of the people who use and experience them. High-quality design helps to make buildings and places better for people, our environment and economy.

The Planning, Development and Infrastructure Act 2016 (PDI Act) enables South Australia’s new planning system to place greater emphasis on high-quality design. One of the ways it will do this is by creating more opportunities to participate in Design Review under a new Local Design Review Scheme (the Scheme).

This draft Scheme sets out consistent procedural requirements for councils who wish to provide Local Design Review within their communities, as well as independent Design Review providers.

The Office for Design and Architecture South Australia (ODASA) has prepared the draft Scheme on behalf of the Minister for Planning in collaboration with the State Planning Commission, council staff from across the State and peak industry bodies who might provide Local Design Review.

Feedback on the draft Scheme is now being sought from councils, industry professionals and any other interested parties. It is envisaged the Local Design Review Scheme will come into operation with the Phase Three Planning and Design Code.

This consultation guide provides additional background information for the draft Local Design Review Scheme.
Design Review

Design Review is an independent evaluation process where a panel of built environment experts review the design quality of a development proposal before it is lodged for assessment.

The role of Design Review is not to redesign proposals, but rather to identify and discuss opportunities to encourage high-quality design.

Design Review provides the opportunity for proponents to obtain independent design advice from the panel. The design advice is a summary of the Design Review session and is provided to the proponent to assist with design development.

The design advice is also provided to the relevant authority for consideration during development assessment.

The benefits of Design Review include:

- supporting high-quality design
- improving access to independent and expert design advice early in the planning and design process
- supporting consistent and informed planning decisions
- facilitating collaboration between allied professionals that can positively contribute to professional development
Design Review in South Australia

State Design Review has operated successfully in South Australia since 2011 and is currently available to larger-scale development proposals assessed by the State Commission Assessment Panel (SCAP) and referred to the South Australian Government Architect, including:

- developments with a value of $10 million or more within the City of Adelaide
- developments with a value of $3 million or more in Port Adelaide Regional Centre Zone (City of Port Adelaide Enfield)
- developments of five storeys or more in the:
  - Inner Metropolitan Adelaide Urban Corridor Zones
  - District Centre (Norwood) Zone (City of Norwood Payneham & St Peters)
  - District Centre (Jetty Road) Zone and Residential High Density Zone (City of Holdfast Bay)

State Design Review will continue to be available for these projects in the new planning system.

For more information about State Design Review, please visit the ODASA website (odasa.sa.gov.au).
Local Design Review

Councils across South Australia are increasingly offering design advisory services to proponents in varying formats. The draft Scheme is designed to establish a consistent approach to delivering Local Design Review that will support council staff, private sector professionals and proponents.

Local Design Review under the Scheme will be:

• optional for councils to make available
• available to classes of development that are specified in the Planning and Design Code before they are lodged for assessment
• voluntary for proponents
• advisory

The PDI Act requires that any design advice provided by a design panel under the Local Design Review Scheme must be considered by the relevant authority during development assessment.

If a proponent chooses not to participate in Local Design Review, no design advice will be provided to the proponent or the relevant authority.

The diagram on the opposite page illustrates how Local Design Review will operate within the context of South Australia’s planning process.
Local Design Review within the planning process

**Before lodgement**
- Proponent's choice
- Direct lodgement
- Participate in Local Design Review
- Finalise design and development application with consideration of design advice

**Assessment**
- Assessment undertaken
- Assessment undertaken with consideration of design advice
- Lodgement

**Local Design Review**
- Proponent applies for Local Design Review
- Local Design Review takes place
- Design advice to proponent
Features of the Local Design Review Scheme

Availability of Local Design Review (section 2.1 of the draft Scheme)

All councils in South Australia will have a choice whether or not to make Local Design Review available in their area. If so, the council will need to work with the State Planning Commission to specify the eligible classes of development in the Planning and Design Code (the Code). The classes of development may be identified spatially (via an Overlay) and/or by certain criteria, such as building height or development that affects a heritage place.

The process for including the eligible classes of development within the Code is currently being considered by the State Planning Commission and the Department of Planning, Transport and Infrastructure (DPTI). Views on this are encouraged during consultation.

Provision of Local Design Review (section 2.2 of the draft Scheme)

The draft Scheme provides councils with flexibility for providing Local Design Review in their area:

1. a council may establish their own design panel; or
2. a group of councils may establish a joint design panel; or
3. a council may procure a design panel from an independent provider on an ‘as needs’ basis.

This flexibility is designed to provide councils with options when considering the availability of Local Design Review.

Registration to carry out Local Design Review (section 2.3 of the draft Scheme)

Registration under the draft Scheme would be required by those councils or independent providers who will establish their own design panel to carry out Local Design Review.

The diagram on the opposite page summarises the options for councils in relation to Local Design Review under the draft Scheme.
# Options for council registration

<table>
<thead>
<tr>
<th>Availability</th>
<th>Provision</th>
<th>Registration</th>
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<tbody>
<tr>
<td>Council decides to make Local Design Review available in their area.</td>
<td>Council decides to establish their own Local Design Review panel.</td>
<td>YES</td>
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<td></td>
<td>Council will need to work with the State Planning Commission to specify the eligible classes of development and include them within the Planning and Design Code.</td>
<td>A group of councils decide to establish a joint Local Design Review panel.</td>
</tr>
<tr>
<td>Council decides not to make Local Design Review available in their area.</td>
<td>Council decides not to establish their own Local Design Review panel.</td>
<td>Council will need to engage an independent provider if an application for Local Design Review is made.</td>
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Features of the Local Design Review Scheme

Panel member selection process (section 2.5 of the draft Scheme)

All independent providers and any councils who choose to establish their own or a joint Local Design Review panel will need to recruit panel members. The draft Scheme sets out the competencies in relation to the qualification and experience requirements for panel members.

Training (section 2.7 of the draft Scheme)

All panel members must complete an induction program that is in accordance with guidelines provided by the South Australian Government Architect before they can be involved in Local Design Review under the Scheme.

The induction program guidelines will be set out in guidance material once the Scheme is finalised.

Applying for Local Design Review (section 3.1 of the draft Scheme)

A proponent who wishes to participate in Local Design Review must apply to the council before lodging their development application for assessment. The PDI Act requires that a council must accept an application for Local Design Review if it is for a class of development that is specified in the Code.

Undertaking Local Design Review (Part 4 of the draft Scheme)

The specific roles and responsibilities for individuals involved in a Local Design Review session are identified in the draft Scheme.

Preparing design advice (Part 5 of the draft Scheme)

The draft Scheme sets out the process for preparing design advice and providing it to the proponent in a timely manner. It is intended that design advice is provided to the proponent within 10 business days after a Local Design Review session takes place.

A standardised template for drafting design advice will be included in guidance material once the Scheme is finalised.

Data collection and sharing (section 6.1 of the draft Scheme)

Every registered council or independent body will be required to collect data on all projects that undergo Local Design Review. It is envisaged that the South Australian Government Architect will use this data to prepare a report on Local Design Review.
Complaint management (section 6.4 of the draft Scheme)

A proponent who participates in Local Design Review may lodge a complaint in relation to a process or outcome under the Scheme. The complaint must be lodged with the council or independent provider who will have the primary opportunity to manage and resolve the matter.

Code of conduct (Part 7 of the draft Scheme)

All persons or bodies who operate under the Scheme will be subject to a statutory duty outlined in Section 15 of the PDI Act.

A council or independent body registered under the Scheme may prepare additional code of conduct requirements that must be read in conjunction with the requirements under the PDI Act.

Guidance material

The finalised Local Design Review Scheme will be accompanied by a guide that will be designed to support councils and independent providers who register to carry out Local Design Review. The guide will provide centralised and up-to-date information, advice and tools that may offer assistance with:

- design panel member recruitment
- training and induction requirements
- preparing for a successful Design Review session
- drafting design advice (including any templates)
- data collection
- any other useful information

The guide will be produced and maintained by ODASA.
Have your say

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Feedback received will help to finalise the Local Design Review Scheme for South Australia.

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121—Design review

(1) This section applies in relation to development of a class specified by the Planning and Design Code.

(2) A person who is considering the undertaking of development to which this section applies may apply to a design panel for advice.

(3) An application under this section must—
   (a) be in a form determined by the Commission; and
   (b) include any information specified by the Commission; and
   (c) be accompanied by the prescribed fee.

(4) If an application is made, a design panel will be established under a scheme determined by the Minister for the purposes of this section.

(5) The design panel may provide advice about 1 or more of the following:
   (a) the form or content of the proposed development; and
   (b) how the proposed development might be changed or improved; and
   (c) other matters that may assist with the assessment of the development; and
   (d) such other matters as the design panel thinks fit.

(6) A design panel may, in acting under this section, adopt such procedures as it thinks fit.

(7) A relevant authority must, in acting under this Act, take into account any advice provided by a design panel (insofar as may be relevant to the assessment of proposed development by the relevant authority).

(8) No action may be brought against a member of a design panel on the basis of any advice or other action given or taken by a design panel under this section.
COUNCIL
DEVELOPMENT AND ENVIRONMENTAL SERVICES
REGULATORY SERVICES REPORT
18 AUGUST 2020

7.5.4 DEBATE AGENDA – REGULATORY SERVICES REPORT

7.5.4.1 MOBILE FOOD VENDOR POLICY AND LOCATION RULES
B6097

Author: Manager, Regulatory Services

PURPOSE

To seek Council’s endorsement to formalise a Mobile Food Vendor Policy and Location Rules.

RECOMMENDATION

That Council:

(1) Receive and notes the contents of the four submissions received from the community during both phases of public consultation.

(2) Having considered the submissions, endorses the Draft Mobile Food Vendors Policy and Location Guidelines as a Policy of Council; and,

     Monitors the Implementation for a period of 12 months, with a subsequent report to be presented to Council by August 2021;

(3) Endorses the Annual and monthly Mobile Food Vendor permit fees of:

     Annual Permit Fee: $2,000.00
     Monthly Permit Fee: $200.00

     To be incorporated into Council’s Fees and Charges Register.

REPORT

Introduction

Council has undertaken two phases of public consultation seeking the community’s feedback on a Draft Mobile Food Vendor’s Policy and Draft Location Rules. The second phase of consultation was undertaken due to the first phase of consultation coinciding with the outbreak of COVID-19 in the region.
This report seeks to endorse and formalise the Draft Mobile Food Vendor Policy and Location Rules for implementation.

**Discussion**

Four responses were received across both public consultation periods. A summary of the submissions and officer comments in response are provided below.

<table>
<thead>
<tr>
<th>Who</th>
<th>Method</th>
<th>Respondent category</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nuri23</td>
<td>yoursay.barossa</td>
<td>I am a Mobile Food Vendor</td>
<td>“Mobile food vendors provide a unique service to the residents and visitors to the Barossa Valley region. The items are often produced with locally sourced ingredients and they offer convenient easy to eat options while on the go. They encourage local jobs and add vibrancy of the community and local events and festivals.”</td>
</tr>
<tr>
<td>Officer Comments</td>
<td>Submission from a Mobile Food Vendor in support.</td>
<td>No specific draft policy amendments recommended.</td>
<td></td>
</tr>
<tr>
<td>Pennyshiraz</td>
<td>yoursay.barossa</td>
<td>I am an Interested person</td>
<td>“Doesn’t go far enough to protect established rate paying permanent businesses who employ local people and invest in bricks and mortar.”</td>
</tr>
<tr>
<td>Officer Comments</td>
<td>Councils are limited by current legislation. No specific draft policy amendments recommended.</td>
<td>Recommend officers monitor implementation over 12 month period with further report to Council for consideration prior to August 2021.</td>
<td></td>
</tr>
<tr>
<td>Mr Scott</td>
<td>Facebook Comment</td>
<td>Not known</td>
<td>“You make it too involved via the website. I would suggest food vans only permitted on streets as a part of an organised event.” [SIC]</td>
</tr>
<tr>
<td>Officer Comments</td>
<td>Currently, the legislation does not allow such restriction. No specific draft policy amendments recommended. Recommend officers monitor implementation over 12 month period with further report to Council for consideration prior to August 2021.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ms Osbourne</td>
<td>Email</td>
<td>I am a ratepayer</td>
<td>“Should not be allowed to operate on a specific site more than one day a week. Should not be allowed to operate within 3 k of any cafe/restaurant/any permanent facility selling food. Should pay higher fees for permits to make them more competitive with business rate payers overheads. Should not operate in residential zones and cause nuisance noise, rubbish, vehicles etc Sell products that do not directly copy businesses within townships ie coffee vans in lay-bys when there are dozens of coffee shops in Tanunda who pay business rates and employ more than one/two people. Should not be allowed to trade within a local busi ness on their premises when there are food businesses within 1 k of site ie cellar door in town hires food truck within distance of established pub that provides food. Ensure vans operate safely, have seen bare wires running over pavement unprotected.” [SIC]</td>
</tr>
</tbody>
</table>
Councillors are limited by current legislation. Appeal rights of aggrieved MFVs to small business commissioner also exist. Proposed framework addresses the points raised about residential areas (unless mobile ice cream vendor), nuisances, litter and hazards. Maximum fees permitted by legislation have been recommended for adoption. Legislation prevents councils limiting the type of food being sold. Framework and intent of the legislation excludes private land. No specific draft Policy amendments recommended at this time. Recommend officers monitor implementation over 12 month period with further report to Council for consideration prior to August 2021.

As anticipated, the responses were divided with one being in favour and three recommending more restrictions to support fixed food businesses. Overall, the low response rate after two rounds of consultation suggests that the community in general, does not appear to have a strong view either way.

As a result, Officers recommended that Council endorse the Mobile Food Vendors Policy and Location rules unchanged, as presented and endorsed at the May Council meeting.

If supported, officers will monitor the implementation of this new Policy and provide a report for Council’s review and consideration prior to August 2021. This will also provide an opportunity to review and consider any changes made to the Local Government Act 1999.

**Summary and Conclusion**

It is recommended the Council endorsed the Mobile Food Vendor Policy and Location Rules as a Policy of Council.

**ATTACHMENTS OR OTHER SUPPORTING REFERENCES**

Attachment 1: Draft Mobile Food Vendor Policy and Location Rules
Attachment 2: Department for Planning, Transport and Infrastructure
Mobile Food Vendor - Operation Guidelines

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

Community Plan

Community and Culture
2.8 Provide opportunities for the community to participate in local decision-making.
Health and Wellbeing
4.7 Ensure food safety, hygiene and appropriate waste management standards are maintained.

Business and Employment
5.8 Ensure advice and support for small business is available.
5.13 Support economic development through events.

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
Section 222, 224, 225A, 225B - Local Government Act 1999

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Risk Management
Risk management considerations have been incorporated into the Policy framework in an effort to minimise nuisances, hazards and other adverse impacts caused by Mobile Food Vendors.

Financial Considerations
As previously reported, officers recommend the maximum annual and monthly fees.

Resource Considerations
The resource implications are largely unknown but will be monitored closely over the recommended 12 month review period.

COMMUNITY CONSULTATION

In accordance with Council’s Public Consultation policy, the community were invited to provide written feedback and submissions in relation to the draft documents.

The second phased of consultation commenced on 17 June 2020 and concluded on 7 July 2020. Engagement methods included Council’s new yoursay.barossa.sa.gov.au consultation platform, a media release, a public notice in a local newspaper, hard copy documents at branch offices and several Facebook posts inviting responses from the community.

One response was received during the first phase and three responses during the second phase, including one Facebook comment.
THE BAROSSA COUNCIL
MOBILE FOOD VENDORS POLICY

1. Purpose

1.1. The purpose of this Policy is to provide a framework for which Mobile Food Vendors may operate within The Barossa Council area in a manner that supports mobile food vendors, established food businesses and satisfies Council’s obligations under the Local Government Act 1999.

2. Scope

2.1 This Policy applies to all mobile food vendors operating on a public road or reserve within the Barossa Council.

Exclusion from this policy:
- Mobile Food Vendors operating as part of a Council-approved event or function.
- Mobile Food Vendors operating on private land with the consent of the owner of the land;
- Food delivery services;

3. Policy Statement

3.1 Mobile Food Vendors must operate in a manner that enhances and contributes to the vibrancy of the region and within defined Location Rules as per the prevailing Council Mobile Food Vendors Location Rules.

Council seeks to apply a balanced approach to the management of Mobile Food Vendors through the provision of areas and guidelines where Mobile Food Vendors may operate whilst acknowledging and supporting fixed food businesses.

3.2 General Principles

Mobile Food Vendors shall not:
- Operate in contravention of Council’s Mobile Food Vendor Location Rules or without a current Mobile Food Vendor Permit;
- Operate on main arterial roads under the management of Department of Planning, Transport and Infrastructure, or other State or Federal Government Department or authority without consent;
- Create or permit an adverse impact on road, traffic or pedestrian safety;
- Detract from the amenity of an area, or otherwise create a nuisance or hazard;
- Result in any increase in Council’s existing levels or service levels in relation to rubbish removal, maintenance or civil works unless formally approved by Council;
- Operate in a manner that overtly diverts business or customers away from existing Fixed Food Businesses;
- Operate unless food or beverage is the primary product being provided.
4. **Supporting Processes and Documents**

- The Barossa Council Location Rules – EDRMS 19/74178
- Department of Planning, Transport and Infrastructure Mobile Food Vending Operational Guidelines – EDRMS 20/6118
- Relevant guidelines, codes or rules issued by the State Government.
- Mobile Food Vendors Application – To be developed
- Mobile Food Vendor Permit – To be developed

5. **Related Policies**

6. **Legislation and References**

6.1. Local Government Act 1999 – Section 222
6.2. Local Government (General) Regulations 2013

7. **Review**

This Policy will be reviewed within 12 months or as legislation or Council’s need change.

8. **Further Information**

8.1. 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 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.

8.2. Any complaint in relation to this policy or its application should be forwarded in writing addressed to the Chief Executive Officer, PO Box 867, Nuriootpa SA 5355 or barossa@barossa.sa.gov.au.

9. **Document Control**

<table>
<thead>
<tr>
<th>Corporate Plan Link:</th>
<th>6.2 Ensure that Council’s policy and process frameworks are based on principles of sound governance and meet legislative requirements.</th>
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<td>Manager, Regulatory Services</td>
</tr>
<tr>
<td>Document Control Officer:</td>
<td>Administration and Technical Support – Regulatory Services</td>
</tr>
<tr>
<td>Consultation Rating:</td>
<td>A</td>
</tr>
<tr>
<td>Next Review Date:</td>
<td>12 Months from approval</td>
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**Version history**

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<td>2.0</td>
<td>DD/MM/YYYY</td>
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### 10. Definitions

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
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<tbody>
<tr>
<td>Authorised Person</td>
<td>Authorised Person means a person appointed by a council as an authorised person under Chapter 12 Part 3 of the Local Government Act 1999.</td>
</tr>
<tr>
<td>Mobile Food Vendor</td>
<td>Means the operation of a business or activity involving the provision or sale of food or beverages from a vehicle.</td>
</tr>
<tr>
<td>Mobile Ice Cream Vendor</td>
<td>Refers to a mobile food vendor that is primarily engaged in the sale of ice cream. These vans have increased mobility and do not remain standing for any extended period of time, generally only stopping as hailed by customers, primarily in residential areas.</td>
</tr>
<tr>
<td>Vehicle</td>
<td>Has the same meaning as the Road Traffic Act and includes: Motor Vehicles, Trailers, Caravans or Bicycles.</td>
</tr>
<tr>
<td>Fixed Food Business</td>
<td>An established and approved business on private property which has the primary purpose of, or a significant proportion of business relating to, the retail sale of food or beverages direct to the public, and includes: Cafes, restaurants, takeaway food businesses, bakeries, butchers, supermarkets, fast food outlets and some service stations.</td>
</tr>
<tr>
<td>Food</td>
<td>As Per the Food Act 2001, means any substance prepared or grown for human consumption.</td>
</tr>
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</table>
| Private Land or Private Property | Means any land or area under private ownership or not under the care or control of The Barossa Council.  
  For the purposes of this policy, private land also includes land or assets under the care and control of the State Government or a State Government body or agency. |
| Public Road                   | Has the same meaning as the Local Government Act, being—  
  any road—  
  (i) that is vested in a council under the Local Government Act, or another Act, or;  
  (ii) that is placed under a Council’s care, control and management as a Public Road after the commencement of the Local Government Act.  
  And includes the areas commonly known as the road verges, nature strips and footpath areas. |
| Reserve                       | Reserve means community land reserved or dedicated as a Reserve or designated by the council as a Reserve;                               |
| Highway                       | **Highway** means—  
  (a) A main road or a controlled-access road within the meaning of the Highways Act 1926; or  
  (b) A road vested in the name of the Commissioner of Highways or the Minister to whom the administration of the Highways Act 1926 is committed; or  
  (c) A road that is subject to a notice under section 26 of the Highways Act 1926 |
| Movable Sign                  | Has the same meaning as Council’s Movable Sign By-law.                                                                               |
| Application Fee               | The relevant fee that is payable upon submitting an application for a Mobile Food Vendor Permit; which has been approved by Council and contained within the Fees and Charges Register. |
The Barossa Council
Mobile Food Vendor Location Rules

Local Government Act 1999
Section 225A
Conditions and Location Rules

An application shall be accompanied by the applicable fee and all relevant or required information specified in Mobile Food Vendors Application form, or as required by an Authorised Officer; including but not limited to:

- Certificate of Currency of a minimum of $20,000,000 public liability insurance policy.
- Certificate of Currency for gas and/or electrical installations
- Risk assessment for the activity and locations
- Any relevant accreditation, approval or results of an inspection or assessment in relation to food safety

Permits will only be offered on an annual or monthly basis.

Upon receipt of a permit, a Mobile Food Vendor must select a suitable site after having regard to the following, and must operate within Council’s location rules and general conditions at all times.

Location rules

A Mobile Food Vendor shall not operate:

1. In a residential area or in an area within 150m of a residential premises;
2. Within 150m of any Fixed Food Business while that business is open to the public;
3. Within 50 metres of another mobile food vending business, unless specific approval is provided by Council.

*Mobile Ice Cream Vendors are exempt from complying with requirements 1-3. Instead must ensure that a reasonable distance is kept from other mobile food vendors and fixed food businesses.

Nuisance and Amenity

4. In a manner where the activity causes, or is likely to cause any nuisance, in the form of noise, odour, dust or smoke (or similar agents) to any nearby premises.

Road Safety

5. On any road designated as a freight route;
6. In or on any area, including road verges or Reserves, where the parking or movement of vehicles is otherwise not permitted.
7. In an area, or in any manner that, in the opinion of an Authorised Person, the activity or customers (including vehicles parking, entering, leaving or congregating) creates, or is reasonably likely to create a hazardous or unsafe situation, obstruction, restriction or hindrance to pedestrians, cyclists, vehicular traffic or roadworks;
8. On any part of the Sturt Highway or any other road, including the road verges or nature strips under the care of The Department of Planning Transport and Infrastructure (DPTI) without approval from DPTI, or in contravention of DPTI Mobile Food Vending Operational Instructions.
A Mobile Food Vendor must:

**Litter and waste**

9. Be self-sufficient and not rely on access to water, electricity or any other service;
10. Ensure that all waste and waste water is contained on the vehicle and disposed of in an approved manner;
11. Not use Council provided public rubbish bins for the disposal of litter or waste. All rubbish or waste created by the business must be removed from the site.

**Parking**

12. Select a site that does not unduly interfere with the movement or parking of vehicles or pedestrians.
13. Select a site that does not obstruct access to any parking spaces or areas, including parking areas for people with disabilities;
14. Comply with all existing signs or laws relating to the parking and movement of vehicles and pedestrians;

**Signage**

15. Display no more than one movable sign directly adjacent the selected location in accordance with Council’s Movable Sign By-laws;
16. Not attach signage or any other object associated with the activity to any other structure, object, tree or other vegetation;
17. Only display signage which advertises the Mobile Food Vendor or products available for purchase from the Mobile Food Vendor.

**General**

18. Not operate in any caravan park without the permission of the Park Manager.
19. Not operate outside of any Bushfire Safer Place on a day of Severe Fire Danger as declared by Country Fire Services (CFS);
20. Not operate on any day of Extreme or Catastrophic Fire Danger as declared by CFS;
21. Not provide or offer alcohol, including for sale, tasting or sampling;
22. Ensure that the activity does not result in any deliberate damage to any asset, object or structure. Any damage including accidental damage deemed to be caused by the Mobile Food Vendor activity will be the responsibility of the permit holder.
23. Comply with any reasonable direction or request from an Authorised Person, a member or officer of the South Australian Police or South Australian Country Fire Service.

**Hours of operation**

24. Not operate between the hours of sunset and 7.00am unless formally approved by Council or a delegated officer.
Approvals or legislative requirements

Ensure compliance with any relevant provision of any relevant legislation, including (but not limited to):

a) The Mobile Food Vendor permit issued by The Barossa Council;
b) The Fire and Emergency Services Act 2005
c) The Barossa Council’s By-laws
d) The Barossa Council’s Policies and Processes
e) Local Nuisance and Litter Control Act 2016
f) Motor Vehicle Act 1959, Road Traffic Act 1961 and Australian Road Rules
g) The Food Act 2001
h) South Australian Public Health Act 2011
i) The Environment Protection Act 1993
j) Relevant laws, regulations, guidelines or rules relating to mobile food vending businesses or an aspect of that business, or electrical or gas installations or appliances;
k) The Local Government Act 1999 and associated Regulations

Fees

An application for a Mobile Food Vendor permit within The Barossa Council area must be accompanied by a completed application form.

Prior to a Mobile Food Vendor permit being issued, the following fees are payable:

- Monthly Permit: $200.00
- Annual Permit: $2,000.00

Application fees will be reviewed annually as part of Council’s Annual Budget and Business Plan review Policy and Process.

Refunds will only be provided for annual permits where a permit is cancelled or surrendered by the permit holder. Refunds will be calculated on a pro-rata basis based on the unused portion (whole months only).

Review

These Location Rules will be reviewed after a period of 12 months, or sooner if considered necessary.
Operational Instruction

Mobile Food Vending
### AMENDMENT RECORD

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<th>Version</th>
<th>Page(s)</th>
<th>Date</th>
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This document has been prepared by the Traffic Operations Section. It has been approved and authorised for use by Department of Planning, Transport and Infrastructure and its authorised agents by:

Manager, Traffic Services  
28 / 08 / 2018

Assistance provided from Road and Maritime Services NSW and the Department for Transport and Main Roads QLD during the development of this publication is acknowledged.

Extracts may be reproduced providing the subject is kept in context and the source is acknowledged. Every effort has been made to supply complete and accurate information. This document is subject to continual revision and may change.

For information regarding the interpretation of this document please contact:

Traffic Operations, Safety and Services Division, DPTI  
Email: dpti.tassadminsupport@sa.gov.au

For additional copies or to confirm the current status of this document refer to the website below:

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1. Scope

This operational instruction provides guidance to the Department of Planning, Transport and Infrastructure (DPTI), local government and roadside vendors in the consistent and responsible management of roadside vending activities on or adjacent DPTI Roads. The intent of this instruction is to:

- Support roadside vending in appropriate locations.
- Ensure a safe and efficient road network.
- Protect road infrastructure from potential damage.
- Reduce potential impacts on future road construction and maintenance works.
- Preserve the function of rest areas and the space provided for parking.

This operational instruction does not apply to roads located in unincorporated areas (outside council boundaries). In the unincorporated areas of South Australia DPTI acts as council. Any applications for operating a mobile food vendor business in unincorporated areas should be forwarded to the Department of Planning, Transport and Infrastructure. Applications from the mobile food vendor (and whether any subsequent approvals are granted) to operate their business will be considered on a case-by-case basis. The Commissioner of Highways is not required to issue permits under the Local Government (Mobile Food Vendors) Amendment Act 2017 (SA).

This operational instruction does not apply to non-commercial Driver Reviver operations. Driver Reviver events shall have priority over commercial mobile food vendors for rest area sites. Information regarding Driver Reviver is contained within Operational Instruction 5.1 – Road Safety Message Signs.

2. Background

Roadside vending has developed as a business activity in South Australia, offering a service to the community.

The Local Government Act 1999 provides legislative controls directly or through bylaws that enable Councils to issue a permit or restrict the conduct of business on roads and road related areas. It is an offence to conduct roadside activities on a DPTI road without a permit.

The Local Government (Mobile Food Vendors) Amendment Act 2017 requires councils to adopt rules that set out locations within a council’s area in which mobile food vending businesses may apply to council for a permit to operate.

The location rules apply to road and road related areas and for mobile food vending businesses only. A mobile food vending business means a business involving the sale of food or beverages from a vehicle (within the meaning of the Road Traffic Act 1961).

Council must obtain DPTI’s approval prior to issuing a permit for vending on a DPTI road or road related area.
3. Mobile Food Vending

Mobile food vending has the potential to produce more hazardous traffic conditions as compared with traditional commercial developments. If access and parking facilities are inadequate, or if traffic conditions vary, then roadside vending can lead to unexpected traffic / pedestrian manoeuvres and increased crash risk.

Mobile food vending businesses (or potential businesses) should be aware that:

- They are making their own assessment on whether the site will be financially viable for their business. DPTI and council will not guarantee commercial viability.
- The permit will be limited to the sale of refreshments, including light foods, snacks and drinks (excluding alcohol).
- Mobile food vending businesses must hold a valid current Public Liability Insurance for a minimum amount of $20,000,000.00.
- A permit to trade is granted at the sole discretion of the local council (with concurrence from DPTI).
- Only the approved use is allowed, no additional services may be provided.
- Approvals are not transferable to any other site or to any other person other than the applicant.
- The applicant must be the operator (business partners must also be named).
- Permits must be displayed at the site during operating hours.
- The permit holder is responsible and liable for the cost of any damages to the Commissioner of Highways assets resulting from the mobile food vending business.
- On road mobile vending vehicles must park parallel to the kerb with trading and service only to occur on the kerb side.
- Mobile food vending vehicles must not cause undue noise, odour, fumes etc. or other disturbance to the surrounding environment.
- Mobile food vending vehicles must be self-sufficient in regards to power and waste water.
- Mobile food vending businesses must supply adequate rubbish and litter disposal receptacles for use for the business and customers, and all rubbish is to be removed from the site. Public bins shall not be used.
- If a site is permitted within a rest area, no advertising or activity will be allowable outside the rest area, including pedestrian or vehicle movements by the applicant or workers to take or deliver orders. The applicant shall not encourage trade from the opposite side of the road to the rest area.
- Unless otherwise stipulated in writing by Council and DPTI, no more than two mobile food vending vehicles are to operate within a 150 metre long section of public road or road related area (with the first attending vehicle to have preference of location). Where possible, these vehicles should locate themselves alongside each other to create a destination.
• Unless otherwise stipulated by council and DPTI in writing, trading hours are restricted to daylight hours.
• Council and DPTI reserve the right to terminate a permit in accordance with the conditions as set out in the approval.

4. Rest Areas

DPTI has undertaken to provide regular rest area facilities on DPTI maintained roads in South Australia to support road safety. The department supports operations at rest areas that may help drivers manage fatigue and enhance their travelling experience.

Heavy vehicle rest areas, in particular, play an important role in enabling heavy vehicle drivers to observe statutory regulations for driving, take rest breaks to counter the effects of fatigue, as well as to check their loads and fill in their log books. Therefore, at rest areas deemed suitable for certain activities, DPTI will work with councils to permit mobile food vendors to sell light refreshments. It is important, however, that vending in roadside rest areas does not adversely affect the function of the rest area or the number of parking spaces available.

5. Assessment Checklist

A checklist has been developed to outline the typical assessment criteria required by DPTI to assess applications for roadside vending sites.

5.1 Location Rules

The proposed vending site and operations shall comply with the location rules established by local government.

If the operator of a mobile food business is directly adversely affected by the location rules of the council, the operator may apply to the Small Business Commissioner for a review of the location rules by the Small Business Commissioner.

5.2 Road Function

Mobile food vending businesses should not typically operate on or beside a road with a posted speed limit greater than 60 km/h unless the applicant can demonstrate to DPTI and council that neither safety nor efficiency is compromised e.g. a rest area or bay set back from the road and technically assessed as suitable for mobile vending.

Mobile food vending businesses should not operate:

• On or beside any DPTI maintained rural high speed roads including motorways, expressways and freeways.
• Within a clearway or special purpose lane e.g. bus lane, bicycle lane, tram lane, etc.
- On or beside the metropolitan arterial network during the hours of 7am – 10am and 3pm - 7pm Monday to Friday (unless otherwise stipulated by council and DPTI in writing).
- In a location that would unduly interfere with public transport, or unduly obstruct the use of public roads.

5.3 Visibility of entry and exit points

Sight distance requirements in accordance with *Austroads Guide to Road Design Part 3 – Geometric Design* shall be satisfied.

5.4 Road and Roadside Environment

The following should be considered as a minimum:

- Shoulder width (for non-kerbed roads) – sealed or unsealed (shoulders assist with the safe deceleration and acceleration of vehicles entering and exiting the site). Degradation of unsealed shoulders or pavement edges should not be accelerated.
- If not within an established parking lane the distance between the proposed vending operation and traffic lanes should be maximised to reduce the risk of impact by errant vehicles.
- Ensure that there is a suitable distance between the vending site and any other road / roadside infrastructure, for example
  - Intersections, accesses, turnouts (closely spaced accesses are associated with increased crash risk)
  - Roadside furniture and hazards (culverts, longitudinal drainage, lighting, etc.)
- Gradient suitability – downgrades may impede the ability of vehicles to decelerate into the site, while upgrades may require longer acceleration distances.

5.5 Police Enforcement

The proposed roadside vending site shall not coincide with an existing safety camera site.

5.6 Pedestrian Safety

Consider the following as a minimum:

- Pedestrians should not have to move out along the shoulder area of a carriageway to avoid the vending site.
- The likely interaction between entering / exiting vehicle traffic within pedestrian areas.
5.7 Disability Discrimination Act

The mobile vending business shall not obstruct vehicle and pedestrian traffic, footpaths, driveways, access points to buildings and parking areas for people with disabilities.

5.8 Parking

The following should be considered as a minimum:

- Vehicles performing parking manoeuvres should not be in an area that will not be anticipated by, or unacceptably impede, through traffic.
- Anticipated parking volumes should not overload or congest existing parking facilities and therefore cause problems.
- Manoeuvring paths must be accommodated within the site.
- Consider the suitability of parking. E.g. parking provided on both sides of the road or only on the vending side.
- Suitability of the parking surface. E.g. sealed or unsealed.
- Parking should typically be clear of the existing formation (unless there is existing approved parking).

5.9 Road Construction and Maintenance

The site shall not interfere with proposed road works.

Vehicle and pedestrian access to the site shall not create new or accelerate existing maintenance requirements.

The permit holder is responsible and liable for the cost of any damages to the Commissioner of Highways assets resulting from the mobile food vending business.

5.10 Environmental Impacts

The site shall not have the potential to unduly impact on adjoining land or waterways.

If there is an adjacent nature reserve, there shall be no potential for negative impacts through trampling, physical intrusion or other damage to vegetation, or indirectly through soil compaction or a reduction in visual amenity.
6. Approvals

If councils include DPTI roads and road reserves within their location rules then council must articulate in their respective policies / permit processes that satisfying the conditions within this publication is a condition of permit for sites located on DPTI roads or road reserves.

Council must obtain approval from the Traffic Operations Section of DPTI prior to issuing a permit for vending on a DPTI road or road related area. Traffic Operations will liaise with other sections within the department as required during the assessment period. Traffic Operations can be contacted via DPTI.EnquiriesAdministrator@sa.gov.au

It is an offence to conduct roadside activities on a DPTI road without a valid current permit from council. Council and DPTI reserve the right to terminate a permit in accordance with the conditions.

If a mobile food vendor has had a permit cancelled under s 225(1)(a):
- The person must not apply for a permit within a period specified by the council (not exceeding 6 months).
- If the person holds a permit granted by another council, or has applied for a permit from another council, inform that council as soon as reasonably practicable.

7. Legislative Requirements

A mobile vending business must select a site and operate in manner that does not breach any relevant legislation. This includes but may not be limited to:
- The Australian Road Rules
- The Road Traffic Act 1961
- The Local Government Act 1999
- The Local Government (Mobile Food Vendors) Amendment 2017
- The Local Government (General) (Mobile Food Vendors) Variation Regulations 2017
- Local Council By -Laws
- The Motor Vehicle Act 1959
- The Food Act 2001
- The South Australian Public Health Act 2011
- The Environmental Protection Act 1993
- Work Health and Safety Act 2012
7.5.4 DEBATE AGENDA – REGULATORY SERVICES REPORT

7.5.4.2 DRAFT ENFORCEMENT POLICY
B6097

Author: Manager, Regulatory Services

PURPOSE

To consider and endorse a Draft Enforcement Policy for public consultation.

RECOMMENDATION

That Council:

(1) Endorse the Draft Enforcement Policy for a period of public consultation in accordance with Council’s Public Consultation Policy.

(2) Adopts the Draft Enforcement Policy as a Policy of Council, at the immediate conclusion of the public consultation period, in the absence of any written submission being received.

REPORT

Introduction

Local Government is charged with a range of enforcement powers under various pieces of legislation to assist in protecting the community, the landscape, the local environment and amenity.

A Draft Enforcement Policy (the draft Policy) has been prepared which provides a framework to guide Council and its officers in investigating breaches of legislation and undertaking enforcement action.

Discussion

The draft Policy was presented at a recent Council workshop.
Having such a Policy is considered a best-practice rather than a legal requirement. It will provide consistency, proportionality, transparency and guidance to Council and its officers in investigating breaches of legislation or considering whether to undertake enforcement action.

The draft Policy has been based on the Local Government Association’s Template and is consistent with many other councils, and is provided as Attachment 1.

The draft Policy provides the following Policy statement:

“It is Council policy position to seek to resolve enforcement matters in the first instance through a collaborative or negotiated approach where possible and appropriate, but acknowledges the need for formal enforcement action in certain circumstances.”

Whilst it provides an initial focus on conciliation, collaboration and non-regulatory options in appropriate circumstances; it also provides and supports various formal enforcement options where the matter being investigated necessitates.

The draft Policy seeks to provide an overreaching framework for the range of statutes that Council has responsibility for administering.

Summary and Conclusion

The draft Policy has been prepared to guide Council and officers in the discharge of a range of regulatory, enforcement or compliance activities across all department of Council.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1: Draft Enforcement Policy

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan

Community and Culture

2.8 Provide opportunities for the community to participate in local decision-making.

2.12 Contribute to a safer community

Corporate Plan

How We Work – Good Governance

4.7 Address nuisance and environmental risk such as animals, vermin, pest control, illegal dumping on public land and fire prevention.
6.2 Ensure that Council’s policy and process frameworks are based on principles of sound governance and meet legislative requirements.

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.

**Legislative Requirements**

Nil

### FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

**Risk Management**

The draft Policy is not a legal requirement but is considered best practice. It has been based on existing approaches to enforcement and provides formal guidance to Council and Council officers to ensure consistency, transparency and proportionality, which may limit Council’s risk exposure.

There are no other risk management considerations.

**Financial Considerations**

There are no known financial considerations.

**Resource Considerations**

There are no known resource considerations. The document does not provide specific examples. Guidelines or services level statements about specific matters may be determined later if deemed necessary.

### COMMUNITY CONSULTATION

It is proposed to undertake a period of public consultation in accordance with Council’s Public Consultation Policy.

Any written submissions received during the consultation period will be tabled at a future Council meeting for Council’s consideration.
THE BAROSSA COUNCIL
ENFORCEMENT POLICY

1. Purpose

1.1. To provide a framework which guides Council and its officers in investigating and addressing matters of non-compliance within the community. The framework provides consistency, and ensures that any action is proportionate to the circumstances and situation being investigated in each case. The framework ensures that transparency and procedural fairness principles are applied.

2. Scope

2.1. Local Government is charged with a range of legislative responsibilities which assist in protecting the community, the landscape, the local environment and amenity. Council’s customers include both those on whom the law places a duty and those whom the law protects.

Council staff are required to investigate, enforce and ensure compliance with a range of legislative provisions. This Policy outlines Council’s approach to matters of non-compliance, where enforcement is an option, and provides Council Officers with direction about the manner in which enforcement matters are to be undertaken.

3. Policy Statement

3.1. Council encourages and supports its officers to consider and carry out activities and initiatives which encourage and ensure compliance with relevant legislation.

It is Council policy position to seek to resolve enforcement matters in the first instance through a collaborative or negotiated approach where possible and appropriate, but acknowledges the need for formal enforcement action in certain circumstances.

4. Principles of Enforcement

Council will ensure that it adheres to the following principles:

4.1 Proportionality

A proportionate response means that Council’s actions will be scaled to the seriousness of the breach.

Council recognises that most individuals want to comply with the law. Authorised Officers will assist by being open and helpful, offering advice and providing the opportunity to discuss compliance issues to rectify non-compliances where possible.

A range of legislative and non-legislative options are available to Council. Prosecution will generally be used as a last resort, or for serious or repeat non-compliances.
4.2 Consistency

Council will endeavour to take a similar approach in similar cases. Decisions on enforcement require the use of professional judgement and discretion to assess varying circumstances. To assist with this, Authorised Officers will:

(i) Follow standard operating procedures wherever applicable;
(ii) Ensure fair, equitable and non-discriminatory treatment;
(iii) Record and store all relevant information relating to enforcement in accordance with Council’s Knowledge Management Policy and procedures; and
(iv) Record any deviation from standard operating procedures and the reasons.

4.3 Transparency

Council will be open and transparent about the manner in which it undertakes enforcement actions and the legislation under which the action is enforced.

Officers will provide the opportunity and will be open to discussing all matters including potential and actual non-compliances.

When remedial action is needed Council will:

(i) Explain clearly why the action is necessary;
(ii) Where practicable, or where required by legislation, give notice of Council’s intent to commence formal enforcement action;
(iii) Identify what action is required to achieve compliance and the appropriate timeframe for undertaking that action;
(iv) Provide advice on the process to seek a review of or appeal that decision when requested, or where required by legislation.
(v) Provide guidance on accessing relevant documents, legislation and where required, legal aid.

Enforcement decisions must be fair, consistent, balanced and relate to standards that ensure the public is adequately protected.

In circumstances where legislation enables (or requires) Council to undertake immediate action and where it is not practical to give formal notice of its intention to enforce a matter due to the urgency or immediate risk to the community, the reasons why will provided at the earliest opportunity and will be recorded in accordance with Council’s Knowledge Management Policy.

Council Officers will follow established policies and processes when keeping a complainant informed of the progress of a particular matter; or otherwise notifying of an outcome.

4.4 Conflict of Interest

Where a Council Officer has a personal association or relationship, or a perceived association or relationship, with an individual or entity who may have breached a law or is subject of a request for service (or with any other individual or entity involved) an alternate Authorised Officer will investigate the matter and make decisions, where possible.
The facts regarding the conflict/relationship will be reported and recorded in accordance with Council’s Knowledge Management Policy and procedure. The Council Officer who has a conflict of interest shall not make a decision or undertake any enforcement action in relation to the non-compliance, and abstain from further/any action that give rise to the conflict. The Council employee or contractor will further ensure that they disclose the conflict to the Chief Executive Officer in accordance with Council procedure and Section 120(2) of the Local Government Act 1999.

4.5 Authorisation of Officers

Only Officers who have the required training, qualification and/or experience will be authorised by Council or its delegate to take enforcement action. Officers will also have sufficient training and understanding of Council’s policies and processes to ensure a consistent approach to their duties.

4.6 Written Documentation

All enforcement decisions shall be recorded and documented in accordance with Council’s Knowledge Management Framework.

All notices or forms used shall comply with relevant legal requirements.

When providing written documentation to an alleged offender, Authorised Officers will provide:

(i) All information necessary to comply with legal requirements;
(ii) If remedial action is required, the required time frame to secure compliance;
(iii) If necessary, the reasons why the legislation was contravened; and
(iv) Measures necessary to ensure compliance and the consequences of non-compliance; and
(v) Any requirement detailed in 5.4

5. Enforcement Options

5.1 No Action

No action is an option and will be considered when, after investigation, no breaches of the legislation are discovered, no best practice options can be determined or the matter is outside of Council’s area of jurisdiction or authority.

It may also be appropriate to take no action when:

(i) The complaint is frivolous, vexatious or trivial in nature; or
(ii) Taking action may prejudice other major investigations

Following an investigation of a matter, where a decision is made not to take enforcement action, the decision and reasons will be recorded in accordance with Council’s Knowledge Management Framework.
5.2 Informal Action

Informal action to achieve compliance with legislation may include:

(i) Providing verbal or written advice on the matter, which may include recommendations to prevent further non-compliances;
(ii) A verbal or written warning with a request for remedial action.

Advice from Authorised Officers will be clear and confirmed in writing where deemed necessary. The circumstances in which informal action may be appropriate in the Authorised Officer’s opinion include:

(iii) The act, activity or omission is not serious enough to warrant formal action;
(iv) The Duty Holder’s past history reasonably suggests that informal action will secure compliance;
(v) Confidence in securing ongoing compliance is high;
(vi) The consequence of the non-compliance will not pose a significant risk;
(vii) There are other examples where informal action has achieved the desired approach in similar circumstances;
(viii) Where informal action may prove more effective or efficient than a formal approach.
(ix) The cost of formal action is disproportionate to the matter at hand.

5.3 Mediation

Mediation is a possible alternative where, after investigation, Council Officers consider that the matter is unlikely to be easily resolved through either formal or informal means. The use of mediation services may also be appropriate where an aggrieved individual has no wish to pursue action to resolve a complaint by legal means; or where Council has no legal authority to act.

If deemed appropriate by the relevant officer, Council will provide guidance and information on suitable mediation services, if both parties agree.

Council will not contribute to the costs of mediation, any costs associated with mediation services is the responsibility of both parties.

5.4 Formal Action

Where informal action has failed to achieve the desired outcome, or where there are greater public interests, or due to the seriousness, systemic or ongoing nature of the matter; the following action will be considered.

5.4.1 Service of Orders, Notices and Directions (Not including Expiation Notices)

Various Acts specify the processes which Council must follow, in order to:

- Advise of the intention to issue an Order or Notice;
- Invite submissions with respect to the matter;
- Order a person to act or refrain from acting in a specified manner; and/or
- Issue directions specifying how the Order may be complied with.
Council Officers must have regard to Council’s Order Making Policy when considering an Order under Chapter 12, Part 2 of the Local Government Act 1999.

(i) Authorised Officers will use professional judgement and discretion to assess the variables relating to each matter under consideration, including the reasonableness of the actions required by an Order or Direction and the timeframe to comply.

(ii) In circumstances such as a threat to life or immediate or impending threat to public health or safety, Formal action may commence without giving notice of intention to expedite a matter. In these circumstances the action must be supported by relevant legislation.

(iii) In most cases the person receiving the Order or Notice has a right of appeal to the appropriate Court or Tribunal. If an Order or Notice is served for which an appeal is possible, Council will include information detailing the right to appeal and the relevant legal provisions at the time of serving the Order.

(iv) Where there is evidence that an offence has been committed, Council may issue an Expiation Notice or commence a prosecution in addition to serving an Order or Notice. This will only be done where it is determined by an Authorised Officer that the conduct of the recipient justifies taking both steps. Council may also apply to the Court for an Order to be made.

5.4.2 Action in Regard to a Default

(i) Failure to comply with Orders or Notices may incur further enforcement action and/or prosecution.

(ii) Where legislation provides, Council may undertake further action following non-compliance or default in relation to an Order, Notice or Direction and may proceed to undertake the work contemplated by the Order or Notice and seek to recover the costs of that work.

(iii) The decision to carry out action in default will be made by an Authorised Officer of Council with appropriate delegated authority.

(iv) Before entering into a contract to undertake the work, Council will consider whether there is a realistic prospect that the person responsible will complete the work within a reasonable time. Where Council determines to undertake the work in default, Council will seek to recover all reasonable costs in accordance with legislation. A decision not to recover costs will be made by staff with appropriate authority to do so, or Council.

(v) Where an Order, Notice or Direction has not been complied with and where legislation allows, Council may issue an Expiation Notice or launch a prosecution in addition to taking action to fulfil an Order. This will only be done where the conduct of the recipient justifies taking such steps.
5.4.3 **Expiation Notices**

Various Acts allow councils to issue expiation notices for a range of matters. Council will avoid using expiation notices as a means of securing compliance in the first instance, unless:

(i) There has been a failure to correct an identified breach of a similar nature after informal or formal action, or;

(ii) There is evidence of systemic, regular or ongoing breaches of legislation, by an individual or by a range of individuals and informal action is unlikely to achieve the desired outcome effectively or efficiently, or

(iii) The breach creates a significant risk to the community, or

(iv) There is a desire to provide appropriate disincentive for the behaviour or breach.

A person receiving an Expiation Notice is entitled to elect to be prosecuted for the alleged offence, as such Council officers must have sufficient and admissible evidence to prove the offence beyond reasonable doubt as if the matter was proceeding to court.

Council will ensure that its officers are fully trained in all aspects of conducting investigations, evidence gathering, statement taking and issuing of expiation notices.

5.4.4 **Prosecution**

A prosecution will only proceed where, after gathering all available evidence, it is believed that the offence can be proved on the balance of probabilities or beyond reasonable doubt whichever applies to the particular standard of proof required for the prosecution and must be supported by Council’s solicitor/s.

(i) The following circumstances, by example only, may be referred for prosecution:

- An alleged breach of the law such that public health, safety, and welfare have been put at risk;
- The alleged breach is too serious or the risks too great to be dealt with by means of an Expiation or other formal or informal action;
- A failure to correct an identified serious problem after having been given reasonable opportunity to do so through other formal action or expiation;
- A failure to comply with the requirements of an Order;
- An established and recorded history of similar offences;
- An unwillingness, on the part of the individual or other body, to prevent a recurrence of, or rectify, the problem, or;
- To facilitate the recovery of the costs of remedial work or financial compensation.

(ii) Where it is held that the matter should be referred for prosecution, all relevant evidence and information will be made available to Council’s legal representative to enable a consistent, fair and objective decision to be made.
(iii) Before a prosecution is recommended there must be substantial, reliable and admissible evidence that an identifiable person or organisation has committed the offence; and that all reasonable steps have been taken to resolve the matter prior.

(iv) A decision to prosecute must be in the public interest. In considering whether prosecution is in the public interest, the following additional factors will be considered:

- Whether the offence was premeditated;
- The need to influence the alleged offender’s future behaviour;
- The availability and efficiency of any alternatives to prosecution;
- The prevalence of the alleged offence and the need for deterrence, both personal and general; and
- The likely expense, length and outcome.

(v) The final decision to initiate a prosecution will be made by the Chief Executive Officer or where deemed necessary, Council.

5.5 Cost recovery

Council may incur significant costs (legal and/or otherwise) when enforcement action is taken to rectify illegal activities. In the interest of reducing the financial burden of pursuing enforcement and compliance matters on ratepayers, Council will seek to recover costs incurred where possible.

6 Supporting Processes and Documents

6.1 Model Council Enforcement Policy; Local Government Association of South Australia

7 Related Policies

Order Making Policy
Knowledge Management Policy
Delegations Register

8 Legislation and References

Order Making Policy
Local Government Act 1999
Development Act 1993
Dog and Cat Management Act 1995
Expiation of Offences Act 1996
Fire and Emergency Services Act 2005
Food Act 2001
Local Nuisance and Litter Control Act 2016
Planning, Development and Infrastructure Act 2016
SA Public Health Act 2011

9 Review

7.1 This Policy shall be reviewed by Policy Owner in consultation with the relevant stakeholders, within four years or more frequently if legislation or Council needs change.
Further Information

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

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 0 above for availability).

Document Control

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<th>Corporate Plan Link:</th>
<th>6.2 Ensure that Council’s policy and process frameworks are based on principles of sound governance and meet legislative requirements.</th>
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<td>Director, Development and Environmental Services</td>
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<td>Document Control Officer:</td>
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<td>Next Review Date:</td>
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Version history

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<th>Version No.</th>
<th>Date</th>
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<td>1.0</td>
<td>__ / ___ / 2020</td>
<td>New Policy</td>
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<td>Definitions</td>
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<tr>
<td><strong>Enforcement</strong></td>
<td>Enforcement refers to the use of legislative provisions to direct a person or body to make good a breach of legislation and/or otherwise penalise a person for a breach. Enforcement is a tool to ensure compliance and accountability for illegal conduct or other wrongdoing.</td>
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<td><strong>Authorised Officer</strong></td>
<td>A Council Officer who is authorised to carry out statutory functions or powers specified within a particular piece of legislation. The decision to appoint an Authorised Officer may only be made by Council or a delegate of Council.</td>
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<tr>
<td><strong>Council Officer</strong></td>
<td>Includes Elected members, Council employees and Contractors.</td>
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<tr>
<td><strong>Compliance (or Compliant)</strong></td>
<td>The act of adhering to, following or abiding by Legislation. Compliance may or may not involve the process of enforcement.</td>
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<tr>
<td><strong>Non-Compliance (or Non-Compliant)</strong></td>
<td>An Act by a duty holder which demonstrates a failure to meet an obligation or requirement imposed by legislation.</td>
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<tr>
<td><strong>Council</strong></td>
<td>Means The Barossa Council or an Officer with appropriate delegated Authority.</td>
<td></td>
</tr>
<tr>
<td><strong>Legislation</strong></td>
<td>Includes any Act, Regulation, By-Law, Code, Policy, Standard or other legislative provision to which Council has a legislative obligation or responsibility to enforce.</td>
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<td><strong>Duty</strong></td>
<td>A responsibility required, placed or imposed by legislation.</td>
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<td><strong>Duty Holder</strong></td>
<td>A person, business, organisation or entity that has a duty.</td>
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<tr>
<td><strong>Alleged Offender</strong></td>
<td>A Duty Holder that has been identified as having committed a non-compliant act, through the course of an investigation.</td>
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<td><strong>Offender</strong></td>
<td>A person, business, organisation or entity that has been deemed to have committed a non-compliant act by a Magistrate or relevant Court of law.</td>
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