NOTICE OF ORDINARY COUNCIL MEETING
Tuesday 16 April 2024
in the Council Chambers, 43-51 Tanunda Road, Nuriootpa,
commencing at 5.30pm.

A recording of the meeting will be available to view on the Council's website.

Martin McCarthy
CHIEF EXECUTIVE OFFICER
THE BAROSSA COUNCIL

A G E N D A

Welcome by Mayor

1. ATTENDANCE RECORD

1.1 Members Present

Apologies

Cr John Angas

Not Present

Nil

Leave of Absence

Nil

2 CONFIRMATION OF PREVIOUS MINUTES

2.1 Minutes of previous meetings – for confirmation:

2.1.1 Council meeting held on Tuesday 19 March 2024 at 5.30pm
2.1.2 Special Council meeting held on Wednesday 3 April 2024 at 5.00pm

2.2 Matters arising from previous minutes

Nil

3 PROCEDURAL ITEMS

3.1 Petitions

Nil

3.2 Deputations/Visitors to the meeting

Mr James Rowe - Heavy Mass Limited (HML) vehicles on Kalimna Road, Light Pass/Penrice, between Stockwell Road and the Seelander Quarry entrance

3.3 Notice of Motion

Nil

3.4 Questions with Notice

Nil

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Nil

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8. CONFIDENTIAL REPORTS

Nil

9. URGENT OTHER BUSINESS

Leave of Absense - Cr Preece - May 2024

10. NEXT MEETING

Tuesday 21 May 2024 at 5.30pm

11. CLOSURE

Mayor's Report - April Meeting 2024

24/31634

MARCH/APRIL

13/03/2024 Meeting with Gillian Standen Thomas, Independent Member - CEO Performance Review Committee and Janine Harding, Executive Business Partner.

Celebration and Open Day for the newly relocated and expansion in the Barossa Valley region at Lutheran Care Tanunda.

Concordia Briefing update pertaining to the Concordia Working Group.

14/03/2024 Attended a session at the Urban Futures State Conference held at the Novotel, Rowland Flat with the Minister for Planning, Nick Champion MP presenting.

16/03/2025 Sir Condor Laucke Oration, Vine Inn Nuriootpa - Toast to the Service Clubs of Barossa Valley.

18/03/2024 Opening of the National Veterans Cricket Carnival at Stockwell Oval.

19/03/2024 Meeting with Mr Craig Holden, Chair State Planning Commission with Robert O'Callaghan, James March and Jade McVicar regarding planning options and design code considerations.

21/03/2024 Barossa 24 Tournament Presentation Dinner - Mayor's X1. It was the first time that the Mayor's X1 was added to their tournaments.

22/03/2024 Citizenship Ceremony held in the Council Chambers welcoming two new citizens to our community.

22/03/2024 Interview for The Barossa Council Local Government Management Challenge.

Official Opening Event - Tanunda Recreation Park Clubrooms, Changerooms and Main Oval.

25/03/2024 Meeting with the Representative from Port Adelaide Cycling Club regarding a potential event in Tanunda.

26/03/2024 Attended the Special Barossa Development Assessment Panel Meeting regarding the Lyndoch Oval and Clubrooms Development application.

27/03/2024 Hosting the South Australian Cricket Association Representatives with CEO, Martin McCarthy.

We explained to the representative's extent of work has been undertaken on a recreational facility and the proposed redevelopment of the Lyndoch Recreation Oval and clubrooms highlighting future event opportunities within our region.

28/03/2024 Inaugural Sister Cities Advisory Committee Meeting.

30/03/2024 Barossa Arts Festival Official Opening Night and Best of the Fest Exhibition, welcome to the Barossa and the month-long festival activities and introduced Minister for Arts, Andrea Michaels.

2/04/2024 Photo promotion at Mt Pleasant Caravan Park Seal Road upgrade with Cr Don Barrett.

Attended the Barossa Development Assessment Development Meeting. The panel at this meeting approved the proposed Williamstown supermarket development. Many Williamstown residents attended and applauded the decision which will bring economic and social benefits to the community.

Photo below with Lynette Venning who spoke on behalf of the Williamstown residents supporting the application and new supermarket owner Nick Klose.

3/04/2024 Meeting with Elizabeth Hoyt regarding possible extensions of bike paths to schools in the Barossa

Discussed was concerned parent and guardian of three children who attend Light Pass Primary School, the daily risk our children face while commuting to school (and other tourists and workers riding to work) along Kalimna Road.

The absence of dedicated walking and bike paths exposes them to dangerous encounters with passing trucks and heavy vehicles. This not only endangers their lives but also discourages them from adopting healthier habits like cycling or walking, contributing to the growing issue of childhood obesity.

3/04/2024 Attended official Launch of the Barossa, Light and Gawler Season at the Tanunda Clubrooms.

4/04/2024 Barossa Residents Association, Community Information Session – Barossa Growth and Infrastructure Strategy.

6/04/2024 Launch of Futsal Funday Williamstown School initiated and promoted by Matt Hale, Barossa Active Citizen of the Year. Also attending Mariah Lee American player with Adelaide united Football Club.

8/04/2024 Lyndoch Recreation Park Funding and Gather Round announcement for the Barossa Park project at Lyndoch with Premier, Peter Malinauskas, AFL CEO Andrew Dillion and SANFL CEO Darren Chandler.

Numerous radio interviews regarding today Gather Round announcement.

10/04/2024 Teams meeting with Mayor Mid Murray Council, Simone Bailey regarding Council Boundary realignment opportunities and proposed discussion with the Truro & District Association meeting scheduled for 11 April 2024.

MATTERS FOR INFORMATION

6.1 WILLIAMSTOWN AND LYNDOCH LANDCARE GROUP INC.

Author: Executive and Project Support Officer
24/30742

Minutes of the Williamstown and Lyndoch Landcare Group Inc. meeting held 28 February 2024, are attached for information.

ATTACHMENTS

Attachment 1 Minutes - Williamstown and Lyndoch Landcare Group Inc - 28 February 2024

SUPPORTING REFERENCES

Nil

Meeting Minutes

PO Box 694
Lyndoch, SA 5351

Purpose	**General Meeting**		
Prepared by	Terry Redman	**Phone No.**	0418 857 915
Location	Council Rooms, 29 Barossa Valley Way, Lyndoch, SA 5351	**Date**	28 February 2024
Attendees	Tracy Sinclair (Vice Chair) Tina Woods Pam Cross Margaret Puddy Joerg Wiese		Don Wegener Shirley Wegener Peter Henshaw Terry Redman
Distribution	All current & life members, Chris Kruger (Executive Assistant, Development and Environmental Services, The Barossa Council) and Kim Thompson		
File	20240228_GeneralMeetingMinutes.docx		

Item		Action by	Date Due
1	**Meeting Opened** 7.33 pm.		
2	**Apologies –** Angus Atkinson, Mick Kobryn, Nelly Van Der Lerrsel, Elke Wiese, Kym Burton, Maria Burton, Trish Adamson.		
3	**Minutes of previous Meeting** held 22 November 2023 – Accepted. Moved by Tina Woods, seconded by Joerg Wiese – Carried.		
4	**Business Arising last meeting:**		
4.1	**<u>Actions now closed:</u>** **ACTION: Wildlife Camera** – Peter Henshaw has purchased Wildlife Camera together with a sim card and provided 4 AA batteries to power the camera. Items purchased as part of Care for Landcare Grant. It was agreed to purchase an additional sim card, rechargeable batteries and charger. Initial location of the camera will be considered at Thursdays working bee. Peter was thanked for his time and effort and will be reimbursed costs incurred. **ACTION: Volunteer Induction** – Undertaken at Working Bee, 30 November 2023 Membership list has been updated to reflect this. **ACTION: Care for Landcare Grant –** 'Wish list' of items developed. Several items have been purchased. Some grant money remains available and a group would "go shopping" on Thursday for additional items identified during the general meeting.		

Meeting Minutes

	ACTION: New Reserve Sign – Sign has been manufactured and picked up. Will be brought to Thursdays working bee. Decision will then be made how to erect on Notice Board. A verbal quote of $300 has been provided by the manufacturer. Review to be undertaken at Thursdays Working Bee. *Update: Agreed to erect sign" by volunteers". Materials have been purchased with sign to be erected in the near future by Peter Henshaw and Terry Redman* **ACTION: Source a substitute for Roundup used by Volunteers** Peter Henshaw has purchased 3 "eco" friendly weedkillers for trial. Test areas will be away from general public and will be considered at Thursdays working bee. *Update: Action will now wait until the weed growing season.* **ACTION: Approval to publish photographs of WLLG members –** Most responses have been received. Approval sheet passed around at meeting to allow completion by those present. Missing permissions will be sorted on an on-going basis. **ACTION: Transfer of the Treasurer role to Tina Woods –** Transfer of roles from Joerg Wiess to Tina Woods occurred in January. Joerg was thanked for his input into this role over many years. **ACTION: Transfer of the Secretary role to Terry Redman –** Transition of the Secretary role from Tina Woods to Terry Redman occurred late January. Tina was thanked for her input in the Secretary's role and the current Management Plan.		
4.2	**Actions Still open:**		
	ACTION: Environmental Cultural Flows Project – Information session to be conducted before Christmas. Follow up with Liz Ninnes, LandscapeSA – Northern and Yorke. *Update: Tracy to contact Liz Ninnes.*	Tracy Sinclair	Mar 24
	ACTION: Tour of Hanson Australia Quarries – Organise a tour as offered by Angie Garzon Gutierrez, Enviro Compliance & Planning Officer during corporate volunteer/ing day.	Angus Atkinson	Apr 24
5	**New Actions from Business arising this meeting:**		
	ACTION: Wildlife Camera – initial location for Camera to be considered at the Working Bee.	Peter Henshaw	Mar 24
	ACTION: Care for Landcare Grant – Additional items identified during meeting to be purchased on Thursday.	Tina Woods	Mar 24
	ACTION: Monitor boundary fence for signs of damage.	Terry Redman	Mar 24
	ACTION: Organise meeting to create 2024/25 Year Objectives Action Plan.	Tina Woods Tina Woods	Mar 24 Mar 24
	ACTION: Update the 2023 5 Year Objectives Report.	Tina Woods	Mar 24
	ACTION: Finance – Draft financial protocols and complete How to Guides for instigation of a payment and approving a payment.	Committee	Apr 24
	ACTION: OHS – Annual Review of OHS Documents.	Tina Woods	Mar 24
	ACTION: Care for Landcare Grant – submit Report to close out Grant (submit by 31/3/2024)	Terry Redman	Mar 24

Meeting Minutes

	ACTION: Bio Control agents to control Horehound and Salvation Jane – determine Eligibility **ACTION:** **New Biodiversity Act** – Survey to complete	Terry Redman	Mar 24
6	☐ **Correspondence: IN** ☐ **Friends of Parks SA** o Wednesday Weekly mailout ▪ New National Park established near Burra - Worlds End Gorge ▪ BirdLife Australia - environmental monitoring and reporting by supplying eco acoustic monitors to monitor wetlands birds. ▪ New Biodiversity Act for SA – Survey ▪ Safe and Effective use of Chemicals - Saturday 11 May 2024 Morialta Natural Resource Centre ▪ Seed collection Workshop - Thursday 11 April Belair National Park ☐ **Northern and Yorke – monthly Yakka newsletter** o BioControl season (Horehound/Salvation Jane)/Common Native Grasses booklet and fact sheet available for download ☐ **Beyond Bank** o Numerous emails re online banking ☐ **Barossa Council** o National Volunteering Day 5/12/2023 ☐ **Green Adelaide News** o Monthly newsletter ☐ **Barossa Bushgardens** o Volunteer Workshops and Community Environment Forum 2024 ☐ **SA Landcare News** o Insurance Review -free and comprehensive Landcare Insurance Package in development ☐ **Prasangi De Silva - Monash University** o seeking to source two specific species of grass. Tina responded, plants not located in Reserve but referred to Amanda Pearce, who was able to provide assistance. ☐ **RSPCA** o Report of Sheep and Goat in Reserve. o Assistance of the Barossa Council animal owner identified. ☐ **Amanda Pearce** o Report/Monitoring ☐ **Australia Post** o Several emails re Post Box renewal ☐ **Correspondence: OUT**		

Meeting Minutes

- **Barossa Council/ Hanson Australia**
  - multiple emails re Corporate Volunteer Day 2023
- **Beyond Bank**
  - emails re online banking

7 **Chair Report**:

Nil to Report

8 **Monthly Volunteer Hours:**

Tasks	YTD	Nov 23	Dec 23	Jan 24	Feb 24 (to date)
1. Admin Duties (Committee Members)[2]	136	33	5	11	14
2. Meetings, home & away	80	15			
3. Promotions. (Tours, demos, etc.)	154	51			
4. Propagation (Sowing, planting out, seed collection, etc.)	nil				
5. Weed & Pest Control	533	78	34		
6. Construction & maintenance (Equipment, fencing, trails, buildings, etc.)	5				
7. Equipment design & manufacture (Seed boxes, displays, jigs, tools, etc.)					
8. Monitoring	60	40	10	8	
Totals	**969**	**217**	**49**	**19**	**14**

WILLIAMSTOWN & LYNDOCH LANDCARE GROUP INC.
LANDCARE SOUTH AUSTRALIA

Meeting Minutes

9

Treasurers Report – as presented by Tina Woods:

Following liaison with Beyond Bank we have moved to electronic payment.

4 approvers (Angus, Terry, Tina and Tracy). All have same permissions, all can instigate and approve payments.

Moved by Don Wegener, seconded by Margaret Puddy- carried

Monthly Income & Expenditure – since last General Meeting

	NOV 23	DEC 23	JAN 24
Balance Brought Forward	$10,113.59	$10,127.75	$10,132.05
Income	$ 14.16	$4.30	$4.29
Expenses	nil	nil	$572.00
End Month Balance	**$10,127.75**	**$10,132.05**	**$9,564.34**

Account Balances – since last General Meeting

	NOV 23	DEC 23	JAN 24
Administration	$2,017.24	$2,021.54	$2,025.83
Credit Union Share	$2.00	$2.00	$2.00
Project No.2 (Altona)	$6,299.01	$6,299.01	$5,727.01
Project No.X (Care for Landcare Grant)	$1,809.50	$1,809.50	$1,809.50
Total End Month Balance	$10,127.75	**$10,132.05**	**$9,564.34**

10

Petty Cash – as presented by Tracy Sinclair:

Current balance $208.06.

Meeting Minutes

11 **Work Health and Safety**

- Review of OHS documents due.

12 **Publicity:**

- **Facebook:**
  - Regular updated continuing
- **Lyndoch Grapevine:**
  - Standing advertisement.
- **Willy Wagtail:**
  - Standing advertisement

13 **General Business:**

- Further to the report of Sheep and a Goat in the Reserve, it was agreed that all fencing should be checked to identify any areas requiring attention.
- Peter and Marianne Henshaw were thanked for their hospitality at the Christmas Drinks and Nibbles on 7 December 2023
- Terry Redman nominated to attend a Seed Collection Workshop at Belair National Park on 11 April 2024.

  Pam Smith has been emailed
- An opportunity to be part of project monitoring wetlands birds was overlooked with closing date to register interest being 9 December 2024.

  An email has been forwarded to BirdLife Australia but to date there has been no response.
- New Biodiversity Act is being developed. Survey is available to enable us to have a say.

  Survey to be completed.
- **Landscape SA - Northern and York –** Bio-control agents for the control of Horehound and Salvation Jane. Contact will be made to determine if eligible to apply for this.
- **Barossa Bushgardens –** Community Environment Forum on 17 April 2024.

  Terry Redman, Peter Henshaw, Margaret Puddy and Pam Cross to attend.

  Doreen Von Linde has been emailed with details.

14 **Key Dates for 2024:**

- **Wednesday 17 April 2024 –** Community Environment Forum, Barossa Bushgardens.

15 **Next Meeting** –

Next meeting will be **Wednesday 27 March 2024**, 7.30pm Council Rooms, 29 Barossa Valley Way, Lyndoch, SA.

16 **Meeting Closed** 8.57 pm

MATTERS FOR INFORMATION

6.2 LETTER FROM HON SUSAN CLOSE MP TO MAYOR LANGE REGARDING THE NAME CHANGE OF WARREN AND SOUTH PARA RESERVOIR

Author: Executive Business Partner
24/31645

At the Ordinary Council Meeting on 21 November 2023, Council endorsed the following:

7.1.3 POSSIBLE RENAMING OF THE WARREN RESERVOIR TO LAKE WARREN AND THE SOUTH PARA RESERVOIR BE RENAMED SOUTH PARA LAKE
23/110290

MOVED Cr de Vries

That Council authorises the Mayor to formally write to the Minister for Climate, Environment and Water, Susan Close MP recommending the renaming of the Warren Reservoir to Lake Warren and the South Para Reservoir be renamed South Para Lake.

SECONDED Cr Greatwich **CARRIED 2022-26/288**

Mayor Lange wrote a letter as per the above resolution on 22 February 2024.

Mayor Lange has received correspondence, and is now providing to Council the letter of response from Deputy Premier, Hon Susan Close MP regarding the request to change the name of Warren and South Para Reservoir.

ATTACHMENTS

Attachment 1 Letter from Hon Susan Close MP to Mayor Lange regarding the renaming of Warren and South Para Reservoir

SUPPORTING REFERENCES

Nil

OFFICIAL

Reference: DEW24/00248

Government of South Australia

The Hon Susan Close MP
Deputy Premier
Minister for Climate, Environment and Water
Minister for Industry, Innovation and Science
Minister for Defence and Space Industries
Level 13, State Administration Centre
200 Victoria Square, Adelaide SA 5000
Tel (08) 8226 8520
Email: OfficeoftheDeputyPremier@sa.gov.au

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

Dear ~~Mayor~~ Bim

Thank you for your letter dated 22 February 2024 regarding the renaming of Warren Reservoir and South Para Reservoir.

I appreciate the proposal you raise in your correspondence and I have sought information from SA Water on this matter.

Warren Reservoir and South Para Reservoir are both part of a larger reservoir network managed by SA Water to provide water services to South Australia. Unlike lakes, which occur naturally, these reservoirs are artificially constructed for water supply purposes.

SA Water has worked to improve recreational use at reservoirs in order to better connect the community with these spaces, however, these sites remain active operational zones. As a result, SA Water believes the use of the name lake to represent Warren and South Para is inaccurate and potentially misleading.

In addition, SA Water is concerned that using the term lake for these two sites in isolation is inconsistent with the remainder of SA Water reservoir reserves and could confuse community messaging and understanding of their primary role in providing safe, clean drinking water for the community.

SA Water will continue to seek opportunities to enhance the visitor experiences and facilities at these sites and looks forward to continuing to work with council on matters of shared interest.

Thank you for taking the time to write to me and I trust this information is of assistance.

Yours sincerely

Hon Susan Close MP
Deputy Premier
Minister for Climate, Environment and Water

13 / 3 / 2024

SOUTH AUSTRALIA

MATTERS FOR INFORMATION

6.3 COMMUNITY BATTERY ASSET - SHORTLISTED SITE FOR GRANT FUNDING APPLICATION

Author: Sustainability Officer
24/31989

In February 2024, Council was invited by the Department for Energy and Mining (DEM) to nominate potential site locations suitable to host a community battery asset that, if shortlisted, would be named in a State Government grant funding application to the Australian Renewable Energy Agency (ARENA) as part of the Federal Governments Community Batteries for Household Solar Initiative.

Talunga Recreation Park was submitted as a non-binding expression of interest following a desktop mapping exercise of the region against key criteria including the proximity to SA Power Networks infrastructure and lower-income households.

The Expression of Interest is attached, noting size of nominated area as being 4m wide x 11m long.

On Friday 22 March staff received notification that this site has been shortlisted for inclusion in the grant funding application. The inclusion of Talunga Recreation Park in DEM's funding application to ARENA is on strictly non-binding basis and subject to various conditions, including but not limited to, Council approval and community engagement.

If DEM's grant application with ARENA is successful, they will initiate further discussions with Council about securing the preferred site, or a similarly suitable alternative within our region, as a community battery hosting location. DEM expect to be notified by July 2024 by ARENA if their grant application is successful.

If Council agrees to host a battery, the commitment is a 15-year low value peppercorn lease, maintenance up to the edge of the asset and passive surveillance. State Government and their partners will be responsible for all other costs including asset management and maintenance, connection to SA Power Networks, and returning the site to its original condition at the end of the usable life of the battery.

The benefit of hosting a battery to our community is greater access to renewable energy and lower energy tariffs for residents, particularly for identified lower and fixed income residents. While not the same battery technology proposed by this grant, Campbelltown City Council and City of Marion, who are participating in emPowering Magill and emPowering Edwardstown, expect at least 300 residential properties from each council respectively will benefit from their Council's decision to host a battery by saving approximately $560 annually on their electricity bills.

ATTACHMENTS

Attachment 1 Department for Energy and Mining - Community battery asset - short listed host site for inclusion in grant application

Attachment 2 Submission - Department for Energy and Mining - Community battery site response form - The Barossa Council - 13 February 2024

SUPPORTING REFERENCES

Nil

Robyn Ridsdale

From: Cruickshank, Ralph (DEM) <Ralph.Cruickshank2@sa.gov.au>
Sent: Friday, 22 March 2024 3:50 PM
To: Robyn Ridsdale
Cc: Jake McVicar; Murphy, Travis (DEM)
Subject: [EXTERNAL] Inclusion of potential community battery host site in funding application

CAUTION: This Message originated outside your organization. Treat all attachments and hyperlinks with suspicion.

OFFICIAL

Dear Robyn,

Thank you for your recent response to our Expression of Interest seeking information about parcel(s) of land available for hosting community battery assets.

I'm pleased to advise that the Department for Energy and Mining has shortlisted the following location as a potential host site for a community battery asset for inclusion in the grant funding application to the Australian Renewable Energy Agency (ARENA).

Talunga Recreation Park, Melrose Street, Mount Pleasant 5235.

Please note that the inclusion of this location in the department's funding application to ARENA is on a strictly non-binding basis, and the department acknowledges is subject to various conditions including formal Council approval processes, community engagement and acceptance, and reaching agreement on suitable terms for site access and lease arrangements, among others.

In the event the department's funding application is successful, we will initiate further discussions with the Barossa Council about formally securing this site, or a similarly suitable alternative within your jurisdiction, as a community battery hosting location. We are anticipating such engagement will likely occur around June/July 2024 and will include site leases, development approvals, community consultation and any other arrangements that may be necessary. The department will work with your Council to assist with these activities as required.

Thank you again for your positive response and interest in partnering with the Government of South Australia on this important initiative designed to benefit local residents who are currently locked out of renewable energy, and for who lower energy bills mean the most.

If you have any questions, please let me know.

Regards

Ralph Cruickshank (He/Him) | Senior Project Officer

Major Projects | Growth and Low Carbon
Department for Energy and Mining
T +61 08 7133 7621 | E Ralph.Cruickshank2@sa.gov.au | W www.energymining.sa.gov.au

GPO Box 320, Adelaide, South Australia 5001
Kaurna | 11 Waymouth Street 7th Fl

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Government of South Australia
Department for Energy and Mining

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COMMUNITY BATTERIES FOR HOUSEHOLD SOLAR

Evaluation Process and Criteria

The Department for Energy and Mining (DEM) will review all parcels of land nominated by Local Governments to assess their potential suitability to host a community battery asset.

Once a short list of preferred locations has been identified through this process, DEM will engage with SA Power Networks to ascertain likely connection costs, which are highly location and site dependent and include an assessment of likely upgrades or augmentation of existing transformers and associated electrical infrastructure.

If DEM's funding application to ARENA is successful, DEM will work with relevant Local Governments to discuss all community engagement, leasing and planning arrangements associated with each potentially suitable parcel of land.

Potentially suitable parcels of land will have the following attributes:

- Have cleared, flat ground.
- Be able to accommodate the asset's physical dimensions (width = 4 metres, length = 11 metres, height = 3 metres).
- Have a clearance of at least 3 meters to any other asset or obstacle.
- Road access nearby, but with low risk of vehicle impact.
- No significant trees, or tree roots that could interfere with the asset.
- No services underground that could interfere with the asset.
- Have a low risk of natural disaster (e.g. flooding, bushfire, land movement).
- In a location that can be accessed and viewed by community.
- In a location where weather extremes are within the safe operating temperature of a community battery asset (ambient temperatures should only rarely exceed 45 degrees).

Potentially suitable parcels of land will have the following leasing, planning and development approval conditions:

- A minimum 15-year lease term.
- A low-value peppercorn lease.
- No rates payable for the use of the land.
- Site maintenance to be continued by Local Government up to the edge of the asset.
- Regular passive surveillance.

Please complete the following table for each proposed site and submit via email by no later than 5:00pm on Tuesday 13 February 2024 to:

Ralph Cruickshank
Senior Project Officer
E: ralph.cruickshank2@sa.gov.au

Questions?

Please contact **Travis Murphy**, Manager Projects (Residential), with any questions about this opportunity via email at: travis.murphy@sa.gov.au

To learn more about gaining community and council support for a community battery, **Maria Zotti**, Manager Environment & Sustainability Services, Campbelltown City Council, has kindly agreed to share their experience. Maria is best contacted via email at: mzotti@campbelltown.sa.gov.au

Government of South Australia
Department for Energy and Mining

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RESPONSE FORM

Request for Information: Nominated Point of Contact	
Nominating Council	The Barossa Council
Primary Contact: Name and Position	Jake McVicar, Director Development and Community Services
Preferred email:	jmcvicar@barossa.sa.gov.au
Preferred telephone:	08 8563 8480
Please specify the number of parcel(s) of land being submitted for consideration as part of this RFI.	1

Local Governments are encouraged to submit multiple parcels of land for consideration.

For each parcel of land, please modify the *Land Parcel Number* heading to reflect the sequential number and provide the following details:

Land Parcel Number 1: Mount Pleasant, South Australia, 5235	
Text description of the street address (e.g. corner of Jones Road and White Avenue, Southside).	Talunga Recreation Park, 60 B10, Mount Pleasant, South Australia, 5235. Area left of main entrance, inside the fence, close as practicable to the front of the site. Non-binding expression of interest, subject to Executive and Council endorsement, if shortlisted. Mount Pleasant Low income households | The Barossa Council area | atlas.id
A Google Maps hyperlink that clearly identifies the parcel of land.	60 Melrose St - Google Maps
GPS co-ordinates (if available)	

Government of South Australia
Department for Energy and Mining

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Land Parcel Number 1: Physical Attributes Please use check boxes to confirm the parcel of land has the following attributes, and provide any commentary in the third column to specify any conditions or clarifications that might apply (if required).		
☒	Cleared, flat site	
☒	Able to accommodate the physical dimensions (W 4m x L 11m x H 3m)	
☒	Clearance of at least 3m to any other asset, obstacle, or intrusion	
☒	Road access nearby, but with low risk of vehicle impact	
☒	No significant trees, or tree roots that could interfere with the asset	None identified, subject to final checks
☒	No services underground that could interfere with the asset	None identified, subject to final checks
☒	Low risk of natural disaster (e.g. flooding, bushfire, land movement)	SAPPA the South Australian Property and Planning Atlas - https://sappa.plan.sa.gov.au/ Bushfire - Medium Risk. Flooding – Precautionary approach
☒	Site accessible and viewable by the community	

Land Parcel Number 1: Leasing, Planning & Development Approval Conditions Please use check boxes to confirm your support, in principle, of the following proposed leasing, planning and development approval conditions, noting these are likely to be subject to consideration and approval of your respective Councillors and/or community engagement processes. Please provide any commentary in the third column to specify any conditions or clarifications that might apply (if required).		
☒	A minimum 15-year lease term	
☒	A low-value peppercorn lease	
☒	No rates payable for the use of the land	
☒	Site maintenance to be continued by Local Government up to the edge of the asset	
☒	Regular passive surveillance	

Government of South Australia
Department for Energy and Mining

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Land Parcel Number 1: Availability for Commencement	
Will the proposed parcel of land be available for commencement of installation works (and associated infrastructure) in late 2024.	Yes
If No, when will the proposed site become available?	*MM/YYY*

MATTERS FOR INFORMATION

6.4 PLANNING SYSTEM IMPLEMENTATION REVIEW - FINAL REPORT AND GOVERNMENT RESPONSE RELEASED

Author: Manager Development Services
24/32063

The Expert Panel provided the Minister for Planning with its Final Report and 113 recommendations in April 2023, following a two month consultation that concluded on 16 December 2022. The Panel's view is that the planning system is working well and the evidence provided through the public consultation indicated there is broad support for the new regime.

Council's draft submission to the Expert Panel was endorsed at the 20 December 2022 Council meeting. The submission is contained in Attachment 1.

The Panel has identified opportunities to improve the planning system. The Panel does not propose any wholesale changes to the planning system but rather the recommendations can be considered more akin to 'fine tuning' what is already in place, to ensure the planning system is working at its full capacity and in the best interests of South Australians.

The Expert Panel's recommendations traverse a range of themes and are intended to improve the planning system by:

- Providing improved guidance to users of the planning system through additional and/or revised Practice Directions and guidance material;
- Identifying a range of operational matters which will make a difference to the timeliness of the processing of development applications;
- Enhancing tree protections through revised tree regulations and an expansion of Code policies pertaining to tree matters;
- Alleviating community concerns through the reinstatement of appeal rights in limited circumstances;
- Enhancing the professional expectations imposed upon Accredited Professionals and aligning the responsibilities of Accredited Professionals with their primary skillsets;
- Providing support for improved character protections and enhancing and improved character and heritage in South Australia;
- Creating design guidelines for infill development to ensure development outcomes meet community expectations and encourage innovative housing models;
- Recommending improved incentives be applied to encourage a greater provision of affordable housing;
- Enhancing the user experience of the e-Planning system and Plan SA website for both professional and community users.

The State Government has considered each recommendation and has prepared a response to the Panel's report. The Panel's Final Report and the State Government's response were publicly released on 28 March 2024. Of the Panel's 113

recommendations, the State Government has supported 63 in full, 13 in principle and 36 in principle with further investigation. Only one recommendation is not supported.

The State Government anticipates it will take approximately 18 months to implement the recommendations. The Expert Panel report and the State Government's response to the Panel's report can be viewed via the link below:

https://plan.sa.gov.au/planning_review/about_the_review/final-report-and-government-response

ATTACHMENTS

Attachment 1 Attachment 1 - Draft Submission to the Expert Panel to the 20 December 2022 Council meeting ⇩

SUPPORTING REFERENCES

Planning, Development and Infrastructure Act 2016

Reference: TRIM

8 December 2022

Mr John Stimson
Presiding Member
Expert Panel
Planning System Implementation review

DTI.PlanningReview@sa.gov.au

Dear Mr Stimson,

Submission to the Expert Panel – Planning System Implementation Review

Thank you for the opportunity to make submission to the Expert Panel in respect to the Planning System Implementation Review.

We would like to acknowledge the substantive reform to the planning system and while there has been many positive outcomes from the reform, we consider there is opportunity to improve the planning system and we have offered our recommendations for reform under the Expert Panel Terms of Reference headings below.

It is considered that the Expert Panel review has highlighted many matters in its discussion papers that are relevant and worth the support of Council.

Planning, Development and Infrastructure Act

Public Notification and Appeal Rights

Section 107(3) requires the Relevant Authority to notify adjacent land, which is defined as 60m. While the Relevant Authority must also give notice to members of the public by notice on the relevant land, experience is that the notice on the land and public notice within the SA Planning Portal may not reach all affected owners or occupiers, such that some development types warrant a greater level of notification by way of written notice. Examples are telecommunication facilities, development at an interface where the development may have impact beyond the 60m adjacent land or development within the Rural Zone where a notice on the land is not required. The provisions under the previous *Development Act 1993* for Category 3 development, for example, did provide discretion for Relevant Authorities to notify "*any other owner or occupier of land….would be directly affected to a significant degree by the development if it were to proceed*". (my underlining). This provision has merit and should be considered to provide obligation upon Relevant Authorities to broaden public notification to reflect the locality upon which the development will relate.

The Expert Panel is also encouraged to consider notification for development on the boundary, when deemed necessary, to be made only to the affected adjoining neighbour, so as to avoid unnecessary over notification, but to ensure targeted notification for the affected neighbour.

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It is considered that third parties should have rights of appeal in some capacity to provide communities with opportunity to challenge decisions affecting them. The PDI Act 2016 has removed third party appeal rights and left communities with limited opportunities to challenge decisions that may have far reaching implications for them. Applications subject of public notification could be established as the basis upon which third party appeal rights exist where a representor has made a representation.

Appeal rights do provide a check and balance upon Relevant Authorities and experience working with the *Development Act 1993* is that third party appeal rights ultimately support enhanced laws and planning policies through continual evolution of the planning system by way of Court judgements. The learnings and experiences gained through such determinations inform better decision making by informing professionals working in the sector, to provide a basis for a more effective planning system.

Council Developments

Regulation 30 of the *Planning, Development and Infrastructure (Accredited Professionals) Regulations 2019* does have implications for Assessment Managers in their capacity to act as the Relevant Authority in cases where Council is the applicant. Regulation 30(1)(c) precludes an Accredited Professional from acting where the accredited professional is employed by any body associated with any aspect of the development. While many Council developments are subject to public notification, meaning the Assessment Panel can be assigned the Relevant Authority, some Council developments are excluded from public notification, such that the Assessment Manager will be assigned as the Relevant Authority. Regulation 30(2) should be amended to include "*an office or employee of a Council*".

Assessment Panels

It is recommended that the Expert Panel review the accreditation requirements in order to encourage greater diversity of Assessment Panel members. The Accredited Professionals does appear to have been a deterrent to allied professionals participating on Assessment Panels. Our experience is that there has been a resultant reduction in the pool of accredited professionals that are eligible to be appointed to Assessment Panels, which is impacting diversity of Assessment Panels. The Barossa Council supports diversity of members on Assessment Panels but due to the requirements under the Accreditation Professionals Scheme, Council can only appoint members that meet the accreditation requirements. It is noted that the Consultation Report released by the Accreditation Authority on 30 September 2022 has put forward Recommendation 11 to "*Consider a greater range of qualifications to be recognised for Planning Level 2 accreditation to help increase diversity of assessment panel members*". This recommendation is supported and the Expert Panel is encouraged to support this proposal.

Deemed Planning Consent

Council has considerable concern regarding the negative impacts the deemed consent option has introduced into the assessment of development. Deemed consents constitute a severe penalty for Relevant Authorities and work against the collaborative approach that Council seeks to achieve in working with applicants to achieve good development outcomes. Experience is that they result in a greater likelihood of applications being refused and they do not support a key object of the Act to promote *high standards for the built environment*. While Council recognises that Relevant Authorities must be accountable for timely decision making in development assessment, the clocks established within the Development Assessment Portal hold Relevant Authorities to account, such that Deemed Consents are considered an unnecessary penalty hanging over Assessment Managers.

Assessment Timeframes

It is recommended that assessment timeframes for more complex performance assessed development be increased. Performance assessed development (not subject to referrals or public notification) is 20 business days, but this timeframe does not account for the level of complexity involved in assessment. Ancillary residential development for example is allocated the same timeframe for assessment as a major commercial or industrial development. Our experience is that this timeframe has placed pressure on staff coordinating internal advice and in facilitating a robust and balanced assessment and Council has had to shift engineering resources to respond to the pressure of turn-around times. It is considered that a

more appropriate timeframe would be 8 weeks (40 business days) for non-residential development and non Class 1 or 10 development.

Infrastructure Schemes

It is agreed with the commentary within the Reform Options paper that the infrastructure schemes contained within the Act are too difficult and complex and are therefore not being effectively utilised. Council has typically relied upon deeds to facilitate infrastructure negotiation. With the timeframes prescribed within the Act, such negotiations are taking place at an early stage and require commitment from both parties to facilitate appropriate outcome. In addition, costings for infrastructure provision and structure planning for infrastructure designs should be resolved prior to rezoning. The Expert Panel is urged to undertake a comprehensive review of infrastructure schemes.

Council has prepared an accompanying submission regarding infrastructure schemes, which is attached, which further outlines our position in this matter.

Minor Variations

Section 106(2) of the *Planning, Development and Infrastructure Act 2016* does not provide adequate guidance to Relevant Authorities and is resulting in inconsistent approaches. Our experience is that Private Certifiers are also applying discretion to apply 'minor variation' for matters that are subject to planning judgement, which is not considered to be the intent of minor variations. It is suggested that 'minor variations' are either removed from the system or otherwise supported by greater guidance in the form of a Practice Direction for example. Another option could be that only Assessment Managers are given power to authorise a 'minor variation'. As a general principle, 'minor variations' should be confined to matters of a trivial nature and should not require an exercise of planning judgement or discretion, which is the role of Assessment Managers in granting performance assessed development. Where a 'minor variation' is made, it must also be clearly documented and appropriate justification made within the decision.

Form 1 – Section 7 Certificate

Under the *Land and Business (Sale and Conveyancing) Act 1994,* Council has a statutory obligation to provide information under Section 7 Certificate. The South Australian Government also provides information in accordance with a form (Property Interest Report).

Through the establishment of the SA Planning Portal, the Government holds information relating to planning and development. The SA Planning Portal has a report extract that Councils use to attach to their Section 7 certificate. This is a manual process and Councils have adopted differing interpretations of how this information is extracted and shared.

It is recommended that the South Australian Government provides all development application, zoning and code information under the *Planning, Development and Infrastructure Act 2016,* which would reduce the current need for Councils to download information from the SA Planning Portal to attach to the Section 7 Certificate.

It is appreciated that Councils are required to provide information under the *Development Act 1993* as well as Enforcement Notices issued under the *Planning, Development and Infrastructure Act 2016.*

Planning and Design Code

Planning Policy appropriate to the Barossa

Council supports the introduction of appropriate local policy that preserves and enhances local character that is unique to the Barossa. Recognising that the Barossa is the pre-eminent food and wine destination in South Australia, it is critical that planning policy is reflective of and supports this unique and special character. With the loss of local policy content that is reflective of the special character of the Barossa, there is risk that inappropriate development may erode this character.

To this end, Council has embarked on a proposal to strengthen the Character Preservation Overlay based on the considerable volume of work contained within the Barossa Valley and McLaren Vale

Character Preservation Addendum to the South Australian Planning Strategy. Council has received initial support from the State Planning Commission to initiate a Code Amendment in collaboration with PLUS and Council will be prioritising this piece of work in the new year.

Council acknowledges the initial support from the State Planning Commission and we seek support from the Expert Panel to support this reform to the Planning and Design Code.

Localised and nuanced policy

A substantive amount of local policy from the former Barossa Council Development Plan has not transitioned to the Phase 3 Planning and Design Code. While it is recognised that policy standardisation was a priority for the Planning Reform, substantive local policy content developed over many years by Council has been lost. Much of the local policy under the Development Plan provided explicit guidance of appropriate development outcomes, which was beneficial to applicants and planning practitioners. Greater uncertainty has resulted from removal of local policy due to reliance on standardised policy that is generic and not specific to local context.

Council would like to request support to work with Planning and Land Use Services (PLUS) to identify local policy content that can be reintroduced into the Planning and Design Code.

Outstanding Code omissions and anomalies

There is a list of outstanding planning policy omissions and anomalies for Barossa that have carried over from the Phase 3 Planning and Design Code implementation that should be prioritised in collaboration with PLUS. We would like opportunity to work with a case manager from PLUS to facilitate resolution of the outstanding issues that are yet to be prioritised.

Character and Heritage Reforms

Council broadly supports the State Planning Commissions proposal regarding ongoing protection and management of areas of character and streetscape value. Council has several existing Character Areas, one of which is in Angaston that was previously a Historic Conservation Zone within a former version of the Barossa Development Plan. Council will further consider option of transitioning these areas to Historic Areas under a Code Amendment at a later stage. In respect to the proposal to strengthen Character Statements within the Historic Areas, Council also supports the opportunity to review and enhance existing Character Statements.

Reintroduction of Desired Character Statements

Desired Character Statements do not exist within Zones or Sub-Zones under the Planning and Design Code. It is considered that Desired Character Statements should be reintroduced for Zones in the Planning and Design Code to provide clarity in relation to outcomes sought.

Increasing DTS and accepted development for lower end developments

Our experience working with the system is that there remains a number of relatively low value and lower risk developments assessed through a performance assessed pathway, because the accepted and DTS tables are too restrictive or because assessment tables have excluded the form of development, for example, due to Overlays. Another outcome is that with increased DTS provisions to account for soft landscaping, the level of assessment required by staff has increased to the point at which a performance assessment is undertaken because the list of DTS requirements are extensive.

An objective of the planning reform was to reduce the amount of lower value simpler applications moving through the system to improve the speed in which applications move through the system and to enable staff to prioritise more complex assessments. While there has been some progress in some areas under the Code, there is opportunity to review areas of the Code where the DTS and accepted assessment tables could be refined or simplified and to remove Overlay conflicts where they do not impact the development type.

The overall objective should be to increase the level of DTS and accepted developments for appropriate development types that are reasonable and expected. Examples in the Barossa are:

- Decks associated with dwellings on large properties within the Rural Zone and Rural Living Zone are not assigned an 'Accepted' or 'DTS' pathway;
- Masonry front fences (piers for example that are part of a front tubular fence) are not assigned an 'Accepted' or 'DTS' pathway;
- Increasing the 60m^2 'DTS' limitation for garages, verandahs and outbuildings that are ancillary to dwellings on large allotments (600m^2 +).

Miscellaneous Issues

The following general issues are identified:

- While the Code is accessible online, our experience is that the community generally do not find the policy extracts easy to review and understand;
- The current Code Extracts are difficult to utilise for assessment. In this respect, the proposal to create the Code Rules as a Checklist is supported;
- There is a disconnect in some of the policy between that which is expressed within the Performance outcomes and the corresponding DPF. There are many examples where the DPF has no clear relationship to the Performance Outcome, thus leading to uncertainty when a DPF is met but the Performance Outcome is not. A review of the policy library is necessary to ensure DPF's correspond directly with the Performance Outcome sought.

E-Planning System and the Plan SA Website

Customer Experience

The *E-Planning System and the PlanSA Website discussion paper* identifies early recommendations to improve this service which is generally supported.

Feedback from customers is that the front-end Portal interface is not user friendly. Portal emails for example are generic and do not contain level of information to clearly communicate what the message means. Given that the system is generally not simple to use, customers often call Councils to request advice on how to navigate the system. Customers also email Council directly and this increases the resourcing necessary to support the system. One-off users do not necessarily require full access to the Development Assessment Portal and in this regard, the Expert Panel's option of not requiring a user login should be explored.

Document Management

The Planning Portal does not incorporate a robust and contemporary document management system. Managing the flow of plans and editing of versions of plans is cumbersome and creates an inherent risk in incorrect plans being stamped or approved due to error. Registering of emails within the documents is also cumbersome as a drag and drop solution from Outlook into the Portal does not exist. Review of how documents are managed within the system is recommended.

Due to the limited capacity of the system to accommodate documents, Councils have continued to operate their own document management systems and the overlap of documents between the two systems has implications for Freedom of Information requests and who is responsible for management of such records. This has also meant Council has not realised the savings originally indicated from the planning reforms by having to duplicate its records management system.

It is understood the SA Government is seeking advice on the legislative responsibilities for management of documents moving forward and the implications for Freedom of Information requests.

Complexity of Portal

The Development Assessment Portal is too complex to facilitate fast processing of simpler development applications. The Portal does accommodate for the most complex of applications but this is at the expense of efficiency for 80% or more of simpler applications which do not rely upon the full functionality of the Portal. A simpler structure is appropriate for less involved applications. The number of start and stop points is a significant constraint on the efficiency of applications and is creating a lot of inefficiency

within the system. It is agreed with the Expert Panel's proposal to look at ways to improve efficiency such as concurrent planning and building assessment and removal of the Building Consent verification.

Dashboards and Reporting

The present dashboard does not provide an effective management interface for Assessment Managers and planners to track and manage their workloads. The dashboard does not provide for a simple inbox to capture and track incoming work and the tabs within the dashboard are not intuitive and do not enable applications to be prioritised and captured. The dashboard also cannot be toggled or filtered within the pages, for example, to turn on or off Building Consent applications. Staff have therefore often resorted to running their own spreadsheets to track their applications, which is a duplication of effort.

The proposal of the Expert Panel to develop a new user interface is supported.

There are a substantial number of Power BI reports within the Planning Portal. Some of the reports have been found to contain errors within the data as the data does not correlate with other similar Power BI reports. This has created some uncertainty regarding the reliability of data contained within the system. PLUS are prioritising resources to enhance the existing Power BI reports and this proposal is supported.

Building Notifications

A significant challenge within the current system are Building Notifications. The Expert Panel has identified the current system limitation that notifications and inspection results can only be submitted through the DAP on a desktop computer. Our experience is that many applicants prefer to notify Council outside the Portal which has placed the obligation on Council to then complete the notification. It is considered that the most effective way to increase the uptake of notification is to make the process simple and this could be achieved through an app using a mobile device, without needing a user login, which is a recommendation put forward to the Expert Panel.

It is also agreed that Inspection clocks are necessary to support the real time tracking of building notifications, in order to report on Councils performance pursuant to Practice Direction 9.

The Barossa Council wish the Expert Panel well with its deliberations and we look forward to receiving feedback in respect to its future recommendations to the Minister for Planning.

Yours Sincerely,

Martin McCarthy
Chief Executive Officer

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MATTERS FOR INFORMATION

6.5 FEE REFORM - LODGEMENT OF DEVELOPMENT APPLICATIONS AND CODE AMENDMENT PROPOSALS

Author: Manager Development Services
24/32071

The State Government has recently announced amendments to the fees that applicants pay for the lodgement of development applications and the processing of code amendment proposals.

Previously, development applications were charged a standard lodgement fee of $193. Under the new structure, fees are scaled to align with the cost of the proposed development. This will result in low-cost development charged lower lodgement fees, while high-cost development will attract a higher lodgement fee.

Under the new system, it is predicted that up to 89% of development applications will attract a lower lodgement fee. Applications with a cost of less than $500,000 will attract a lodgement fee starting at $90. Developments that exceed $500,00 will attract a scaled-up lodgement fee starting at $414, with a maximum fee of $2,970 for any development over $10 million.

Code Amendment proposals will now attract a fee that is reflective of the complexity of the proposal, opposed to the previous flat fee. In determining the complexity of the code amendment, Planning and Land Use Services (PLUS) will use a Fee Determination Matrix to individually assess each proposal sought by the owner of the land. The Fee Determination Matrix ensures that fees are proportionate to the complexity of the proposal, resulting in a transparent and equitable system.

Fees are not charged to Council where they are undertaking a code amendment in the public interest.

The changes to the fee charging structure have been designed to create an equitable system where uses only pay for the services they are receiving. These changes came into effect as of 2 April 2024.

ATTACHMENTS

Attachment 1 Advice from PlanSA - Update of Fees

SUPPORTING REFERENCES

Nil

PlanSA

Good afternoon,

As of 2 April 2024, the Government will update the fees that users pay for the lodgement of development applications and processing of code amendment proposals.

The Department is committed to a user-pay system that ensures fairness and transparency throughout the development application and code amendment processes. The fee changes are designed to create an equitable system where users only pay for the services they receive.

Development applications

Previously, all development applications were charged a flat lodgement fee of $193. The new fees are scaled to align with the cost of each proposed development, meaning that low-cost developments will be charged a lower lodgement fee, while higher-cost developments will attract a higher lodgement fee.

Under the new fee system, it is forecast that 89% of development applications will attract a lower charge than the previous fixed fee, benefiting households and small developers.

Developments with an overall construction cost of less than $500,000 attract a lodgement fee starting from $90, much less than the previous $193 flat rate. Developments that exceed $500,000 attract a scaled-up lodgement fee starting from $414, with the maximum lodgement fee being $2,970 for developments over $10 million.

Any development application lodged before 2 April will be charged the previous flat fee of $193.

This change only relates to the lodgement fee collected by the State (which pays for the operation of the electronic planning system) and does not affect the assessment fees charged by the Relevant Authority.

You can view the complete list of new development application lodgement fees on PlanSA.

Code amendment proposals

Previously, all code amendment proposals were charged a flat fee. The new fees are scaled to reflect the complexity of each proposed code amendment.

To determine the complexity of the code amendment, Planning and Land Use Services (PLUS) will use a Fee Determination Matrix to individually assess each proposal sought by the owner of the land.

The Fee Determination Matrix ensures that fees are proportionate to the complexity of the proposal, resulting in a transparent and equitable system.

Complex code amendments are time and resource intensive. By charging appropriate fees commensurate to the amount of work to be done, PLUS will be able to continue to provide high-quality and efficient service to users.

These fees are not charged to Councils where they are undertaking code amendments in the public interest. Fees will only be charged to Council's where they are undertaking the code amendment on the behalf of a land owner/developer for a fee.

The Government is committed to maintaining transparency and accountability throughout the code amendment process. You can view full details of how the code amendment fee changes will work, as well as a copy of the Fee Determination Matrix, on PlanSA.

If you have any questions about how either of the new fee systems will work, or if you wish to speak someone about the changes, please visit the website or contact the PlanSA service desk on PlanSA@sa.gov.au or 1800 752 664.

Government of South Australia
Department for Trade and Investment

MATTERS FOR INFORMATION

6.6 QUARTERLY UPDATE - CONCORDIA DEVELOPMENT

Author: Senior Strategy Advisor
24/32106

Overview
As part of the revised operating rhythm of the Concordia Township Working Group (Working Group), a quarterly update by way of Matters for Information will be provided to Elected Members. The quarterly update is intended to provide insight into the increasing activity and progress of the Working Group regarding the proposed rezoning of the Concordia Growth Area, in alignment with early project planning as previously endorsed by Council. Matters for debate or otherwise will be brought to Council as and when required and will supersede quarterly updates.

Recent activity
The Working Group operating rhythm has been developed to formalise consistent engagement with internal and external stakeholders. This includes regular meetings with critical stakeholders including the Director of Housing Infrastructure Planning and Development Unit (HIPDU) under the Department for Trade and Investment, Executive Leadership (ELT) meetings, monthly briefings to the Mayor, developer and landholder group meetings, industry groups, and other state government and regional bodies.

The community, both current and future, is a critical component of our forward planning and planning is underway as to how to best keep the community informed and engaged across a variety of forums. There will be a state-led community engagement program on the Code Amendment process relating to the rezoning of Concordia Growth Area, delivered in line with the State Planning Commission's Community Engagement Charter. We will be working with HIPDU on the development and roll out of this program.

Stakeholder mapping and a subsequent engagement plan has been drafted to be presented to ELT. A communications framework has been developed and a longer-term communications plan is in development to ensure timely delivery of information and alignment with planned engagement. The plan incorporates internal and external communications.

Additionally, capture of risks relating to the Concordia Development is underway and will be assessed by ELT to inform adoption of any risks into operational and/or strategic risk registers. Initial financial modelling is underway to provide insight into future growth figures, noting further work is to be undertaken.

Information gathering
The Working Group has undertaken an information and knowledge gathering exercise over the past two months to inform forward planning and operational readiness for the Code Amendment and Infrastructure Scheme proposal.

Highlight activity has included:

- Site visits and engagement with key administrative personnel at the Growth Councils of Mount Barker District Council and City of Playford, with the objectives of understanding growth activity, lessons learned and opportunities, as well as deepening relationships for future discussion.
- Legal briefing on the operation of Infrastructure Schemes under the Planning Development and Infrastructure Act 2016.
- Meetings with Planning Land Use Services (PLUS) and Office for Design and Architecture (ODASA) on Code Amendment process, strategic planning, and design considerations.
- Various meetings with development and infrastructure consultants to understand design and infrastructure planning considerations in growth areas.
- Various meetings with private enterprise demonstrating early interest in the development.

These exercises have been in addition to engagement with Concordia developer groups, state government and industry bodies involved in the rezoning of Concordia Growth Area. The Barossa Council is also now a member of the Urban Design Institute of Australia (UDIA).

Forward planning
The Working Group conducted an internal workshop in March to identify, prioritise and assign streams of work to ensure operational and strategic readiness. Over twenty workstreams have been identified, with regard given to the vision as endorsed by Council in February 2024, strategic priorities of the Council, information gathering exercises and forward timeframes provided by HIPDU. These workstreams expand on initial project planning milestones.

The draft workstream priority list is to be reviewed by ELT prior to inclusion in the Working Group project plan. Work stream leads will report to the Working Group and ELT to monitor progress. Elected Members will be presented with this updated project plan in due course, noting the work outputs will be brought to Elected Members for review and endorsement as required.

Plans are underway to invite Elinor Walker, Director of HIPDU to present to Elected Members during a future Elected Member workshop, targeted for June or July 2024. Additional information sessions or briefings may be arranged as required.

Next 3 Months
The next three months will consist of various investigations and ongoing planning specifically investigations and research into:

1. Stormwater management.
2. Road and water infrastructure.
3. Planning and design gap analysis and code amendment policy positioning.
4. Community infrastructure and program needs.
5. Design guideline development.
6. Engineering design standards.
7. Open space and recreation design standards.
8. Workforce planning.
9. Financial modelling.

Investigations in some of the above areas is occurring by HIPDU and to ensure best and most efficient use of resources our requests into their work has been made through review of their specifications and funding support provided from the

authorised budget to ensure the best use of limited resources and not duplicating effort.

The positioning of the above work will lead to various policy positions to be determined by Council post June 2024.

ATTACHMENTS

Nil

SUPPORTING REFERENCES

Planning, Development, and Infrastructure Act 2016.

Community Engagement Charter – Version 1 (April 2018), State Planning Commission.

MATTERS FOR INFORMATION

6.7 LETTER FROM THE DEPUTY PREMIER, THE HON SUSAN CLOSE MP - BAROSSA WILDLIFE RESCUE

Author: Executive Business Partner
24/32553

On 22 February 2024, Mayor Lange wrote to the Deputy Premier, the Hon Susan Close MP requesting formal support for Barossa Wildlife Rescue also encouraging the Department when policy reviews are undertaken in the near future, to consider funding models to support wildlife rescue groups and to support releasing rehabilitated wildlife back to nature as a policy component to assist the future management of injured wildlife.

Mayor Lange received a response from the Hon Susan Close MP on 3 April 2024 and is attached for your information.

ATTACHMENTS

Attachment 1 Letter from the Deputy Premier, the Hon Susan Close MP - responding to the letter from Mayor Lange regarding Barossa Wildlife Rescue ⇩

SUPPORTING REFERENCES

Nil

OFFICIAL

Government of South Australia

Reference: DEW24/00247

The Hon Susan Close MP
Deputy Premier
Minister for Climate, Environment and Water
Minister for Industry, Innovation and Science
Minister for Defence and Space Industries
Level 13, State Administration Centre
200 Victoria Square, Adelaide SA 5000
Tel (08) 8226 8520
Email: OfficeoftheDeputyPremier@sa.gov.au

Mayor Michael (Bim) Lange OAM
Barossa Council
PO Box 867
NURIOOTPA SA 5355
Email: JHarding@barossa.sa.gov.au

Dear Mayor Bim Lange

Thank you for your letter dated 22 February 2024 regarding your support for Barossa Wildlife Rescue, and your offer to assist in the review of the legislative and management frameworks supporting the management of injured native wildlife.

Firstly, I would like to acknowledge the time and dedication that rescue organisations and volunteers provide to the wildlife rescue and rehabilitation sector and the value that this service provides to the community and the environment.

As part of our commitment to support the sector, 'Koala State' number plates were launched in July 2023, with $50 from each plate sale going towards a fund for the sector. I am pleased to advise that the program has raised more than $70,000 to date.

The Department for Environment and Water (DEW) intends to establish a grants program so that funds can be distributed to permitted carers and/or organisations. Consultation was undertaken in January and February 2024 to inform the development of the grants program and it is anticipated that the first round of funding will be available before the end of 2024.

The department is also considering a potential policy change for the rescue, rehabilitation and release of wildlife in South Australia. DEW has committed to a broader discussion with the wildlife rescue and rehabilitation sector to better understand the sentiment and key considerations of a change which would potentially see the release of all rehabilitated wildlife. I am advised that the consultation around a release policy will be commencing in the next few months and note you are a key stakeholder to participate in the consultation process.

Thank you for writing to me and for your continued support for the wildlife care sector.

Yours sincerely

Hon Susan Close MP
Deputy Premier
Minister for Climate, Environment and Water

2 / 4 / 2024

SOUTH AUSTRALIA

MATTERS FOR INFORMATION

6.8 POWERS OF CHIEF EXECUTIVE OFFICER UPDATE

Author: Governance and Information Management Officer
24/33445

To provide Council with an update on new provisions identified through legislative amendments as powers of the Chief Executive Officer (CEO).

The CEO has powers and functions that must be performed under a range of legislation. Just as Council may delegate its powers to the CEO, the CEO may delegate their power to a Council employee.

Delegations enable Council staff who have the relevant expertise and experience to improve the efficiency and timeliness of carrying out Council's decisions.

Periodic updates to legislation are facilitated by the LGA and their legal partners at Norman Waterhouse Lawyers.

In this periodic update of delegations there have been changes to the *Local Government Act 1999* relating to effective policy, audit, risk and internal control practices.

ATTACHMENTS

Attachment 1 Updates to CEO Powers

SUPPORTING REFERENCES

There are no further supporting references.

INSTRUMENT OF DELEGATION BY THE CHIEF EXECUTIVE OFFICER (FOR THE PURPOSES OF THE LOCAL GOVERNMENT ACT AND FOOD ACT)

NEW PROVISIONS

#	Delegation Source	Provision	Item Delegated
711868	Local Government Act 1999	section 99(1)(ia)	Ensure that effective policies, systems and procedures are established and maintained for the identification, assessment, monitoring, management and annual review of strategic, financial and operational risks
711869	Local Government Act 1999	section 99(1)(ib)	Report annually to the relevant audit and risk committee on the council's internal audit processes
711870	Local Government Act 1999	section 125A(1)	Consult with the relevant audit and risk committee before appointing a person to be primarily responsible for the internal audit function or assigning such responsibility to an employee of the council on the appointment or assignment of responsibility
711871	Local Government Act 1999	section 126(4)(g)(ii)	Provide annual report in relation to the policies and processes adopted by the council to evaluate and improve the effectiveness of its internal control practices and procedures
711872	Local Government Act 1999	section 126A(4)(g)(ii)	Provide annual report in relation to the policies and processes adopted by the council to evaluate and improve the effectiveness of its internal control practices and procedures

DEBATE REPORT

7.1 Office of the Mayor and CEO

7.1.1 DRAFT ELECTED MEMBER BEHAVIOURAL MANAGEMENT POLICY AND PROCESS

Author: Chief Executive Officer
23/127818

PURPOSE

For Council to review and endorse the Draft Elected Member Behavioural Management Policy as presented in this report and as required pursuant to Section 262B and Section 75F(6) of the *Local Government Act 1999* for public consultation.

RECOMMENDATION

That Council:

(1) Endorse the Draft Elected Member Behavioural Management Policy as at Attachment 1 and the Draft Elected Member Behavioural Management Process for public consultation as at Attachment 2.

(2) Adopt the Elected Member Behavioural Management Policy and Elected Member Behavioural Management Process at the immediate conclusion of the public consultation period, in the absence of any written submissions for significant change or amendments being received.

REPORT

Background
The Behavioural Standards for Council Members (Behavioural Standards) were established by the Minister for Local Government pursuant to section 75E of the *Local Government Act 1999* (the Act). These Behavioural Standards form part of the conduct management framework for council members under the Act.

These Behavioural Standards set out minimum standards of behaviour that are expected of all council members in the performance of their official functions and duties. The Behavioural Standards are mandatory rules, with which council members must comply. Adherence to the Behavioural Standards is essential to upholding the principles of good governance in councils.

Councils may adopt a Behavioural Management Policy which, amongst other things, may include additional matters relating to behaviour that must be observed by Council Members.

Pursuant to Section 262B of the *Local Government Act 1999* and Regulation 16 of the *Local Government (Transitional Provisions) Regulations 2021* Council adopted the Model Local Government Association Behavioural Management Policy on 28

November 2022, until Council has adopted its own Policy by the day designated by the Minister for Local Government under Regulation 16.

Council endorsed the interim Behaviour Management Policy provided by the Local Government Association (LGA) at the 28 November 2022 Ordinary Council meeting.

Furthermore, Council adopted the Strategic Policy Platform and Expected Behavioural Norms of the Council 2022-2026 on 28 November 2022 and has now reviewed and endorsed the document at its Ordinary Council meeting held on the 19 March 2024, (link below in Supporting Documents).

Discussion

The Council Members endorsed Strategic Policy Platform and Expected Behavioural Norms of the Council and its' Elected Members 2022-2026 has been incorporated into the presented draft policy.

The interim Behaviour Management Policy provided by the Local Government Association (LGA) and Council Member Behavioural Standards have been reviewed and amended to incorporate the three documents into a concise, two document, Elected Member Behavioural Management Policy and Process with the definition of Policy (Strategic)and Process (Guidelines).

The Elected Member Behavioural Management Policy and Process is designed to ensure Council Members act in a manner consistent with community expectations and form the basis of behaviour management for Council Members. Constructive and effective relationships between Council Members, Council employees and the community are essential to building and maintaining community trust and successful governance in the local government sector.

Summary and Conclusion

Council is asked to consider the Draft Behavioural Management Policy and Draft Behavioural Management Process and approve for public consultation.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Draft Elected Member Behavioural Management Policy ⇩
Attachment 2 Draft Elected Member Behavioural Management Process ⇩

Supporting references

Behavioural Standards for Council Members - Government Gazette - No. 79 - Thursday, 17 November 2022 (pp. 6637–6680)

Strategic-Policy-Platform-and-Expected-Behavioural-Norms-of-the-Council-and-its'-Elected-Members-2022-26.pdf (barossa.sa.gov.au)

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Corporate Plan

BS7 Governance - Provision of governance advice and support in the discharge of legislative responsibilities for policy development, delegations and authorisations, internal review of Council decisions, delegations and authorisations, Native Title claims

Legislative Requirements
Section 262B – Behavioural Management Policy of the Local Government Act 1999
Section 75F (6) of the Local Government Act 1999

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

A cost will be incurred by placing a public notice in the local newspaper.

COMMUNITY ENGAGEMENT

A period of public consultation will be conducted in accordance with Council's Public Consultation Policy.

Engagement methods are to include a Public Notice in a local newspaper, hard copy documents at Branch offices and social media posts inviting responses from the community.

Any written submissions received from the community during the consultation period resulting in significant change or amendments to the Policy will be re-tabled at a future Council meeting for Council's consideration and endorsement.

THE BAROSSA COUNCIL
ELECTED MEMBER BEHAVIOURAL MANAGEMENT POLICY

1 Purpose

1.1 This Policy has been prepared and adopted pursuant to section 262B of the *Local Government Act 1999* (the Act).

1.2 This Elected Member Behavioural Management Policy forms part of the Behavioural Management Framework for Elected Members and sets out the approach to the management of complaints about the behaviour of Elected Members.

2 Scope

Mandatory Behavioural Standards for Elected Members

The Behavioural Standards for Elected Members are established by the Minister for Local Government pursuant to section 75E of the Act. These Behavioural Standards form part of the conduct management framework for Elected Members under the Act.

These Behavioural Standards set out minimum standards of behaviour that are expected of all Elected Members in the performance of their official functions and duties. The Behavioural Standards are mandatory rules, with which council members must comply.

Adherence to the Behavioural Standards is essential to upholding the principles of good governance in councils.

A breach of these Behavioural Standards or a Council's Elected Member Behavioural Management Policy:

- will be dealt with in accordance with the Council's Behavioural Management Policy and Process; and
- may be referred to the Behavioural Standards Panel in accordance with section 262Q of the Act.

Elected Members must comply with the provisions of these Behavioural Standards in carrying out their functions as public officials. It is the personal responsibility of Elected Members to ensure that they are familiar with, and comply with, these Standards at all times.

These Behavioural Standards are in addition to, and do not derogate from, other standards of conduct and behaviour that are expected of Elected Members under the Act, or other legislative requirements. Conduct that constitutes, or is likely to constitute, a breach of the integrity provisions contained in the Act, maladministration, or which is criminal in nature, is dealt with through alternative mechanisms.

These Behavioural Standards are designed to ensure Elected Members act in a manner consistent with community expectations and form the basis of behaviour management for Elected Members.

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Constructive and effective relationships between Elected Members, Council employees and the community are essential to building and maintaining community trust and successful governance in the local government sector.

Council members must:

2.1. General behaviour

2.1.1. Show commitment and discharge duties conscientiously.
2.1.2. Act in a way that generates community trust and confidence in the Council.
2.1.3. Act in a manner that is consistent with the Council's role as a representative, informed and responsible decision maker, in the interests of its community.
2.1.4. Act in a reasonable, just, respectful and non-discriminatory way.
2.1.5. When making public comments, including comments to the media, on Council decisions and Council matters, show respect for others and clearly indicate their views are personal and are not those of the Council.

2.2. Responsibilities as a member of Council

2.2.1 Comply with all applicable Council policies, codes, procedures, guidelines and resolutions.
2.2.2 Take all reasonable steps to provide accurate information to the community and the Council.
2.2.3 Take all reasonable steps to ensure that the community and the Council are not knowingly misled.
2.2.4 Take all reasonable and appropriate steps to correct the public record in circumstances where the Member becomes aware that they have unintentionally misled the community or the Council.
2.2.5 Act in a manner consistent with their roles, as defined in section 59 of the Act.
2.2.6 In the case of the Principal Member of a Council, act in a manner consistent with their additional roles, as defined in section 58 of the Act.
2.2.7 Use the processes and resources of Council appropriately and in the public interest.

2.3. Relationship with fellow Council Members

2.3.1 Establish and maintain relationships of respect, trust, collaboration, and cooperation with all Council members.
2.3.2 Not bully other Council members.
2.3.3 Not sexually harass other Council members.
2.3.4 Relationship with Council employees
2.3.5 Establish and maintain relationships of respect, trust, collaboration, and cooperation with all Council employees.
2.3.6 Not bully Council employees.
2.3.7 Not sexually harass Council employees.

2.4. Definitions

For the purposes of these Behavioural Standards, and a Council's Elected Member Behavioural Management Policy and Process, the following definitions apply:

An Elected Member will be considered to bully other Elected Members or Council employees if:

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The Elected Member either, as an individual Elected Member or as a member of a group:

a) Repeatedly behaves unreasonably towards another Elected Member, or employee; and

b) The behaviour could reasonably be considered to be distressing, victimising, threatening or humiliating.

Note -

If this behaviour adversely affects the health and safety of another Elected Member or Council employee, it must be addressed under section 75G of the Act and may be referred to the Behavioural Standards Panel as 'serious misbehaviour' under sections 262E and 262Q of the Act.

An Elected Member will be considered to sexually harass other Elected Members or Council employees if the Elected Member either, as an individual Elected Member or as a member of a group:

a) makes an unwelcome sexual advance, or an unwelcome request for sexual favours, to another Elected Member, or employee (the person harassed);or

b) engages in other unwelcome conduct of a sexual nature in relation to the person harassed,

in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that the person harassed would be offended, humiliated, or intimidated.

Note -

If this behaviour adversely affects the health and safety of another Elected Member or council employee, it must be addressed under section 75G of the Act and may be referred to the Behavioural Standards Panel as 'serious misbehaviour' under sections 262E and 262Q of the Act.

2.5. Barossa Council Agreed Behaviours

To compliment the Ministerial Behavioural Standards, Council has agreed and adopted the following behavioural expectations of Elected Members:

2.5.1. A cohesive Barossa supported by behaviour of Elected Members in the Chamber and community that presents a team approach, and respectful debate relevant of the matter/s of discussion.

2.5.2. Deep respect of each other and staff.

2.5.3. Listening to all.

2.5.4. At an early stage approaching authorised staff on operational matters, issues, ideas, concerns. Customer requests with a solution focus and not seeking to blame.

2.5.5. Valuing others, their knowledge, skills and interests.

2.5.6. Honourable, collective and open leadership and demonstrating mentorship.

2.5.7. Equality and a mindset of advocating and representing all the Barossa not just a specific interest group, location or area.

2.5.8. Respecting policy and process through good conduct, dignity and honour and not 'walking past' behaviours that are not aligned to this document or the legislative standards.

2.5.9. Being inclusive, embracing all people and being respectful of all traditions, cultures, and beliefs.

2.5.10. As decision makers, present a unified position once the decision is made or openly amended through collaborative, robust and respectful debate: to be clear this does not preclude challenging a decision respectfully and in accordance with the Act in the chamber.

3 Principles

Nothing in this Policy is intended to prevent Elected Members or other interested parties including but not limited to community representatives, residents, visitors to our community, Council employees and volunteers, from seeking to resolve disputes and complaints in a proactive, positive and courteous manner before they are escalated.

The following principles will apply:

3.1 Where an interested party considers there has been behaviour that is inconsistent with the behavioural requirements as outlined at Clause 2, the complainant may, in appropriate circumstances, seek to respectfully and constructively raise this issue with the Elected Member concerned, without the need to lodge a formal complaint under this Policy.

3.2 If a matter proceeds to a formal complaint, all Elected Members will continue to comply with this Policy and follow the Elected Members Behavioural Management Process to support the person responsible for managing the complaint.

3.3 A consistent approach to the assessment, investigation and resolution of complaints will be adopted to facilitate timely and efficient resolution and minimisation of costs.

3.4 Where required, Council may engage the assistance of skilled advisors and support persons in the assessment, investigation and resolution of complaints and avoid adopting an unreasonably legalistic approach.

3.5 Ongoing training and relevant resources will be provided to all Elected Members to ensure they have the skills and knowledge necessary to perform their role in accordance with the behavioural requirements and the *Local Government Act 1999*.

3.6 Training and relevant support will be provided to persons with specific obligations under this Policy to facilitate the management, reporting and resolution of complaints alleging a breach of the behavioural requirements.

3.7 Council will manage complaints under this Policy as per the Elected Member Behavioural Management Process.

4 Policy Statement

Dispute versus Complaint

4.1 It is important to distinguish between a dispute and a complaint. A dispute is generally a difference of opinion or disagreement between two parties. It may involve a heated discussion or some other unsatisfactory exchange between parties but may not amount to conduct inconsistent with the behavioural requirements. Ideally disputes will be handled directly by the parties involved and will not escalate to a complaint requiring action (even informal action) under this Policy. The Mayor (or another person) may play a role in facilitating a resolution to a dispute.

4.2 This Policy is intended to deal with matters where conduct is alleged to have been inconsistent with the agreed behaviours outlined in Clause 2 of this Policy and any alleged breach of the Behavioural Standards for Elected Members, rather than where Members of Council have differences of opinion, even when robustly put.

Confidentiality

4.3 Complaints made in accordance with this Policy will be managed on a confidential basis until such a time as they are required to be reported to Council in a public meeting in accordance with this Policy or are otherwise lawfully made public or disclosed.

4.4 Access to information relating to complaints and information about complaints will be limited to parties to the complaint and individuals with a responsibility within the complaint handling process or as otherwise provided for within this Policy.

4.5 A person who has access to information about a complaint (including the complainant and the person complained about) must not directly, or indirectly disclose to any person (including to a council member) that information except:

4.3 For the purpose of dealing with the complaint.
4.3 Where required by law.
4.3 For the purpose of obtaining legal advice or legal representation, or medical or psychological assistance from a medical practitioner, psychologist or counsellor.
4.3 Where the disclosure is made to an external party, investigating the complaint, or mediator/conciliator engaged in accordance with this Policy.
4.3 Where the information has been made public in accordance with this Policy or this Policy otherwise authorises or requires the disclosure of the information.

4.6 This is not to be confused with formal consideration at a Council Meeting of any matter arising from application of this Policy. Items presented to Council must be assessed on a case-by-case basis in accordance with the requirements of Section 90 of the *Local Government Act 1999*.

4.7 A complainant may request their identity be kept confidential from the person complained about. This does not constitute an anonymous complaint. The person responsible for managing the complaint will consider such requests on a case-by-case basis, having regard to any applicable legal requirements.

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4.8 For detailed procedural matters, refer to the Elected Member Behavioural Management Process.

5 Responsibilities

5.1 The Mayor, Deputy Mayor (if appointed) or other Elected Member appointed by the council as the person responsible for managing complaints is responsible under this Policy to:

5.3 Perform the tasks bestowed upon the person responsible for dealing with a complaint pursuant to this Policy.
5.3 In consultation with the CEO, facilitate access to resources to support impacted parties and resolve the concerns raised in a timely manner prior to the matter becoming serious, or escalating to a formal complaint.
5.3 In consultation with the CEO, engage external resources to assist with investigation and resolution of matters.

5.2 The CEO (or delegate) is responsible under this Policy to:

5.3 Manage the administrative receipt, acknowledgement, record keeping and allocation of a complaint lodged in accordance with this Policy.
5.3 Facilitate access to external resources to support the resolution of complaints lodged in accordance with this Policy.

5.3 The Behavioural Standards Panel Contact Officer (appointed by the council) is responsible under this Policy to:

5.3 Comply with any lawful request of the Panel for information related to a matter under consideration.
5.3 Receive and respond to notices relating to matters under consideration by the Panel.

5.4 Where the Behavioural Standards Panel Contact Officer is not the CEO, the Contact Officer should keep the CEO informed of the status of matters under consideration by the Panel.

6 Related Policies and Supporting Documents

6.1 Minister's Behavioural Standards for Council Members
6.2 Elected Member Behavioural Management Process
6.3 Strategic Policy Platform and Expected Behavioural Norms of the Council and its Elected Members
6.4 Customer Service Policy
6.5 Complaint Handling Process

7 Legislation and References

7.1 *Independent Commission Against Corruption Act 2012*
7.2 *Local Government Act 1999*
7.3 *Ombudsman Act 1792*
7.4 *Public Interest Disclosure Act 2018*

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8 Review

8.1 This Policy will be reviewed by the Council in consultation with the relevant stakeholders, within four years or more frequently if legislation or Council's need changes.

9 Further Information

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

9.2 Complaints regarding this Policy or its application can be made to the Customer Service team on 8563 8444 or barossa@barossa.sa.gov.au at first instance, who will refer you to the most appropriate officer according to Council's Customer Service Policy.

10 Definitions

Behavioural Management Framework	• The legislative framework within which all council members must operate; • The Behavioural Standards for Council Members, determined by the Minister for Local Government, which apply to all council members in South Australia; • The mandatory Behavioural Management Policy (this document) relating to the management of behaviour of council members and adopted pursuant to section 262B of the Local Government Act; • Optional Behavioural Support Policy (or policies) designed to support appropriate behaviour by council members and adopted pursuant to section 75F of the Local Government Act.
Behavioural requirements	In this document refers collectively and individually to the Behavioural Standards for Council Members, the Behavioural Management Policy and any Behavioural Support Policies adopted by the Council.
Behavioural Standards for Council Members	Established by the Minister for Local Government, and published as a notice in the SA Government Gazette, specifying standards of behaviour to be observed by members of councils; and providing for any other matter relating to behaviour of members of councils.
Frivolous	Includes without limitation, a matter of little weight or importance, or lacking in seriousness.
Misbehaviour	Means, (a) a failure by a member of a council to comply with a requirement of the council under section 262C(1); or (b) a failure by a member of a council to comply with a provision of, or a requirement under, the council's behavioural management policy; or (c) a failure by a member of a council to comply with an agreement reached following mediation, conciliation, arbitration or other dispute or conflict resolution conducted in relation to a complaint under Division 1.
Person responsible for managing the complaint	Means, subject to any resolution of the Council to the contrary – 1. the Mayor; 2. if the complaint relates to or involves the Mayor, the Deputy Mayor; 3. if the complaint relates to or involves the Mayor and Deputy Mayor, another council member appointed by Council.

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Repeated misbehaviour	Means a second or subsequent failure by a member of a council to comply with Chapter 5 Part 4 Division 2.
Serious misbehaviour	Means a failure by a member of a council to comply with section 75G.
Trivial	Includes without limitation, a matter of little worth or importance; that is trifling; or insignificant.
Vexatious	Includes a matter raised without reasonable grounds or for the predominate purpose of causing annoyance, delay or detriment, or achieve another wrongful purpose.

11 Version History

Number	Date	Description
1	28/11/2022	Adoption of Model Policy under new behavioural provisions of the *Local Government Act 1999*.
2	XX/XX/2024	Process components transferred from Policy into a supporting Behavioural Management Process. Added reference to the Minister for Local Government's Behavioural Standards for Council Members

DRAFT

THE BAROSSA COUNCIL
ELECTED MEMBER BEHAVIOURAL MANAGEMENT PROCESS

DRAFT

1 Purpose

1.1 This Process sets out the procedures for dealing with an allegation of a breach of the behavioural requirements applying to Elected Members. These procedures do not apply to complaints about council employees or the council as a whole.

1.2 A complaint made in accordance with this Process must be lodged within 6 months of the behaviour that is inconsistent with the behavioural requirements occurring. A decision may be made to accept a complaint lodged more than 6 months after the behaviour that is inconsistent with the behavioural requirements occurring on a case-by-case basis, at the discretion of the person responsible for managing the complaint.

1.3 Community members can lodge a complaint with the Council in accordance with this Process but cannot lodge a complaint directly with the Behavioural Standards Panel.

2 Process

This Process has three distinct stages to the approach that will be taken to address complaints about the behaviour of Elected Members:

2.1 **Part 1: Informal Action**
Where the matter can be resolved directly between the parties

2.2 **Part 2: Formal Action**
Where the matter cannot be resolved using informal action and a formal process of consideration is required.

2.3 **Part 3: Referrals to the Behavioural Standards Panel**
the circumstance under which the Mayor, the Council or other authorised person(s) will make a referral.

3 Dispute versus Complaint

3.1 It is important to distinguish between a dispute or a complaint. A dispute is generally a difference of opinion or a disagreement between two parties. It may involve a heated discussion or some other unsatisfactory exchange between parties but may not amount to conduct inconsistent with the behavioural requirements. Ideally disputes will be handled directly by the parties involved and will not escalate to a complaint requiring action (even informal action) under this Process. The Mayor (or another person) may play a role in facilitation a resolution to a dispute.

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3.2 This Process is intended to deal with matters where conduct is alleged to have been inconsistent with the behavioural requirements, rather than where members of council have differences of opinion, even when robustly put.

4 Confidentiality

4.1 Complaints made in accordance with this Process will be managed on a confidential basis until such a time as they are required to be reported to Council in a public meeting in accordance with this Process or are otherwise lawfully made public or disclosed.

4.2 Access to information relating the complaints and information about complaints will be limited to parties to the complaint and individuals with a responsibility within the complaint handling process or as otherwise provided within this policy.

4.3 A person who has access to information about a complaint (including the complaints will be limited to parties to the complaint and individuals with a responsibility within the complaint handling process or as otherwise provided for within this Process.

4.4 A person who has access to information about a complaint (including the complainant and the person complained about) must not directly, or indirectly disclose to any person (including to a council member) that information except:

4.4.1.1 For the purpose of dealing with the complaint
4.4.1.2 Where required by law
4.4.1.3 For the purpose of obtaining legal advice or legal representation, or medical or psychological assistance from a medical practitioner, psychologist or councillor
4.4.1.4 Where the disclosure is made to an external party, investigating the complaint, or mediator/conciliator engaged in accordance with this Process
4.4.1.5 Where the information has been made public in accordance with this Process or this Policy otherwise authorises or requires the disclosure of the information

4.5 This is not to be confused with formal consideration at a Council Meeting of any matter arising from application of this Process. Items presented to Council must be assessed on a case-by-case basis in accordance with the requirements of Section 90 of the *Local Government Act 1999*.

4.6 A complainant may request their identity be kept confidential from the person complained about. This does not constitute an anonymous complaint. The person responsible for managing the complaint will consider such requests on a case-by-case basis, having regard to any applicable legal requirements.

5 Part 1: Informal Action

5.1 Council encourages informal resolution of concerns regarding behaviour alleged to be contrary to the behavioural requirements. A person may therefore consider raising the matter directly with the Elected Member concerned.

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5.2 Alternatively, a person may raise their concern with the Mayor on an informal basis. If the concerns relate to or involve the Mayor the person may raise the matter with the Deputy Mayor (if appointed) or other Elected Member appointed by the Council as the person responsible for managing complaints under this Process.

5.3 If the Mayor or person responsible for managing the complaint considers that access to resources to support impacted parties and facilitate early resolution of the matter should be provided, the Mayor or person responsible for managing the complaint will request the CEO to facilitate access to relevant resources. The CEO will not refuse any reasonable request for resources made in accordance with this Process.

Record Keeping

5.4 Where the Mayor or person responsible for managing the complaint addresses the matter through informal action, a record should be made setting out:

5.4.1 Details of the complainant
5.4.2 Details of the person complained about
5.4.3 A summary of the matter
5.4.4 A summary of actions taken in response
5.4.5 Details of agreed actions (if any)

5.5 If informal action does not successfully resolve the matter, the record may be made available to an investigation process as provided for under this Process or to the Behavioural Standards Panel.

6 Part 2: Formal Action

6.1 This Part sets out the process for formal action in response to a complaint regarding the behaviour of Elected Members and addresses the manner in which a complaint will be:

6.1.1 Received
6.1.2 Assessed
6.1.3 Investigated
6.1.4 Resolved
6.1.5 Recorded

6.2 A complaint made under the Behavioural Management Process must:

6.2.1 Be received in writing. Subject to an alternative resolution of the Council, a complaint should be marked with "Confidential Elected Member Complaint" and forwarded to the relevant email or physical address as published on the Council's website.

6.2.2 Provide the name of the Elected Member who has allegedly breached the behavioural requirements, the name and contact details of the complainant, the name and contact details of the person submitting the complaint (if different to the complainant) and the name and contact details of any witnesses or other persons able to provide information about the complaint.

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6.2.3 Be specific (including identifying the behavioural requirements the complainant alleges have been breached)

6.2.4 Provide as much supporting evidence as possible to assist an investigation, including the grounds and circumstances of the complaint (e.g. where, when, impact of the behaviour, actions taken to try to resolve the issue, relevant records or documents)

6.2.5 Identify the outcome being sought.

6.2.6 Be lodged within six months of the alleged conduct occurring on the basis that it is important to address alleged breaches of behavioural requirements in a timely manner (with discretion provided to the person responsible for managing the complaint to allow a longer time limit to apply in particular cases. This will be assessed on a case-by-case basis).

Receipt of a complaint

6.3 This step is an administrative process undertaken by the CEO or delegate:

6.3.1 Receipt
6.3.2 Initial acknowledgement
6.3.3 Record keeping; and
6.3.4 Allocation of the matter to the person responsible for managing the complaint.

6.4 The CEO or delegate does not undertake an assessment of the merits of the complaint.

6.5 Receipt of the complaint will be acknowledged within 2 business days or as soon as reasonably practicable and a copy of this Process and the Policy will be provided to the person making the complaint.

6.6 The complaint should be directed to the person responsible for managing the complaint in accordance with this Process.

6.7 A complainant may withdraw their complaint at any stage.

Initial complaint assessment

6.8 An initial assessment is not an investigation or adjudication of a complaint and no findings as to the merits of the complaint will be made at this stage.

Step 1

6.9 The person responsible for managing the complaint will undertake an assessment of it to determine whether the content of the complaint relates to the behavioural requirements and whether the conduct occurred in the context of the Elected Member carrying out their official functions and duties.

6.10 In undertaking the assessment, the person responsible for managing the complaint will have regard to the following matters:

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6.10.1 The person that is making the complaint (or on whose behalf the complaint has been made) has a sufficient interest in the matter.
The complaint is trivial, frivolous or vexatious or not made in good faith.
6.10.2 The complaint has been lodged with another authority.
6.10.3 The subject matter of the complaint has been or is already being investigated by the Council or another body.
6.10.4 It is unnecessary or unjustifiable for the Council to deal with the complaint.
6.10.5 The Council has dealt with the complaint adequately.

Step 2

6.11 If the person responsible for managing the complaint considers the matter warrants further consideration, the person complained about should be advised that a complaint has been received and is undergoing an initial assessment in accordance with this Process. They should be provided a summary of the matter, at a sufficient level of detail, to understand the nature of the allegations and enable them to provide a preliminary response. This may be achieved by a discussion between the person responsible for managing the complaint and the person complained about, taking into account the principles of this Process. The person complained about may have a support person present during any discussions.

6.12 The person complained about should be given a reasonable opportunity, but no more than ten business days, to provide a response to support the initial assessment. The person responsible for managing the complaint may provide a longer period of time for provision of a response at their discretion. The person responsible for managing the complaint should have regard to any response provided in determining the action resulting from the initial assessment.

Action from initial assessment

6.13 The person responsible for managing the complaint will determine what action will result from the initial assessment. A matter may proceed to formal consideration under this Process, unless there are grounds to take one of the following actions pursuant to section 262B(2)(b):

6.13.1 Refusing to deal with the complaint.
6.13.2 Determining to take no further action.
6.13.3 Referring to an alternative resolution mechanism or to propose training for relevant parties (e.g. facilitated discussion, provision of training, mediation, arbitration, conflict resolution, etc.)
6.13.4 Referring the matter to another body or agency (e.g., the Ombudsman SA or the Behavioural Standards Panel)

6.14 The outcome of the initial assessment will be advised to the complainant and person complained about in writing as far as is permitted by law.

Refusing to deal with the complaint/Determining to take no further action

6.15 Where the person responsible for managing the complaint makes a decision not to proceed with formal consideration of the matter the following steps should be taken:

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6.15.1 The complainant must be provided written reasons explaining the decision.
6.15.2 The person complained about should be provided with a brief summary of the complaint and the reasons for not proceeding.
6.15.3 A record of these steps and the decision not to proceed should be made.

6.16 Whilst a matter may not proceed, the person responsible for managing the complaint may discuss the issues informally with the parties and identify strategies to build skills, facilitate positive relationship development and reduce the likelihood of repeat occurrences.

Decision to refer to alternative resolution mechanism:

6.17 The person responsible for managing the complaint may form the view that the optimal way to deal with the complaint is to implement an alternative resolution mechanism such as facilitated discussion, mediation, arbitration, conflict resolution or training.

6.18 The person responsible for managing the complaint should discuss the use of a proposed alternative resolution mechanism with the complainant and the person complained about to determine whether there is support for this approach.

6.19 If so, the person responsible for managing the complaint should request the CEO take steps to facilitate access to appropriate internal or external support (not being for the purposes of obtaining legal advice) for parties to the complaint. The CEO will not refuse any reasonable request for resources made in accordance with this Process.

6.20 The complainant and the person complained about should be provided written confirmation of the alternative resolution mechanism to be used for the purposes of resolving the complaint.

Decision to refer to another body or agency.

6.21 Where the person responsible for managing the complaint makes a decision to refer the matter to another body or agency the person will follow any direction from that body or agency regarding what information is to be provided to the complainant and the elected member complained about regarding the referral.

Decision to proceed to formal consideration:

6.22 Where the person responsible for managing the complaint makes a decision to proceed to formal consideration the following steps should be taken:

6.22.1 the person complained about should be provided with a copy of this Process and the Policy, contact details of the person responsible for managing the complaint and a summary document setting out:

- the specific provision(s) of the behavioural requirements alleged to have been breached; and
- the circumstances where this breach is alleged to have occurred.

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In circumstances where the complainant has not requested their identity be kept confidential, a copy of the complaint may be provided in full.

6.22.2 the complainant should be advised of the decision to proceed and the contact details of the person responsible for managing the complaint.

Formal consideration

6.23 Where a decision to formally consider the complaint has been made the person responsible for managing the complaint will determine how to proceed:

6.23.1 The person responsible for managing the complaint may determine that they are the appropriate person to formally consider the complaint; or

6.23.2 The person responsible for managing the complaint may determine to engage a third party to formally consider the complaint, for example:

- an investigator who will report to the person responsible for managing the complaint; or
- an external service provider with skills relevant to the matter who will report to the person responsible for managing the complaint.

6.24 If the person responsible for managing the complaint determines a third party should be engaged, they will request the CEO to facilitate engagement of an appropriate service provider. The CEO will not refuse any reasonable request for resources made in accordance with this Process.

6.25 The person responsible for managing the complaint will advise both the complainant and the person complained about that they are able to have a support person accompany them during discussions relating to the complaint.

6.26 It is the expectation of Council that both the complainant and the person complained about will cooperate with any such process to consider the complaint and, if requested, participate in meetings in a timely manner.

Failure by the Elected Member complained about to comply with this requirement may be taken into account when considering the actions to be taken under section 262B(2)(e) of the Local Government Act 1999 and may constitute grounds for referral to the Behavioural Standards Panel for misbehaviour.

6.27 Further consideration by the person responsible for managing the complaint (or the third party engaged), may (at the discretion of that person) involve:

6.27.1 Explore the complaint with the complainant and the person who is the subject of the complaint.
6.27.2 Speaking with other persons who have been nominated by the parties to have observed the behaviour.
6.27.3 Speaking directly with witnesses to the conduct complained about.
6.27.4 Requesting the provision of information or documents relevant to the investigation, which may include access to audio or video recordings of meetings.

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6.28 During the formal consideration of a matter appropriate records should be kept by the person responsible for managing the complaint.

Report

6.29 The person responsible for managing the complaint (or the third party engaged) should ensure a report is prepared summarising the matter and setting out their findings, conclusions and recommendations. The report should set out:

6.29.1 Allegations made in the complaint.
6.29.2 Summary of evidence to which the investigation had regard.
6.29.3 Findings.
6.29.4 Conclusions.
6.29.5 Recommendations.

6.30 A report will generally include a recommended action for the parties to consider and/or participate in such as, but not limited to the imposition of sanctions as per the *Local Government Act 1999*:

6.30.1 Discussions with parties to the complaint to seek agreement.
6.30.2 Formal mediation if not already undertaken.
6.30.3 Conciliation.
6.30.4 Arbitration.
6.30.5 Education and further training.

6.31 A copy of the draft report should be provided to the parties to the complaint who should be given a reasonable opportunity, but no more than ten business days, to make submissions in relation to the draft report. The person responsible for managing the complaint (or the third party engaged) may provide a longer period of time for lodgement of submissions to the draft report at their discretion. The person responsible for managing the complaint (or the third party engaged) should have regard to any submissions made in preparing a final report.

Outcome – No breach found.

6.32 Where the finding is that no breach of the behavioural requirements has occurred, a final report should be prepared by the person responsible for managing the complaint (or third party engaged) and provided to the complainant and the person complained about.

6.33 The complaint will remain confidential in accordance with the requirements of this Process, except at the request of the person complained about. If such a request is made, a copy of the final report will be tabled at the next practicable Council meeting. If no such request is received, no further action will be taken.

Outcome – agreed actions (breach found)

6.34 Where the finding is that a breach of the behavioural requirements has occurred and the complainant and the person complained about agree to a path for resolution, that agreement will be documented including matters such as:

6.34.1 Actions to be undertaken.

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6.34.2 Responsibility for completing actions.
6.34.3 Timeframes for completion of actions.
6.34.4 What will occur if there is a repeat of the behaviours complained about.
6.34.5 Monitoring arrangements for completion of actions.
6.34.6 What will occur if the actions aren't completed.
6.34.7 Confirmation that the matter is considered resolved.

6.35 The agreement reached will be made in writing, including a commitment by parties to the complaint to abide by the agreement (which may be by electronic means). A copy of the agreement will be retained by each party and a copy held in Council Records.

6.36 The complaint will remain confidential in accordance with the requirements of this Process except at the request of the person complained about. If such a request is made, a copy of the final report will be tabled at the next practicable Council meeting. The matter must be reported in the Council's Annual Report which must contain the information required by the regulations.

Outcome – no agreed action (breach found)

6.37 Where the finding is that a breach of the Behavioural Standards has occurred and the parties to the complaint have failed to reach agreement as to the resolution of the matter, a final report should be presented to Council for determination. The person responsible for managing the complaint should request the CEO to include the final report in the Council Agenda as soon as practicable.

Actions of Council

6.38 Where the parties are not able to agree on an approach to resolve the matter, the matter will be provided to Council for determine the actions to be taken which may include:

6.38.1 Taking no further action.
6.38.2 Passing a censure motion in respect of the Member.
6.38.3 Requiring the Member to issue a public apology (in a manner determined by the Council).
6.38.4 Requiring the Member to undertake a specified course of training or instruction.
6.38.5 Removal or suspension from one or more offices held in the Member's capacity as a Member of the Council or by virtue of being a Member of the Council – but not the office of Member of the Council.

6.39 If Council determines to take action, a report on the matter must be considered at a meeting open to the public.

6.40 Where Council determines to take no further action, the complainant will be advised of this along with reasons, which may include:

6.40.1 The ground that, having regard to all the circumstances of the case, it is unnecessary or unjustifiable for the council to deal with or continue to deal with the complaint;

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6.40.2 The ground that the subject matter of the complaint has been or is already being investigated, whether by the council or another person or body; or
6.40.3 The ground that the council has dealt with the complaint adequately.

6.41 In making a determination under section 262C(1) Council should be reasonably prescriptive about the manner and time periods in which the action must be completed. Section 262E defines a failure to comply with a requirement of the council under 262C(1) as 'misbehaviour' which may result in a referral to the Behavioural Standards Panel.

6.42 The matter must be reported in the Council's Annual Report which must contain the information required by the regulations.

7 Part 3: Referrals to the Behavioural Standards Panel

7.1 The Behavioural Standards Panel is an independent statutory authority consisting of three members and has powers to impose sanctions on Elected Members who breach the behavioural requirements.

7.2 In accordance with section 262Q of the *Local Government Act 1999* a complaint alleging misbehaviour, repeated misbehaviour or serious misbehaviour may be made to the Panel by certain persons as set out below. The Panel's jurisdiction arises in the circumstances set out below:

Legislative definition	*Plain language explanation*
Misbehaviour means— a) a failure by a member of a council to comply with a requirement of the council under section 262C(1); or b) a failure by a member of a council to comply with a provision of, or a requirement under, the council's behavioural management policy; or c) a failure by a member of a council to comply with an agreement reached following mediation, conciliation, arbitration or other dispute or conflict resolution conducted in relation to a complaint under Division 1;	Misbehaviour means: a) a council member fails to take the action required by council; or b) a council member fails to comply with this policy; or c) a council member fails to comply with an agreement reached pursuant to this policy
Repeated misbehaviour means a second or subsequent failure by a member of a council to comply with Chapter 5 Part 4 Division 2;	A second or subsequent breach of the behavioural requirements
Serious misbehaviour means a failure by a member of a council to comply with section 75G.	A breach of health and safety duties (including sexual harassment) as set out in section 75G of the Local Government Act 1999

7.3 A complaint alleging misbehaviour, repeated misbehaviour or serious misbehaviour by a Member of Council may be referred to the Panel by:

7.3.1 A resolution of the council;
7.3.2 The Mayor; or
7.3.3 At least 3 Members of the Council

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7.3.4 Responsible person under 75G – direction not to attend meeting.

Behavioural Standards Panel Contact Officer

7.4 Council must appoint a person as the contact officer for matters referred to the Behavioural Standards Panel. The contact officer is responsible for the provision of information to and receipt of notice from the Behavioural Standards Panel.

8 Responsibilities

8.1 The Mayor, Deputy Mayor or other Elected Member appointed by the Council as the person responsible for managing complaints is responsible under this Process to:

8.1.1 Perform the tasks bestowed upon the person responsible for dealing with a complaint pursuant to this Process.
8.1.2 In consultation with the CEO, facilitate access to resources to support impacted parties and resolve the concerns raised in a timely manner prior to the matter becoming serious, or escalating to a formal complaint.
8.1.3 In consultation with the CEO, engage external resources to assist with investigation and resolution of matters.

8.2 The CEO (or delegate) is responsible under this Process to:

8.2.1 Manage the administrative receipt, acknowledgement, record keeping and allocation of a complaint lodged in accordance with this Process.
8.2.2 Facilitate access to external resources to support the resolution of complaints lodged in accordance with this Process.

8.3 The Behavioural Standards Panel Contact Officer (appointed by the Council) is responsible under this Process to:

8.3.1 Comply with any lawful request of the Panel for information related to a matter under consideration.
8.3.2 Receive and respond to notices relating to matters under consideration by the Panel.

8.4 Where the Behavioural Standards Panel Contact Officer is not the CEO, the Contact Officer should keep the CEO informed of the status of matters under consideration by the Panel.

9 Related Policies and supporting documents

9.1 Minister's Behavioural Standards for Council Members
9.2 Behavioural Management Policy
9.3 Strategic Policy Platform and Expected Behavioural Norms of the Council and its Elected Members
9.4 Customer Service Policy
9.5 Complaint Handling Process

10 Legislation and References

10.1 *Independent Commission Against Corruption Act 2012*

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10.2 *Local Government Act 1999*
10.3 *Ombudsman Act 1972*
10.4 *Public Interest Disclosure Act 2018*

11 Review

11.1 This Process will be reviewed by the Council in consultation with the relevant stakeholders, within four years or more frequently if legislation or Council's need changes.

12 Further Information

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

12.2 Complaints regarding this Process 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.

13 Definitions

Behavioural Management Framework	• The legislative framework within which all council members must operate; • The Behavioural Standards for Council Members, determined by the Minister for Local Government, which apply to all council members in South Australia; • The mandatory Behavioural Management Policy (this document) relating to the management of behaviour of council members and adopted pursuant to section 262B of the Local Government Act; • Optional Behavioural Support Policy (or policies) designed to support appropriate behaviour by council members and adopted pursuant to section 75F of the Local Government Act 1999.
Behavioural requirements	In this document refers collectively and individually to the Behavioural Standards for Council Members, the Behavioural Management Policy and any Behavioural Support Policies adopted by the Council
Behavioural Standards for Council Members	Established by the Minister for Local Government, and published as a notice in the SA Government Gazette, specifying standards of behaviour to be observed by members of councils; and providing for any other matter relating to behaviour of members of councils
Frivolous	Includes without limitation, a matter of little weight or importance, or lacking in seriousness
Misbehaviour	Means, (a) a failure by a member of a council to comply with a requirement of the council under section 262C(1); or (b) a failure by a member of a council to comply with a provision of, or a requirement under, the council's behavioural management policy; or (c) a failure by a member of a council to comply with an agreement reached following mediation, conciliation, arbitration or other dispute or conflict resolution conducted in relation to a complaint under Division 1.

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Person responsible for managing the complaint	Means, subject to any resolution of the Council to the contrary – 1. the Mayor; 2. if the complaint relates to or involves the Mayor, the Deputy Mayor; 3. if the complaint relates to or involves the Mayor and Deputy Mayor, another council member appointed by Council
Repeated misbehaviour	Means a second or subsequent failure by a member of a council to comply with Chapter 5 Part 4 Division 2.
Serious misbehaviour	Means a failure by a member of a council to comply with section 75G.
Trivial	Includes without limitation, a matter of little worth or importance; that is trifling; or insignificant
Vexatious	Includes a matter raised without reasonable grounds or for the predominate purpose of causing annoyance, delay or detriment, or achieve another wrongful purpose

14 Version History

Number	Date	Description
1	XX/XX/2024	New Process established under review of the Behavioural Management Policy Process components transferred from Policy

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DEBATE REPORT

7.1 Office of the Mayor and CEO

7.1.2 REVIEW OF CONFIDENTIAL ORDERS - CEO PERFORMANCE REVIEW COMMITTEE

Author: Executive Business Partner
24/31615

PURPOSE

To review the confidential items due for review and ascertain whether items should be released from confidential status and made available for public access or remain confidential due to the ongoing nature of the project or issue.

Any order made by Council that operates for a period of more than 12 months must be reviewed at least once in every year – thus, these orders pursuant to Section 91(9) *Local Government Act 1999* are due for review.

RECOMMENDATION

That Council in compliance with Section 91(9)(a) of the *Local Government Act 1999* and having reviewed the confidentiality orders pertaining to the CEO Performance Review Committee on the following matters:

- 3 May 2023 - Consultant – Scope of Works and Review of Processes; and
- 16 May 2023 - CEO Performance Review Process; and
- 7 June 2023 - Capability Framework; and
- 7 June 2023 - Data Collection - 360-Survey Design; and
- 7 June 2023 - Updated Position Description; and
- 12 July 2023 - Presentation of Results from the Data Collection Phase of the CEO Performance Review; and

Made in accordance with Section 90(3)(a) of the *Local Government Act 1999* resolve that the CEO performance documents, agenda, reports and relevant minutes shall remain Confidential, and that Council review the said orders prior to 16 April 2025.

REPORT

Introduction
Council utilises the confidential provisions within the *Local Government Act 1999* when it believes the information being discussed is of a confidential nature and meets one of the provisions in Section 90(3) of the Act.

This review considers the nature of confidential orders and its compliance with the Act. Sections 90 and 91 of the *Local Government Act 1999* outline the requirements

for Council to consider items in confidence and under what conditions they may be retained in confidence.

Documents held in confidence are reviewed each year to determine whether an item is to remain in confidence or be released to the public.

Discussion

In the Table listed below outlines current confidential orders required to be reviewed for the CEO Performance Review Committee:

CEO Performance Review Committee	3/05/2023	.1 23/19085 COCPRC2022-26/3	**CONSULTANT – SCOPE OF WORKS AND REVIEW OF PROCESSES**	Section 90(3)(a) of the Local Government Act 1999: information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead)	In this matter, the reasons that receipt, consideration or discussion of the information or matter in a meeting open to the public would be contrary to the public interest are that the matter relates to information pertaining to the personal affairs of the Chief Executive Officer.
CEO Performance Review Committee	16/05/2023	5.1 23/21839 COCPRC2022-26/6	**CEO PERFORMANCE REVIEW PROCESS**	Section 90(3)(a) of the Local Government Act 1999: information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead)	In this matter, the reasons that receipt, consideration or discussion of the information or matter in a meeting open to the public would be contrary to the public interest are that the matter relates to information pertaining to the personal affairs of the Chief Executive Officer.
CEO Performance Review Committee	7/06/2023	4.1 23/28414 COCPRCC/6	**CAPABILITY FRAMEWORK**	Section 90(3)(a) of the Local Government Act 1999: information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead)	In this matter, the reasons that receipt, consideration or discussion of the information or matter in a meeting open to the public would be contrary to the public interest are that the matter relates to information pertaining to the personal affairs of the Chief Executive Officer.
CEO Performance Review Committee	7/06/2023	4.2 23/28431 COCPRCC/8	**DATA COLLECTION - 360-SURVEY DESIGN**	Section 90(3)(a) of the Local Government Act 1999: information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead)	In this matter, the reasons that receipt, consideration or discussion of the information or matter in a meeting open to the public would be contrary to the public interest are that the matter relates to information pertaining to the personal affairs of the Chief Executive Officer.
CEO Performance Review Committee	7/06/2023	4.3 23/28436 COCPRCC/10	**UPDATED POSITION DESCRIPTION**	Section 90(3)(a) of the Local Government Act 1999: information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead)	In this matter, the reasons that receipt, consideration or discussion of the information or matter in a meeting open to the public would be contrary to the public interest are that the matter relates to information pertaining to the personal affairs of the Chief Executive Officer.
CEO Performance Review Committee	12/07/2023	4.1 23/37867 COCPRCC/13	**PRESENTATION OF RESULTS FROM THE DATA COLLECTION PHASE OF THE CEO PERFORMANCE REVIEW**	Section 90(3)(a) of the Local Government Act 1999: information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead)	In this matter, the reasons that receipt, consideration or discussion of the information or matter in a meeting open to the public would be contrary to the public interest are that the matter relates to information pertaining to the personal affairs of the Chief Executive Officer.

Summary and Conclusion

There has been no change to these personal circumstances, and continues to be matters that relate to the personal affairs and employment contract of the Chief Executive Officer and as such, it is recommended through this review the documents remain in confidence.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Nil

Supporting references
Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Corporate Plan

BS7 Governance - Provision of governance advice and support in the discharge of legislative responsibilities for policy development, delegations and authorisations, internal review of Council decisions, delegations and authorisations, Native Title claims

Legislative Requirements
Section 91(9), Local Government Act 1999

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Nil

COMMUNITY ENGAGEMENT

Nil

DEBATE REPORT

7.2 Corporate Services and Business Innovation

7.2.1 VARIATION TO DELEGATIONS REGISTER - UPDATES TO LEGISLATION

Author: Governance and Information Management Officer
24/31340

PURPOSE

To provide Council with an opportunity to consider updated and new provisions identified through legislative amendments for delegation to the Chief Executive Officer under various legislation.

RECOMMENDATION

That Council, in exercise of the power contained in section 44 of the *Local Government Act 1999*, the powers and functions under the following Acts and specified in the proposed Instruments of Delegation contained in Attachment 1 of the report entitled "Variations to Delegations Register – Updates to Legislation" are hereby delegated from 16 April 2024, to the position of Chief Executive Officer except where otherwise indicated in the Attachment, subject to the conditions and limitations specified in each proposed Instrument of Delegation:

a. *Local Government Act 1999*
b. Instrument A of the *Planning Development and Infrastructure Act 2016*
c. *Environmental Protection (Noise) Policy 2007*

REPORT

Background
Council has powers and functions that must be performed under a range of legislation. In most cases, the relevant Acts grant these powers and functions directly to Council. The ways in which Council may exercise its powers and functions are:

- when the Council itself exercises the power or function at a formally constituted meeting; and

- where the legislation enables it, a power or function may be delegated to a Council employee, in most cases being the Chief Executive Officer.

Delegations enable Council to apportion its powers and functions to the Chief Executive Officer (CEO) who in turn may sub-delegate to Council staff who have the relevant expertise and experience to improve the efficiency and timeliness of carrying out Council's decisions.

From time to time, legislation upon which Council's delegations are based change, requiring Council to review its relevant delegations on a periodic basis. Council may review its delegations at any time.

Introduction
In early 2020, the Local Government Association (LGA) advised councils it was undertaking a comprehensive review of the delegations' templates and revised its approach to the service offered to councils. The resulting framework established a simpler and contemporary approach that will improve ease of use, reduce legal risk, and enhance flexibility for Council.

Each power and function now consist of a short description only, replacing the historic approach which substantially replicated the text of the legislation. This framework also expands the number of delegable provisions across Acts that were not previously included as part of the delegations.

Discussion
The statutory power of delegation under section 44 of the *Local Government Act 1999* enables the delegation of the statutory powers and functions vested or conferred on a council. Other statutory delegation powers permit the delegation of powers or functions vested in a council in a particular capacity (eg as a relevant authority under the *Safe Drinking Water Act 2011* or an enforcement agency under the Food Act 2001). A column providing for the capacity in which the Council is acting is included in the tables of delegable statutory powers and functions. This is to assist Governance Officers to identify the powers and functions which are relevant to the Council and which the Council wants to delegate. It will also assist Council in ensuring the correct powers of delegation are referenced in the instrument of delegation.

The framework is not intended to provide a compliance manual for delegates exercising statutory functions and powers. Providing guidance as to the legal requirements for the valid exercise of that delegated power or function is not the purpose of an instrument of delegation or sub-delegation. The purpose is to record formally the delegation of statutory functions or powers. The delegate or sub-delegate is responsible for exercising the delegated power or function lawfully. This requires compliance with:

- any conditions or limitations on the delegation;
- any statutory requirements which apply to the exercise of the power or function; and
- relevant principles of administrative law.

Updates

Periodic updates to legislation are facilitated by the LGA and their legal partners at Norman Waterhouse Lawyers.

In this periodic update of delegations there have been changes to three pieces of legislation being:

Local Government Act 1999
- Legislative amendments relating to Regional Audit and Risk Committees.
- Update reference to the *Unclaimed Money Act 2021*

Planning Development and Infrastructure Act 2016
- Numbering change
- Update to the application for issuing of a certificate of occupancy.

Environment Protection (Noise) Policy 2007

- Deleted provisions

Summary and Conclusion

Council is now asked to review and endorse the delegations as at Attachment 1.

The delegations within this report do not detail the entirety of the delegation framework, only those provisions that have been identified as additional powers and functions not previously recognised as delegable or updates have been made to the wording of the delegation.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Variation to Delegations Register - Periodic Update

Supporting references

No further supporting references.

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Corporate Plan

BS7 Governance - Provision of governance advice and support in the discharge of legislative responsibilities for policy development, delegations and authorisations, internal review of Council decisions, delegations and authorisations, Native Title claims

Legislative Requirements

Under Section 44(1) of the *Local Government Act 1999* a council may delegate a power or function vested or conferred under this or another Act, and it may be made to an employee of the council, a council committee, or an authorised person.

Council's Delegations Register is available on Council's website.

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Risk mitigation is provided through the effective management of the delegation's processes and ensuring the CEO is aware of their responsibilities.

The risk of having ineffective or invalid delegations is minimised as the delegations being considered have been recommended by the LGA, who have engaged lawyers to ensure they are correctly set out with appropriate terminology. 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; and
- where the unlawful exercise of the power has caused loss or damage the Council may be liable for such loss or damage.

It is Council's decision as to whether it delegates any specific power, or not, under any legislation, except where otherwise directed. Section 44(3) of the *Local Government Act 1999* also specifies Council decisions that cannot be delegated.

COMMUNITY ENGAGEMENT

Employees are informed through established internal procedures of any variation to instruments of delegations that affect their position.

Council's Register of Delegations is made available to the public via Council's website www.barossa.sa.gov.au as required by the *Local Government Act 1999*.

LOCAL GOVERNMENT ACT 1999

NEW Provisions

#	Delegation Source	Provision	Item Delegated	Conditions & Limitations	Capacity of Council
711614	Local Government Act 1999	section 125(3)	Ensure appropriate policies, systems and procedures relating to risk management are implemented and maintained		council
711615	Local Government Act 1999	section 126(9)	Ensure annual report of audit and risk committee is included in annual report		council
711616	Local Government Act 1999	section 126A(1)	Establish a regional audit and risk committee		council
711617	Local Government Act 1999	section 126A(9)	Ensure annual report of regional audit and risk committee is included in annual report		Council

CHANGED Provisions

#	Delegation Source	Provision	Item Delegated	Conditions & Limitations	Capacity of Council
460531	Local Government Act 1999	section 128(2)	Appoint an auditor on the recommendation of the relevant audit and risk committee.		council
460641	Local Government Act 1999	section 184(12)	Deal with money under the Unclaimed Money Act 2021		council

DELETED Provisions

#	Delegation Source	Provision	Item Delegated	Conditions & Limitations	Capacity of Council
460477	Local Government Act 1999	section 87(1)	Determine the times and places at which ordinary meetings of a council committee will be held		council

INSTRUMENT A - INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016, REGULATIONS, PLANNING & DESIGN CODE AND PRACTICE DIRECTIONS OF POWERS OF A COUNCIL AS A COUNCIL; A DESIGNATED AUTHORITY; A DESIGNATED ENTITY INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016, REGULATIONS, PLANNING & DESIGN CODE AND PRACTICE DIRECTIONS OF POWERS OF A COUNCIL AS A COUNCIL; A DESIGNATED AUTHORITY; A DESIGNATED ENTITY

CHANGED Provisions

#	Delegation Source	Provision	Item Delegated	Conditions & Limitations
610002	Planning, Development and Infrastructure (General) Regulations 2017	Regulation 103A(2)	79.Required Documentation 79.2The power pursuant to Regulation 103A(2) of the General Regulations to, in relation to an application for the issuing on or after 1 October2024 of a certificate of occupancy relating to a Class 1a building under the Building Code, to require the following documentation: 79.2.1if the development has been approved subject to conditions, such evidence as the delegate may reasonably require to show that any conditions relevant to the suitability of the building for occupation have been satisfied,	

ENVIRONMENT PROTECTION (NOISE) POLICY 2007

DELETED PROVISIONS

#	Delegation Source	Provision	Item Delegated	Conditions & Limitations	Capacity of Council
459955	Environment Protection (Noise) Policy 2007	clause 4(2)	Participate in consultation with the Environment Protection Authority regarding what land uses are principally promoted by relevant development Plan provisions		council
459956	Environment Protection (Noise) Policy 2007	clause 4(4)	Participate in consultation with the Environment Protection Authority regarding in what land use category a land use principally promoted by relevant Development Plan provisions falls		council

DEBATE REPORT

7.2 Corporate Services and Business Innovation

7.2.2 MONTHLY FINANCE REPORT AS AT 31 MARCH 2024

Author: Senior Accountant
24/32302

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 Council receive and note the Monthly Finance Report as at 31 March 2024 as provided at Attachment 1.

REPORT

The Monthly Finance Report (as at 31 March 2024) is Attached. The report has been prepared comparing actuals to the original adopted budget 2023/24.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Monthly Finance Report Council March 2024

Supporting references
Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Corporate Plan
BS6 - Finance - Transparency and accountability regarding Council activity and expenditure. Provision of organisational performance report (outcomes), activity report (outputs), a range of statutory reporting (e.g. public health, tax, superannuation), financial reporting.

Legislative Requirements
Local Government (Financial Management) Regulations 2011, Regulation 9(1)(b) LGA Information paper no.25 – Monitoring Council Budget Performance.

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

To enable Council to make effective and strategic financial decisions, a regular up to date high level financial report is provided.

COMMUNITY ENGAGEMENT

Community Consultation was part of the original budget adoption process in June/July 2023, as per legislation. This report is advising Council of the monthly finance position compared to that budget.

MONTHLY FINANCE REPORT

AS AT 31 March 2024
FOR YEAR ENDING 30 JUNE 2024

Uniform Presentation of Finances

	Notes	% Actual Expenditure to Original Budget	Original Budget (Full-Year) $'000	Revised Budget (Q2) (Full-Year) $'000	Actual Result (Year-to-Date) (Full-Year) $'000
OPERATING ACTIVITIES:		***Operating***			
Operating Income			45,014	46,017	43,693
					0
Less Operating Expenses		**70.66%**	(47,359)	(47,780)	(33,463)
Operating Surplus / (Deficit)			**(2,345)**	**(1,763)**	**10,230**
CAPITAL ACTIVITIES:					
Net Outlays on Existing Assets		***Capital***			
Capital Expenditure on Renewal and Replacement of Existing Assets		94.73%	(8,031)	(10,574)	(7,608)
Add back Depreciation, Amortisation & Impairment			10,170	10,170	7,628
					0
Add back Proceeds from Sale of Replaced Assets			224	206	256
Subtotal			**2,363**	**(198)**	**276**
Net Outlays on New and Upgraded Assets					
Capital Expenditure on New and Upgraded Assets		54.79%	(14,822)	(16,708)	(8,121)
Add back Amounts Received Specifically for New and Upgraded Assets			2,796	2,281	1,737
Add back Proceeds from Sale of Surplus Assets			0	0	0
Subtotal			**(12,026)**	**(14,427)**	**(6,384)**
Net Lending/(Borrowing) for the Financial Year			**(12,008)**	**(16,388)**	**4,122**
Total % Capital Budget Spent		**68.83%**			

NOTES

1) 2023/24 Capital Expenditure to end of March includes:
- The Big Project - Tanunda Rec Park - $1.38M
- Upgrade Tanunda Oval - $1.43M
- Bridges - $70k
- Road Resheeting $1.01M
- Mt Pleasant Caravan Park Upgrade - $1.15M
- The Big Project -Barossa Rugby Park - $3.63M
- Drainage $293k
- Streetscaping $99k
- Footpaths & Kerbing $291k
- Sealed Roads $2.24M
- The Big Project - Lyndoch Rec Park - $193k

DEBATE REPORT

7.3 Infrastructure and Environment Services

7.3.1 KALIMNA ROAD - REQUEST FOR UPGRADE TO LEVEL OF SERVICE

Author: Manager, Engineering Services
24/32780

PURPOSE

A number of requests have been received by various transport operators for the approval of Heavy Mass Limit (HML) vehicles on Kalimna Road, Light Pass / Penrice to access Seelander Quarry.

RECOMMENDATION

That Council:

(1) With reference to The Barossa Council "Infrastructure Asset Management Plan (IAMP) Transport", the service level classification for Kalimna Road, Light Pass / Penrice, from Stockwell Road to Salem Road, be increased to have the following road asset assessment rating scores:

1. Road Commercial Priority – Score 8 (High Industry, all year round)
2. Road Social Priority – Score 2 (Low social importance, < 5 dwellings)
3. Road Tourist Priority – Score 0 (No tourist potential)
4. Road hierarchy - Rural Road Class 4 (Local connector connecting activity nodes)

(2) Approve Kalimna Road, Light Pass / Penrice, from Stockwell Road to the Seelander Quarry entrance at 563 Kalimna Road, for Heavy Mass Limit (HML) access up to the following vehicle sizes and types:

- Up to 19m x 3 axle Prime Mover and 3 axle Semi trailer
- Up to 19m x 3 axle Rigid Truck and 3 axle Dog trailer
- Up to 19m x 3 axle Rigid Truck and 4 axle Dog trailer

REPORT

Background

The 2.460 km section of Kalimna Road, Light Pass / Penrice forming the subject of this report connects from Stockwell Road to Salem Road and is made up of 3 segments:

1. Sealed rural road - from Stockwell Road to Waechters Road - length 1,150 metres
2. Unsealed rural road - from Waechters Road to Barnden Road, including Seelander Quarry Entrance - length 930 metres
3. Unsealed rural road - from Barnden Road to Salem Road - length 380 metres

The Seelander Quarry entrance is located at 563 Kalimna Road, within the second road segment listed above. Refer *attached* general locality plan.

In 2018 the owners of Seelander Quarry applied to the SA Government Department for Energy and Mining for an extension of the quarry area and Extractive Minerals Lease (EML) over the Mineral Claims (MC) 4428 and 4437 associated with the quarry. The extension to the mining license was however subsequently approved by the State Government Department for Energy and Mining.

The Barossa Council made a submission to the Department for Energy and Mining at the time which outlined a number of road safety concerns associated with the quarry expansion, including the road access:

- Kalimna Road has a number of locations where insufficient sight distance does not allow for safe and convenient frequent access of long heavy vehicles.
- Access from Kalimna Road to Stockwell Road to the west is via a restricted reverse curve alignment which does not allow for long vehicles to track within their respective carriageway lane, forcing tracking into the opposite lane of oncoming traffic.
- Access from Kalimna Road to Salem Road and Moculta Road to the east is via close sequential 'T' junctions, with a steep down grade, restricted sight distance and a right hand hook turn requirement to access south along Moculta Road, forcing tracking into the opposite lane of oncoming traffic.

Introduction

The Barossa Council "Infrastructure Asset Management Plan (IAMP), Transport" outlines service level classifications for all roads across the Council area, defined in terms of Community Levels of Service and Technical Levels of Service. The maintenance interventions of Council roads are determined from the rated score on the six measures of road assessment:

1. Road Commercial Priority
2. Road Social Priority
3. Road Tourist Priority
4. Road hierarchy

Council's road asset management data base currently identifies the section of Kalimna Road in question as a rural sealed and unsealed road with No Commercial Priority, Low Social Priority and No Tourist Priority classifications. In reality, however, the road's Commercial Priority is relatively high, due to the Seelander Quarry operations. The classifications of No Social Priority and No Tourist Priority are appropriate as currently recorded.

Identification of a level of Commercial Priority level of service is required to justify consideration for Heavy Mass Limit vehicle access. Any change to the existing road asset classification or level of service requires approval of the Elected Members.

In recent months, correspondence has been received from numerous transport companies requesting Heavy Vehicle on Kalimna Road to access Seelander Quarry. This has been requested to increase the efficiency of the freight tasks, especially for larger truck combinations which transport larger distances, ie to the Riverland and the South East. The requested vehicle access includes:

- Up to 19m x 3 axle Prime Mover and 3 axle Semi trailer

- Up to 19m x 3 axle Rigid Truck and 3 axle Dog trailer
- Up to 19m x 3 axle Rigid Truck and 4 axle Dog trailer

The increase from General Mass Limit (GML) to Heavy Mass Limit (HML) is an increase of up to 3 tonnes per vehicle, from 42.5 to 45.5 tonnes.

In 2020, approval was granted through the NHVR process for this HML vehicle access on Kalimna Road, with internal notes highlighting the need to monitor the impacts on the road infrastructure and safety risks given the already inadequate road infrastructure level of service provided. The NHVR license for this access lapses after 3 years and so now requires further consideration by Council before ongoing HML approval can be granted.

Discussion

General Mass Limit (GML) vehicles, up to a 19 metre long semitrailer, are permitted to travel on any public road in the region without further permit under Australian Road Rules legislation. Larger and heavier vehicles are only permitted to travel on Council Roads after gaining a permit through the National Heavy Vehicle Regulator (NHVR) process, which includes assessment by Council and approval on merit.

The NHVR assessment criteria required to considered by the Council Road Manager when assessing suitability of a road for oversize or over mass vehicle access includes the likelihood of the proposed vehicle to:

- cause damage to the road infrastructure, or
- impose adverse effects on the community, or
- pose a significant risk to public safety.

With reference to the Location SA Map Viewer data set - road crashes (2018-2022), there have been no recorded vehicle crashes on the road in the last 5 years. Notwithstanding, there has in recent years been an increase in the number of road safety concerns expressed by local property owners, with a high number of 21 Customer Requests (CR's) of complaint or report of dilapidation received in the past 5 years.

Traffic counts were undertaken by Council in 2020, Feb 2020, the average daily vehicle count was recoded as 207 vehicles per day, including 67 trucks - approximately 1/3 of vehicles being trucks. Over the last 5 years there has been a measurable increase in the number of commercial vehicles accessing Seelander Quarry. Further increase is expected in coming years as the quarry expands in size and the demand for its quarry minerals increases.

Heavy Vehicle access on roads not previously allocated with a freight function level will incur increased annual operational maintenance costs and likely capital upgrade costs over time to renew / upgrade the road pavement to an appropriate safe level of service for the proposed Heavy Mass Limit (HML) vehicle use. Heavier freight truck movements on Kalimna Road will bring forward the future road upgrade requirements for Kalimna Road.

The unsealed section of Kalimna Road is currently graded as required to maintain a safe surface for the operational Level of Service. The road has difficulty coping with the level of commercial vehicle activity and is quickly degraded with rutting, pot holes and general material loss, becoming unsafe in terms of road surface. Dust complaints from adjacent property owners are also frequent. Ongoing operational

repairs are required on a frequent basis. The unsealed entrance to the Seelander Quarry in particular is not capable of withstanding the HML vehicle loads with frequent dilapidation experienced. The unsealed section of Kalimna Road was substantially ripped and reconstructed in March 2024.

There would reasonably be a medium to long term requirement for reconstruction and widening of the existing seal from Stockwell Road to Waechters Road and reconstruction and sealing of the road from Waechter's Road to Salem Road to provide an appropriate safe and convenient level of service for the proposed Heavy Mass Limit (HML) vehicles. This work is currently unplanned and unbudgeted and, if required, will form the basis of a New Initiative application for future Council budget consideration.

Summary and Conclusion
An increase of the Commercial Priority score on the section of Kalimna Road from Stockwell Road to Salem Road to 8 (High Industry, all year round) is justifiable.

An increase in the numbers of trucks on Kalimna Road inherently increases likelihood to cause damage to the road infrastructure, impose adverse effects on the community, and increase risk to public safety. However, there have been no recorded road crashes in the past 5 years.

An increase of the mass limit load per truck will often reduce the number of movements that are required to complete the freight task, however, the number of truck vehicles accessing Kalimna Road and Seelander Quarry is increasing over time.

An increase from General Mass Limit (GML) vehicle to Heavy Mass Limit (HML) vehicle access on Kalimna Road from Stockwell Road to the Seelander Quarry entrance is expected to further increase the rate of road dilapidation and requirement for capital upgrade.

There have been presented reasons of commercial viability that warrant consideration for the increase of the vehicle mass limit on the above mentioned section of Kalimna Road to Heavy Mass Limit (HML).

When considering any future Capital upgrade of Kalima Road, it may be reasonable to negotiate that those benefitting from the heavy truck access make a monetary or in-kind contribution to the project and costs.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Kalimna Road - General Layout Plan

Supporting references
Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Corporate Plan

CS3 Assets - Planning, construction, maintenance, and operation of Council's assets (Transport, Bridges, Community Wastewater Management System, Community, Cultural, Recreation and Stormwater)

Legislative Requirements
Heavy Vehicle National Law (HVNL) and relevant guidelines.

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Heavy Vehicle access on roads not previously allocated with a freight function level will incur greater annual operational maintenance costs and likely capital upgrade costs over time.

Heavier freight truck movements on Kalmina Road will bring forward the future road upgrade needs for Kalimna Road. this would reasonably include the reconstruction and widening of the existing seal from Stockwell Road to Waechters Road and reconstruction and sealing of the road from Waechter's Road to Salem Road to provide an appropriate safe and convenient level of service for Heavy Mass Limit (HML) vehicles.

This work is currently unplanned and unbudgeted and, if required, will form the basis of a New Initiative application for future Council budget consideration.

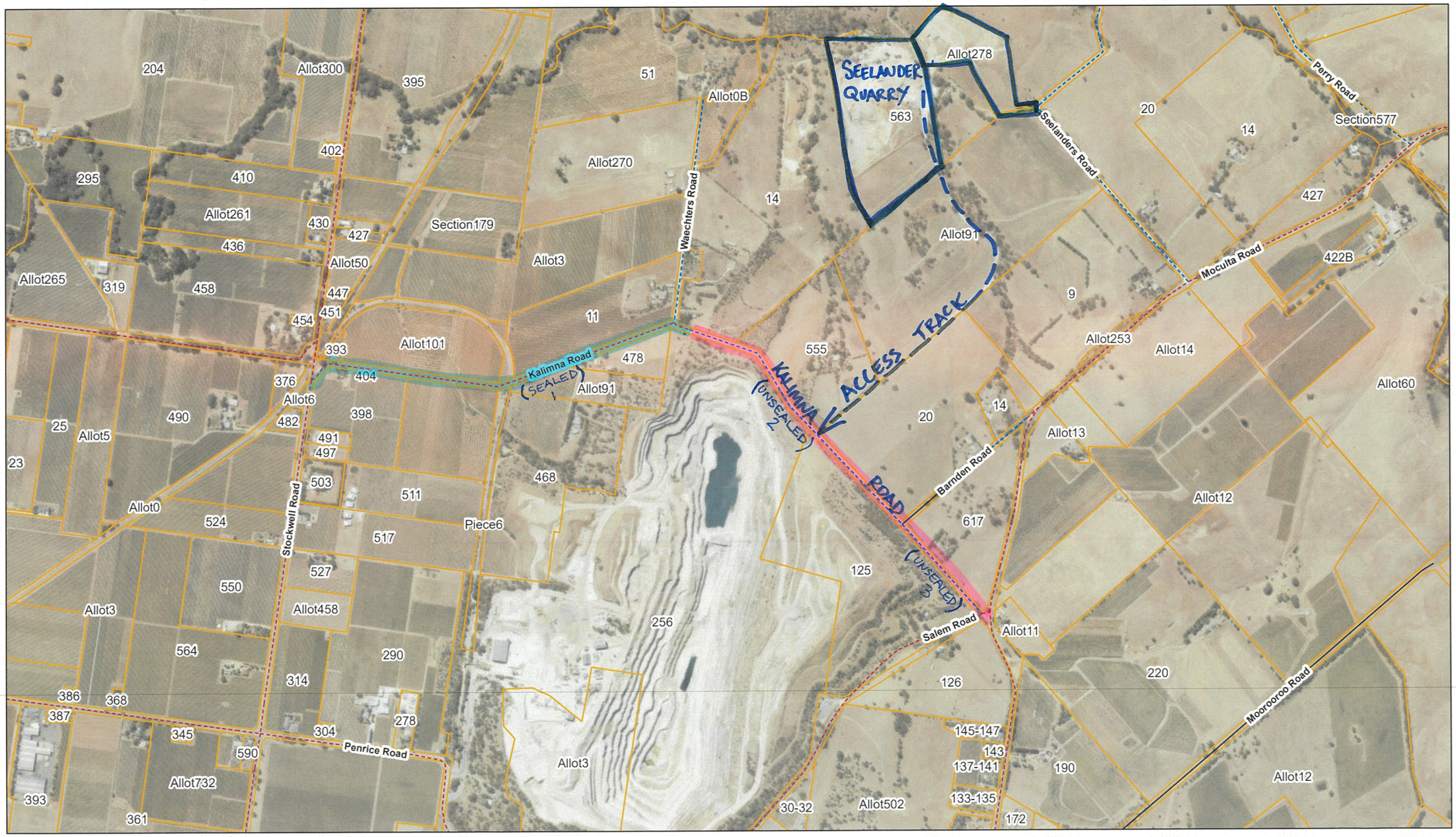
COMMUNITY ENGAGEMENT

The IAMPS have previously been presented for community review.

Current Time: 8/04/2024 10:21 AM

Kalimna Road, Light Pass / Penrice

While every effort has been made to ensure the accuracy of the product, location and attribute data can not be guaranteed. Council accepts no responsibility for any errors or omissions. Any feedback on omissions or errors would be appreciated.



Scale: 1:11,384

0 0.23 0.45 0.9 1.35 km

Legend

- Boundaries - Local Government Area
- <Null>
- Formed non built up (FNBU)
- Sealed non built up (SNBU)
- Unformed non built up (UFNBU)
- Roads - Barossa Roads
- Property
- Owner Details

N

The Barossa Council

DEBATE REPORT

7.3 Infrastructure and Environment Services

7.3.2 REQUEST TO INSTALL MEMORIAL ON COUNCIL LAND - JUTLAND WATER RESERVE

Author: Executive and Project Support Officer
24/32802

PURPOSE

To consider a request to accept the donation and installation of a Chibnall Family memorial within the Jutland Water Reserve.

RECOMMENDATION

That Council accepts the donation of and provides consent to the Chibnall family for the installation of a memorial at a location within the Jutland Water Reserve to be determined by the Senior Environmental Officer, subject to compliance with the Memorials on Community Land Policy.

REPORT

Background
The installation of memorial symbols within Community Land requires the approval of Council. Council's Memorials on Community Land Policy is attached for information.

Discussion
Mary Hewett has written to Council on behalf of her family, requesting permission to install a memorial within the Jutland Water Reserve, to honour their family members.

"My late grandfather RJ Chibnall was a part of the Jutland Soldier Settlement Scheme and farmed an area of land outside Eden Valley.

My late mother and her siblings were present at the unveiling of the plaque commemorating the families of the soldier settler families and were thrilled that the Jutland Soldier Settlers were being remembered in such a significant and appropriate setting.

The last of her generation Geoffrey Chibnall of Mt Pleasant died in 2022 and it has become a family tradition to gather at the Jutland Water Reserve to remember and reflect on our family members and the hardships that they endured in those early days at Eden Valley.

To this end we are investigating the possibility of erecting a small memorial at the reserve to honour our family members.

At this stage we have little idea of the form the memorial would take and would follow the advice of the council regarding the progression of the project."

Summary and Conclusion
The application outlines the connection the Chibnall family has to the Barossa as required at 4.1.1 of the Policy.

Should Council approve the request, the Senior Environmental Officer will work with the family to determine a mutually agreeable site and structure for the memorial and the wording for the plaque.

Council's Manager Infrastructure and Environmental Services has no objection to the proposal.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Memorials on Community Land - adopted 17 September 2019

Supporting references
Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Corporate Plan
CS3 Assets - Planning, construction, maintenance, and operation of Council's assets (Transport, Bridges, Community Wastewater Management System, Community, Cultural, Recreation and Stormwater)

Legislative Requirements
Nil

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

The Chibnall family will pay all costs associated with the installation of the memorial and plaque.

Should a bench seat be requested, it will be selected by the Open Space team to complement the existing street furniture.

COMMUNITY ENGAGEMENT

Community consultation is not required under legislation or Council Policy.

The Senior Environmental Officer will work with the family and stakeholders to identify the most suitable site in the Reserve to ensure native vegetation is not impacted.

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THE BAROSSA COUNCIL MEMORIALS ON COMMUNITY LAND POLICY

Corporate Plan Link:	6.2 Ensure that Council's policy and process frameworks are based on principles of sound governance and meet legislative requirements.		
Policy Owner:	CEO or DCCS	**Previous Approval Date(s):**	20 Oct 2009
Document Control Employee:	Manager Community Projects	**Current Approval Date:**	17 Sept 2019
HPE Content Manager Ref:	19/31010	**Next Review Date:**	By Oct 2023

1. Purpose

The purpose of this Policy is to provide compassionate, consistent and accountable guidance on Council's position regarding:

1.1 Community requests for the installation of Memorials on Community Land.
1.2 Community installations of Road Side Memorials.
1.3 Scattering of ashes on Community Land.

There is no legislative requirement for Council to have a policy in this area; however various sections of the Local Government Act 1999 require that any alterations (including additions) to Community Land and Roads under Council's care and control must be authorised by Council.

2. Scope

The Memorials on Community Land Policy provides guidance for the management and placement of all existing and proposed plaques and memorials (including trees) within the Council area, whether they are in or on buildings or other community facilities, pavements or roadsides, parks, gardens, cemeteries, streets or any other area of council owned or managed public open space.

3. Definitions

Memorial	An object or image including garden beds, trees, park benches, etc. constructed, erected, planted, painted or other indicators commemorating a deceased person.
Roadside Memorial	A symbol with the following criteria: • Not more than 1m2 in size • Non – reflective • Installed with no concrete footings (ie pushed into earth only) • Placed within the road reserve and not on the carriageway or footpath A Roadside Memorial does not include a roadside crash marker (black or red).
Community Land	All local government land (except roads) that is owned by a council or under a council's care, control and management and that has not been excluded as Community Land, or had the Community Land

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	Classification revoked pursuant to Chapter 11, Part 1, Division 3 of the *Local Government Act 1999*.
Road	A public or private street, road or thoroughfare to which public access is available on a continuous or substantially continuous basis to vehicles or pedestrians or both and includes: (a) a bridge, viaduct or subway; or (b) an alley, laneway or walkway
Road Reserve / Verge	The road verge is the area of land between the back of the kerb or road edge and the adjoining property boundary.

4. Policy Statement

4.1 Memorials on Community Land

4.1.1 Memorials on Community Land may be approved for persons who had a significant connection to the Barossa (eg resident, volunteer, community leader) as determined by a report to Council.

4.1.2 The installation of Memorials within Community Land requires the approval of Council. No Memorials depicting personal circumstances are to be located on Community Land, unless approved by Council and must meet the following criteria:

- Be in keeping with any existing master plan or strategy relevant to the site
- Will not adversely impact the existing site use
- Will not compromise the aesthetic or cultural integrity of the site
- Will not compromise either public or personal safety
- Will not be placed in any designated memorial garden
- Applicants are to meet all costs associated with the purchase and installation. Ongoing maintenance thereafter will be at a Service Level determined by Council, as resources permit. Council, at its discretion, may waive the maintenance requirements.
- Replacement or removal of the Memorial due to loss/damage or asset depreciation will be at the discretion of Officers. The longevity and replacement of Memorials is not guaranteed.
- Council may require the family member or applicant to remove, alter or relocate a Memorial at their expense, if it requires maintenance, poses a risk to public or personal safety or is uncompliant with Council's Policies and Processes, master plan or strategies relevant to the site or Land the Memorial is on. If this cannot be achieved, Council reserves the right to remove, alter or relocate Memorials at its discretion. For example: as Community needs change, so may the preferred use of Council reserves / recreation parks / parks. Existing Memorials give families no guarantee that Council may not sell or redevelop the site at any time in the future. Council Employees will notify affected family members wherever possible prior to removal, alteration or relocation.

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- The Memorial will not commemorate a person that is already memorialised within The Barossa Council region (except for a memorial within a cemetery managed by The Barossa Council).

- The Memorial demonstrates sensitivity and will not cause offense.

- Council will use best endeavours to contact relatives in the event that a memorial on community land needs to be removed or relocated.

4.1.3 Application Process

- A person wishing to place or construct a Memorial on Community Land should make a written application to Council, addressed to the Chief Executive Officer via The Barossa Council, 43-51 Tanunda Road, Nuriootpa, SA 5355, or via email barossa@barossa.sa.gov.au. The application will be processed by delegated Officers.

- Acknowledgement of receipt will be provided within 5 working days and the application will be referred to the Director Corporate and Community Services (DCCS) or delegate.

- The application for a Memorial on Community Land (not a Roadside Memorial) will be included in the Council meeting agenda as the Manager's Debate Report to the next Council meeting. Applicants should be aware that the application letter (including any contact details provided) may be attached to the Manager's Debate Report, and that the Council meeting agenda is a publicly available document and will be accessible via Council's website. It is the applicant's responsibility to notify Council within a reasonable period of time if they wish for contact details to be redacted.

- The Council's decision will be reported to the applicant by the DCCS or delegate in writing within seven (7) working days of the next meeting. Council meeting minutes are also available on Council's website www.barossa.sagov.au.

4.2 Roadside Memorials

4.2.1 Roadside Memorials may be placed on the Roadside or Road Reserve in memory of the person who lost their life at that place.

4.2.2 The presence of Roadside Memorials needs to be treated with sensitivity, as they are of significant importance to families and friends that have lost loved ones.

4.2.3 However they can:

- be upsetting to some members of the community
- be distracting to Road users, thereby creating a safety hazard
- result in visitors stopping at Memorials, potentially creating a traffic hazard especially on points of the road network which have been identified as an area of increased risk.
- add complexity to maintenance activity on the Road Verge by increasing the number of obstructions
- complicate and delay the progress of programmed capital and / or maintenance works due to the need to remove or relocate the Memorial.

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4.2.4 Roadside Memorials may be erected in memory of a person/s that has lost their life as a result of a road crash within the Council region and:

- be approached with a flexible, balanced, compassionate approach to individual preferences, road safety considerations, and nearby residents / businesses.
- will be situated as close as practical to the accident location providing that the safety of the public, resources, buildings and fixtures is not compromised.
- shall not obstruct the use of the Road or Road Verge by pedestrians, cyclists or road users.
- has a contact person nominated for inclusion in Council's records.

4.2.5 Time period, appearance, location and installation of Roadside Memorial installations should be:

- temporary in nature, installed for a period of up to 15 months. However, should family or friends of the deceased person wish it to remain in situ for a longer period, this may be negotiated with Council.
- no more than 1m2
- located at least:
  - 1 metre outside the line of any guidepost
  - 2 metres away from the edge of any Road
  - 1 metre from the edge of any public access way or footpath
- not located:
  - where they may obstruct the role of any traffic control item
  - in close proximity to residential dwellings or businesses, without permission from the property owner
  - on landscaped Verges
  - on traffic islands, medians or roundabouts
  - within 30 metres of traffic signals
  - within 30 metres of a curve of the road
  - on any existing Roadside object, structure or within trees or vegetation without permission from Council.
- not to be installed with fixed footings
- not to compromise the health or integrity of any tree or vegetation

4.2.6 Any Roadside Memorial placed which does not meet the criteria above may be removed and stored in accordance with 4.2.10.

4.2.7 If a Roadside Memorial has fallen into disrepair or unreasonably interferes with road management or maintenance activities, in accordance with 4.2.10, Officers will contact the family (where possible) to request that the Memorial be maintained, moved or removed, whatever is appropriate.

4.2.8 Roadworks near Memorials

- Where construction or road works are required to be undertaken and will impact on a Roadside Memorial, including maintenance activities, Officers will remove the Memorial in accordance with 4.2.10.
- The Memorial may be reinstated as close as practical to the original location at the conclusion of the works.

4.2.9 Removal and Storage/disposal

When necessary, either fifteen (15) months after the passing of the person, unless otherwise agreed, or if a Memorial does not comply with this Policy, Officers will attempt to contact the family or friends of the deceased person to arrange for its modification, relocation or removal. In the event that the Roadside Memorial owner cannot be contacted, placing a 'notice of intent to modify, relocate or

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remove' as per attached template, on the Roadside Memorial will be considered and placed on the Memorial for a period of no less than three (3) months. At the conclusion of this time, the Memorial will be photographed and registered in Council's Electronic Records Management System in accordance with Council's Knowledge Management Policy.

Where practical, Memorials will be relocated and stored at a secure location. After a storage period of 12 months, and if the family have not been able to be contacted, a Roadside Memorial may be disposed of.

4.2.10 A Memorial Register will be maintained to document the location, number and contact details of applicants.

4.3 Scattering of Ashes

Requests for scattering of ashes of deceased persons or animals on Community Land will not be approved.

5. Supporting Process

Notice of intent to modify, relocate or remove memorial template Ref: 19/34465

6. Related Policies

Local Government Land By-Law

7. Legislation and References

None

8. Review

This Policy will be reviewed by [the Council / Document Control Employee] in consultation with the relevant stakeholders, within twelve (12) months of each new council or more frequently if legislation or Council's need changes.

9. Further Information

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

9.2. Complaints regarding this Policy or its application can be made to the Customer Support Team on 8563 8444 or barossa@barossa.sa.gov.au at first instance, who will refer you to the most appropriate Employee according to Council's Customer Service Policy and Complaints Handling Process (see clause 9.1 above for availability).

Signed: ..... **Dated:** 24/09/2019.....

[Mayor Michael Lange or
Chief Executive Employee under delegation]

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10.	Policy Version History

Version No:	Approval Date:	Description of Change:
Eg. 1.0	20/10/2009	New Policy
Eg. 2.0	17/09/2019	General review, update to new template and addition of Roadside Memorials Policy and Scattering of Ashes

FLAGGED THIS

DEBATE REPORT

7.4 Development and Community Services

7.4.1 APPOINTMENT OF INDEPENDENT CHAIRPERSON TO THE BOARD OF THE GAWLER RIVER FLOODPLAIN MANAGEMENT AUTHORITY

Author: Executive and Project Support Officer
24/31196

PURPOSE

The Executive Officer for the Gawler River Floodplain Management Authority (GRFMA) has written to each of the Constituent Councils seeking endorsement for the appointment of an Independent Chairperson in accordance with the GRFMA Charter.

RECOMMENDATION

That Council endorse the appointment of Mr Lino Di Lernia to the position of Chairperson of the Gawler River Floodplain Management Authority, for a term of three years, commencing after formal appointment at the GRFMA meeting to be held 18 April 2024.

REPORT

Background
The GRFMA Charter provides:

> *4.4.1 A person who is neither an officer, employee or member of a Constituent Council will be appointed by the Constituent Councils as a Board Member and the Chairperson for a term of up to three years and on such other terms and conditions as determined by the Constituent Councils.*

Introduction
The current GRFMA Chairperson, Mr Ian Baldwin has advised that he will not be seeking an extension to his current term of appointment, which he has held since 2015.

Following an unsuccessful expression of interest process in 2023, McArthur Recruitment Services were again engaged, calling for Expressions of Interest for the position and holding candidate interviews. Thorough reference checks, background and social media checks were undertaken, and Mr Lino Di Lernia was identified as the preferred candidate.

Discussion
Correspondence from David Hitchcock (Executive Officer, GRFMA) has been received, detailing the appointment process and professional achievements of the preferred candidate, Mr Di Lernia, and is contained within Attachment 1.

Summary and Conclusion
At the special meeting of the GRFMA held on 7 March 2024, the Board endorsed the recommendation of Mr Di Lernia as preferred candidate GRFMA Chairperson. Council approval is now sought for the formal appointment of Mr Lino Di Lernia as GRFMA Chairperson, Independent Member for a term of three years; effective following formal appointment to the position by all the Constituent Councils of the GRFMA.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Letter to Councils to seek endorsement - Appointment GRFMA Chairperson

Supporting references
Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan

Infrastructure

Goal
7. Community infrastructure planning is aligned to both current and the future needs of the community

Strategies
7.2. Ensure both current and future infrastructure needs are met in a proactive rather than reactive way.

Legislative Requirements
Local Government Act 1999

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Resourcing and risk management provisions are required to be addressed under the GRFMA's Charter.

COMMUNITY ENGAGEMENT

Not required by Council.

Gawler River Floodplain Management Authority
PO Box 366 Seacliff Park, SA 5049
Telephone: 0407717368 Email: eo@grfma.com
Website: www.gawler.sa.gov.au/grfma

Martin Mc Carthy
Chief Executive Officer
The Barossa Council
43-51 Tanunda Road
NURIOOTPA SA 5355
By email barossa@barossa.sa.gov.au

12/03/2024

Dear Martin,

Appointment of GRFMA Chairperson, Independent Member

I am writing seeking Councils approval and a resolution of formal appointment of Mr Lino Di Lernia as GRFMA Chairperson, Independent Member, for a term of three years.

The GRFMA Charter provides.

> *4.4.1 A person who is neither an officer, employee or member of a Constituent Council will be appointed by the Constituent Councils as a Board Member and the Chairperson for a term of up to three years and on such other terms and conditions as determined by the Constituent Councils*

The GRFMA current Chairperson, Mr. Ian Baldwin has previously advised he will not be extending his current term of appointment and is assisting with temporary continuation, until a substantive appointment is approved by the Board, endorsed by Constituent Councils and the successful applicant commences in the position of Chairperson.

Following the unsuccessful expression of interest process in 2023, a new public call for the position has now been completed by Mc Arthur Recruitment Services.

On conclusion of candidate interviews, the panel established to manage the process determined and unanimously agreed that the preferred candidate is Mr Lino Di Lernia.

Following the panel interviews McArthur performed reference checks and background and social media checks which did not identify any concerns or issues.

Lino was determined as the preferred candidate due to his political acumen, leadership, knowledge, networks and understanding of local, state, and federal government.

Key positions held include.

- Deputy Chief Executive SA Department of Planning, Transport, and Infrastructure.
- Program Director, Advanced Train Management System Proof of Concept, Australian Rail Track Corporation.
- Director Projects, Office of Major Projects and Infrastructure, Department for Transport, Energy and Infrastructure.
- Managing Director and Chief Finance Officer, Australian National Railways Commission
- Chief Executive Officer Motor Accident Commission.

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Notable achievements.

Managed

- $800 million delivery of public transport infrastructure.
- $50 million environmental remediation program of over 600 Australian National Railway Commission sites.
- $185 million sale of the Adelaide Casino for superannuation fund manager, Funds SA.

Developed

- 5-year strategic plan for the State Bank of South Australia post its collapse.
- The design, development, integration, testing and documentation of a world-breaking train management technology.

Directed

- The public-private partnership development of the port of Adelaide and industrial areas.
- The closure of Australian National Railways Commission operations.
- The downsizing and closure of The State Bank of South Australia's International bank offices in London, New York and Auckland.

The 7/3/2024 GRFMA special meeting endorsed the recommendation of Mr. Di Lernia as preferred candidate GRFMA Chairperson, Independent Member and directed that I seek Constituent Council approval of appointment pursuant to clause 4.4.1 of the GRFMA Charter.

I would be pleased to receive Councils approval and a resolution of formal appointment of Mr. Lino Di Lernia as GRFMA Chairperson, Independent Member, for a term of three years: effective following formal appointment to the position by all the Constituent Councils of the GRFMA.

A response by Wednesday 17 April 2024 will assist in enabling the GRFMA to formally confirm Mr. Di Lernia’s appointment at the Thursday 18 April 2024 GRFMA meeting.

Yours Sincerely

David Hitchcock, Executive Officer

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