TheBarossaCouncil

NOTICE OF ORDINARY COUNCIL MEETING
Tuesday 15 April 2025
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

Nil

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 18 March 2025 at 5.30pm

2.2 Matters arising from previous minutes

Nil

3 PROCEDURAL ITEMS

3.1 Petitions

Nil

3.2 Deputations/Visitors to the meeting

Nil

3.3 Notice of Motion

Nil

3.4 Questions with Notice

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Nil

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9. URGENT OTHER BUSINESS

10. NEXT MEETING

Tuesday 20 May 2025 at 5.30pm

11. CLOSURE

Mayor's Report - April Meeting 2025

25/25260

MARCH/APRIL

10/03/2025	Attended the SACA Community Cricket Awards at Adelaide Oval. The Barossa Council and The Barossa & Light Cricket Association were nominated under the prestigious 'Community Partnership of the Year' category and took that award home. Hosting the Veterans Cricket Australia 'Grey' Ashes in December 2024 and the Toyota Australian Country Cricket Championships in January 2025. In January, the region welcomed 12 teams across male and female divisions from South Australia, Victoria, Queensland, Western Australia, New South Wales and East Asia Pacific. These events allowed The Barossa Council, together with The Barossa & Light Cricket Association clubs to showcase the best of the world-renowned Barossa region and the hospitality of the host clubs, creating a destination region for cricket tourism. Considerable investment in the Tanunda Recreation Park, Angaston Oval and Centennial Park's have created outstanding cricket facilities and infrastructure with the ability to host large scale events. Volunteer Service Awards were also presented to the Lyndoch Cricket Club.  Pictured with Megan Woolridge, General Manager Community Cricket SACA  Volunteer Service Awards were presented to the members of Lyndoch Cricket Club.

13/03/2025	Invited to attend the cutting the ribbon ceremony with the South Australian Premier, Peter Malinauskas at newly completed Barossa Park, in time for bump in for the AFL Gather Round games in April.  Pictured with SA Premier, Peter Malinauskas and junior players from Barossa Districts.
13/03/2025	Presentation to the Kiwanis Barossa Valley Club on Barossa Park, Creative Industries and Sister City, Grapevine Texas and Nuriootpa High School agricultural student study tour update.  Pictured with Margaret Harris, President, Kiwanis Barossa
15/03/2025	Invitation to attend as Patron of the 2025 Mt Pleasant Show, attended by approximately 6000 people across the community.
18/03/2025	Invitation to toss the coin for the SA Veteran's Cricket Barossa 25 tournament being held at the Tanunda Recreation Park with the Mayors XI playing the Barossa XI. 

19/03/2025	An initiative of the SA Government is Bounce Around the Barossa, a free hop-on-hop-off bus service for all Gather Round ticket holders from Thursday 10 April to Sunday 13 April, connecting 45 local businesses and towns across the iconic wine region, to experience, not only the footy, but also enjoy the best food and wine and atmosphere the Barossa has to offer.   Pictured with SA Premier, Peter Malinauskas
19/03/2025	Invitation to attend the Barossa Young Ambassador Project Presentations, giving the opportunity for the 2025 Young Ambassadors to share their ideas, celebrate their achievements, spark ideas for collaboration, and support the next generation of community leaders.  Pictured with the 2025 Barossa Young Ambassadors
19/03/2025	Invitation to attend Those Barossa Girls –'Rolling Up Their Sleeves' Book Launch at Barossa Regional Gallery.  Pictured with Jess Greatwich, 'Those Barossa Girls' Sheralee Menz & Marieka Ashmore and Maggie Beer

20/03/2025	Invitation to attend the World Crossbow Championships at Rowland Flat Airstrip and provide welcome to the Barossa and officially open the championships.  
20/03/2025	Provided welcome and attended Eastern Reds Veterans Cricket Club B25 Gala Dinner.
21/03/2025	Citizenship Ceremony was held in the Council Chambers during Harmony Week welcoming fourteen new citizens to our community. This was attended by over 70 family and friends and catered for by the SA Country Women's Association – Angaston Branch.  Pictured with long time Barossan Diane Smith
23/03/2025	Invitation to attend the Barossa Light & Gawler Football District Association Season Launch.
26/03/2025	Following on from correspondence received from Treasury Wine Estates, informing Council of a decision to close the Penfolds Barossa Valley Cellar Door (30 June 2025). Contact was made to establish a meeting with Penfolds to understand the ongoing operations and future plans for Penfolds in the Barossa. On 26 March, I was accompanied by Elaine Burridge, Senior Manager Economic Activation, Strategy and Customer Experience to meet with Steph Dutton, Penfolds Senior Winemaker. Steph provided assurance re: Penfolds future in the Barossa, outlining that there are no changes growing and wine production operations of Penfolds in the Barossa, an insight into the high end visitor that

	Penfolds will continue to host at their venue at Kalimna Homestead and shared that a new cellar door is planned. Penfolds employs over 400 full-time equivalent employees, a further 120 casual employees over vintage each year and supports a number of growers across the Barossa. Penfolds continues to focus on growing their international and domestic presence in the wine market with particular focus on high end product demand. Penfolds have been engaged as a premium supplier to provide wines throughout Gather Round events at The Clubhouse VIP events at Barossa Park as well as the VIP Footy Show event. Penfolds are keen to engage and establish a relationship with Council to continue to share their future plans and are keen to explore potential sponsorship opportunities with Council as they arise.  Pictured with Steph Dutton, Penfolds Senior Winemaker and Elaine Burridge This meeting provided an opportunity for financial support for the Nuriootpa High School Study Tour to Grapevine, Texas through the Penfolds Evermore Program.
26/03/2025	Invitation to attend the Barossa Village Opening of Buna Kokoda Retirement Village with the opportunity to view the homes before residents move in.  Pictured with Helen O'Brien, Chairperson and Ben Hall, CEO, Barossa Village.

29/03/2025	Opening the Mt Pleasant Community Kitchen. 
1/04/2025	Attended the Pirathon Cellar Door launch  Pictured with Jane Willson and David Farrugia
2/04/2025	TV interview with ABC on Gather Round and the Barossa Festival of Football. Radio interview with FlowFM on Gather Round and the Barossa Festival of Football.

MATTERS FOR INFORMATION

6.1 GAWLER RIVER FLOODPLAIN MANAGEMENT AUTHORITY - MINUTES OF MEETING

Author: Executive and Project Support Officer
25/20507

Minutes and Key Outcomes Summary of the Gawler River Floodplain Management Authority meeting held 20 February 2025, are attached for information.

ATTACHMENTS

Attachment 1 Minutes and Key Outcomes Summary - Gawler River Floodplain Management Authority Meeting held 20 February 2025 ⇩

SUPPORTING REFERENCES

Nil

MINUTES

GAWLER RIVER FLOODPLAIN MANAGEMENT AUTHORITY
BOARD

9:45am Thursday, 20 February 2025
Light Regional Council – Council Offices – 93 Main Street, Kapunda

1. Meeting of the Board

1.1 Welcome by the GRFMA Chairperson

Mr Lino Di Lernia formally welcomed Board Members, Deputy Board Members and the Executive Officer and opened the 155th meeting of the Board.

1.2 Present

- Mr Lino Di Lernia, Independent Board Member, Chair
- Cr Terry-Anne Keen, Adelaide Plains Council, Board Member
- Mr James Miller, Adelaide Plains Council, Board Member
- Cr Malcolm Herrmann, Adelaide Hills Council, Board Member
- Mr David Collins, Adelaide Hills Council, Board Member
- Cr Bruce Preece, The Barossa Council, Board Member
- Mr Jake McVicar, The Barossa Council, Board Member
- Cr Paul Koch, Town of Gawler, Board Member
- Ms Whendee Young, Town of Gawler, Board Member
- Cr Clint Marsh, City of Playford, Board Member
- Mr Greg Pattinson, City of Playford, Board Member
- Mr David Hitchcock, Executive Officer

1.3 Apologies

- Cr Michael Phillips-Ryder, Light Regional Council, Board Member
- Mr Richard Dodson, Light Regional Council, Board Member

1.4 Appointment of Observers

Nil

1.5 Declarations of Interest

David Hitchcock declared a material conflict of interest in Item 10.1 and will leave the meeting for that item.

2. Confirmation of Minutes

2.1 GRFMA Ordinary Meeting Minutes

GB1/25 GRFMA Ordinary Meeting Minutes
Moved: Cr Malcolm Herrmann
Seconded: Cr Bruce Preece

That the Minutes of the Gawler River Floodplain Management Authority Board meeting held on 12/12/2024 be confirmed as a true and accurate record of that meeting.

CARRIED UNANIMOUSLY

2.2 GRFMA Confidential Meeting Minutes

GB2/25 GRFMA Confidential Meeting Minutes
Moved: Cr Bruce Preece,
Seconded: Ms Whendee Young

That the Minutes of the Gawler River Floodplain Management Authority Board confidential meeting held on 12/12/2024 be confirmed as a true and accurate record of that meeting.

CARRIED UNANIMOUSLY

2.3 Actions on Previous Resolutions

The Board accepted the report as read.

2.4 Matters Arising from the Minutes

Nil

3. Questions on Notice

Nil

4. Motions on Notice

Nil

5. Presentations

Nil

6. Audit and Risk Committee

6.1 Audit and Risk Committee Meeting Minutes

GB3/25 Audit and Risk Committee Meeting Minutes
Moved: Cr Malcolm Herrmann
Seconded: Mr Greg Pattinson

That the GRFMA receives the minutes of the Gawler River Floodplain Management Authority Audit and Risk Committee meeting held on 3/2/2025.

CARRIED UNANIMOUSLY

7. Technical Assessment Panel

Nil

8. Reports

8.1 Gawler River Flood Mitigation Business Case

GB4/25 Gawler River Flood Mitigation Business Case
Moved: Cr Terry-Anne Keen
Seconded: Mr David Collins

That the GRFMA:
1. *Notes the report.*
2. *Requests the GRFMA Chairman to undertake discussion with Constituent Councils and the State Government to facilitate further engagement of Federal Government funding opportunities.*
3. *Endorses GRFMA's application to the Disaster Ready Fund to assist completion of the Business Case on the basis that the GRFMA will contribute up to $200,000.*

CARRIED UNANIMOUSLY

8.2 Gawler River Stormwater Management Plan

GB5/25 Gawler River Stormwater Management Plan
Moved: Cr Bruce Preece
Seconded: Mr James Miller

That the GRFMA endorses the Community Engagement, Gawler River SMP, framework as provided Item 8.2 attachment of the 20/02/2025 GRFMA meeting.

CARRIED UNANIMOUSLY

8.3 Financial Report and GRFMA 2024/2025 Budget Review 2

GB6/25 Financial Report and GRFMA 2024/2025 Budget Review 2
Moved: Cr Malcolm Herrmann
Seconded: Cr Bruce Preece

That the GRFMA:
1. *Receives the financial report as of 31 January 2025 showing a cash at bank balance of $17,636.60.*
2. *Notes internal cash lending for CAD offset is $349,376.65.*
3. *Adopts the GRFMA 2024/2025 Budget Review 2 documents January 2025, and the variances contained as its amended and current budget for the period ended 30 June 2025.*

CARRIED UNANIMOUSLY

8.4 Executive Officer Report

GB7/25 Executive Officer Report
Moved: Cr Terry-Anne Keen
Seconded: Mr Greg Pattinson

That the GRFMA:
1. *Receives the report.*
2. *Authorises GRFMA Chairman, Mr Lino Di Lernia and GRFMA Executive Officer, Mr David Hitchcock to attend the 2025 FMA conference to be held at Pullman Melbourne on the Park from 13-16 May 2025.*

CARRIED UNANIMOUSLY

8.5 Draft 2025/2026 GRFMA Annual Business Plan and Draft 2025/2026 Budget

GB8/25 Draft 2025/2026 GRFMA Annual Business Plan and Draft 2025/2026 Budget
Moved: Cr Malcolm Herrmann
Seconded: Ms Whendee Young

That the GRFMA:
1. *Endorses the Draft 2025/2026 GRFMA Annual Business Plan and Draft 2025/2026 Budget.*
2. *Following receipt of Constituent Council feedback, considers adoption of the GRFMA draft Annual Business Plan and Annual Budget at the June 2025 meeting.*

CARRIED UNANIMOUSLY

9. Correspondence

Nil

10. Confidential

10.1 Executive Officer Services Review

10:56am David Hitchcock left the meeting.

GB9/25 Executive Officer Services Review
Moved: Mr Greg Pattinson
Seconded: Cr Bruce Preece

That:
1. *Pursuant to Section 90(2) of the Local Government Act 1999, an Order is made that the public be excluded from attendance at the meeting, with the exception of:*
   - *Observers*

   in order to consider in confidence agenda item 10.1 Executive Officer Services Review pursuant to Section 90(3)(a) of the Local Government Act 1999 on the basis of: containing information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).
2. *This matter is confidential because the information herein provides matters relating to the Independent Contractor Agreement for GRFMA EO.*
3. *On the basis of this information, the principle that meetings of the GRFMA Board should be conducted in a place open to the public has been outweighed in this instance: the Board consider it necessary to consider this matter in confidence.*

CARRIED UNANIMOUSLY

10:57am confidential session commenced.

10.1 Executive Officer Services Review

GB10/25 Executive Officer Services Review – kept in confidence

10.1 Executive Officer Services Review

GB11/25 Executive Officer Services Review
Moved: Cr Terry-Anne Keen
Seconded: Ms Whendee Young

That:
1. *Pursuant to Section 90(2) and Section 91(7) of the Local Government Act 1999, the GRFMA orders that the following aspects of item 10.1 Executive Officer Services Review be kept confidential in accordance with the GRFMA Boards reasons to deal with this item in confidence pursuant to section 90(3) (d) (e) of the Local Government Act 1999:*
   - *Report for Item 101.*
   - *Minutes for Item 10.1.*
2. *This order shall operate until reviewed and determined as part of the annual review by the Authority in accordance with Section 91(9)(a) of the Local Government Act 1999.*

CARRIED UNANIMOUSLY

11:03am confidential session concluded.

11:04am David Hitchcock returned to the meeting.

10.2 SMP Consultation

GB12/25 SMP Consultation
Moved: Mr David Collins
Seconded: Mr Greg Pattinson

That:
1. *Pursuant to Section 90(2) of the Local Government Act 1999, an Order is made that the public be excluded from attendance at the meeting.*
   In order to consider in confidence agenda item 10.2 SMP Consultation, pursuant to Section 90(3)(b)(i)(II) of the Local Government Act 1999 on the basis of information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the GRFMA.
2. *This matter is confidential because the information herein provides information regarding consideration of commercial terms for services.*
3. *On the basis of this information, the principle that meetings of the GRFMA should be conducted in a place open to the public has been outweighed in this instance: the Committee consider it necessary to consider this matter in confidence.*

CARRIED UNANIMOUSLY

11:06am confidential session commenced.

10.2 SMP Consultation

GB13/25 SMP Consultation
Moved: Mr Greg Pattinson
Seconded: Cr Bruce Preece

That the GRFMA:
1. *Engages Ms Emma Pink to undertake community engagement on the Gawler River Stormwater Management Plan in accordance with the proposal as per correspondence of 18 February 2025.*
2. *Acknowledges that estimated cost of the services is $8,000.*
3. *Requests the GRFMA Executive Officer to consult with and seek approval of the GRFMA Chairman, regarding any aspect of cost associated with printing material or the use of external designers for web assets.*

CARRIED UNANIMOUSLY

10.2 SMP Consultation

GB14/25 SMP Consultation
Moved: Cr Malcolm Herrmann
Seconded: Cr Clint Marsh

That:
1. *Pursuant to Section 90(2) and Section 91(7) of the Local Government Act 1999, the GRFMA orders that the following aspects of item 10.2 SMP Consultation be kept confidential in accordance with the GRFMA Boards reasons to deal with this item in confidence pursuant to Section 90(3)(b) (i) (II) of the Local Government Act 1999:*
   - *Report for Item 10.2.*
   - *Attachment for Item 10.2*
2. *This order shall operate until reviewed and determined as part of the annual review by the Authority in accordance with Section 91(9)(a) of the Local Government Act 1999.*

CARRIED UNANIMOUSLY

11:12am confidential session concluded.

11. Urgent Matters Without Notice

Nil

12. Next Meeting

Date and Time: Thursday 17 April 2025, 9.45am
Host: Adelaide Hills Council

13. Closure

The Chairperson thanked the members for their attendance and contributions and closed the meeting at 11:13am.

Chair _____ Date _____

Gawler River Floodplain Management Authority

Adelaide Hills Council, Adelaide Plains Council, The Barossa Council,
Town of Gawler, Light Regional Council, City of Playford

KEY OUTCOMES SUMMARY
GRFMA Board Meeting – 20 February 2025

Gawler River Flood Management Business Case
The meeting discussed progress with completion of the Gawler River Flood Management Business Case. The GRFMA Chairman was requested to undertake discussion with Constituent Councils and the State Government to facilitate further engagement of Federal Government funding opportunities.

The meeting endorsed work to apply to the Disaster Ready Fund to assist completion of the Business Case.

Gawler River Stormwater Management Plan
The community engagement framework for the Gawler River Stormwater Management Plan was endorsed and consultation will commence March 2025.
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Financial Report and BR2
The financial report as of 31 January 2025 was received which showed a cash at bank balance of $17,636.60. It was noted internal cash lending for CAD offset is $349,376.65.

The GRFMA 2024/2025 Budget Review 2 documents January 2025, and the variances contained was adopted as the amended and current budget for the period ended 30 June 2025.

Flood Managers Australia (FMA)
Members authorised the GRFMA Chairman and GRFMA Executive Officer, to attend the 2025 FMA conference in Melbourne from 13-16 May 2025.

Draft 2025/2026 GRFMA Annual Business Plan and Draft 2025/2026 Budget
The meeting endorsed the Draft 2025/2026 GRFMA Annual Business Plan and Draft 2025/2026 Budget. Following subsequent receipt of Constituent Council feedback, the Board will consider adoption of the draft Annual Business Plan and Annual Budget at the June 2025 meeting.

Schedule of Meetings
The schedule of ordinary GRFMA meetings, each commencing at 9:45am, is:

- Thursday 17 April 2025 Adelaide Hills Council
- Thursday 19 June 2025, The Barossa Council
- Thursday 21 August 2025, Town of Gawler
- Thursday 16 October 2025, Adelaide Plains Council
- Thursday 4 December 2025, City of Playford

Contact: eo@grfma.com / 0407 717 368

MATTERS FOR INFORMATION

6.2 WILLIAMSTOWN AND LYNDOCH LANDCARE GROUP INC - MINUTES OF MEETING

Author: Executive and Project Support Officer
25/20534

The Minutes of the Williamstown and Lyndoch Landcare Group Inc. meetings held 26 February 2025 and 26 March 2025 are attached for information.

ATTACHMENTS

Attachment 1 Minutes - Williamstown and Lyndoch Landcare Group Inc Meeting held 26 February 2025 ⇩

Attachment 2 Minutes - Williamstown and Lyndoch Landcare Group Inc meeting 26 March 2025 ⇩

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** 26 February 2025

Attendees

Angus Atkinson (Chair)
Peter Henshaw
Terry Redman
Margaret Puddy
Don Wegener
Pam Cross

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

File 20250226_GeneralMeetingMinutes.docx

Item		Action by	Date Due
1	**Meeting Opened** 7.31 pm.		
2	**Apologies –** Tina Woods, Tracy Sinclair, Nelly Van Der Lerssel, Kym Burton, Maria Burton, Shirley Wegener		
3	**Minutes of previous Meeting** held 27 November 2024 – Accepted **Moved** by Don Wegener, **Seconded** by Pam Cross – Carried.		
4	**Business Arising last meeting:** No business arising.		

WILLIAMSTOWN & LYNDOCH LANDCARE GROUP INC.
LANDCARE SOUTH AUSTRALIA

Meeting Minutes

4.1	**Actions now closed:**		
	ACTION: **Environmental and Cultural Flows Project** – **ACTION**: **Tour of Hansen Australia Quarries –** Both matters to be deferred and reconsidered later in the year as part of the Open Day preparations.		
	ACTION: Management Agreement – Draft Management Agreement was endorsed at TBC's Council Meeting on 21 March 2023. The Agreement was recently returned to WLLG for signing. The Chair and Secretary signed the Agreement at the general meeting. It has been sent to Kim Thompson to finalise and return for our records.		
	ACTION: CFS Training – Training session is unlikely to occur during the current summer period. To be revisited in Winter.		
	ACTION: Laminated copy of revised Volunteer Activity Attendance Record Sheet and Risk Assessment Flowchart has been placed on the Notice Board within the Container.		
4.2	**Actions Still open:**		
	ACTION: 2024/25 Year Objectives Plan – 2024 – Close out report is being finalised. Awaiting progress update from Peter Henshaw and Angus Atkinson. 2025 – Actions for 2025 will be confirmed from WLLG 2023-2027 5-year objectives once final progress update for 2024 has been received.	Tina Woods	March 25
	ACTION: Review of WLLG Constitution A draft amended Constitution was circulated to all members 17 February 2025 to review, consider and comment. General discussion occurred at 26 February 2025 General Meeting. Members were requested to email comments to be discussed at a Management Committee meeting to be held prior to 11 March 2025. This will enable a final draft to be circulated to all members 14 days prior to the 26 March General Meeting. March 26 General Meeting – Present the Draft Constitution for approval by resolution of members	Tina Woods	Mar 25

WILLIAMSTOWN & LYNDOCH LANDCARE GROUP INC.
LANDCARE SOUTH AUSTRALIA

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5	**New Actions from Business arising this meeting:**		
	ACTION: National Parks and Wildlife Service, Park of the Month – June 2026 - Parks of the Barossa Seek additional information from Coordinator, Phoebe McInerney	Terry Redman	March 2025
	ACTION: Establish Incident Register	Tina Woods	March 2025
6	**Correspondence IN-**		
	• **Friends of Parks SA -** ○ **Wednesday Weekly mailout -** • 27/11/2024, 18/12/2024, 15/01/2025, 22/01/2025, 29/01/2025, 05/02/2025, 12/02/2025, 19/02/2025 • Pam Smith – H5 Avian influenza (bird flu) Refer General Business • Pam Smith – First-aid courses St John • **Northern and Yorke -** • Yakka News **–** 18/12/2024, 31/01/2025 • Liz Ninnes – Quarterly Information update for Northern and Yorke environmental volunteers & nature educators **–** • First Aid training • Biodiversity Bill • Nature education – 2025 Cultural educator Sessions • National Tree Day grants • Insurance • **Beyond Bank -** • Change of Signatories - Refer Treasurer's Report • **Barossa Council –** • Kim Thompson – Pest Animal Control update - Refer Chair Report • Antonia, The Barossa Council - Council Facility Hire Permit – Refer General Business • **Landcare Association of South Australia** • Natalia – SA Landcare News – 30/11/2024, 10/01/2025, 06/02/2025 • Members Blast – 09/12/2024, 10/01/2025, 06/02/2025 • Brett Devitt – State Landcare Awards in the Barossa 2026 – Refer General Business		

WILLIAMSTOWN & LYNDOCH LANDCARE GROUP INC.
LANDCARE SOUTH AUSTRALIA

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	• Phoebe McInerney – National Parks and Wildlife Service – Park of the Month (June 2025 – Barossa) **–** Refer General Business • **Gawler Environment Centre** – • Belinda Copland, 05/02/2025 – Altona brochures Refer General Business • **Green Adelaide Newsletter** – • 18/12/2024, 22/01/2025,19/02/2025 • **St Jakobi School –** ▪ Aleisha Lynch **-** Reserve visits for year 5/6 students in 2025 – Refer Chair Report • **Consumer and Business Affairs** ▪ CBS Connect – Monthly Newsletter – 10/12/2024, 18/12/2024, 08/01/2025 • **Preventative Health SA –** ▪ Offering grants of $1000 to Community and Sporting Organisations to assist with the purchase of Automated External Defibrillator (AED) • **Environmental Weed Control & Revegetation –** ▪ Monitoring and Reporting Sheet for January/February 2025 **-** Refer Chair Report		
	Correspondence OUT- • 19/12/2024 – Email to The Barossa Council re tree down. • 17/01/2025 – Draft Constitution sent to all members • 12/02/2025 – Email re St Jakobi visit to Reserve		
7	**Chair Report** Chair Report: The summer break has been drier than normal and consequently weed germination and growth has been minimal. No significant volunteer actions have been undertaken at the reserve other than the Tree Down issue on the Eastern end of the Firetail Track and a visit from a local school as part of their Garden Education class. Aleisha Lynch will be bringing groups of 15 - 20 students from year 5 & 6 Jakobi School for study visits to the reserve approximately once per month on Thursdays until Nov 2025. The visits will be short, less than 60 minutes, and access required will be the main track North of the container site. The students will be performing monitoring studies of this site over the next 12 months as part of the Gardening Class. Dates: 13 FEB 2025 13 MAR 2025 15 MAY 2025		

WILLIAMSTOWN & LYNDOCH LANDCARE GROUP INC.
LANDCARE SOUTH AUSTRALIA

Meeting Minutes

	12 JUN 2025 7 AUG 2025 4 SEP 2025 30 OCT 2025 27 NOV 2025 Amanda Pearce has submitted her Reporting & Monitoring Report for 11 Feb 2025 along with the invoice for $3,914.63 for works undertaken for sensitive weed control in Jan and Feb 2025. A report will be circulated for any interested persons and is available for email if requested. Payment has been made but will be accounted in March when the Treasurer returns. There was a tree down across the Firetail Track in Dec 2025. The Barossa Council was requested to assist with removal by cutting it up for us to remove. However, due to the holiday break and other delays this was completed on 13 Feb 2025. During the period that the track was obstructed, signs were placed at the main gate, container info board and each end of the track. Access has been restored but final tidy up will be an action for the next working bee. WHS: There was a First Aid required incident on 28 NOV 2024. Margaret suffered a minor branch spiking which left a splinter in the lower leg. First aid was applied on the day and Margaret took follow up medical action to remove the splinter. No further medical follow up has been required. A risk review has identified that no specific actions are required. However, an incident register for future use is recommended. An action will be raised to create a group incident register. General: Pest Control Project: Kim Thompson advises we have finally received the funding to implement the planned Pest animal control programme across the Altona woodlands. This project is funded to work across the Altona CSR Landcare Reserve and the adjoining properties under a Heritage Agreement of Roland Chatterton and Neville Kies. The project will extend until June 2026 and will be focused on deer, foxes, cats and rabbits. James Reeves, Selective Pest Control, The Barossa Council's preferred contractor has been briefed and will advise when he will be on site, which as you will understand will mostly always be in the evenings, so shouldn't affect any visitors and/or volunteers working at the Reserve. If you have any questions or concerns, please don't hesitate to contact Kim Thompson. Petty Cash Status: Donations $6 Printing (Library) $6.50 Balance: $153.65 (22/01/2025)		

WILLIAMSTOWN & LYNDOCH LANDCARE GROUP INC.
LANDCARE SOUTH AUSTRALIA

Meeting Minutes

8 **Monthly Volunteer Hours Summary**

Tasks	YTD	NOV 24	DEC 24	JAN 25	FEB 25 (to 2/2/25)
1. Admin Duties (Committee Members)[2]	**106**	17	7	3	4
2. Meetings, home & away	**81**	24			
3. Promotions. (Tours, demos, etc.)	**23**	3			
4. Propagation (Sowing, planting out, seed collection, etc.)	**0**				
5. Weed & Pest Control	**638**	110	37		
6. Construction & maintenance (Equipment, fencing, trails, buildings, etc.)	**35**	1			
7. Equipment design & manufacture (Seed boxes, displays, jigs, tools, etc.)	**0**				
8. Monitoring	**42**		4	2	
Totals	**925**	**155**	**48**	**5**	**4**

9 **Treasurers Report** – as presented by Terry Redman:

Moved that Report be accepted by Margaret Puddy, **seconded** by Pam Cross – Carried

Monthly Income & Expenditure – since last General Meeting

	NOV 24	DEC 24	JAN 25	FEB 25 (as at 2/2/25)
Balance Brought Forward	$7,542.73	$7,545.83	$7,549.03	$7,552.23
Income	$3.10	$3.20	$3.20	$30.00
Expenses	nil	nil	nil	nil
End Month Balance	**$7,545.83**	**$7,549.03**	**$7,552.23**	**$7,582.23**

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LANDCARE SOUTH AUSTRALIA

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	Account Balances – since last General Meeting **Notes:** 1. **FY24 Financial records Review** - have been shared with Kelly Wilksch, TBC Manager Financial Services for review. Nothing from TBC to date. 2. **Expenditure Approvers** - Peter Henshaw has now been processed as a fourth approver from the Committee.		
10	**Petty Cash** – as presented by Angus Atkinson Current balance $153.65.		
11	**Work Health and Safety** 1. On the 28 November, Margaret Puddy suffered a minor branch spiking which left a splinter in the lower leg. First aid was applied on the day and Margaret took follow up medical action to remove the splinter. No further follow up has been required. A review of the situation has identified that no specific action is required. It is, however, recommended that an incident register be established for future use.		
12	**Publicity:** • **Facebook** o Regular updates continuing. 647 followers. • **Lyndoch Grapevine** o Standing Advertisement – Incorrect Mobile Phone number for Secretary updated • **Willy Wagtail** o Standing Advertisement		

	NOV 24	DEC 24	JAN 25	FEB 25 (as at 2/2/25)
Administration	$2,744.48	$2,747.68	$2,750.88	$2,780.88
Credit Union Share	$2.00	$2.00	$2.00	$2.00
Project No.2 (Altona)	$4,799.35	$4,799.35	$4,799.35	$4,799.35
Total End Month Balance	**$7,545.83**	**$7,549.03**	**$7,552.23**	**$7,582.23**

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13	**General Business:** **Pest Control** – Refer Chairs Report. **Open Day 2026 -** Discussions identified the 13 September 2026 as a tentative date. Members were asked to check if this date was OK and to identify other events which may impact this date. **The Great Vintage Picnic, 27 April 2025, Lyndoch Village Green** Peter Henshaw is on the organising Committee for this event, suggesting WLLG should set up a stall to promote the Reserve. Costs: - Community/Not for Profit Stall - $50 plus Compulsory Insurance - $25 **Moved**: Peter Henshaw **Seconded**: Angus Atkinson Carried: unanimously Registration form has been emailed to the Organising Committee, an invoice for $75 will be sent to the WLLG email with payment due by 11 April 2025. **Correspondence** update: - • Tree down – Refer Chairs Report • H5 Avian Influenza (bird flu) – o Poster placed on Reserve Notice Board. • Brett Devitt, Landcare SA – Seeking venues in Barossa for 2026 State Landcare Awards. o Contacted Brett to be informed Murray Bridge had been selected as the preferred site. • Phoebe McInerney, Co-ordinator of Park of the Month, National Parks and Wildlife Service. - June 2026, focus on Parks of the Barossa. o Contact to be made with Phoebe and to also highlight the Open Day at Altona later in the year. • Belinda Copland, Gawler Environment Centre – email querying contact details appearing on Altona brochures. o New brochures dropped off to Belinda on 12 February 2025 • Year 5/6 St Jakobi visits to Reserve o Refer Chair Report • The Barossa Council – Council Facility Hire Permit (Council Rooms) o Application completed and approved for 2025		
15	**Next Meeting –** The next Meeting will be Wednesday 26th March 2025, Council Rooms, 29 Barossa Valley Way, Lyndoch, SA		
16	**Meeting Closed:** 8.45pm.		

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Meeting Minutes

	Name	Signature	Date
Member who presided over the meeting which these minutes record:		I confirm that these minutes are an accurate record of the proceedings of the meeting:	
Member who presided at the meeting where these minutes are confirmed:			

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**	26 March 2025
Attendees	Angus Atkinson (Chair) Peter Henshaw Terry Redman Don Wegener		Joerg Wiese
Distribution	All current & life members, Chris Kruger (Executive Assistant, Development and Environmental Services, The Barossa Council) and Kim Thompson		
File	20250326_GeneralMeetingMinutes.docx		

Item		Action by	Date Due
1	**Meeting Opened** 7.33 pm.		
2	**Apologies –** Tina Woods, Tracy Sinclair, Nelly Van Der Lerssel, Shirley Wegener, Elke Wiese, Margaret Puddy, Pam Cross.		
3	**Minutes of previous Meeting** held 26 February 2025 – Accepted **Moved** by Don Wegener, **Seconded** by Peter Henshaw – Carried.		
4	**Business Arising last meeting:** No business arising.		
4.1	**Actions now closed:** **Nil**		

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4.2	**Actions Still open:**		
	ACTION: 2024/25 Year Objectives Plan – 2024 – Close out Report is being finalised. 2025 – Actions for 2025 will be confirmed from WLLG 2023-2027, 5-year objectives once Report has been received. Action Leader unable to attend. Matter deferred.	Tina Woods	April 25
	ACTION: Review of WLLG Constitution A draft amended Constitution was circulated to all members 17 February 2025 to review, consider and comment. General discussion occurred at 26 February 2025 General Meeting. Members were requested to email comments to WLLG email for further consideration and update. Final draft to be circulated to all members 14 days prior to the 26 March General Meeting. Matter deferred.	Tina Woods	Apr 25
	ACTION: National Parks and Wildlife Service, Park of the Month – June 2025 – Parks of the Barossa Emailed Phoebe McInerney providing a copy of the Reserve's brochure. Awaiting response.	Terry Redman	Apr25
	ACTION: Establish Incident Register Matter deferred.	Tina Woods	Apr 25
	ACTION: Open Day 2026/The Great Vintage Picnic 27/04/2026 Discussions sought to promote the Reserve at The Great Vintage Picnic, in lieu of Open Day later in the year. It was noted that the stall fee had been waived with only insurance ($25) requiring to be paid to be in attendance at the Picnic.	Angus Atkinson	Apr25
5	**New Actions from Business arising this meeting:** **ACTION: BBBFM, Michael Fiest** Seeking volunteer to be a guest on podcast "Lets chat Barossa" to talk about the Reserve. No one in attendance at the meeting was prepared to participate. All members will be contacted to determine if anyone interested.	Angus Atkinson	Apr 25

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6	**Correspondence IN-**		
	• **Friends of Parks SA -** ○ **Wednesday Weekly mailout -** • 26/02/2025, 05/03/2025, 12/03/2025, 19/03/2025 • **Northern and Yorke -** • Yakka News **–** 28/02/2025 • **Barossa Council –** • Kim Thompson – signed Management Agreement returned for filing. • Kelly Wilksch – Supplier details sought to process payments. • **Nature Festival –** • 26/09/2025 to 12/10/2025 • **Society for Ecological Restoration –** • Make a difference week – 31/05/2025 to 08/06/2025 • **Landcare Association of South Australia** • Natalia – SA Landcare News – 30/11/2024, 10/01/2025, 06/02/2025 • Members Blast – 13/03/2025 • **Josh Martin** – • Provided details of notable observations made at the Reserve. • **Green Adelaide Newsletter** – • 20/03/2025 • **BBB FM – Michael Feast** • Seeking guest for 30 minute Podcast “Lets chat Barossa”		
	Correspondence OUT- Nil		
7	**Chair Report** Nil		

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8 **Monthly Volunteer Hours Summary**

Tasks	YTD	FEB 25	MAR 25 (to 24/3/25)
1. Admin Duties (Committee Members)[2]	**123**	12	9
2. Meetings, home & away	**93**	12	
3. Promotions. (Tours, demos, etc.)	**31**	6	2
4. Propagation (Sowing, planting out, seed collection, etc.)	**nil**		
5. Weed & Pest Control	**638**		
6. Construction & maintenance (Equipment, fencing, trails, buildings, etc.)	**35**		
7. Equipment design & manufacture (Seed boxes, displays, jigs, tools, etc.)	**nil**		
8. Monitoring	**62**		14
Totals	**982**	**30**	**25**

- Details collated prior to Meeting.

9 **Treasurers Report** –
Treasurer unable to attend meeting.

10 **Petty Cash** – as presented by Angus Atkinson
Current balance $153.65.

11 **Work Health and Safety**
Nil

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12	**Publicity:** • **Facebook** ○ Regular updates continuing. 649 followers. • **Lyndoch Grapevine** ○ Standing Advertisement • **Willy Wagtail** ○ Standing Advertisement		
13	**General Business:** Nil		
14	**Key Dates for 2025** – • **St Jakobi - school visits** ○ 15/5/2025 ○ 12/6/2025 ○ 7/8/2025 ○ 4/9/2025 ○ 30/102025 ○ 17/11/2025 • **The Great Vintage Picnic** Sunday April 27, 10.00 am to 3.00pm		
15	**Next Meeting** – The next Meeting will be Wednesday 24th April 2025, Council Rooms, 29 Barossa Valley Way, Lyndoch, SA		
16	**Meeting Closed:** 8.00pm.		

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Meeting Minutes

Josh Martin's notable observations at Altona



Common Froglet Ant - Froggattella kirbii (only record in SA on iNat, 27 in ALA)



Dendroleon amabilis (only record in SA on iNat, 1 in ALA)



Ptilocnemus pallidus (recorded only twice in SA on iNat, no ALA records)

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Diphucrania nubeculosa (9 in SA on iNat, 21 in ALA)



Entometa guttularis (recorded 5 times in SA on iNat, 4 in ALA)



Epopostruma frosti (6 in SA on iNat, 21 in ALA)

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Neocarenum elongatum (7 in SA on iNat, 4 in ALA)



Rhytiphora lateralis (recorded twice in SA on iNat, 1 in ALA)



Pnirsus cinctipes (recorded only 4 times in SA on iNat, 24 in ALA)

WILLIAMSTOWN & LYNDOCH LANDCARE GROUP INC.
LANDCARE SOUTH AUSTRALIA

Meeting Minutes

	Name	Signature	Date
Member who presided over the meeting which these minutes record:		I confirm that these minutes are an accurate record of the proceedings of the meeting:	
Member who presided at the meeting where these minutes are confirmed:			

MATTERS FOR INFORMATION

6.3 TREES FOR LIFE - BUSH FOR LIFE REPORT

Author: Executive and Project Support Officer
25/20685

Trees for Life (TFL) have forwarded a copy of the 'Bush for Life Quarterly Report – October to December 2024' which is attached for information.

Currently there are six Bush for Life sites on Council land, with significant work occurring.

The Bush Action Team (BAT) conducted works at several sites and resulted in a new species being added to the species list, *Caladenia carnea*.

ATTACHMENTS

Attachment 1 Bush for Life - Trees for Life - Quarterly Report October to December 2024

SUPPORTING REFERENCES

Nil

BUSH FOR LIFE
QUARTERLY REPORT
October to December 2024

TreesForLife

Site Owner: The Barossa Council

BFL Coordinator: Elisha Brunton

Profile	
Number of BFL sites owned	6
Number of site carer allocations (at end of quarter)	2
Staff on-ground work hours this quarter	53
Volunteer on-ground work hours this quarter	84.5 (group activities) + estimated 18 (unsupervised)
Carer movements this quarter	0 new carers and 0 retirements



Students from Tanunda Primary School at Magnolia Road



Working on Perennial Veldt Grass weed front at Magnolia Rd

Comments:

At BR007 MAGNOLIA RD A BAT was held to work on Perennial Veldt-Grass. During the BAT a group of 19 students from Tanunda Primary School visited for a walk and talk about the plants and animals that live on site.

The BAT at BR003 BOEHM SPRINGS cleared a lot of Arum Lily at the rear of the site, creating room for a contractor team to do works on Blackberry later in the season. A new species was added to the species list, *Caladenia carnea* (see photo).

Annual and Perennial grasses were also sprayed at BR003 BOEHM SPRINGS on a MiniBAT later that month, to make room from native grasses at the entry gate.

Plantings at BR002 WINTERS RD are looking healthy, most growing above the tree guards, and some in flower. Follow up water has been requested by TFL works crew as per contract.

Five local volunteers in attendance for the miniBAT at BR009 GOTTWALD RD. Minimal Plantain found in core area, and more outliers found as we approached the weed front toward the rear of the site. President of Friends of Para Wirra attended as a come and try volunteer. He commented that our ongoing work on the site and weed fronts were visible, with the Bradley Method strategies evidently working to preserve biodiversity. Long term site carer said it feels we are making headway with weed management on the site.



Arum Lily infestation at Boehm Springs BAT



Arum Lilies cleared after Boehm Springs BAT



Caladenia carnea found at Boehm Springs



Local volunteers removing Plantain at Gottwald Rd

Site activities during the quarter

Date	Sitecode	Site Name	Activity	OGW time (hrs)	Number of volunteers	Total hours (staff + vols)	Main weeds/tasks
4/10/2024	BR006	ALTMANN RD	Support	0.5	0	0.5	Hazard Assessment, Strategy
23/10/2024	BR007	MAGNOLIA RD RESERVE	BAT	9	4	54	Perennial Veldt Grass
23/10/2024	BR007	MAGNOLIA RD RESERVE	Support	0.75	21	16.5	Walk and talk with Tanunda Primary School students
28/10/2024	BR003	BOEHM SPRINGS	Support	1.75	0	1.75	Site Support, strategy for upcoming BAT
28/10/2024	BR008	MOUNT RD	Support	0.25	0	0.25	Site Strategy, Hazard Assessment

29/10/2024	BR003	BOEHM SPRINGS	BAT	9	4	63	Arum lily
4/11/2024	BR003	BOEHM SPRINGS	MiniBAT	1.75	0	1.75	Annual and perennial grasses
6/11/2024	BR002	WINTERS RD	Support	0.5	0	0.5	Hazard Assessment, Plant ID
25/11/2024	BR009	GOTTWALD RD	Support	0.75	0	0.75	Site strategy for upcoming activity
26/11/2024	BR009	GOTTWALD RD	MiniBAT	2.5	5	15	Plantain, Salvation Jane, Cotton-bush

On-ground Works Summary			
# BATs	2	**# Support visits**	6
# MiniBATs	2	**Total hours OGW (staff+vols)**	155.5

MATTERS FOR INFORMATION

6.4 GREATER ADELAIDE REGIONAL PLAN UPDATE

Author: Manager Development Services
25/22908

Council has received notice that the Greater Adelaide Regional Plan (GARP) was adopted on 17 March 2025, as outlined within the attached letter contained in Attachment 1.

The Greater Adelaide Regional Plan (GARP) was adopted on 17 March 2025, following an extensive engagement process. The GARP was subject to two periods of consultation, the first in late 2023 relating to a Discussion Paper, for period of 12 weeks and a second period of consultation in relation to the draft GARP in 2024 for period of 6 weeks.

Council made a submission in respect to both consultation processes following endorsement of the draft submissions at the Council meetings of 21 November 2023 and 15 October 2024.

As part of the endorsement of the GARP, a Section 73 Engagement Report has been prepared. The following matters are addressed within the Engagement Report in relation to the 10 key recommendations outlined within the Council endorsed submission of 15 October 2024:

- Future employment land in Nuriootpa is not identified in the GARP, noting the Council's Growth and Infrastructure Investment Strategy had not yet been adopted at the time of GARP endorsement;
- Implementation of a new subzone for Concordia growth area is best resolved through the structure planning and code amendment processes for Concordia which are currently underway;
- A new action is incorporated within the GARP; support a Code Amendment for the Character Preservation Districts to reinforce the character values in the Barossa Valley and McLaren Vale Character Preservation Districts.

A missed opportunity is the lack of recognition of the Barossa Character Preservation District Addendum which has not been addressed within the GARP.

ATTACHMENTS

Attachment 1 Greater Adelaide Regional Plan Update ⇩

SUPPORTING REFERENCES
A plan for a greater Adelaide | PlanSA

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Government of South Australia
Department for Housing and Urban Development

Ref: 22916686

Planning & Land Use Services
Level 10
83 Pirie Street
Adelaide SA 5000
GPO Box 1815
Adelaide SA 5001
DX 171
Tel 08 7133 2804

17 March 2025

Dear Stakeholder

I am pleased to share with you the final **Greater Adelaide Regional Plan** (the Plan), which has been shaped by extensive engagement with the South Australian community.

Through 12 weeks of consultation on the Discussion Paper and a further 6 weeks of engagement on the draft Plan, we have heard from communities, councils, businesses, and industry representatives. Your feedback has played a key role in refining the Plan to ensure it reflects the needs and aspirations of South Australians.

Between 23 September 2024 and 4 November 2024, we received 676 submissions on the draft Plan. This feedback was carefully analysed and used to refine the Plan before being presented to the State Planning Commission and the Minister for endorsement.

To provide transparency on how input was considered, the Greater Adelaide Regional Plan Engagement Report can be accessed via PlanSA, which addresses all feedback received and highlights the updates made to the draft Plan as a result.

The Plan provides a long-term vision for how and where we grow over the next 30 years. It helps us prepare for population projections of up to 670,000 more people, with 315,000 new homes and 254,000 additional jobs to support our expanding population. The Plan identifies where people will live, work, and move, while also protecting natural environments, scenic landscapes, and our world-renowned food and wine regions.

For the first time, the Plan is available through an interactive digital platform, making it easier to access and update as new data becomes available. A downloadable PDF version is also available.

Thank you for your participation and support during the engagement process. Your contributions have been invaluable in shaping a sustainable, achievable, and impactful planning vision for Greater Adelaide.

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To explore the Plan, visit regional.plan.sa.gov.au.

If you have any further questions, please don't hesitate to contact the PlanSA service desk via email at PlanSA@sa.gov.au or call 1800 752 664.

Yours sincerely,



Marc Voortman
Executive Director, Planning and Building

MATTERS FOR INFORMATION

6.5 PROPOSED REALIGNMENT OF THE ENVIRONMENT AND FOOD PRODUCTION AREA BOUNDARY

Author: Manager Development Services
25/23319

Under the endorsed Greater Adelaide Regional Plan, an additional 315,000 homes are needed over the next three decades. To support growth, greenfield growth areas are identified that are suitable for residential development, of which two thirds of are currently located within the Environment and Food Production Areas (EFPA). These areas have an estimated potential to deliver 61,000 new homes over 30 years.

The Hon Nick Champion MP, Minister for Planning, has written to Council to advise of the proposed EFPA boundary changes and a copy of the letter is contained in Attachment 1.

The identified growth areas include Roseworthy, Two Wells, Murray Bridge, Victor Harbor and Goolwa. A copy of the identified areas affected by the realignment are shown in Attachment 2.

An EFPA bill has been proposed to remove the land identified for future growth, while maintaining the current Rural Zone and/or rural Horticulture Zone. This means that no additional residential development can occur until a comprehensive infrastructure planning and rezoning process has been completed. This would include consideration of strategic transport needs and trunk infrastructure requirements.

The proposed EFPA bill does not impact the boundaries of the Character Preservation District pursuant to the *Character Preservation (Barossa Valley) Act 2012*.

ATTACHMENTS

Attachment 1 Greater Adelaide Regional Plan - Proposed Realignment of the Environment and Food Production Area Boundary- Advice from Nick Champion ⇩

Attachment 2 2025 Revised Map of EFPA highlighting areas proposed for removal ⇩

SUPPORTING REFERENCES

Environment and food production areas | PlanSA

OFFICIAL

Hon Nick Champion MP

Government of South Australia

Minister for Housing and Urban Development

Minister for Housing Infrastructure

Minister for Planning

GPO Box 11032
ADELAIDE SA 5001

T: (08) 8235 5580

E: ministerchampion@sa.gov.au

25MP106676

Mr Martin McCarthy
Chief Executive Officer
The Barossa Council

By email: mmccarthy@barossa.sa.gov.au

Dear Mr McCarthy

Greater Adelaide Regional Plan – Proposed Realignment of the Environment and Food Production Area boundary.

As you may be aware, the Greater Adelaide Regional Plan (the Plan) was introduced on 17 March 2025. The Plan outlines a strategic vision in terms of how we accommodate a growing population which is estimated to drive the need to provide an additional 315,000 homes over the next three decades. It outlines where people will live, work, and move, while ensuring we continue to protect our environment, landscapes, and world-class food and wine regions.

Investigations undertaken as part of the preparation of the Plan included a detailed multi criteria analysis (MCA) to identify suitable land for residential development, including greenfield growth areas. A key component of this MCA included an assessment of agricultural land with direct input from relevant agencies to ensure food security and the preservation of good quality agricultural land was given proper consideration.

This MCA process identified seven new greenfield growth areas with approximately two thirds of these areas currently located within the Environment and Food Production Areas (EFPA). Parts of the growth areas currently within the EFPA have an estimated potential to deliver 61,000 new homes over the next 30 years.

Given the current housing crisis and the Premier's 2024 Housing Roadmap, it is essential that the planning system plays its part in maintaining a steady supply of land. This is not only crucial for addressing the challenges our communities face today but also for ensuring we are better prepared for those ahead.

To address these challenges, an EFPA Bill has been proposed to realign the existing EFPA boundaries by removing the full extent of the greenfield growth areas identified in the Plan. Additional proposed changes to the EFPA legislation include:

- Applying the Limited Land Division Overlay to prevent uncoordinated land fragmentation.
- Removing the current urban consolidation test for future EFPA variations.
- Aligning future EFPA variations with the Plan to ensure a long-term, 30-year land supply instead of the current 15-year requirement.

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Approving this Bill will remove the EFPA from land identified for future growth, while maintaining its current Rural Zone and/or Rural Horticulture Zone. This means that no additional residential development - beyond what is currently permitted under the applicable zone - can occur until a comprehensive infrastructure planning and rezoning process has been completed. This process will identify strategic transport needs, significant trunk infrastructure, and other key considerations. This will include provisions to protect rural interface and the ongoing use of rural land that will continue into the future.

Importantly, the removal of land from the EFPA will not impact current existing use rights of landowners. This will only change after a formal a rezoning process has occurred to amend the Planning and Design Code. This process, along with the structure planning and infrastructure scheme preparation, will offer multiple opportunities for engagement and feedback on the future direction of these growth areas.

Information sessions will be held in the coming weeks, with experts from the Department for Housing and Urban Development available to discuss what is proposed and answer any questions you may have. For further information and to express interest in attending an information session, please email: dhud.planningengagement@sa.gov.au.

Yours sincerely



Hon Nick Champion MP
Minister for Planning

17 / 03 / 2025

Encl: GARP Factsheet - EFPA Legislation (#22926482)

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GREATER ADELAIDE REGIONAL PLAN

Government of South Australia

Environment and Food Production Areas

The Greater Adelaide Regional Plan (the Plan) proposes some of the areas identified for future growth within the Environment and Food Production Areas (EFPAs).

A Bill is being drafted to amend the Planning, Development and Infrastructure Act 2016 (PDI Act) to align the EFPA boundaries with the 30-year residential land supply identified in the Plan. Amending the EFPA boundaries to align with the Plan would unlock future urban land that has the potential to accommodate an additional 60,000 new dwellings.

What are the EFPAs and how do they work?



The EFPAs were introduced in 2017 to help protect our region's vital food and agricultural lands by reducing the ability to subdivide land for housing in these areas.

They work in a similar way to the Barossa and McLaren Vale Character Preservation Districts (CPD), which are separate and governed by their own Acts of Parliament. Together, the EFPAs and the two CPDs cover approximately 88% of all land in the Greater Adelaide region.

What land is identified for future growth and what does it mean if it is currently located within the EFPA?



Land identified as future growth areas within the EFPAs by the Plan were identified during the investigations phase as suitable to support Greater Adelaide's projected housing needs to 2051.

These sites are located at Two Wells, Roseworthy, Murray Bridge, Goolwa, Middleton and Victor Harbor. Together, they account for 7,324 hectares, which can accommodate approximately 61,500 houses.

These sites cannot be developed in their current state. They must also undergo a comprehensive structure planning process, which will include consideration of how they will be developed over time, what infrastructure is needed, what services will be provided to new residents, and what type of zoning will allow this to occur.

Until this process is complete, lawful existing land uses may continue. Landowners will not be obligated to develop their land for housing, even once this process is completed.

Why must future growth areas be removed from the EFPA?



The Plan requires the state to maintain a 15-year rolling supply of zoned land to support future housing needs. Of this, 5 years' supply should be 'development-ready' land (i.e. land that is connected to infrastructure and can be built on now).

When the PDI Act was drafted in 2015-16, government policy strongly supported urban consolidation, and The 30-Year Plan for Greater Adelaide 2017 Update (the previous regional plan) set a target for 85% of all new housing to be built within established urban areas. This is also known as infill development.

This is no longer consistent with government policy, where an infill target is no longer in place. Instead, the Plan identifies ample land for housing to support projected population growth across both infill and greenfield areas for the next 30 years.

The current legislative process to remove land from the EFPA is considered too restrictive to accommodate a 5-year rolling supply of development-ready land. To provide for greater alignment between the Plan and the PDI Act, a Bill has been drafted to amend the EFPA provisions so they better align with the Plan and Greater Adelaide's long-term residential land supply needs.

The EFPA Bill will increase the short- to medium-term impact of the Plan and could contribute significantly to the 5- to 15-year housing land supply available in Greater Adelaide. Without these changes, most of the proposed greenfield growth sites identified in the Plan could not be rezoned and developed within the next 15 to 20 years.

How were these areas identified and why are they suitable for future growth?



The investigations that informed the identification of growth areas included a detailed land suitability assessment that considered environmental value and the agricultural value of land, as well as infrastructure considerations.

Over 100 constraints and datasets were considered and prioritised through engagement with the Department of Primary Industries and Regions (PIRSA) and the Department for Environment and Water to inform the identification and prioritisation of these growth areas. Spatial data and background documents that were used to form the evidence baseline for the land suitability assessment included potential areas of primary production significance, productive lands and high-value agricultural land.

In addition to background work undertaken to inform the assessments, meetings with councils were held to ground truth the growth areas identified. Council's local knowledge of the area were key inputs in refining the scale and location of growth areas.

The Plan ensures there is ample potential land supply in well-located greenfield and strategic infill locations to accommodate the long-term need. Much of this land will not be needed for 10+ years, with detailed land use and infrastructure planning to occur as more land is required.

What impacts will this change have?



Not all of the Greater Adelaide region can or should be used for new housing and employment. Approximately 88% of the Greater Adelaide region has been identified for primary production and environmental protection.

The amount of productive agricultural land that will be removed from the EFPA is minimal in terms of the overall amount of agricultural land still protected through the EFPAs and the CPDs (and in rural zoning).

It is important to note that the EFPA Bill will not affect the operation of the Character Preservation (McLaren Vale) Act 2012 or the Character Preservation (Barossa Valley) Act 2012, which both seek to prevent the division of land for a residential purpose in our key wine regions.

How is the legislation proposed to be changed?



The EFPA Bill will:

- Designate a revised General Registry Office plan setting out new EFPA boundaries based on the Plan – essentially removing the growth areas from the EFPA now.
- Remove the urban consolidation test applying to proposals to amend the EFPA boundary.
- Refer to a 30-year land supply instead of 15 years.
- Ensure changes to an EFPA boundary must be consistent with the Plan (based on a 30-year land supply).
- Make consequential changes to the PDI Act, including requirements relating to regional plans in section 64 and changes to ensure that deemed planning consent does not apply to land division within the EFPA (given concurrence from another entity is required).

Need more help?



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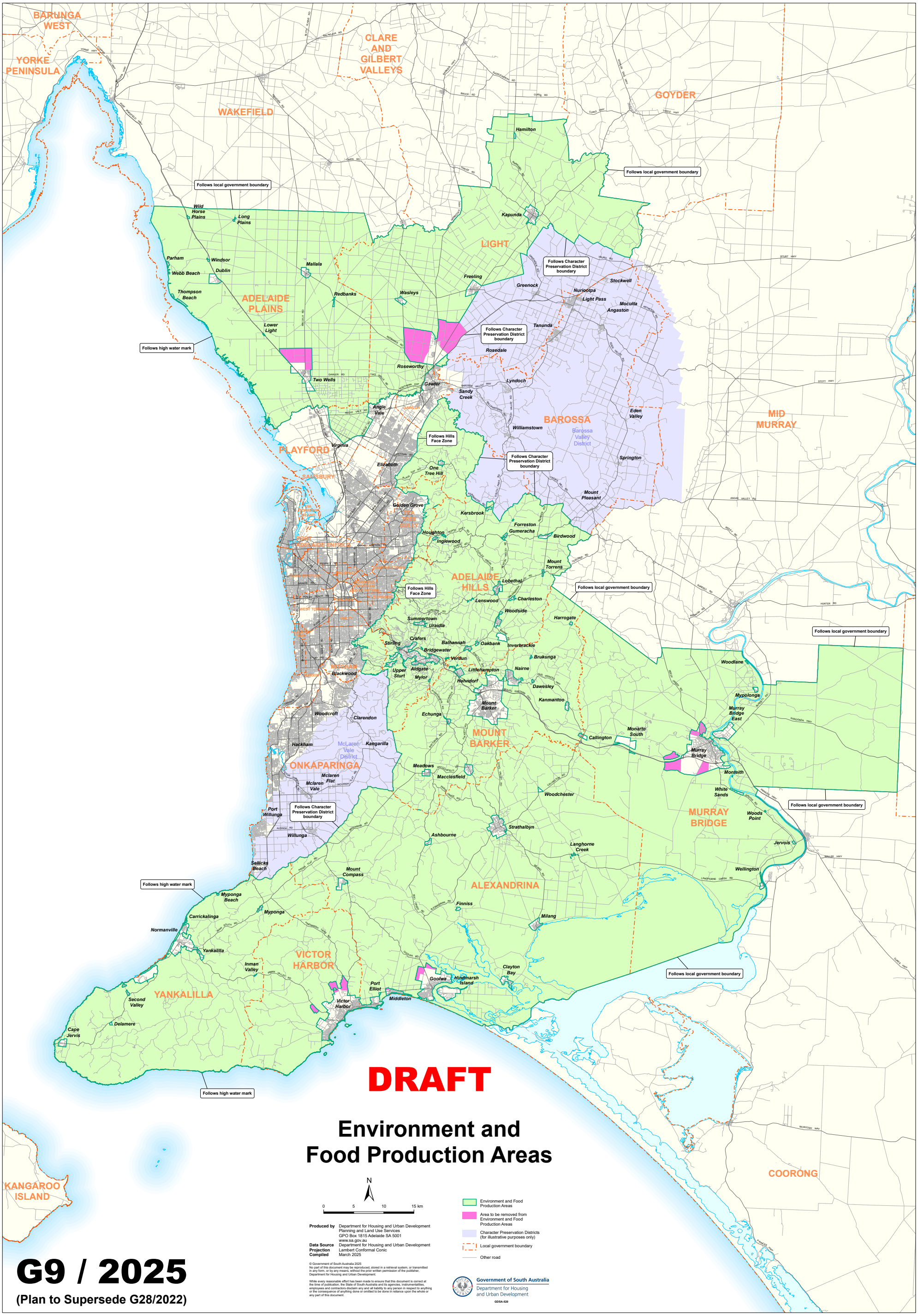


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SOUTH AUSTRALIA | Government of South Australia


BAROSSA
Barossa Valley District
McLaren Vale District
Follows local government boundary
Follows Character Preservation District boundary
Follows Hills Face Zone
Follows high water mark
DRAFT
Environment and Food Production Areas
G9 / 2025
(Plan to Supersede G28/2022)
Produced by Department for Housing and Urban Development
Planning and Land Use Services
GPO Box 1815 Adelaide SA 5001
www.sa.gov.au
Data Source Department for Housing and Urban Development
Projection Lambert Conformal Conic
Compiled March 2025
Environment and Food Production Areas
Area to be removed from Environment and Food Production Areas
Character Preservation Districts (for illustrative purposes only)
Local government boundary
Other road
Government of South Australia
Department for Housing and Urban Development

MATTERS FOR INFORMATION

6.6 REPRESENTATION REVIEW 2024-25 - FINAL DETERMINATION

Author: Executive Business Partner
25/24099

On 24 March 2025, Council received the final determination from the Electoral Commissioner certifying the representation review conducted by The Barossa Council as per Attachment 1.

The determination endorses that the future composition and structure of Council be as follows:

- The name of the Council remains unchanged;
- The Council area will not be divided into Wards;
- 11 Area Councillors to be elected from the Council area as a whole; and
- A Mayor elected from the Council area as a whole.

Pursuant to Section 12(18) of the *Local Government Act 1999*, the representation arrangements for the Council will apply for the first periodic election held after the publication of the notice in the Government Gazette which occurred on 27 March 2025 as per Attachment 2.

As such, the Representation Review 2024-25 is now complete.

ATTACHMENTS

Attachment 1 The Barossa Council - Representation Review 2024-25 - Final Determination - Electoral Commissioner - Certification Letter ⇩

Attachment 2 Government Gazette Notice - The Barossa Council Review of Representation - 27 March 2025 ⇩

SUPPORTING REFERENCES

Nil

OFFICIAL

In reply please quote:
ECSAF24/00110

Electoral Commission
SOUTH AUSTRALIA

Level 6, 60 Light Square
Adelaide SA 5000
GPO Box 646
Adelaide SA 5001
T +61 8 7424 7400
W ecsa.sa.gov.au
ABN 99 891 752 468

24 March 2025

Martin McCarthy
Chief Executive Officer
The Barossa Council

Via email only: mmccarthy@barossa.sa.gov.au

Dear Mr McCarthy

On 25 February 2025, I received the Representation Report submitted by The Barossa Council (the Council).

I have assessed the Council's report and determined that the requirements of section 12 of the *Local Government Act 1999* (the Act) have been satisfied. This letter serves as the required certificate.

Section 12(18) of the Act provides that the representation arrangements for the Council will apply for the first periodic election held after the publication of the notice in the Government Gazette.

Please ensure a notice appears in the Gazette no later than Thursday 1 May 2025 to demonstrate that the Council has reviewed its structure and composition, and communicate the outcome of the review.

Yours sincerely

Mick Sherry
ELECTORAL COMMISSIONER

No. 18 p. 527

THE SOUTH AUSTRALIAN
GOVERNMENT GAZETTE

PUBLISHED BY AUTHORITY

ADELAIDE, THURSDAY, 27 MARCH 2025

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All instruments appearing in this gazette are to be considered official, and obeyed as such

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CITY OF SALISBURY

Review of Representation

Notice is hereby given that the City of Salisbury has reviewed its composition in accordance with the requirements of Section 12 of the *Local Government Act 1999* (the Act).

Pursuant to Section 12(13)(a) of the Act, the Electoral Commissioner has granted an exemption certificate and certified that the review undertaken by council satisfies the requirements of Section 12.

The following arrangements will therefore take effect from polling day of the next periodic elections:

- The principal member shall continue to be a Mayor elected by the electors for the area.
- The council area shall continue to be divided into seven wards as per the current ward boundaries and retain the names of North Ward, Para Ward, East Ward, South Ward, Central Ward, West Ward and Hills Ward.
- Each of the seven wards shall continue to be represented by two ward councillors.

Further information regarding the Representation Review can be obtained by contacting Rudi Deco, Manager Governance on telephone (08) 8406 8331 or email RDeco@salisbury.sa.gov.au.

Dated: 27 March 2025

JOHN HARRY
Chief Executive Officer

THE BAROSSA COUNCIL

Review of Representation

Notice is hereby given that The Barossa Council has reviewed its composition in accordance with the requirements of Section 12 of the *Local Government Act 1999*.

Pursuant to Section 12(13)(a) of the Act, the Electoral Commissioner has issued a certificate that the review undertaken by Council satisfies the requirements of Section 12 and may now be put into effect as from the day of the first periodic election held after the publication of this notice.

The Council proposes to make no change to its representation arrangements, with the following arrangements to take effect from polling day of the next periodic elections:

- The Principal Member of the Council shall continue to be a Mayor, elected as a representative of the area as a whole.
- The area of the Council shall not be divided into wards.
- The future elected body of Council will comprise of twelve (12) elected members, these being the Mayor and eleven (11) councillors.

Dated: 27 March 2025

MARTIN MCCARTHY
Chief Executive Officer

NARACOORTE LUCINDALE COUNCIL

ROAD (OPENING AND CLOSING) ACT 1991

Re-Advertised—Crooked Lane, Hundred of Robertson

Notice is hereby given, pursuant to Section 10 of the *Roads (Opening and Closing) Act 1991*, that the Naracoorte Lucindale Council hereby gives notice of its intent to implement a Road Process Order to:

(i) Open as road portion of Section 214 in H441300 shown delineated as "1 & 2" on Preliminary Plan PP 24/0009

(ii) Close portion of Public Road (Crooked Lane), and merge with Piece 102 in H441300 in the name of Mark Samuel Livingston Buckett, shown delineated as "A" on Preliminary Plan PP 24/0009

(iii) Close portion of Public Road (Crooked Lane), and merge with Piece 101 in H441300 in the name of Mark Samuel Livingston Buckett, shown delineated as "B" on Preliminary Plan PP 24/0009

A copy of the plan and a statement of persons affected are available for viewing on Council's website www.naracoortelucindale.sa.gov.au and at the Adelaide office of the Surveyor-General during normal office hours.

The Preliminary Plan can also be viewed at www.sa.gov.au/roadsactproposals

Any application for easement or objection must set out the full name, address and details of the submission and must be fully supported by reasons. The application for easement or objection must be made in writing to the Council at PO Box 555, Naracoorte SA 5271 within 28 days of this notice and a copy must be forwarded to the Surveyor-General at GPO Box 1815, Adelaide 5001. Where a submission is made, the Council will give notification of a meeting at which the matter will be considered.

Dated: 27 March 2025

PAUL MCROSTIE
Acting Chief Executive Officer

MATTERS FOR INFORMATION

6.7 DEVELOPMENT APPLICATIONS REPORT - QUARTER 1 2025

Author: Administrative and Technical Support Officer
25/24969

The following data provides a snapshot of development application activity for the first quarter of 2025 calendar year. The data includes numbers of development applications by category and the timeframes for assessment.

In total there were 195 development applications submitted in the first quarter of 2025 and 178 development applications lodged. Submitted refers to development applications that are received in the Plan SA Portal but not yet verified and fees paid.

Consent types with average number of days

Decision		
Consent Type	**Total Consent**	**Average Days**
Building	54	9.05
Land Division	0	0
Planning	132	18.05
Planning and Land Division	5	50.80
Total	**191**	**16.28**

Planning Consent by Development Category

Decision		
Consent Type	**Total Consent**	**Average Days**
Accepted	15	7.67
Deemed to Satisfy	26	5.44
Dev Category not assigned	0	0
Exempt	0	0
Other	0	0
Performance Assessed	150	19.09
Total	**191**	**16.28**

Average Days per development decision

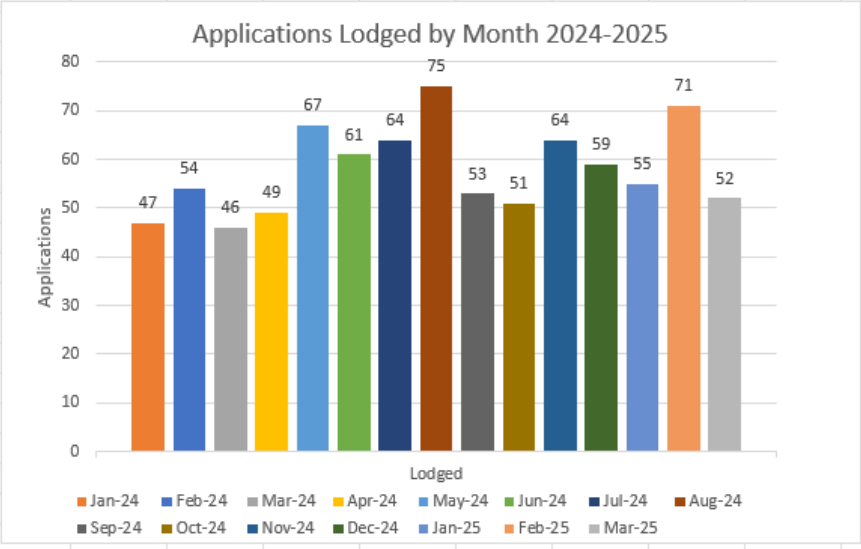
DA Status	Number of DAs	Average Days
Granted	157	16.28
Refused	0	0
Total	**157**	**16.28**

Total consents (inclusive of Development Act applications)

Consent Type	Total Consents Lodged	Total Consent Decisions
Planning	188	132
Building	57	54
Land Division	0	0
Planning and Land Division	7	5

The below graphs show the number of development applications lodged per month between January 2024 and March 2025 and assessment timeframes for Planning and Building Consent expressed in average number of days.

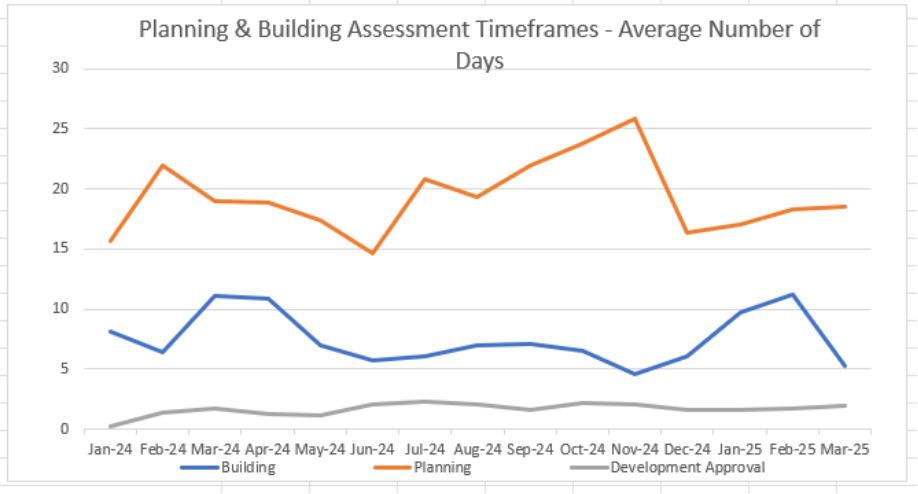
Number of Development Applications Lodged for the period January 2024 to March 2025:



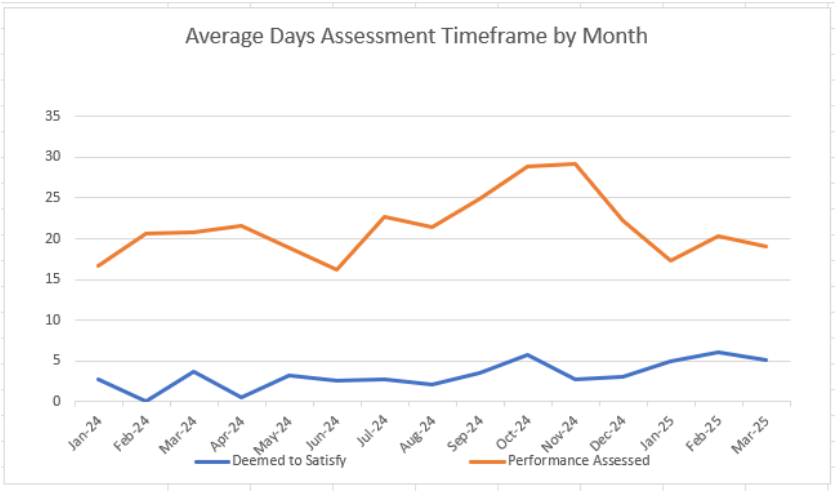
The statutory assessment timeframe for Planning Consent is 20 business days for straight forward applications, 20 business days for Building Consent and five business days for granting of Development Approval.

Some applications for Planning Consent are subject to referrals or public notification. For applications involving public notification and/or referrals, typically the referral timeframe is 70 business days.

Assessment Timeframe - Planning and Building Consent – average number of days:



Planning Consents – Average Days for Assessment – Deemed to Satisfy and Performance Assessed development



ATTACHMENTS

Nil

MATTERS FOR INFORMATION

6.8 FINAL REVIEW REPORT - 2022 COUNCIL ELECTIONS

Author: Chief Executive Officer
25/25916

The final report of the review of the 2022 Council elections has been released and is tabled for members information. The key recommendations are:

- Shift the election date – it is currently understood the Minister is considering this for a future election period not 2026.
- Changes to how campaign disclosure returns are managed.

Local Government Association are reviewing the Commissioners recommendations and preparing a response and recommendations to the Minister.

ATTACHMENTS

Attachment 1 2022 Council Election Report ⇩

SUPPORTING REFERENCES

Nil



2022 Council Election Report

Electoral Commission SOUTH AUSTRALIA

Copies of this document are available from:

Electoral Commission SOUTH AUSTRALIA

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Abbreviations

City of Adelaide Act 1998	CoA Act
Central Processing Centre	CPC
Council Liaison Officer	CLO
Council Supplementary Roll	CSR
Deputy Returning Officer	DRO
Electoral Commission of South Australia	ECSA
House of Assembly	HA
Local Deputy Returning Officer	LDRO
Local Government Act 1999	LG Act
Local Government Association	LGA
Local Government (Election) Act 1999	LGE Act
Local Government (Election) Regulations 2010	LGE Regulations
Local Government (General) Regulations 2013	LGG Regulations
South Australian Civil and Administrative	SACAT
Proportional Representation	PR
Telephone Assisted Voting	TAV



Message from the Electoral Commissioner

The 2022 local government periodic elections (2022 Council Elections) commenced with the close of rolls on Friday 29 July 2022 and concluded with the final formal declaration of results on Monday 28 November 2022.

At the close of rolls, the total number of enrolled electors was 1,288,329 compared to 1,213,862 for the 2018 Council Elections. Nominations closed at 12 noon, Tuesday 6 September 2022 with 1,256 nominations accepted compared to 1,374 in 2018.

The 2022 Council Elections were conducted for 66 of the 67 councils within South Australia to elect representatives to a total of 683 possible positions. The District Council of Coober Pedy was under administration, so no elections were required. Voting in the elections was voluntary and the majority of electors participated via post. For the first time, ECSA also provided telephone assisted voting services to electors who are blind or have low vision or who were interstate or overseas during the voting period.

184 separate contested elections were conducted with candidates elected under the system of proportional representation. There were 36 elections that were uncontested, with the candidates in those elections elected unopposed due to the number of nominations being fewer than or equal to the number of positions available. Two elections were deemed to have failed as there were no nominations received.

The *Local Government (Elections) Act 1999* provides for the appointment of persons to the roles of Deputy Returning Officer (DRO) and other electoral officers, with a range of delegations and responsibilities, to assist in the conduct of elections. As Returning Officer, I appointed over 1,000 electoral officers to assist in the conduct of the elections. Electoral officers were supported with in-person training, manuals and written instructions where necessary.

Using a new method of measuring participation as outlined in this report, the 2022 elections saw a participation rate of 32.9%, which is an increase of 1.3% from 2018. The 2022 Council Elections again saw higher participation in country councils. The total average participation rate in country councils was 43.3% (down just marginally from 43.6% in 2018), compared to 29.6% in metropolitan councils (up from 27.8% in 2018).

The electoral system for local government elections is proportional representation (PR). PR counts are complex and technical, and take time and care to complete. Many candidates did not understand the PR system of counting and ECSA will continue to consider ways to more effectively communicate and explain the PR count process to candidates and electors.

For complex counts which involve many candidates and positions, numerous distributions are required and therefore computer software is used. For the 2022 elections, 25 elections were conducted using computer software. In December 2023 while preparing for the City of Adelaide Central Ward Court of Disputed Returns matter, an error was detected in one of the settings for the 25 computer count elections. This error did not affect the candidates elected in 24 of the elections, however it regrettably resulted in two candidates being incorrectly elected in the Adelaide Plains Council area councillor election. At the time of publishing this report, the Court of Disputed Returns declared that the two incorrectly elected candidates were not duly elected, and the two candidates who should have been elected were duly elected.

The number of complaints regarding alleged breaches of electoral law increased significantly to 570, compared to 317 lodged for the 2018 elections. The increase was mainly attributed to the growing use of social media by candidates. Unsuccessful candidates lodged three petitions with the Court of Disputed Returns. One was withdrawn, one was dismissed and the other remains ongoing at the time of publishing this report.

Several disruptions were experienced throughout the election including a severe weather event that delayed the count at a number of locations across South Australia. White powder was found in a returned ballot pack which disrupted the processing of votes at ECSA's Central Processing Centre (CPC), and significant disruptive behaviour by scrutineers and supporters of some candidates at the City of Onkaparinga required police to be called and delayed the count.

The 2022 elections also involved a number of allegations of fraudulent voting activity. These matters required the implementation of additional scrutiny measures to ensure the integrity of the electoral process. These matters are currently ongoing at the time of publishing this report and therefore limited details can be included, however this report includes several recommendations identified throughout these investigations to strengthen the integrity of the election process.

Since the last council elections, considerable legislative changes were made and came into effect for the 2022 elections. These changes include telephone assisted voting for eligible electors, the requirement for candidate profiles to advise if they are or have been a member of a registered political party in South Australia, and an additional week of voting.

Legislative changes were also made to candidate campaign donation returns including the requirement for candidates to lodge two campaign donations and a large gift return for gifts over $2,500. For the 2022 elections with 1,256 candidates, the legislative changes required 2,512 donation returns to be lodged plus any large gift returns. The vast majority of returns lodged were nil returns. A total of 21 large gift returns were lodged by 187 candidates however only four were genuine returns with declared gifts over $2,500. 45 elected candidates failed to lodge their second gift return on time and under legislation were required to vacate their office. Although these candidates were able to apply to SACAT to seek relief from this provision, the Government subsequently introduced legislation (*Local Government (Casual Vacancies) Amendment Act 2023*) to retrospectively reinstate the members and permit them additional time (if required) to lodge any missing return/s.

The total cost of the elections was $8.93 million (excluding GST) compared to the $6.57 million for the 2018 elections. This increase is largely due to the unavoidable cost pressures and changes in conditions over the four years between elections. Of particular note were the increased mail-out and mail return charges, including utilisation of the priority postage service to ensure electors received their voting packs in a timely manner. Further, inflationary indexation over four years, an increase in the number of electors and the volume of materials and services also contributed to the increase in costs.

Consistent with previous council elections, ECSA encountered significant challenges delivering the state and local government periodic elections in the same year. Planning for the council elections is delayed due to finalising the state election and ECSA staff are required to work additional hours to ensure the council elections can be delivered in November. As with the past three council election reports, ECSA again recommends Parliament consider moving the local government periodic elections from the same year as the state election.

Finally, I wish to thank all organisations and individuals that contributed to the 2022 council election. This includes council CEOs and staff, the Local Government Association, electoral officers and ECSA staff. I express my sincere gratitude for everyone's role in the successful delivery of the 2022 Council Elections.

Mick Sherry
ELECTORAL COMMISSIONER



Election highlights

1,288,329
ELECTORS ENROLLED
6% increase from 2018

67 COUNCILS

674 POSITIONS
UP FOR ELECTION

32.9%
PARTICIPATION
up from 31.6% in 2018

1,256
CANDIDATES
down from 1,374 in 2018

18,518
INFORMAL VOTES
2.5% informality rate

570 COMPLAINTS
up from 317 in 2018

1,243,661
ELECTORS
SENT A POSTAL VOTING PACK

184 CONTESTED ELECTIONS
36 UNCONTESTED
2 FAILED ELECTIONS

34%
RETURNED VOTING PACKS

25 COMPLEX COUNTS
down from 42 in 2018

744 VOTERS
VOTED VIA TELEPHONE ASSISTED VOTING (TAV)

7 RECOUNTS
1 CHANGE TO ORIGINAL RESULTS

Election timeline

Rolls close
Friday 29 July

Nominations open
Tuesday 23 August

Nominations close
12 noon, Tuesday 6 September

Draw for positions on the ballot paper
4pm, Tuesday 6 September

Mailout of voting material to electors
Friday 14 October to Thursday 20 October

Last day for postal issue/ re-issue of voting material
5pm, Thursday 3 November

Close of voting (polling day)
5pm, Thursday 10 November

Scrutiny and count commences
9am, Saturday 12 November

Written advice to candidates notifying of the election results
Monday 28 November

Public notice of election results
Thursday 8 December



Election results snapshot

TABLE 1

Summary of council elections, 2010 – 2022				
	2022	**2018**	**2014**	**2010**
Councils	67	67	67	67
Voters roll				
Electors on roll	1,288,329	1,213,862	1,155,695	1,125,061
Nominations				
Contested elections	1,163	1,326	1,261	1,174
Uncontested elections	93	48	73	100
Failed elections	0	0	0	0
Total nominating	**1,256**	**1,374**	**1,334**	**1,274**
Elections				
Contested	184	206	189	194
Uncontested	36	23	45	45
Failed	2	1	0	40
Total elections	**222**	**230**	**234**	**239**
Participation*				
Percentage	32.9%	31.6%		
Costs				
Total cost	**$8,930,000**	**$6,570,172**	**$4,357,028**	**$3,555,059**

** The participation figures reported in this table differ from those reported in previous periodic council election reports. In this Report, ECSA has introduced a new method of measuring and reporting voter participation at council elections consistent with how participation is measured and reported at parliamentary elections and at most council elections around Australia. For more information, see Chapter 4.*

*** Table 1 excludes data in relation to the two potential elections for the District Council of Coober Pedy which were cancelled following the commencement of the Local Government (Defaulting Council) Amendment Act 2022.*

Recommendations for legislative change

A summary of recommendations for legislative change outlined as follows:

Recommendation 1: TIMING OF THE COUNCIL ELECTIONS
Section 5 (the LGE Act)

To support the provision of high quality and best-practice electoral services to the South Australian community, change the fixed date of the council elections to the second Saturday in November in the year following a state election. Introduce transitional provisions to extend the term of currently elected members to expire in accordance with the next council elections.

Recommendation 2: COUNCIL SUPPLEMENTARY ROLL APPLICATIONS
Section 14 (the LGE Act)
Schedule 1, Part 2 (COA Act)

Modernise council roll application processes by amending section 14 of the LGE Act to remove the witness requirement and enable digital applications. In section 14 of the LGE Act and Schedule 1, Part 2 of the COA Act, introduce a requirement for a natural person applying for the council roll to supply identification and proof of residence as required by the returning officer.

Recommendation 3: VOTERS ROLL BUILD
Section 15 (LGE Act)
Schedule 1, Part 2 (COA Act)

Amend section 15 of the LGE Act and Schedule 1, Part 2 of the COA Act to ensure the roll is brought up-to-date three weeks after the roll close date, and therefore prior to nominations opening to ensure that the eligibility of people who nominate for election can be assessed efficiently.

Recommendation 4: ACCESS TO THE VOTERS ROLL
Section 15 (the LGE Act)
Schedule 1, Part 2 (COA) Act

Amend section 15(15) of the LGE Act and Schedule 1, Part 2 of the COA Act to allow candidates, at any time between the declaration of nominations and polling day, to request from the returning officer a copy of the voters roll for an election, excluding any candidate declared elected in accordance with sections 25(1) and (1a) of the LGE Act.

Recommendation 5: DECLARATION OF NOMINATIONS
Section 29 (the LGE Act)

Maximise the opportunity to ensure that people who intend to nominate for election can do so validly by changing the time for the draw for position on the ballot paper by amending:

- section 29(3)(a) of the LGE Act to allow the draw for position on the ballot paper to be conducted on the day following the close of nominations at a time determined by the returning officer; and
- section 25(1) to allow the declaration of candidates elected unopposed to be conducted at the same time as the draw for position on the ballot paper.

Recommendation 6: AVOIDANCE OF SUPPLEMENTARY ELECTION
Sections 7, 8 (the LGE Act)

Amend the definition of 'election failure' under section 7 to include that receiving less nominations than the number of vacancies means the election has partially failed to provide a direct connection with section 6(1)(a). Amend section 8(1a) to apply to candidates elected under section 25(1a) to clarify that councils may only appoint a person to a vacant office after a supplementary election has failed.

Recommendation 7: NOMINATION ELIGIBILITY REQUIREMENTS
Section 17 (the LGE Act)
Schedule 1, Part 3 (COA Act)

Consider the nomination eligibility criteria and whether the LGE Act, COA Act or regulations should be amended to introduce any further eligibility criteria.

Recommendation 8: APPOINTMENT OF DEPUTY RETURNING OFFICERS
Section 10 (the LGE Act)

Remove section 10(3) so that the ability to appoint a deputy returning officer for an area is solely the returning officer's responsibility.

Recommendation 9: TELEPHONE ASSISTED VOTING
Section 41A(8) (the LGE Act)

Amend section 41A (8) of the LGE Act, or amend the regulations, to expand the eligibility criteria for prescribed electors to include people with disability.

Recommendation 10: COMMENCEMENT OF COUNTING
Section 47 (the LGE Act)

Amend section 47(1)(b) of the LGE Act to extend the period between close of voting and commencement of the scrutiny and counting of votes by making ballot papers available on the third business day following the close of voting to allow adequate time to prepare for scrutiny and count processes and support staff health and wellbeing.

Recommendation 11: CONDUCT AND DIRECTION OF SCRUTINEERS
Section 66 (the LGE Act)

Consistent with recent *Electoral (Miscellaneous) Amendment Act 2024*, amend the LGE Act to introduce standards of conduct for scrutineers and offences with penalties for obstructing the exercise of electoral duties. Electoral officers should have the ability to direct a person to leave a location where electoral activities are being exercised, and this should be coupled with a requirement to comply with a reasonable direction.

Recommendation 12: MISLEADING INFORMATION
LGE Act

Amend the LGE Act to prohibit people and groups from misleading or deceiving electors in relation to how they should mark their ballot papers and/or exercise their vote.

Recommendation 13: REJECT ENVELOPES WITHOUT DATE OF BIRTH
Sections 39, 47(2) (the LGE Act)
Schedule 1, Part 7 (COA Act)

To provide additional measures to ensure the authenticity of returned postal voting pack, amend section 39 of the LGE Act by deleting subsection 10 and removing the reference to a voter's date of birth in subsection 11. Amend section 47(2)(a) to compel the returning officer to reject any envelope where the date of birth does not, to the satisfaction of the returning officer, correspond with the date of birth of the elector. Amend Schedule 1, Part 7 of the COA Act accordingly.

Recommendation 14: DEFINITION OF CANDIDATE
Section 4, Part 14 (the LGE Act)
Schedule 1, Part 8 (COA Act)

Consider defining the term 'candidate' either as an explicit deeming provision or in Part 14 of the LGE Act and Schedule 1, Part 8 of the COA Act for the purpose of providing disclosure returns.

Recommendation 15: DEFINITION OF CONCLUSION OF ELECTION
Sections 4, 6, 25, 50, 51, 70, 80, 91A

Review the actions, activities, and events under the LGE Act and COA Act dependent on the definition of the 'conclusion of the election' and introduce a consistent definition of the term. Interdependent activities should relate to a fixed date for all elections, such as polling day.

Recommendation 16: DISCLOSURE AND LODGEMENT PERIODS

Section 80 (the LGE Act)
Regulation 11A (the LGE Regulations)
Section 24B (COA Act)

Parliament should consider the appropriate disclosure period, however suggestions for amendments to the LGE Act are provided as follows:

- Amend section 80 so that the second campaign donation return is due within 30 days of polling day, not within 30 days after the conclusion of the election.
- Amend the disclosure period to be the same for 'new' and 'not new' candidates as a fixed period, such as 12 months prior to polling day.
- Introduce a specific disclosure period for each disclosure return i.e.:
  - the disclosure period for the first campaign donation return (and any large gifts received in the same period) commences 12 months prior to polling day and concludes at the close of nominations; and
  - the disclosure period for the second campaign donation return (and any large gifts received in the same period) commences on the day after the close of nominations and concludes on polling day.
- Amend regulation 11A to specifically refer to the prescribed period.
- Amend section 24B in the CoA Act 1998 to provide the same disclosure period commencement date for 'new' and 'not new' candidates.

Recommendation 17: LARGE GIFT RETURNS

Sections 81A, 81B the LGE Act
Regulation 11A (LGE Regulations)

Amend the LGE Act to remove the requirement for candidates to lodge large gift returns, including the requirement for candidates to lodge large gift returns in between elections, and the annual reporting period under regulation 11A.

If large gift returns are retained, amend regulation 11A to define 'year' as a calendar year. This definition should also be updated in regulation 6 of the *City of Adelaide (Elections and Polls) Regulations 2010.*

Recommendation 18: DISCLOSURE RETURNS NON-COMPLIANCE PENALTIES

Section 80 the LGE Act
Regulation 11A (LGE)
Section 24B (COA Act)

Amend section 54(1)(h) of the LGE Act 1999 to remove the automatic triggering of a casual vacancy for non-compliance with campaign donation return requirements. A more suitable penalty such as the suspension of entitlements should be considered.

Ensure this also applies to members elected in accordance with the CoA Act 1998.

Further, amend the LGE Act to disqualify previous candidates who were not compliant with the returns requirements from being an eligible candidate for a recount under section 6A until the non-compliance is resolved.

Amend section 17 so that the failure to lodge a return disqualifies an individual from nominating as a candidate in future elections until the non-compliance is resolved.

Recommendation 19: FILLING CASUAL VACANCIES

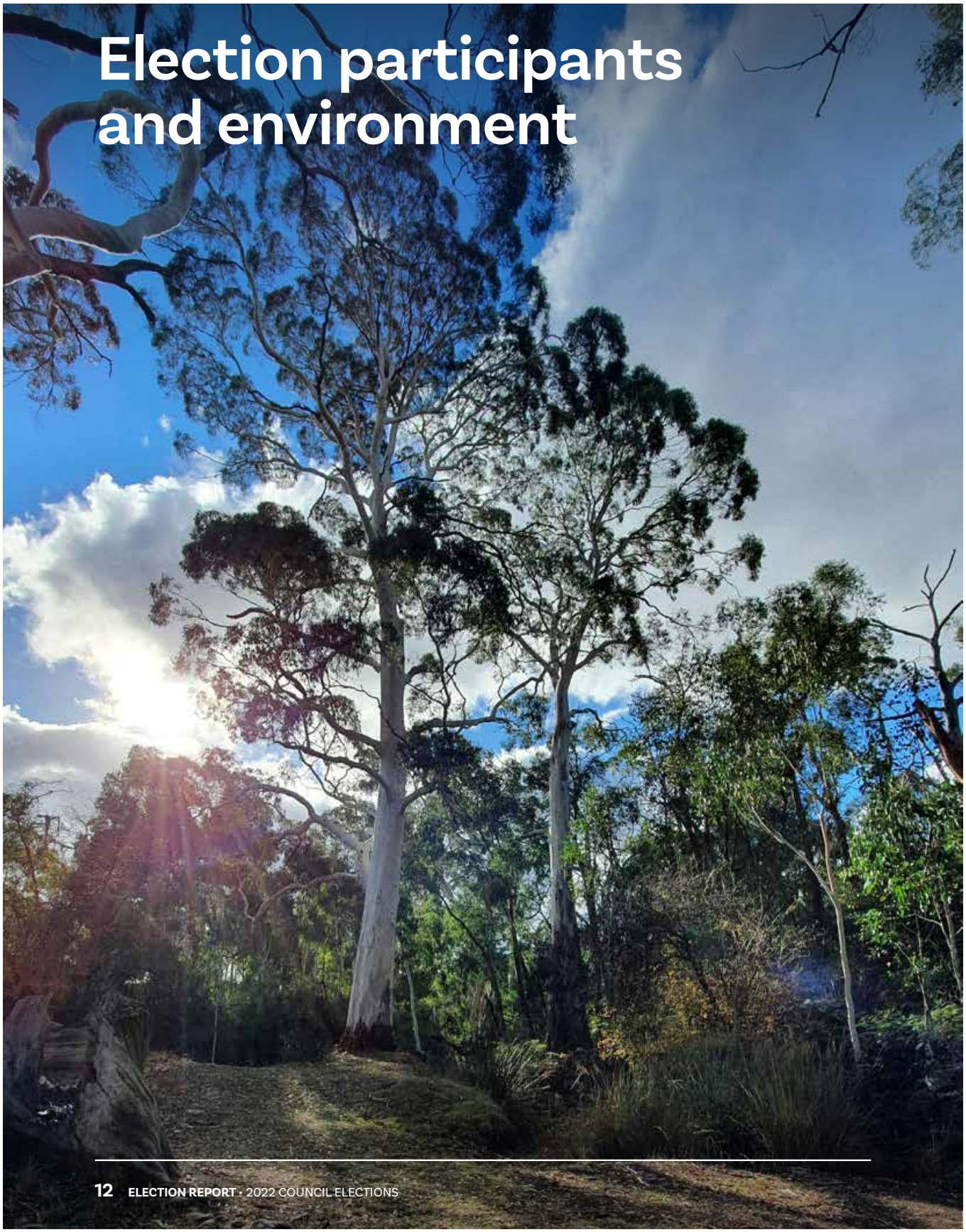
Section 6 (the LGE Act)

Amend section 6(2)(c) to apply to vacancies occurring within 12 months of polling day for the periodic elections or designated supplementary elections.

Amend section 6A(2) so that the initial declaration required by operation of section 6A(2)(b) (and subsequently regulation 3A (1)) is the only necessary declaration.

Chapter 1

Election participants and environment



Legislative requirements and responsibilities

The legislation governing the conduct of council elections comprises the *Local Government (Elections) Act 1999 (LGE Act), Local Government Act 1999 (LG Act), City of Adelaide Act 1998 (CoA Act), Local Government (Elections) Regulations 2010 (LGE Regulations).*

The Electoral Commissioner is the Returning Officer for all council elections.

The Returning Officer's legislated responsibilities include:

- Promoting participation in the electoral process.
- Providing information, education and publicity on electoral matters including enrolment, method of voting and the vote counting system.
- Appointment of electoral officers to assist in the conduct of elections and polls.
- Preparing statutory notices and ballot material.
- Mailing out ballot material and conducting telephone-assisted voting, processing returned ballot material and counting votes.
- Administering campaign donations and expenses returns.
- Accountability for any errors, oversights, or breaches of electoral law.

Councils have responsibilities and work in partnership with ECSA. Key council responsibilities include:

- Maintaining the council's voters roll.
- Promoting participation in the electoral process.
- Providing information, education and publicity on electoral matters including enrolment, informing potential voters about candidates standing for election and advising the community about the outcomes of elections and polls.
- Administering provisions of the LG Act in relation to election signage.

Legislative changes (overview of changes that occurred since 2018)

There have been considerable changes to the LGE Act, CoA Act, and the LG Act since the 2018 elections, including:

- Modifications to the election timetable to provide an additional week of voting, provide an additional business day prior to the commencement of counting votes, and an earlier cut-off for re-issue applications to accommodate postage timeframes.
- Candidate profile content changed from 150 words to 1000 characters, additional declarations for political party membership and place of residence now required.
- Nominations not to be displayed at the principal office of the council, and instead published by the Returning Officer within 24 hours following the close of nominations.
- Campaign donations returns responsibility shifted to ECSA and requirement for lodgment of second return.
- Ability introduced for the Electoral Commissioner to make application to the Supreme Court for withdrawal and retraction of inaccurate and misleading electoral material, or to petition the Court of Disputed Returns.
- Introduction of telephone assisted voting for certain electors.
- Prohibition of certain types of election signage and amendments to authorisation requirements for electoral material published online.

Timing of council elections

Council elections must be held in November at intervals of four years commencing from 2006 (see section 5 of the LGE Act). State elections are also fixed at four-year intervals (see section 28 of the *Constitution Act 1934*) and are held in March of the same calendar year as council elections.

Being required to deliver two major election events in the same year and only eight months apart is extremely challenging. ECSA has repeatedly experienced the difficulties of delivering both major events in the same calendar year. In 2022 this was exacerbated by a by-election and significant legislative reform.

It is important to highlight that the state election does not simply conclude after polling day in March. ECSA staff spent the weeks and months following polling day undertaking many activities to conclude the state election, including:

- overseeing counts and full distributions at every House of Assembly district office,
- conducting the Legislative Council count,
- completing results reporting,
- decommissioning of leased facilities and return of materials,
- preparing materials for storage and disposal,
- managing and investigating complaints, particularly complex complaints around inaccurate and misleading advertising,
- issuing non-voter notices, and
- completing a full evaluation of the election.

In some ways, the coordination of council elections is more complex than the state election. Council elections are postal elections, involving up to 67 councils, geographically spread across South Australia. There were 674 positions to fill across 222 elections. In 2022, there were 1,256 accepted nominations, 184 contested elections with voting packs addressed and sent to 1,243,661 electors across the state.

Consistent with previous experience over a number of election cycles, ECSA's evaluation of the 2022 Council Elections again demonstrated that the overlap with state election activities means that planning and execution of council election activities occurs too late. Election planning and delivery requires specialist and experienced staff. The requirement to deliver two major election events in the same calendar year places significant strain on the small cohort of specialist staff available to support this work and inevitably leads to delayed planning and preparation for the council elections.

A key theme that emerged in all the post-election staff surveys and election project evaluations was that critical planning and execution activities occurred too late. This is unavoidable due to the overlap with the state election planning and execution period.

This limits ECSA's capacity to implement continuous improvement activities to support best practice electoral services. In addition, the need to sustain an extended period of high intensity service delivery affects staff health and wellbeing and negatively affects the long-term retention of critical and experienced staff.

The overlap with the state election period also poses problems with implementing the outcomes of representation reviews. ECSA is required to certify the reviews. This is a resource intensive process that must occur during the peak planning period for the state election when limited experienced staff are available to assist.

Further, reviews often include several complex multi-ward councils with ward boundary adjustments and consequent elector movements. This redistribution of electors must be implemented on the electoral roll. However, due to high enrolment activity and the close of roll date for the state election, representation review roll changes can only be implemented after the state election. Notably, the key roll close date for the council elections is just four months later, which provides a narrow period to implement these highly technical changes.

Consistent with the approach in many other jurisdictions, ideally, the two elections should occur, to the nearest extent possible, two years apart. Notably, in New South Wales, Tasmania, Victoria, and the Northern Territory, state and local government elections are from one to two years apart.

Some council Chief Executive Officers expressed concerns about potential elector fatigue as the 2022 Council Elections followed the State Election, the Bragg by-election, and federal election. Elector fatigue, confusion and the impact on elector participation should also be factors in considering the timing of the council elections.

A CALL FOR LEGISLATIVE CHANGE

Timing of the council elections

For a number of years, ECSA has recommended moving the date of the council elections so that they occur in the year following state elections. This recommendation was included in the 2006, 2010, 2014 and 2018 Council Election Reports.

This approach is consistent with many interstate jurisdictions. It also recognises that elections are continuing to evolve and increase in scope and complexity as enrolment and participation continue to increase, and more convenient methods of voting are introduced. The lack of time to adequately plan and execute council elections after the delivery of the state election creates a significant risk to the quality of service delivery and impacts on ECSA's ability to support and sustain the health and wellbeing of critical specialist staff.

Consequently, as a first priority for reform, ECSA recommends the date for the council elections is moved so that the elections occur in the year following state elections. This is critical to ensuring that ECSA can continue to deliver high-quality and best practice electoral services to the South Australian community.

Recommendation 1.

To support the provision of high quality and best-practice electoral services to the South Australian community, change the fixed date of the council elections to the second Saturday in November in the year following a state election. Introduce transitional provisions to extend the term of currently elected members to expire in accordance with the next council elections.



Representation reviews

Council structure

Councils are required to conduct a review of their composition and ward structure at least once during each relevant period prescribed by the *Local Government (General) Regulations 2013* (LGG Regulations). The relevant period during which each review is undertaken is determined by the Minister and published in the South Australian Government Gazette.

As part of this representation review, councils should consider factors such as the type of principal member, whether to keep, change or abolish internal wards, and the number and type of councillors. The number of councillors per elector must also be considered to ensure that electors are represented fairly across different wards.

Since the 2018 Council Elections and prior to the 2022 Council Elections, the Electoral Commissioner certified 30 representation reviews. Most councils retained their existing structure and representation arrangements. The Electoral Commissioner also gave effect to changes for one further council which did not satisfactorily complete the representation review in the required time frame.

Details of the 11 councils that made a change to their structure or representation arrangements are outlined in Table 2 below.

TABLE 2: Council structure changes, 2022

Council	Principal member	Wards and boundaries	Councillors
Adelaide	Retained Mayor	Retained 3 wards, no boundary adjustments.	Area councillors reduced from 4 to 2. Ward councillors increased from 7 to 9.
Adelaide Plains	Retained Mayor	Abolished wards.	Retained 9 councillors.
Alexandrina	Retained Mayor	Reduced from 5 to 3 wards. Major boundary adjustments.	Retained 9 councillors.
Charles Sturt	Retained Mayor	Retained 8 wards. Minor boundary adjustments.	Retained 16 councillors.
Coorong	Changed from Chairperson to Mayor*	Abolished wards.	Reduced from 9 to 7 councillors.
Goyder	Retained Chairperson	Retained 4 wards. Minor boundary adjustments.	Retained 7 councillors.
Light	Retained Mayor	Reduced from 4 to 3 wards. Major boundary adjustments.	Reduced from 10 to 9 councillors.
Mid Murray	Retained Mayor	Retained 3 wards. Major boundary adjustments.	Reduced from 9 to 8 councillors.
Mitcham	Retained Mayor	Retained 6 wards. Major boundary adjustments.	Reduced from 13 to 12 councillors.
Mount Barker	Retained Mayor	Retained 3 wards. Major boundary adjustments.	Retained 10 councillors.
Prospect	Retained Mayor	Retained 4 wards. Minor boundary adjustments.	Retained 8 councillors.

**Poll conducted in October 2021 to enable Mayor to be elected at 2022 Council Elections*

Notifications of the outcomes of all reviews completed during the period were published in the South Australian Government Gazette prior to 1 January 2022. Changes to representation and structure came into effect from 10 November 2022, being polling day of the first council election held after the date of publication (as per section 12(18) of the LG Act). Council structures are detailed in Table 3.

TABLE 3: Council structures, 2018 – 2022

	2022		2018		Change	
Councils with...	**No.**	**%**	**No.**	**%**	**No.**	**%**
Mayors	53	79.1	52	77.6	1	1.5
Chairpersons	14	20.9	15	22.4	-1	-1.5
Total	**67**		**67**			
Area Councillors	37	55.2	35	52.2	2	3.0
Ward Councillors	29	43.3	31	46.3	-2	-3.0
Ward Councillors and Area Councillors	1	1.5	1	1.5	0	0.0
Total	**67**		**67**			

Legislative reform for representation reviews

Prior to the next council elections, 36 councils will complete a scheduled representation review in accordance with the amended provisions under the LG Act. These amendments include the introduction of a member cap and a requirement that all principal members be an elected mayor. A further eight councils will complete a review under transitional regulations. Six councils will be required to revise their composition to introduce a mayoral position, and two will address the issue of having more elected members than the member cap.

Elector representation

Table 30 in Appendix 9.1 contains statistics on the total eligible electors and number of ward and area councillors in each council at the 2018 and 2022 elections. This also includes the number of electors per councillor (excluding mayoral positions).

Roll management and enrolment

Entitlement to vote in a council election is based on two categories:

1. Enrolment on the state electoral roll (automatically included on the voters roll).
2. Application to be on the council supplementary roll for a council area.

Applications to be on the council supplementary roll can be made to the relevant council Chief Executive Officer on several eligibility criteria:

- A natural person who is a resident, sole owner, or occupier of a rateable property,
- A group of natural persons,
- A body corporate that is the owner or occupier of a rateable property.

Voting entitlements were established as at the close of the voters roll, at 5:00pm on Friday 29 July 2022.

Following the close of the roll, each council reviewed the state electoral roll entitlements against applications for inclusion on the supplementary roll. This ensured that all electors were allocated the correct entitlement, as an elector is only entitled to a single vote in any given election. However, an elector may be entitled to vote in more than one election for the council area, such as additional ward elections based on council supplementary roll entitlements.

To assist councils in keeping their voters roll up-to-date, ECSA provides monthly information relating to additions, changes and deletions affecting the state roll. A full list of electors from the state roll is also supplied monthly.

A CALL FOR LEGISLATIVE CHANGE

Council Supplementary Roll (CSR) applications

Under section 14(3b) of the LGE Act, an application for the council supplementary roll must be:

- in a form approved by the returning officer; and
- signed and witnessed as required by the returning officer; and
- made to the chief executive officer of the council.

Councils received a mix of hard copy and digital application forms. Feedback from stakeholders demonstrated a strong call to fully digitise the application process for future elections. Roll officers, Council Liaison Officers (CLOs) and Chief Executive Officers (CEOs) cited the administrative burden for council staff who assess CSR applications.

Currently, residents who apply for the CSR must have lived in the council area for at least one month prior to completing their application and have their form signed by a witness. To ensure the integrity of the enrolment process, in ECSA's view, individuals applying as residents should be required to supply identification and proof of residence in lieu of having their application form witnessed. Supporting evidence for property owners or non-residential occupants may not be necessary, as this information is often held in the council's assessment record.

Legislative change to section 14(3b) would offer the opportunity to take a modern approach while maintaining flexibility to offer digital and paper-based options, if necessary.

Recommendation 2.

Modernise council roll application processes by amending section 14 of the LGE Act to remove the witness requirement and enable digital applications. In section 14 of the LGE Act and Schedule 1, Part 2 of the CoA Act, introduce a requirement for a natural person applying for the council roll to supply identification and proof of residence as required by the Returning Officer.

The prescribed period for finalising the voters roll conflicts with the nominations period. After the roll close date, councils may continue to review roll applications to finalise the council supplementary roll and compare this to House of Assembly (HA) roll records to remove duplicate entries. This had an impact on the timely assessment of nominations as voters rolls were not confirmed prior to nominations opening.

ECSA also undertook extensive data matching and processing procedures to ensure the accuracy and quality of the voters roll. This occurred throughout the prescribed period for bringing the roll up-to-date in accordance with the LGE Act.

A CALL FOR LEGISLATIVE CHANGE

Voters roll build

The voters roll should be finalised prior to the opening of nominations to ensure there is no delay when nominations are assessed for eligibility.

A minor adjustment to the prescribed timeframes under the LGE Act would ensure there is no conflict between the period for finalising the voters roll and commencement of nominations.

Recommendation 3.

Amend section 15 of the LGE Act and Schedule 1, Part 2 of the CoA Act to ensure the roll is brought up-to-date three weeks after the roll close date, and therefore prior to nominations opening to ensure that the eligibility of people who nominate for election can be assessed efficiently.

City of Adelaide roll

The Council Supplementary Roll (CSR) for the City of Adelaide contains a high volume of bodies corporate, occupants, and non-citizen residents within the council area. In fact, the CSR comprised 54.5% of the total voters roll for the City of Adelaide. Many of these entries on the roll are automatically added based on the council's assessment record, which creates a considerable administrative burden for ECSA in detecting duplicate entries or correcting entitlements.

Uniquely for the City of Adelaide, entries on the CSR for bodies corporate or groups previously did not require the identification of a natural person who would be the designated person entitled to exercise the vote on behalf of the body corporate or group. All other councils are required to list the designated person, to ensure that a natural person is only voting once in any given election. A natural person must not have more than one entitlement in an election.

For the City of Adelaide roll, any person who is an officer of the body corporate or member of the group can complete and return the vote issued to the body corporate or group. Unfortunately, these votes are often rejected because the person already voted in another capacity, usually if they are themselves living in the City of Adelaide and are therefore a voter in their own right. This lack of understanding of the eligibility principle can lead to a diminished opportunity for a body corporate or group to exercise their vote.

Legislative changes were made to ensure that in future elections, all bodies corporate and groups on the City of Adelaide roll have identified a natural person to be the designated person for the purpose of exercising the relevant vote. However, these changes were not in effect for the 2022 Council Elections. They are expected to apply for the next periodic elections.

Access to voters roll

Under section 15(15) of the LGE Act, a nominated candidate for an election is entitled to obtain from the council a copy of the voters roll for the area at any time between the close of nominations and polling day. The voters roll includes the name and enrolled address of each individual, group, or body corporate on the roll for the relevant election.

This section of the legislation was amended after the 2018 Council Elections, removing the requirement for the voters roll to be in printed form. As the Act does not specify the format, it was found that councils took different approaches to how they supplied the roll and the methods of ensuring the information was shared securely.

These elections demonstrated the growing demand for access to the voters roll in digital format to enable campaigning techniques such as mailouts to electors. In addition, it also highlights the need for roll sharing processes to be supported by measures to ensure data confidentiality and security.



A CALL FOR LEGISLATIVE CHANGE

Access to the voters roll

It is recommended that ECSA, as the agency ultimately responsible for the roll should manage access to the voters roll by candidates. Feedback from council staff showed support for this change.

Further, access to the voters roll should also be limited to candidates proceeding to a contested election. Candidates who are elected unopposed are not required to influence the outcome of an election, and therefore do not have a genuine reason for accessing voters roll information.

Noting that the voter's roll contains a range of personal confidential information, further consideration should also be given to the extent to which any or all of the information on the roll is necessary to support campaigning activities and should be provided, and the requirements to ensure the secure disposal of the information following the finalisation of the election.

Recommendation 4.

Amend section 15(15) of the LGE Act and Schedule 1, Part 2 of the CoA Act to allow candidates, at any time between the declaration of nominations and polling day, to request from the returning officer a copy of the voters roll for an election, excluding any candidate declared elected in accordance with sections 25(1) and (1a) of the LGE Act.

Roll statistics

A total of 1,288,329 electors were enrolled to vote and included on the combined voters roll for the state, representing a 6.1% increase compared to 2018. Table 4 provides a comparison of total elector numbers for the HA roll and council roll since 2010.

Appendix 9.1 contains more voters roll statistics including enrolment by council and a comparison of the HA roll and council supplementary roll.

TABLE 4: Electors on the voters roll, 2010 – 2022

Roll	2022 No.	2022 percent	2018 No.	2018 percent	2014 No.	2014 percent	2010 No.	2010 percent
HA Roll	1,267,602	98.4	1,194,947	98.4	1,136,824	98.4	1,101,654	97.9
Council Roll	20,727	1.6	18,915	1.6	18,871	1.6	23,407	2.1
Total	**1,288,329**		**1,213,862**		**1,155,695**		**1,125,061**	

Candidate participation

Information for candidates

Following feedback from the 2018 Council Elections evaluation, ECSA adjusted the approach to candidate briefing sessions to implement a range of improvements including reducing the length of the sessions by focusing on election processes.

In addition, eight presentations were scheduled closer to the nominations period and two following the opening of nominations. These sessions were comprised of in-person and online meetings, held largely in the evening – see Table 5 below.

The briefing sessions covered key topics such as:

- The election timetable.
- Eligibility to be a candidate.
- Nomination procedures.
- Candidate profile and photograph requirements.
- Close of nomination procedures.
- Publication of election material.
- Illegal practices and complaint procedures.
- The mail-out and return of voting material.
- The appointment of scrutineers.
- Arrangements for the scrutiny and count.
- The vote counting system.
- Results.
- Conclusion of the election.
- Campaign Donations Returns.

For any intending candidates who could not make it to one of these sessions, ECSA also produced a recorded version and published it online. Approximately 102 people attended the briefing sessions and there were 878 views confirmed on the pre-recorded information session.

TABLE 5: Candidate briefing sessions, 2022

No#	Date	Time	Style	Location
1	Monday 8 August 2022	5:30pm – 7:00pm	Face to Face	Woodcroft Community Centre 175 Baines Road, Morphett Vale
2	Tuesday 9 August 2022	5:30pm – 7:00pm	Webinar	Online
3	Wednesday 10 August 2022	2:00pm – 4:00pm	Face to Face	ECSA 60 Light Square, Adelaide (City of Adelaide only)
4	Monday 15 August 2022	5:30pm – 7:00pm	Webinar	Online
5	Tuesday 16 August 2022	5:30pm – 7:00pm	Face to Face	Elizabeth TAFE 2 Woodford Road, Elizabeth
6	Thursday 18 August 2022	5:30pm – 7:00pm	Face to Face	ECSA 60 Light Square, Adelaide
	Nominations open			
7	Wednesday 24 August 2022	5:30pm – 7:00pm	Webinar	Online
8	Thursday 25 August 2022	5:30pm – 7:00pm	Webinar	Online (City of Adelaide only)

Nomination kits were provided to intending candidates. The nomination kits included nomination forms, a comprehensive Candidate Handbook, and a brochure outlining the requirements for candidate profiles and photographs.

In addition, the Local Government Association (LGA) ran several information sessions to explain the role of elected members and what being on council includes. Some councils also chose to run their own sessions locally. Feedback from Council Liaison Officers highlighted that 90% of those who responded to their evaluation survey held a local briefing session.

Eligibility to nominate

Section 17 of the LGE Act provides that a person is entitled to stand for election if:

- The person is an Australian citizen; and
- As at roll close:
  - The person is an elector for the council area; or
  - The person is the nominee of a body corporate or group which has its name on the voters roll for the area; or
  - The person's name has been omitted in error for the voters roll for the area, or the person is the nominee of a body corporate or group which has had its name omitted in error from the voters roll for the area.

A person is not eligible to be a candidate if the person:

- Is a member of an Australian Parliament; or
- Is an undischarged bankrupt or is receiving the benefit of a law for the relief of insolvent debtors; or
- Has been sentenced to imprisonment and is, or could on the happening of some contingencies become, liable to serve the sentence or the remainder of the sentence; or
- Is an employee of the council; or
- Is disqualified from election by court order under the *Local Government Act 1999*.

A person cannot nominate for more than one position.

The nomination process

To nominate, candidates had to lodge a nomination form with ECSA within the specified nomination period. For the nomination to be valid, the candidate had to complete the appropriate form that corresponded to their entitlement to nominate, being an elector on the voters roll for the area or the nominee of a body corporate or group with its name on the voters roll for the area.

All nominations were accompanied by a candidate's declaration of eligibility and a profile statement with a maximum length of 1000 characters (previously 150 words). Additionally, candidates had the option to submit an Australian passport size photograph of themselves taken within the preceding 12 months. Nomination materials, including the candidate handbook and relevant information to assist candidates to understand their rights and obligations, were available in the weeks prior to the opening of nominations on Tuesday 23 August 2022. Nomination kits were provided to each council for candidates who preferred to collect the information in printed copy.

Amendments were made to the LGE Act to facilitate the introduction of an online candidate portal where candidates could conveniently complete and lodge their nomination electronically. Traditional paper-based nomination forms were still available at council offices, though the vast majority of candidates preferred to utilise the convenience of the candidate portal. In 2022, approximately 94% of all nominations were lodged via the candidate portal. The new processes confirmed that the online approach creates significant efficiencies.

All submitted nominations had to be processed by ECSA staff to ensure their compliance with the legislative requirements. It is important to note that the demands of processing a paper-based nomination were considerably greater for ECSA staff. To create a central database of all submitted nominations and to facilitate the printing of candidate profile booklets, ECSA staff had to manually enter paper-based nominations into the candidate portal on behalf of the candidate. In these instances, the time spent processing a nomination was greatly increased and required additional quality assurance processes to address the risk of mis-keying candidate profile statements.

ECSA emailed candidates directly to acknowledge receipt of a nomination. Candidates were also advised by email if their nomination had been accepted, or if their nomination was deemed not to comply with the legislation and had been rejected. Rectifying non-compliant aspects of a nomination was far simpler for candidates that submitted via the candidate portal, as they could log in to the portal and make iterative amendments to their previous nomination before resubmitting. Conversely, candidates that submitted non-compliant paper-based nominations could only amend by completing and lodging a fresh nomination.

Following the close of nominations, ECSA staff conducted checks to ensure that all received nominations had been correctly processed and that no candidates had nominated for more than one position. At 4:00pm Tuesday 6 September 2022, the names of accepted candidates were declared at the respective council offices. In the instances where the number of accepted candidates was equal to or fewer than the number of vacancies, the accepted candidates were declared elected. In the instances where there were more accepted candidates than vacancies, a draw by lot was conducted to determine the order that candidate names would appear on the ballot paper.

Following this, correspondence was sent to all candidates advising of the:

- ballot paper draw results,
- scrutiny and count details,
- funding and donation disclosure requirements.

Candidate profile

To comply with the Regulations a candidate profile must:

- be accurate and not misleading,
- not contain commentary on decisions or actions made by the council or council members,
- not contain offensive or obscene material,
- not refer to another person who has nominated unless written permission is provided, and
- not exceed 1000 characters.

Restrictions on the content of candidate profiles

Under regulation 5(2)(iv), a candidate profile cannot comment on decisions or actions that have been made or taken by the council or on the decisions or actions of past or present members of the council. A 'comment' is taken to mean a criticism, value judgement or endorsement of a decision about a council or council members. It does not preclude statements of fact that are neutral but is intended to exclude commentary that is either negative criticism or positive endorsement.

The restrictions were intended to avoid inclusion of commentary that could be subject to civil action, including defamation action brought against the Returning Officer who must publish the information. While the regulations also require that a profile must be accurate and not misleading, no action for misleading material lies against the Returning Officer because of the indemnity provided in section 28(4) of the LGE Act.

The requirement to vet profiles for prohibited commentary when processing nominations is a complex and resource intensive process. For the 2022 Council Elections, several nominations were rejected due to the inclusion of prohibited commentary in a candidate profile. Where the nomination period was still open, candidates were able to amend their profile and re-lodge their nomination.

Candidate photographs

Under section 19 of the LGE Act, a candidate may provide a photograph with their nomination.

If provided, a photograph must meet the following requirements prescribed by the Regulations.

The photograph must:

- be the same size as an Australian passport photograph, unless approved by the Returning Officer,
- predominantly show the head and shoulders of the candidate,
- be taken within the last 12 months, and
- be endorsed by the candidate that the photograph is a photograph of the candidate and has been taken within the preceding 12 months.

Processing nominations

ECSA staff rigorously assessed all nominations to ensure each has been completed correctly and the candidate is eligible for the relevant office.

This included confirming:

- the candidate was enrolled on or before the close of rolls date,
- the candidate used the correct form and all relevant sections of the nomination form had been completed,
- the candidate profile complied with the Regulations, and
- the photograph (if provided) complied with the Regulations.

Accepted nominations

As soon as reasonably practicable after 4:00pm on the day of the close of nominations, the Local Deputy Returning Officer (LDRO) undertook the following for each of their elections:

- Announced publicly the names of candidates who had nominated.
- Declared elected any candidates where the number of nominations received did not exceed the number of vacancies.
- Conducted a draw by lot for each contested election to determine the order of candidate names on the ballot papers.

Confidentiality of nominations

For previous elections, the Returning Officer was obligated to cause a copy of a valid nomination to be displayed in the principal office of the council as soon as practicable after it was received. The suite of legislative amendments in 2021 removed this section, effectively making nominations confidential until the declaration conducted after the close of nominations.

In the 2018 Council Elections Report, ECSA recommended that section 21 be amended to make the Returning Officer responsible for publishing nominations after the close of nominations. This recommendation was made to make the nomination process consistent with state elections, and to reduce the possible manipulation of the nomination process. Under the previous legislation, candidates could withdraw their nomination in a contested election and lodge it again in another ward with no or fewer nominations. Examples of this were evident late in the 2018 elections nominations period.

For the 2022 elections, ECSA closely examined the impacts of this change, due to claims raised that it resulted in a reduction in the number of candidates nominating. Some councils directly attributed the increased number of supplementary elections required because of a lack of a candidate, to this change.

In the post-election survey of candidates, candidates were asked if the confidentiality of nominations had any impact on their decision to nominate. Seventy-eight percent of candidates who responded to the survey reported that the change in the nomination publication process did not affect their decision to nominate. More results from this survey are in Table 6.

TABLE 6: Candidates Survey results – confidentiality of nominations

Response	Percentage (%)
The change did not affect my decision to nominate	78.0
The change caused me to reconsider nominating	5.4
The change caused me to delay nominating	6.3
Other – generally supportive of publication of nominations	5.8
Other – I would have changed ward/position	1.5
Other – I wanted to know who I was running against	1.0
Other – generally supportive of confidentiality of nominations	1.0
Other – I would have withdrawn had I known who nominated	0.4
Other	0.4

ECSA also surveyed a group known as 'potential' candidates. This group was comprised of people who registered for a candidate briefing session but did not nominate, or who commenced a nomination via the Candidate Portal but did not complete it.

This group was asked the following question: *In previous elections, accepted nominations were publicised on a noticeboard at the council office. However, this year, they were kept confidential until after the close of nominations. Did this have any impact on your decision to not nominate?*

The responses demonstrated that the vast majority did not attribute their decision to not nominate to this specific issue: See Table 7 below.

TABLE 7: Potential Candidates Survey results – decision to nominate

Response	Number	Percentage (%)
No, this change did not affect my decision to not nominate	25	73.5
Yes, this change caused me to reconsider or delay nominating	5	14.7
Yes, this change was the reason I did not nominate	2	5.9
Other – *ineligible due to enrolment*	2	5.9
Total	**34**	**100**

To provide further insight, just three potential candidates from regional councils identified the change to being a contributing factor to their decision to not nominate.

It should be noted that the supplementary elections conducted because of election failure due to insufficient nominations or no nominations, were exclusively regional councils.

These numbers indicate that while the change in publication of nominations may have had some impact on the decision-making of a small number of individuals, the vast majority who were interested in nominating chose to do so regardless.

This was the first election the change in legislation was applied. Like any change, a period of adjustment is to be expected. The supplementary elections held in March 2023, just a few months after the council elections, saw a significant increase in the number of nominations for most positions. See Table 8 for vacancies and candidates for these supplementary elections.

TABLE 8: Nominations for supplementary elections

Council and Position	Vacancies	Candidates
Copper Coast – Area Councillor	1	11
Kimba – Area Councillor	1	2
Kingston – Mayor	1	1
Mount Remarkable – Willochra Ward	1	6
Northern Areas – Broughton Ward	1	2
Robe – Mayor	1	1
Southern Mallee – Area Councillor	5	13
Streaky Bay – Eyre Ward	1	1
Tumby Bay – Area Councillor	4	8
Wudinna – Area Councillor	1	2
Total	**17**	**47**

With a collective effort of ECSA promoting the nominations period, and councils demonstrating that the role of councillor is an attractive opportunity, ECSA anticipates that the confidentiality of nominations will become the standard accepted practice, as it is for nominations in other elections and other jurisdictions.



A CALL FOR LEGISLATIVE CHANGE

Declaration of nominations

Under the LGE Act, the close of nominations is fixed at 12:00 noon on the sixth Tuesday after roll close. The draw for positions on the ballot paper must be conducted at 4:00pm (or as soon as is reasonably practicable after 4:00pm), on the day of the close of nominations. The Returning Officer must also declare the elected candidates for elections where the number of nominations did not exceed the number of vacancies.

This four-hour period is no longer sufficient to ensure last minute nominations received are processed and confirm no candidate has nominated for more than one office.

Despite encouraging candidates to complete their nomination early, the lodgement trend remained consistent with 44% lodging in the last two days. In 2022, a team of staff processed 218 nominations received on the final morning of the nominations period. This included contacting candidates to resolve errors where possible to ensure that as many as possible could be accepted.

To address this, it is recommended that the declaration and draw be conducted as soon as practicable after 9:00am on the day following the close of nominations. For candidates and councils, the impact is effectively just one hour of the working day. For ECSA, the additional time will enable the agency to adequately process, check and confirm all nominations received at the close of nominations, conduct quality checks, and prepare for the declarations and draw for positions on the ballot paper.

Recommendation 5.

Maximise the opportunity to ensure that people who intend to nominate for election can do so validly by changing the time for the draw for positions on the ballot paper by amending:

- *section 29(3)(a) of the LGE Act to allow the draw for positions on the ballot paper to be conducted on the day following the close of nominations at a time determined by the returning officer; and*
- *section 25(1) to allow the declaration of candidates elected unopposed to be conducted at the same time as the draw for position on the ballot paper.*

Number of candidates

A total of 1,258 nominations were initially accepted for the 2022 Council Elections (see Table 9).

On 7 September 2022, the day after the declaration of accepted nominations, the then Minister for Local Government (the Hon. Geoff Brock) introduced a bill to extend the period of administration of the District Council of Coober Pedy until the council elections of 2026. This Act of Parliament, assented to on 29 September 2022, determined that the 2022 periodic election would cease to be held in Coober Pedy and anything done for the purposes of the election would be taken to be void and of no effect. Consequently, the two accepted nominations (both for the position of area councillor) were voided.

Because of this legislative change, the total number of candidates at the 2022 Council Elections was ultimately 1,256 instead of 1,258. This is a decrease from 1,374 in 2018. Of the 1,258 accepted nominations, almost 94% of candidates submitted their nominations via the candidate portal. Seventy-eight candidates submitted hard copy forms.

Approximately 44% of nominations were accepted in the final two days of the nomination period. Candidates submitted nominations marginally later than previous council elections – possibly a result of the increased convenience in nominating via the portal rather than at council offices.

Contested, uncontested elections and election failure

Across the state there were a total potential 222 elections to be conducted (see Table 10). Of those, 184 elections were contested. Another 36 were uncontested, with the candidates in those elections elected unopposed due to the number of nominations being fewer than or equal to the number of positions available. Two elections were deemed to have failed as there were no nominations received.

Supplementary elections were required to fill the remaining vacancies in seven of the uncontested elections where there had been insufficient nominations, as well as the vacancies in the two failed elections. For this reason, nine supplementary elections were scheduled as soon as possible, with nominations being held 13-27 January 2023 and close of voting for contested elections on 14 March 2023.

TABLE 9: Positions and candidates, 2010 – 2022

	2022	2018	2014	2010
Positions*	674	689	702	714
Candidates*	1,256	1,374	1,334	1,274
Ratio of candidates to positions	1.9:1	2:1	1.9:1	1.8:1

** The number of positions and candidates have been adjusted to reflect the cancellation of the 2022 periodic elections for the District Council of Coober Pedy and the voiding of the two accepted nominations for those elections.*

TABLE 10: Contested, uncontested and failed elections, 2010 – 2022

	2022		2018		2014		2010	
Type of election	**No.**	**%**	**No.**	**%**	**No.**	**%**	**No.**	**%**
Contested	184	82.9	206	89.6	189	80.8	194	81.1
Uncontested – no supplementary election required[1]	29	13.1	23	10.0	42	17.9	41	17.2
Uncontested - supplementary election required[2]	7	3.2	0	0.0	3	1.3	4	1.7
Failed[3]	2	0.9	1	0.4	0	0.0	0	0.0
Total	**222**[4]		**230**		**234**		**239**	

[1] *Uncontested elections – no supplementary election required refers to elections where the number of candidates equalled the number of positions available and the candidates were elected unopposed.*

[2] *Uncontested elections – supplementary election required refers to elections where the number of candidates was fewer than the number of positions available and the candidates were elected unopposed, but a supplementary election was required to fill the remaining positions vacant. These elections can also be described as partially failed elections.*

[3] *Failed elections refers to those elections which failed due to no candidates nominating. It may also refer to elections which fail due to candidates dying or becoming ineligible between the close of nominations and close of voting.*

[4] *The number of elections has been adjusted to reflect the cancellation of the 2022 periodic elections for the District Council of Coober Pedy and the voiding of the two accepted nominations for those elections.*

A CALL FOR LEGISLATIVE CHANGE

Avoidance of supplementary election

Following the close of nominations, nine elections did not have enough candidates to fill the number of vacancies. Debate on how to fill these positions arose, namely sections 6(1)(a) and 8(1a) both appeared to be applicable to the circumstance. The former required supplementary elections to be held, while the latter allowed councils to appoint people to the vacancies. The different methods significantly vary in cost and time required.

Section 6(1)(a) states that if an election other than a supplementary election wholly or partially fails, a supplementary election will be held to fill the vacant office/s. However, section 8(1a) states that if the returning officer declares candidates elected but not all vacancies are filled (i.e. in an uncontested election), the council must appoint a person or people to the remaining office/s.

To avoid any uncertainty, ECSA recommends that a minor legislative amendment be made to clarify the circumstance in which a council may appoint someone to a vacancy, being after the failure of a supplementary election.

Recommendation 6.

Amend the definition of 'election failure' under section 7 to include that receiving less nominations than the number of vacancies means the election has partially failed to provide a direct connection with section 6(1)(a). Amend section 8(1a) to apply to candidates elected under section 25(1a) to clarify that councils may only appoint a person to a vacant office after a supplementary election has failed.

Candidate statements

Candidates were required to provide additional information as part of their nomination, including whether they lived in the area or ward and political party membership.

Of the 1,256 candidates, 164 (13.1%) stated that they did not live in the area or ward in which they nominated for election. Most of these candidates lived in another ward within the council area, however some were entitled to nominate through enrolment on the council supplementary roll as a property owner, nominee of a body corporate, or nominee of a group.

There were 280 (22.3%) candidates who stated that they were a member of a registered political party either at the time of their nomination, or within the 12 months preceding their nomination. Most commonly, these candidates were members of the Liberal Party of Australia (SA Division) or the Australian Labor Party (South Australian Branch). Further details of political party membership are provided in Table 11 (over leaf).

Candidate characteristics

The number and proportion of female candidates increased moderately to 466, which is 37.1% of all candidates, compared to 33.0% in 2018.

However, the proportion of candidates who were male continued to be significantly higher at 62.8%, down from 66.9% in 2018.

The data also shows those candidates who identified as a gender other than male or female. In future, ECSA is committed to offering more choice for gender identification. More information is available in Table 12 (over leaf).

There was a moderate increase in nominations from candidates in the 18-24, 35-44, and 45-54 age groups. The age breakdown between 2018 and 2022 is noted in Table 13, with age profile and segmentation in Table 14 (over leaf).

TABLE 11: Candidate political party memberships

Name of registered political party	No. of candidates who were a member
Liberal Party of Australia (SA Division)	137
Australian Labor Party (South Australian Branch)	94
Australian Greens SA	24
Pauline Hanson's One Nation	7
Animal Justice Party	5
Liberal Democratic Party	5
National Party of Australia (SA) Inc	5
Family First Party Inc	2
SA-Best Incorporated	1
Total	**280**

TABLE 12: Gender of candidates, 2018 – 2022

Gender	2022 Candidates	2018 Candidates
Female	466 (37.1%)	454 (33.0%)
Male	789 (62.8%)	919 (66.9%)
Other	1 (0.1%)	1 (0.1%)
TOTAL	**1,256**	**1,374**

TABLE 13: Age of candidates, 2018 – 2022

Age	2022 Candidates	2018 Candidates
18-24	41 (3.3%)	40 (2.9%)
25-34	98 (7.8%)	115 (8.4%)
35-44	207 (6.5%)	192 (14.0%)
45-54	250 (19.9%)	255 (18.6%)
55-64	302 (24.0%)	385 (28.0%)
Over 65	358 (28.5%)	387 (28.2%)
TOTAL	**1,256 (100%)**	**1,374 (100%)**

TABLE 14: Age and gender profile of candidates, 2018 – 2022

Age	Male		Female		Other		Total	
	2022	2018	2022	2018	2022	2018	2022	2018
18-24	29 (70.7%)	28 (66.7%)	12 (29.3%)	14 (33.3%)	0 (0.0%)	0 (0.0%)	41	42
25-34	70 (71.4%)	80 (69.6%)	28 (28.6%)	35 (30.4%)	0 (0.0%)	0 (0.0%)	98	115
35-44	118 (57.0%)	108 (56.2%)	89 (43.0%)	83 (43.2%)	0 (0.0%)	1 (0.5%)	207	192
45-54	136 (54.4%)	151 (59.2%)	113 (45.2%)	104 (40.8%)	1 (0.4%)	0 (0.0%)	250	255
55-64	180 (59.6%)	264 (68.6%)	122 (40.4%)	121 (31.4%)	0 (0.0%)	0 (0.0%)	302	385
Over 65	256 (71.5%)	288 (74.8%)	102 (28.5%)	97 (25.2%)	0 (0.0%)	0 (0.0%)	358	385
TOTAL	**789 (62.8%)**	**919 (66.9%)**	**466 (37.1%)**	**454 (33.0%)**	**1 (0.1%)**	**1 (0.1%)**	**1,256**	**1,374**

New data now being captured by the Candidate Portal includes that 19 candidates identified as Aboriginal or Torres Strait Islander. Of those who identified as Aboriginal and or Torres Strait Islander, 13 were aged 45 or older.

The most common countries of birth of candidates were Australia (1,043), United Kingdom (82) and India (42).

A CALL FOR LEGISLATIVE CHANGE

Nomination eligibility requirements

The suitability of some candidates for elected office was raised by several stakeholders during the election process. ECSA notes that in other elections, legislation prescribes additional eligibility requirements to nominate, including minimum numbers of nominators, police checks, and corporations checks.

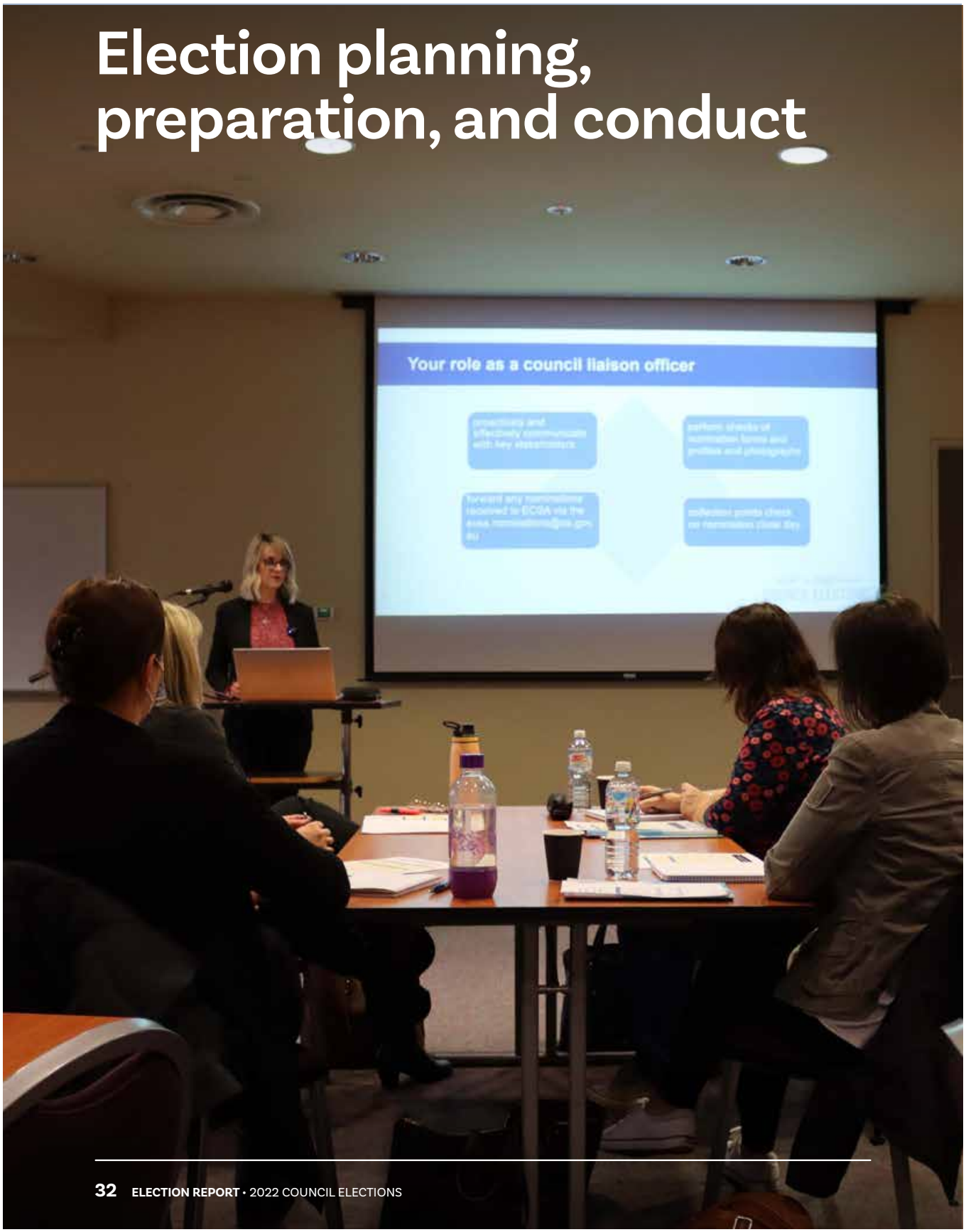
Through a number of feedback sources, it was suggested that candidates for council elections should be required to meet additional eligibility criteria. Examples of suggestions include police checks, working with children checks, or mandatory training.

Recommendation 7.

Consider the nomination eligibility criteria and whether the LGE Act, CoA Act or regulations should be amended to introduce any further eligibility criteria.

Chapter 2

Election planning, preparation, and conduct



Election staffing

Appointment of Deputy Returning Officers and other Electoral Officers

In accordance with Part 3 of the LGE Act, the Returning Officer may appoint Deputy Returning Officers (DROs) for an area and engage other electoral officers to assist in the conduct of the elections. The Returning Officer delegates powers and functions to the DRO to manage the conduct of election activities. DROs serve an important function as a primary liaison point between ECSA and each council. For each of the 67 councils, the Electoral Commissioner appointed a local DRO (LDRO) who could complete activities at the council's primary premises, and an additional DRO within ECSA to complete other centrally coordinated activities.

In 2022, 12 LDROs were council staff members nominated by councils in regional areas, while the remaining 54 were appointed by ECSA. The recruitment of LDROs commenced in July 2022 with those who had demonstrated previous electoral experience, strong leadership, communication, and computer skills identified as suitable for the roles. As 49 councils were classified as country councils, the LDRO's proximity to the council was also a key consideration in their appointment.

LDROs were provided with training and support to enable them to properly discharge their responsibilities. Each LDRO was principally responsible for close of nominations, ballot paper draw, recruitment of electoral officers, and conduct of the scrutiny and count for their designated council.

All councils were also required to nominate suitable staff members for appointment to the roles of Council Liaison Officer (CLO), roll officer and other electoral services officers to assist with the council-related election conduct activities.

An additional 160 casual employees were sourced through a recruitment agency to support centrally managed functions such as the call centre and Central Processing Centre (CPC) operations which included the re-issue of voting packs, processing of returned postal votes, and data entry of complex computer counts.

The LDROs engaged over 900 people as electoral officers to assist in the conduct of the scrutiny and counting of votes in council offices across the state.

Over 1,200 positions were appointed to deliver the elections.

Standards for Electoral Officers

All DROs, LDROs, and Electoral Officers completed a code of conduct requiring disclosure of political neutrality. This required a declaration that they had no association with any political party or candidate, nor had any intention to be politically active. The code of conduct also required the notification of any prior criminal history, as well as a declaration of commitment to impartiality and professionalism to the roles, responsibilities, and behaviour of an electoral officer.

In addition, a criminal history check was conducted for all LDROs and other individuals in supervisory roles prior to making an offer of employment.

Thirty-eight individuals across all electoral officer appointment types (LDRO, CLO, roll officer, scrutiny and count, etc.) made a total of 51 disclosures in relation to the code of conduct.

As a result, 33 individuals were approved to work, and five electoral officers were not engaged. In summary:

- Two candidates for the role of CLOs were not approved due to political party membership.
- Two candidates for the role of electoral officer were not approved due to family members nominating for the council the individuals worked in.
- One candidate for the role of scrutiny and count staff was not approved due to political party membership.

Training and development

Training workshops for CLOs, LDROs and count software assistant (HC Auto Operator) were delivered face-to-face and online. ECSA staff appointed as DROs also attended an information and training workshop in July and August 2022, covering internal procedures and requirements topics such as:

- Election responsibilities,
- The voters roll,
- Advertising and media,
- Complaint management,
- Nominations procedures,
- Voting materials,
- Proportional Representation (PR) vote counting and ballot paper formality,
- Scrutiny and count procedures.

The training program for LDROs and CLOs was conducted separately with a series of initial sessions scheduled prior to the opening of the nominations period. Assessment exercises were conducted and reviewed by ECSA to ensure the effectiveness of the training sessions.

A CALL FOR LEGISLATIVE CHANGE

Appointment of Deputy Returning Officers

While the Electoral Commissioner is the returning officer for local government elections, they appoint individuals to act as Deputy Returning Officers for the purpose of exercising duties under the LGE Act in council offices across the state. Under section 10(3) of the Act, a council may nominate a person to be a deputy returning officer, and the Electoral Commissioner will make the appointment if satisfied that the person is an appropriate person, has sufficient training or experience, and in the circumstances, it is reasonable that an appointment be made.

Typically, most council nominated LDROs are from regional councils where accessibility to staff can be limited. In some cases, the LDRO was also the CEO of the council.

In 2022, the appointment of council staff into LDRO roles was raised as a potential conflict of interest issue by several stakeholders. The conflict of interest related to council staff having a level of investment in the outcome of the election, particularly CEOs who would be working closely with the elected members. Based on the questions raised by candidates at these elections, it is expected that the conflict of interest resulting from council staff involvement in the administration of elections will continue to be raised in the future.

Some CEOs and council staff also raised that in hindsight they would prefer that LDROs were not council staff.

The Electoral Commissioner is ultimately responsible for the elections and their integrity. Given the international trend of public trust in government declining, ECSA is supportive of fully removing the involvement of council staff in senior electoral officer positions. Therefore, council staff, especially council CEOs, should not be eligible to be nominated for the position of LDRO. This position must be impartial and must not give any appearance of bias or conflict of interest.

While this may cause ECSA to search more extensively for suitable individuals located in regional locations, the benefit gained from providing public confidence in the independence of the election process outweighs any additional challenge in recruitment.

Recommendation 8.

Remove section 10(3) so that the ability to appoint a Deputy Returning Officer for an area is solely the Returning Officer's responsibility.

Preparation

Central Processing Centre

A Central Processing Centre (CPC), consisting of around 4,000 square metres of office and warehouse accommodation, was established at Hindmarsh for the conduct of several key election activities including:

- Preparing, storing, and distributing election materials (before, during and after the election period),
- Testing, setting up and distributing IT equipment,
- Packing and distributing nomination, re-issue and scrutiny and count kits,
- Training staff,
- Preliminary processing and storing of returned ballot materials,
- Re-issue of ballot materials,
- Despatching ballot materials to councils for the scrutiny and counts, and
- Conducting complex computer counts.

Logistics

Significant planning and coordination is involved in managing the logistics for council elections.

A large range of election related materials are designed and produced by ECSA including procedure manuals, ballot paper envelopes, forms, nomination kits, count kits, and voting packs. All these materials were produced, received, and stored at the CPC in preparation for being packed for distribution.

Distribution began in August 2022 with the delivery of voting equipment and nominations materials to 67 councils across South Australia. Following the close of nominations, voting packs were assembled and distributed to all eligible electors in council areas with contested elections. Council offices also received materials required for the scrutiny and count process. Quantities were based on the number of electors in each council area.

All scrutiny and count materials were delivered on or before the morning of Saturday 12 November 2022. This included processed postal ballots received by ECSA, to be counted at council premises.

The next phase was to collect the complex count voting packs from relevant council locations and deliver them to the CPC for processing. Coordinating collections from several councils required flexibility and responsiveness from ECSA, as the timing of collection was all dependant on the LDRO completing the first preference counts and informing ECSA.

Once the ballot papers for complex counts were delivered to the CPC, they were batched for data processing. Each box of ballot materials had careful measures put in place to ensure the effective chain of custody of these sensitive materials.

The final phase of the logistics process was to ensure all election materials were safely returned from the councils back to ECSA. All ballot materials were returned to the CPC and were carefully received, fully accounted for, packed, and sent to secure storage.

The logistics project manager reported using several initiatives to try and reduce overall costs, including using Australia Post to deliver nomination materials to country councils for the first time. This initiative was successfully implemented and provided an estimated cost saving of $20,000.

Ballot paper production

Approximately 2.4 million ballot papers (and 1.3 million candidate profile booklets) were produced as part of the 2022 Council Elections. The significant printing task was spread across three different providers to minimise risk and allow the task to be completed with sufficient time to not delay mail insertion and mail out.

This quantity of ballot papers is far higher than the 1,243,661 electors eligible to vote at a contested election. The discrepancy arises from:

- electors typically receive multiple different ballot papers in one voting pack (mayor and area/ward councillor)
- electors may receive more than one voting pack (if on the council voters rolls)
- excess stock produced to account for re-issue kits, telephone voting, and any potential spoilage in the mail insertion process.

Ballot papers are colour coded depending on their election code. Colour coding is used to help distinguish ballot papers for electors and electoral officers extracting ballot papers as part of the scrutiny and count. It also helps to prevent errors during the mail insertion process.

Information and communication technology (ICT)

Digital transformation

For the 2022 Council Elections ECSA continued to implement the modernisation of its local government election systems and the shift from paper-based to digital solutions. These included:

- An online candidate portal for candidates to use for nominations.
- Telephone Assisted Voting for electors who are blind or have low vision, or are interstate or overseas, to vote.
- Online form for re-issue of postal voting packs to enable voters to apply for a replacement voting pack online.

These online options provided a better customer experience and improved data management.

For the 2022 Council Elections, the LDROs used an 'office in a box' comprised of laptops configured with the LDRO's email and count software to assist with counting of votes, along with a printer and consumables.

Testing

Testing of hardware, equipment, and software programs, including Hare-Clark Automation System (HC Auto) and Easycount, was undertaken to ensure all systems were operating effectively.

Cyber security

ECSA engaged with many external agencies to ensure all cyber risks were identified and mitigated. Penetration testing was undertaken.

There were no known cyber security incidents detected or observed at any time during the election.

Project management

Following the 2018 Council Elections, ECSA implemented a comprehensive overhaul of its project management methodology and system aimed at enhancing the efficiency and effectiveness of its election projects.

A new system was introduced to implement task management procedures, track progress, and minimise risks. To facilitate this, projects were divided into a range of functions, each of which was assigned a function manager who reported regularly to the Election Delivery Committee (EDC). The function managers were responsible for supervising other project managers and ensuring the successful completion of all projects within their respective domains.

Feedback received from the previous election was integrated into the planning process for the 2022 elections which also included training for project managers on ECSA's project risk management methodology and the new system.

All project plans and risk registers were approved by the EDC. Given the time constraints, the Electoral Commissioner made strategic decisions prioritising concurrent work with the state election program. The 2022 Council Elections program comprised eight functions, encompassing 43 projects.

Details of the functional model, including the 43 election projects associated with delivering the election, can be found in Appendix 9.4 - Project Management.

Chapter 3

Getting the message out



Promotion and engagement

In a challenging electoral environment with electoral fatigue, disengaged electors and low participation rates, the aim of the 2022 Council Elections advertising campaign was to increase awareness and participation across the state through engaging creative and clear messaging, based on research data.

Advertising research

To inform the advertising, ECSA commissioned some pre-market advertising research which analysed several areas of council elections, including:

- elector influence points,
- elector attitudes and behaviours, and
- creative and messaging resonance.

The advertising research identified three main reasons why people do not vote in council elections, which was used to help understand non-voters and identify levers to increase participation.

- The point - "I don't really care about it, and anyway, nothing will change."
- The people – "I don't know who to vote for."
- The process – "it's too easy to miss the whole election."

Research findings were analysed against the key campaign objectives to help develop creative content, determine audience segmentation and media channels in a targeted communications strategy.

The 2022 Council Elections communications strategy was developed with three distinct campaign phases: 'Enrol', 'Nominate' and 'Vote'. Each phase had distinct behaviours, audiences, and calls to action. It should be noted that ECSA was responsible for the 'Enrolment' and 'Vote' phases of the 2022 Council Elections communications strategy. The Local Government Association (LGA) was responsible for the design and implementation of the 'Nominations' campaign.

Stakeholder relations

The 2022 Council Elections involved many key stakeholders.

Consistent with the approach in 2018, ECSA and the LGA worked on the development of the advertising campaign and the development of some shared information and materials. An advertising agency was engaged to provide creative support for the advertising campaign.

Following ECSA's initiatives to engage traditionally underrepresented sectors at the 2022 State Election, efforts were focused on a similar process of targeted communication and support. The sectors included Aboriginal and or Torres Strait Islander people, hearing impaired, youth, culturally and linguistically diverse, people with an intellectual disability, and vision impaired. Each sector had a consultative phase with various peak bodies representing both public and private organisations.

During the consultative phase, engagement strategies and sector specific distribution networks were established. Examples include:

- Working with Royal Society for the Blind and Guide Dogs SA for blind and low vision community members, particularly with the use of telephone voting and its implementation at this election.
- A series of consultative meetings with Aboriginal sector stakeholders such as Aboriginal Affairs and Reconciliation, Department of the Premier and Cabinet; and Australian Electoral Commission - Indigenous & Community Engagement Section.
- Partnering with Cultural and Linguistically Diverse (CALD) communities, through existing relationships, with the preparation of video content for electors from CALD backgrounds, enabling the opportunity to participate in this election.

LGA Engagement

ECSA consulted extensively with the LGA to achieve better efficiencies and leverage media and creative spending to benefit both the LGA and the 2022 elections. A combined approach, including shared development of a research and evidence-based strategy and platform, consistent messaging, and production quality, and coordinated, integrated communications for each election advertising campaign, was agreed by both ECSA and the LGA to maximise efficiencies for advertising spend.

LGA Procurement was engaged to undertake the tendering and contract management relating to the manufacturing and purchasing of envelopes and associated handbooks, translation material and forms for this audience.

Council engagement

Council engagement sessions were conducted where all marketing contacts were invited with strategy, creative development, messaging and media shared with the group and assets provided to councils to create their campaign assets aligned with the campaign and messaging timing.

Recognising that communication is integral to the success of any good partnership, a regular Chief Executive Update for all councils was established with timely and topical newsletters forwarded to all council Chief Executive Officers, covering important areas including advertising, appointment of electoral officers, close of rolls, nominations, and results. A survey of council Chief Executive Officers after the elections found that over 92% of the 26 respondents were either satisfied or highly satisfied with ECSA's communications and updates.

Advertising campaign and information

Creative development

Based on the research findings, over 20 creative promotional ideas were explored and narrowed to six concepts with multiple advertising, communication, and messaging platforms. These were explored through consumer concept testing, including the previous "Make a difference campaign." Testing found that the preferred concept was the 'Shadow Puppets,' as displayed below.





Advertising and messaging refinement

With the Shadow Puppets' creative concept resonating well across all audiences, the advertising content and messaging were refined based on the research findings to ensure the effectiveness of the advertising campaign.

Phase 1 - Enrol

General Voters: With the State and Federal elections being held in the previous months, the need and benefit of investing in another general enrolment campaign for the House of Assembly roll was marginal, with advertising resources deployed in the final week before the close of rolls, to encourage eligible electors to update their details.

Business and Property Owners: By analysing the potential opportunity for communications to have the most considerable influence on driving enrolment, it was identified that less than 3% of eligible businesses apply to be included on the voters roll (this figure excludes the approximately 14,000 businesses automatically enrolled in City of Adelaide).

While building and maintaining the council voters roll is an individual council responsibility, ECSA developed a business-focused media engagement campaign to support councils and encourage businesses and property owners to enrol on their voters roll. This was conducted by engaging with Business SA, local business groups and the media. Additional messaging was developed around property ownership, voting entitlements, and enrolment targeting property investors and holiday homeowners.

Multiple media interviews across TV and radio (state-wide, metropolitan, and regional) were conducted during this period to ensure positive media coverage and consistent messaging and to reinforce paid media messaging; this media engagement also resulted in multiple articles in both state-wide and regional press.

Phase 2 - Nominate

The LGA was responsible for the nomination phase of this campaign.

The LGA led the nominate phase of this campaign. ECSA supported promotion of the nominate phase through publication of notices in the Government Gazette and local newspapers, social media platforms, and through both the ECSA and 2022 Council Elections website.

Phase 3 - Vote

ECSA's vote campaign aimed to ensure that all eligible South Australians were aware of the upcoming 2022 Council Elections, the voting process and how to ensure their vote would count.

Split into four separate messaging phases, the campaign commenced two weeks before posting voting packs. It increased message urgency throughout the voting period with specific single-minded calls to action to help ensure that electors knew what to expect or do.

Media channels utilised across this phase included TV, press (state-wide and regional), digital, social, radio (state-wide metro and regional), email and SMS. Councils were supplied with campaign assets for their own channels, distributed via the LGA.



Campaign effectiveness

Participation rate

There was an increase in the overall participation rate for the 2022 Council Elections to 32.9%, up from 31.6% in 2018. Given the environment in which the election was conducted, i.e., the third (or fourth in some cases) election in 2022, there was a significant risk of voter fatigue and a collapse in participation.

ECSA's goal was to ensure all electors were aware of the election and encourage participation. As such, the slight increase in participation should be taken as a positive result considering the potential voter fatigue of several elections in close proximity. A survey of electors highlighted the top three reasons for voting was that people wanted to have their say (45%), a responsibility to vote / sense of community (22%) and thinking it was compulsory to vote (10%).

TABLE 15: Survey of Electors - Main reason for voting

Reason	2022 (%)	2018 (%)
I wanted to have my say	45	41
I feel responsible to vote / sense of community	22	3
I thought it was compulsory to vote	10	7
I wanted change	9	18
I didn't like the previous councillors / mayor / council	7	10
Because of an issue / issues	7	8
I think everyone should vote	3	21
I supported candidate standing in my area	2	22

Additional communications required

Telephone voting

Legislation for telephone voting in council elections was passed in September 2022. Therefore, a significant focus on resources and advertising was required to ensure that eligible South Australians knew of the availability of the service.

ECSA engaged directly with the Royal Society of the Blind and Guide Dogs SA and utilised their communication channels to advise the availability of the service to blind and low vision South Australians directly.

With the availability of telephone voting for eligible interstate and overseas electors, potential interstate and overseas electors were identified on the roll. Where possible, they were emailed and sent SMSs outlining the availability of the service. Additionally, over 500,000 electors on the HA roll with email addresses and/or mobile phone numbers had messages sent to them that included the availability of telephone voting.

ECSA received 1,346 telephone votes from 744 individual blind and low vision, interstate, and overseas electors as a direct result of these communications, allowing eligible South Australians who may not have had the opportunity to vote in this election, the opportunity to do so.

Re-issues

Re-issues of voting pack material, either due to not being received or misplacement, had previously been a paper-based process where applicants for ballot paper re-issue needed to download a form and return the form to ECSA for a re-issue to be processed. The process was redeveloped to allow eligible electors seeking replacement ballot material to call the call centre and complete the application over the phone. Simplifying the process made communications, messaging, and the call to action simple and straightforward for electors.

Targeted engagement

Extensive consultation with CALD groups was conducted throughout the development of the 2022 Council Elections communications strategy, with specific assets developed for CALD and disability communities based on their needs.

The CALD community, through ECSA's existing relationships and local council community contacts, were targeted with tailored advertising and supplied with translations of key electoral information, including printed how-to-vote guides etc.

Video content was developed, designed to advise electors from CALD backgrounds of the opportunity to participate in the elections and enrol on their local council's supplementary roll if they were not citizens but were eligible to be included.

As the campaign developed, additional video content was developed in language to help people understand the voting process and how to make sure their vote counted.

This content and printed materials were available on the ECSA website and were distributed via CALD community groups, local libraries, and councils.

The blind and low vision community was engaged through the Royal Society of the Blind and Guide Dogs SA. They were provided with specific collateral on their voting options, especially the advent of telephone voting for this election - a first for South Australia. All information on the ECSA website was accessible to ensure these electors could find any required information.

Elections notices

The LGE Act prescribes the timeframes for the publication of public notices. Public notices were placed in the Government Gazette and across a variety of regional and metropolitan newspapers. The newspapers used were all identified and approved by each council. Table 16 provides an overview of the election notices placed and date of placement.

Table 16: Election notices

Description	Legislation	Placement	Latest Date
Close of rolls	LGE Act section 15(7)(a)	Newspapers & Gazette	21 July 2022
Nominations open	LGE Act section 18	Newspapers & Gazette	18 August 2022
Nominations received*	LGE Act section 26(1)	Newspapers & Gazette	15 September 2022
Election to be conducted by post*	LGE Act section 38 regulation 11	Included with nominations received notice	15 September 2022
Place of vote counting*	LGE Act section 30(2)	Included with nominations received notice	15 September 2022
Assisted voting	LGE Act section 9a (2)	Gazette	6 October 2022
Election results	LGE Act section 50(3)(b)	Newspapers & Gazette	8 December 2022

**These details are combined in a single notice to reduce costs and to simplify proofing schedules and print deadlines*

Close of rolls notices were generic notices common across all councils and appearing in all newspapers across the state. The nominations open notices appeared as composite advertisements, where details for multiple council elections appeared in one advertisement in the relevant newspapers.

The nominations received notices appeared in all relevant newspapers within the council areas. These notices also included standard information for all councils, including the elections being conducted by post, the dates for mail-out of voting packs and requirements for candidates to provide campaign donations returns.

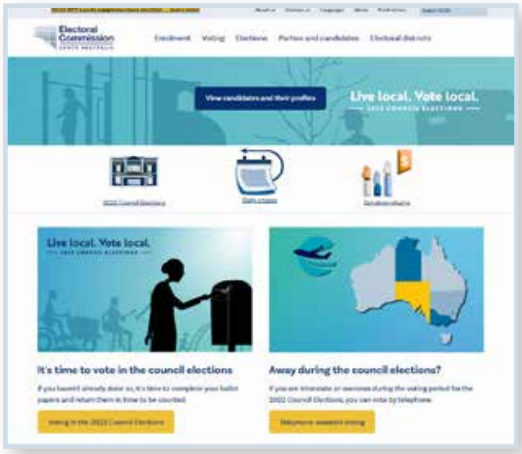
Results notices were also published individually in the relevant newspapers. Further to this, all the above notices were published in the Gazette within the relevant timeframes.

Website

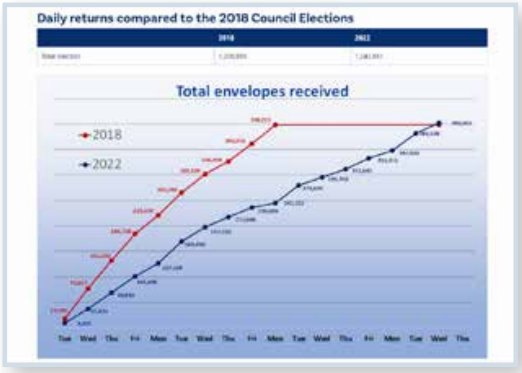
With the LGA, ECSA developed a new election-specific website instead of utilising separate websites for the LGA and ECSA to facilitate communications and information distribution.

The new website, **councilelections.sa.gov.au**, acted as an entry point for candidates and electors with content provided by ECSA and the LGA, which then took people to the relevant part of the respective organisations' websites for further information.

The call to action for all communications directed electors to visit councilelections.sa.gov.au. Website content was updated to reflect the phases of the election: enrolment, nominations, and voting. Additionally, the site provided a hub for candidate profiles and results.



Above: ECSA's website homepage during the voting phase in early November 2022



Above: ECSA's popular postal returns summary web page, which was updated daily in the two weeks leading up to the close of voting on 10 November 2022

Social media

Underpinning the advertising campaign was ECSA's social media campaign, which ran from July to November 2022 on Facebook, Twitter, Instagram, and LinkedIn. During July, August, and September 2022 there were 152 social media posts, published across all platforms, to inform electors of key dates regarding enrolment and nominations.

During weekdays in October and November, daily social media posts were posted, and these were designed to engage electors and inform them of various stages of the campaign, emphasising the urgency to return postal votes. The posts reinforced the key messaging in the advertising campaign and highlighted the volume of postal votes received per council.

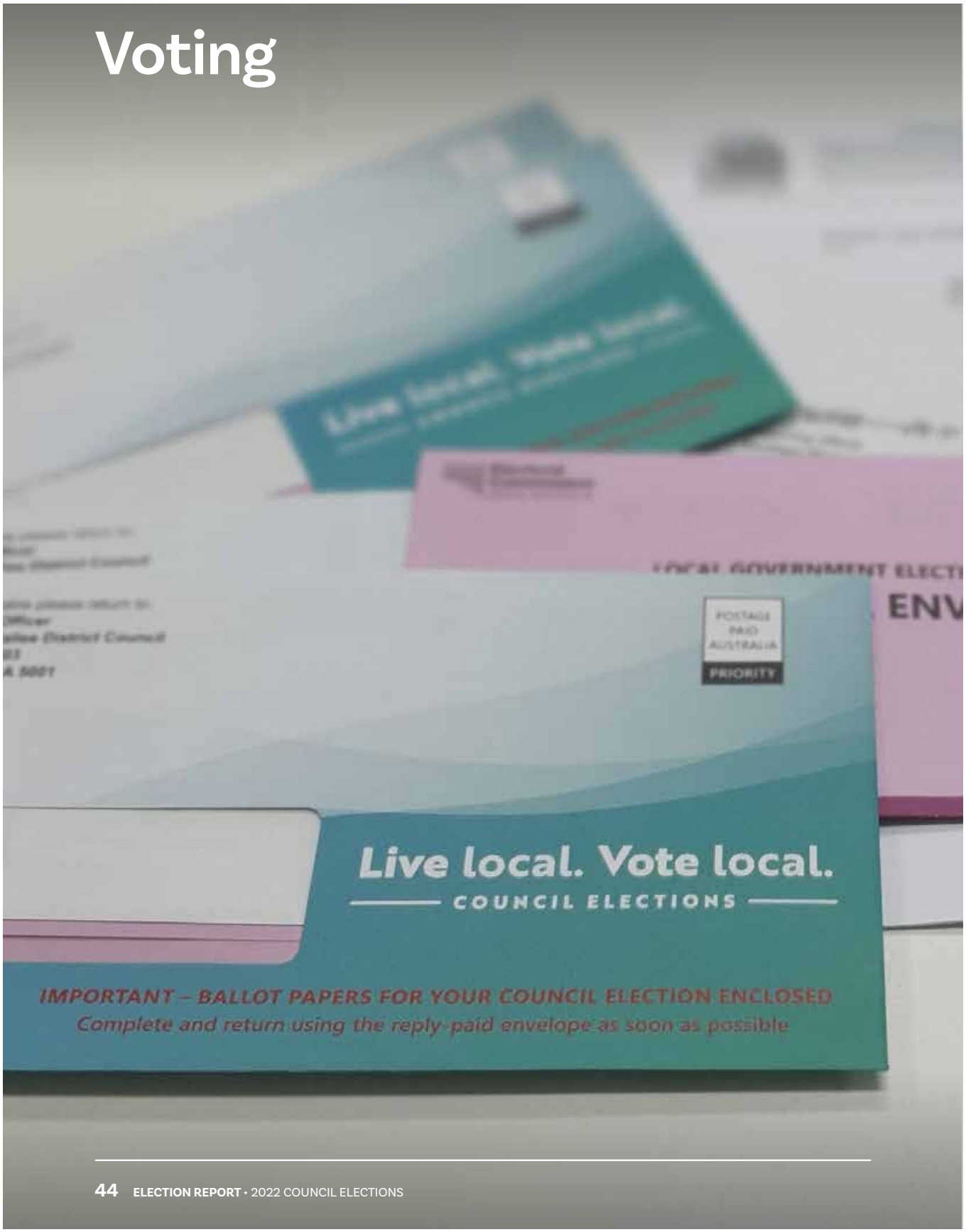
The social media campaign increased public engagement. Social media posts were also shared with council social media accounts, further increasing the reach of election messages. Table 17 highlights the social media used and their engagement.

TABLE 17: Social media statistics

	Number of posts	Reach	Impressions	Engagements	Engagement rate (%)
Facebook	53	127,750	145,748	5,174	3.5
Twitter	64	NA	40,850	1,706	4.2
Instagram	35	5,209	6,074	631	10.4
TOTAL	**152**	**132,959**	**192,672**	**7,511**	**3.9**

Chapter 4

Voting



Voting services

Voting in council elections must be available to every eligible elector through a postal voting pack. For the first time, an additional voting service was available for blind and low vision voters, as well as voters interstate or overseas. This chapter discusses the logistics of delivering voting services for the council elections.

Preparation of voting packs

Following the close of nominations and draw for ballot paper position on Tuesday 6 September, work immediately commenced on the creation of ballot papers and candidate profile brochures required for each voting pack. Accuracy is paramount when producing this material and each item was subject to a rigorous quality assurance process. 184 variations of ballot papers and 1,256 candidate profiles were reviewed and approved prior to forwarding to the printing contractors for formatting and printing. Print ready proofs were provided to ECSA for a final check and approval.

ECSA conducted quality control checks onsite at the printing contractors to ensure that the material printed was true to the approved copy.

All postal voting packs were dispatched using the priority mail service to provide the fastest delivery available. The reply-paid envelope enclosed in the voting pack was also priority paid to ensure prompt return of ballot material. Given the current postal delivery timeframes, this gave electors a period of around three weeks to vote and return their voting packs to ECSA.

Issue of voting packs

The LGE Act specifies the dates and timeframes of all key activities related to council elections. Section 39 of the LGE Act requires that the Returning Officer must, as soon as practicable after the twenty-eighth day before polling day and no later than 21 days before polling day, issue a postal voting pack to every eligible elector. For the 2022 Council Elections, ECSA had from the close of nominations on Tuesday 6 September until Friday 14 October to create, print, pack and lodge with Australia Post the 1,243,661 voting packs required for the elections.

KEY DATES FOR ISSUE AND RETURN OF VOTING PACKS

- **12 noon, Tuesday 6 September:** *Close of nominations*
- **4:00pm, Tuesday 6 September:** *Draw of positions on the ballot paper*
- **Friday 14 October to Thursday 20 October:** *Mailout of voting materials to electors*
- **5:00pm, Thursday 3 November:** *Last day for postal and personal issue/re-issue of voting material*
- **5:00pm, Thursday 10 November:** *Close of voting*

Voting packs were assembled over a four-week period at three commercial mail houses. Several quality control processes were implemented at the mail houses during production.

Each voting pack included:

- Ballot paper for each contested election for which the elector was entitled,
- Brochure containing the profile for each candidate,
- Postal voting guide,
- Reply-paid envelope, and
- Ballot paper envelope bearing a tear off declaration flap for completion by the elector.

Merger proposal ballot papers were included in the voting packs to be distributed to electors for the District Council of Grant and City of Mount Gambier elections.

Due to the volume of the mail-out and the requirement to meet strict legislative timeframes, ECSA sought cooperation from Australia Post to schedule lodgement times for metropolitan and country councils to ensure timely delivery to electors.

The significant volume of voting packs that must be prepared and the complexity of the various combinations of inserts for 184 separate contested elections, make achieving the current legislative timelines challenging, placing considerable pressure on ECSA staff.

FAST FACTS

- *184 different elections across 58 council areas*
- *6.8 million items printed to enable postal voting*
- *During the voting period, 2,596 voting packs were re-issued by ECSA. This was an increase of 56.0% from the 2018 council elections.*

Re-issue of voting packs

Section 43 of the LGE Act enables an elector to be given a fresh voting pack if the returning officer is satisfied that the original voting pack was not received, was lost, or spoiled. The Act requires records to be kept of any fresh voting packs issued.

Electors who required a re-issue could complete a form or contact ECSA's call centre to request a new voting pack. Once a request was received, details of the re-issued voting pack were recorded in ECSA's systems to ensure compliance with the legislative requirements and help ensure that duplicate or fraudulent votes were not included in the counting of votes.

During the voting period, all requests by electors for the re-issue of voting material were actioned by ECSA staff at the CPC. During previous elections, council staff were able to re-issue voting packs at council offices. However, the amended legislation resulted in all re-issue of voting packs to be conducted by post. As councils were no longer re-issuing voting packs, there was a significant increase in the number of voting packs re-issued by ECSA – see Table 18 for a comparison of the number of re-issued voting packs between 2018 and 2022.

For the first time, ECSA also utilised text messages to electors (where mobile phone numbers were available on the State electoral roll) to remind them of the council elections. This direct communication with electors may also have contributed to the increased number of re-issue requests.

Issue of voting pack due to omission from voters in error

Voting materials must be issued to any person, body corporate or group of persons whose name does not appear on the voters roll but claims to be entitled to vote at the election. If an elector considers that they are entitled to vote but their name is not on the roll (for example, due to an error), they are required to apply to the returning officer for a voting pack to be issued (see section 39(4)), by using a form or contacting the ECSA call centre.

Any returned ballot paper envelopes are examined during the preliminary scrutiny process with the LDRO determining whether to reject or admit the envelopes from further scrutiny and count processes in accordance with section 47(2) of the LGE Act.

In the 2022 Council Elections, there were 47 voting packs issued to electors claiming they had been omitted from the roll in error, compared to 38 issued in 2018. Of the 47 voting packs issued, 21 were returned to ECSA. Six of these were accepted and 15 rejected prior to scrutiny and count.

Telephone Assisted Voting (TAV)

TAV was offered to South Australian electors for the first time at the 2022 Council Elections following amendments to the LGE Act by the *Statutes Amendment (Local Government Review) Act 2021*. Section 41A of the LGE Act and Regulations 9A and 9B of the *Local Government (Elections) Regulations 2010* (Regulations) enable electors who are blind or have low vision, or who were interstate or overseas to access TAV.

The Regulations outline the method for TAV. While the amendments to the LGE Act to facilitate TAV commenced on 10 November 2021, new Regulations 9A and 9B did not commence until 29 September 2022. This was notably after the printing of the relevant ballot material and the mail out of voting packs to electors for the 2022 Council Elections.

TABLE 18: Re-issued voting packs, 2018 – 2022

	2022		2018	
	No.	**% of all voting packs**	**No.**	**% of all voting packs**
Voting packs re-issued	2,596	0.2	1,664	0.1

This delay and lack of certainty about the final TAV voting methodology made it difficult to finalise the arrangements for the service and communicate it to electors who potentially wanted to access it.

To support these changes, ECSA established a simple, single phone call service for TAV electors. Consistent with the voting method prescribed in the Regulations, ECSA call centre staff assisted electors to vote using the TAV process via a single telephone call but interacting with separate operators for registration and vote taking. When an elector called, they provided their personal details to enable the initial operator to verify their identity and confirm that they were eligible to vote and confirm they had not already voted. Following the confirmation of their eligibility, the operator registered the elector as a telephone assisted voter and provided them with a unique code. The elector was then advised they would be transferred to a second operator who would record their vote and was asked to not provide any personal identifying information to the second operator, to protect the secrecy of their vote.

Once the call was transferred to the second operator, a third independent operator listened to the call and observed the person recording the preferences of the elector on the ballot paper as instructed. This provided independent assurance that all preferences recorded were exactly as the elector specified. Completed ballot papers were sealed in a ballot paper envelope labelled with the elector's unique code and deposited into secure storage during the voting period.

The average call duration for electors casting their vote was just over seven minutes. ECSA's TAV service operated for a 4-week period from the dispatch of ballot papers to the close of voting.

During the 2022 council elections comprised of:

- 744 voters used ECSA's TAV services, casting 1, 346 votes across 53 councils comprised of.
  - 46 blind and low vision voters
  - 155 overseas voters
  - 543 interstate voters.

This interest in TAV services is significant given that electors were not advised of the availability of the services in their voting packs. ECSA anticipates that demand for TAV services will continue to grow as more electors become aware it is available.

A CALL FOR LEGISLATIVE CHANGE

Telephone Assisted Voting

The eligibility criteria for telephone assisted voting should be expanded to include people living with a disability. This voting service would remove a barrier to participation for people who may not be able to physically or independently complete their ballot papers or deposit their ballot paper envelope at a postal facility or council office, without assistance.

ECSA has previously recommended that telephone assisted voting be introduced for state elections. When Parliament considers that recommendation and the eligibility criteria for prescribed electors, the same eligibility criteria should be replicated in the *Electoral Act 1985*. This will create consistency for the prescribed group of electors in understanding the electoral services they are eligible for in elections administered by ECSA and may encourage participation where there otherwise may have been a barrier or deterrent to participation.

Recommendation 9

Amend section 41A (8) of the Act, or amend the regulations, to expand the eligibility criteria for prescribed electors to include people with disability.

Postal voting

Following a change to the legislation which brought forward the mailout of voting packs, electors were provided an extra week to vote in. This meant that electors had around three weeks in which to vote and return their voting pack to ECSA, instead of the previous two weeks. A total of 428,872 electors returned a voting pack before the deadline of 5:00pm on Thursday 10 November. This compares to 398,215 voting packs returned in 2018, an increase of 30,657 or 7.7%.

The expanded voting period accommodated the longer mail delivery times for letters and helped to increase the likelihood that postal votes could reach ECSA before the close of voting. For information on the number of ballot paper envelopes that reached ECSA too late to be included in the count, see Table 33 Appendix 9.2.

The daily postal return rate was more gradual than at previous periodic elections, with the total number of returns not surpassing the total 2018 figure until the second-to-last day of the voting period. The total postal return rate for the elections was 34.5% - 1.6% higher than in 2018. Note that this figure includes voting packs deposited by voters in ballot boxes at their local council.

Ballot boxes

While the time frame for returning postal voting packs increased by a week due to legislative change, there was still some demand for electors to have the option to deposit their completed vote in a ballot box in person. As a result, physical ballot boxes and security seals were provided to all councils for receipt of ballot material at their principal office during the voting period. Council appointed electoral officers were instructed to ensure that ballot boxes were constantly supervised and stored securely while on council premises.

Metropolitan councils delivered their ballot boxes directly to the CPC for processing twice during the final week of the voting period. Arrangements were made with country councils to return ballot material collected up until Monday 7 November, to ECSA via Express Post. Ballot material received at country councils between Monday 7 November and the close of voting was retained onsite for processing by the LDRO once voting had closed.

A total of 17,025 ballot paper envelopes were deposited in council ballot boxes across the state equating to 4.0% of the returned envelopes. This was 5,756 more envelopes than the total of 11,269 deposited in council ballot boxes in 2018.



Return to sender voting packs (unclaimed mail)

As each elector on the roll must be sent a postal voting pack, ECSA is reliant on the accuracy of postal data from the state electoral roll. Where an elector has a postal address listed against their enrolment, this is the default address to which the voting pack is sent. It is therefore critical that an elector's postal details are up to date on the State electoral roll.

ECSA currently has a limited ability to ensure the accuracy of the postal addresses on the State electoral roll as it is up to the elector to ensure their details are correct. ECSA's advertising campaign included a strong focus on encouraging electors and businesses to check and, if necessary, update their enrolled address prior to the close of rolls. Traditional print and digital advertising channels were utilised, including disseminating information through social media. ECSA engaged with the culturally and linguistically diverse (CALD) community, through formed relationships with CALD community organisations across the state. Councils were supplied with these advertising assets to use across their own advertising and promotional channels.

Where an elector's postal address is incorrect, ECSA is reliant on the recipient or Australia Post returning the voting pack as unclaimed mail so that the incorrect address can be actioned. Depending on the voting entitlement of the elector, returned mail details are forwarded to the Australian Electoral Commission or the relevant council so that elector details can be followed up and updated on the roll.

Despite ECSA's efforts to encourage electors to check and update their address details, there was a significant increase in the number and percentage of voting packs returned as unclaimed mail for the 2022 Council Elections in comparison with 2018. See Table 19 for an overview, and for more detailed information on the number of voting packs returned to sender for each council see Table 33.

TABLE 19: Return to sender voting packs, 2018 – 2022

	2022		2018		Change	
	No.	% of voting packs issued	No.	% of voting packs issued	No.	%
Return to sender voting packs	25,040	2.0	22,151	1.8	+2,889	+13.0



Voter participation

In the past, ECSA measured and reported voter participation at council elections using the postal return rate – that is, the number of returned postal vote envelopes as a percentage of enrolled electors. Using this method, participation at the 2022 Council Elections would be 34.5%, up from 32.9% at the 2018 Council Elections.

However, for the 2022 Council Elections and all future council elections, ECSA is changing the way it measures and reports voter participation. The rationale for this is as follows:

1. Since the advent of telephone voting in 2022, voting at council elections in South Australia is no longer exclusively by postal vote. With the addition of a new voting method, the postal return rate is no longer a suitable way of measuring the participation of all voters.
2. Using the postal return rate is inconsistent with how ECSA measures and reports voter participation at parliamentary elections - that is, the number of formal and informal ballot papers counted, as a percentage of enrolled electors. Comparisons of turnout at South Australia's council and state elections are frequent from members of the public, the media, elected members, and others. A single consistent measure of participation is required across elections for all levels of government.
3. Finally, using the postal return rate as the measure of voter participation is inconsistent with how voter participation is reported at most council elections around Australia – that is, also using the number of formal and informal ballot papers counted, as a percentage of enrolled electors. It is noteworthy that this includes at council elections conducted using full postal voting in Queensland and Victoria.

For all these reasons, in this Election Report and in future, ECSA will report voter participation at council elections as the number of formal and informal ballot papers counted as a percentage of enrolled electors. Greater consistency with how participation is reported at parliamentary elections, and how it is reported by most electoral commissions at most council elections in Australia (and elsewhere around the world) will allow more accurate comparisons. The new method will also allow ECSA to report participation data more precisely than in the past, and be able to, for the first time ever, report participation rates for each individual council election - be it for mayor, area councillor or ward councillor.

Using this new measure of participation, the total participation rate across all 58 councils holding contested periodic elections in 2022 was 32.9%, which is an increase of 1.3% from 2018 when participation was 31.6%.

There were 733,092 votes counted in total, up from 731,317 votes in 2018. Although this may appear to be just a slight increase, it should be noted that these totals come from very different numbers of contested elections - 184 elections in 2022, down from 206 elections in 2018 – which indicates that the average number of voters per election increased significantly in 2022: from 3,550 per election in 2018 to 3,984 per election in 2022. Table 34 in the Appendices to this Report displays the voter participation figures for every council and each contested election in 2022, as well as participation figures for every council and each contested election in 2018 recalculated using the new methodology.

It is important to note that adopting this new measure of participation does not mean that ECSA will stop reporting postal returns data. Indeed, Table 33 in the Appendices includes a detailed breakdown of postal returns for every council.

Voter participation trends

The 2022 Council Elections once again saw a marked difference in participation between country electors and their counterparts in metropolitan Adelaide. The total participation rate in country councils was 43.3% (down just marginally from 43.6% in 2018), compared to 29.6% in metropolitan councils (up from 27.8% in 2018).

The 18 councils located in metropolitan Adelaide all ranked among the lowest 26 councils for voter participation. Even proximity to Adelaide seemed to be a factor decreasing turnout in country councils: four of the country councils directly bordering the Adelaide metro area (Adelaide Plains Council, Adelaide Hills Council, Barossa Council and Mount Barker District Council) also appeared among the 26 councils with lowest voter participation.

The five councils with the highest voter participation were all located far from the state capital: Flinders Ranges Council (62.5%), District Council of Elliston (68.6%), District Council of Cleve (69.0%), District Council of Robe (69.2%), and District Council of Franklin Harbour (69.7%). By contrast, the five councils with the lowest voter participation were all large metropolitan councils: City of Onkaparinga (24.8%), City of Tea Tree Gully (26.3%), City of Playford (26.5%), City of Marion (28.4%), and City of Adelaide (28.4%). See Table 20 below.

TABLE 20: Voter participation rate by councils

Voter participation rate (range)	Frequency	Councils (in ascending order, lowest to highest)
20 - 29.9%	7	Onkaparinga, Tea Tree Gully, Playford, Marion, City of Adelaide, Adelaide Plains, Charles Sturt
30 - 39.9%	18	Campbelltown, Adelaide Hills, Holdfast Bay, Salisbury, West Torrens, Port Adelaide Enfield, Unley, Burnside, Gawler, Norwood Payneham & St Peters, Mitcham, Murray Bridge, Light, Mount Barker, Prospect, Barossa, Port Pirie, Port Lincoln
40 - 49.9%	14	Walkerville, Mount Gambier, Whyalla, Lower Eyre, Berri Barmera, Port Augusta, Alexandrina, Mid Murray, Victor Harbor, Wakefield, Renmark Paringa, Wattle Range, Clare & Gilbert Valleys, Northern Areas
50 - 59.9%	9	Yorke Peninsula, Barunga West, Ceduna, Loxton Waikerie, Yankalilla, Coorong, Goyder, Naracoorte Lucindale, Kangaroo Island
60 - 69.9%	10	Tatiara, Kingston, Grant, Peterborough, Karoonda East Murray, Flinders Ranges, Elliston, Cleve, Robe, Franklin Harbour

The country - metro divide is even starker when looking at the participation rates at individual elections. Of the 100 elections with the lowest participation rates, 92 were in metropolitan councils and just eight in country councils. Full participation statistics for every council and its contested elections can be found in Table 34.

The five elections with the lowest voter participation in 2022 were: City of Onkaparinga Knox ward 22.2%, City of Tea Tree Gully Pedare ward 23.2%, City of Onkaparinga Pimpala ward 23.8%, City of Adelaide Central ward 24.3%, and City of Onkaparinga Mid Coast ward 24.3%.

At the other end of the spectrum, the five elections with the highest participation were:

District Council of Elliston area 68.6%, District Council of Cleve area 69.0%, District Council of Robe area 69.2%, District Council of Franklin Harbour area 69.7%, and District Council of Grant Port MacDonnell ward 72.7%.

Finally, the results of the 2022 Council Elections suggest that participation rates may vary depending on the type of election on the ballot paper. Participation in ward elections appears to have been lower than the other types of elections held:

- At mayoral elections, voter participation was 32.6% overall, but the average participation rate across the 38 contested mayoral races was 41.2%, ranging from 24.8% in the City of Onkaparinga up to 62.5% in the Flinders Ranges Council.
- In area councillor elections, the voter participation rate overall was 41.7%, averaging 50.0% across the 30 different area councillor elections.
- Ward councillor elections saw the lowest participation rates: 31.1% overall, averaging 35.1% across all 116 contested ward councillor elections. Participation rates did vary considerably however, ranging from just 22.2% in the City of Onkaparinga Knox ward up to 72.7% in the District Council of Grant Port MacDonnell ward.

In fact, these statistics are a little misleading. The reason why elections for area councillors had much higher turnout figures is most likely the fact that the immense majority of councils with area councillor positions are country councils (27 out of 30). Likewise, the reason that elections for ward councillors had lower figures is probably because there are many more wards - and many more electors - in metropolitan councils than there are in country councils. Separating out the country and the metro wards, average participation in the 30 elections for country ward councillors was 47.1% vs. an average participation rate of 26.6% in 86 elections for metro ward councillors.

Rejected ballot paper envelopes

A total of 12,852 ballot paper envelopes were rejected at scrutiny representing 3.0% of all ballot paper envelopes returned, an increase from 1.8% from the 2018 council elections. As highlighted in Table 21 the increase in the number of rejected ballot paper envelopes can mainly be attributed to greater numbers of ballot papers not returned inside the envelope, and a significant number of envelopes that bore either the wrong signature or no signature at all. This increase could be due to voters not following the instructions provided with their ballot papers.

A comparison of the number of rejected ballot paper envelopes categorised by reason is provided in the following Table 21.

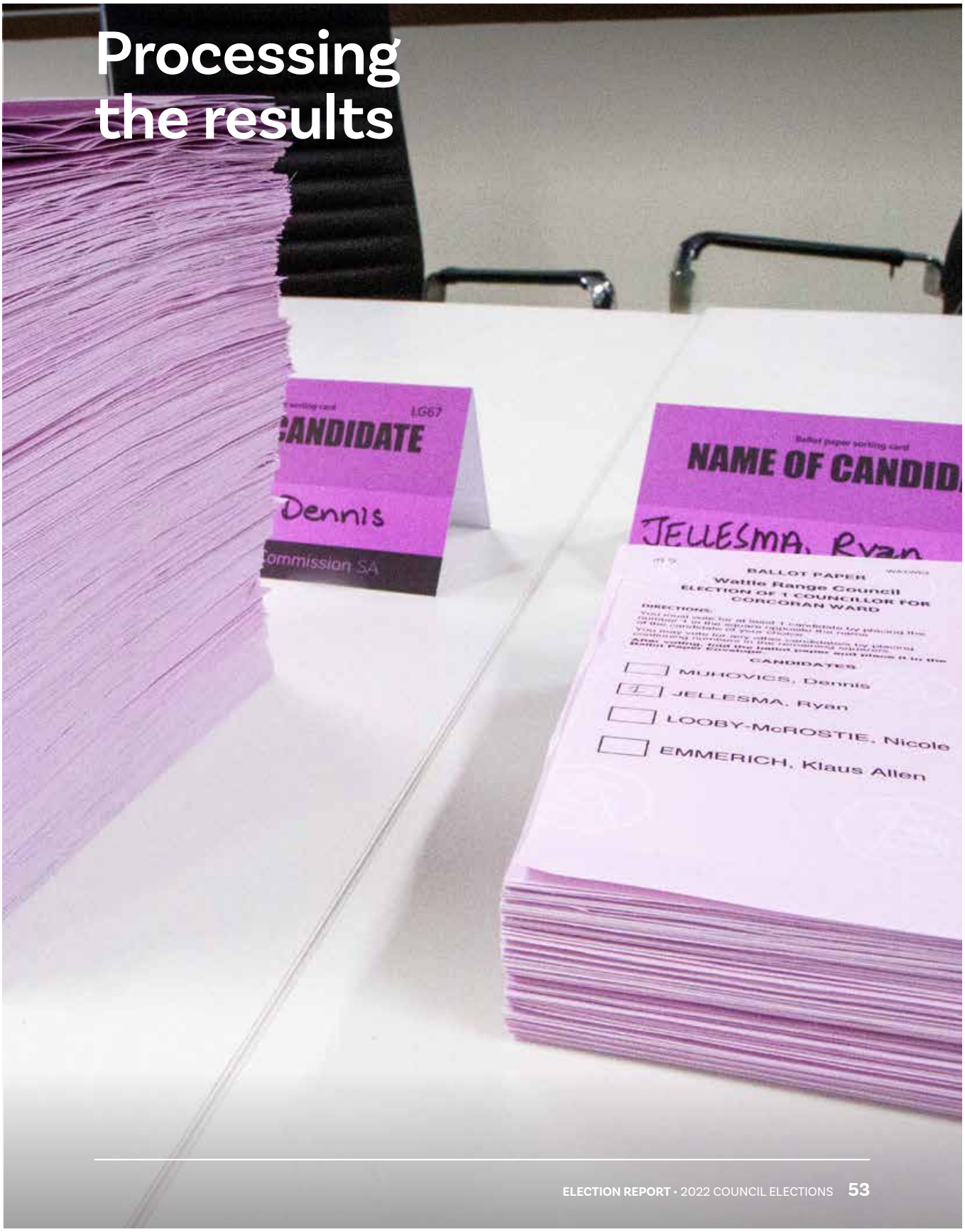
TABLE 21: Rejected ballot paper envelopes, 2018 – 2022

	2022		2018	
Reason for rejection	**No.**	**%**	**No.**	**%**
Ballot papers outside envelope	2,367	18.4	204	2.7
No witness	46	0.4	32	0.4
No signature	3,704	28.8	3,143	41.5
Wrong signature	2,708	21.1	715	9.4
Power of Attorney	36	0.3	20	0.3
Declaration flap returned but ballot paper envelope missing	12	0.1	12	0.2
Ballot paper envelope returned but declaration flap missing	964	7.5	-	-
Elector information removed	18	0.1	-	-
Manual rejects*	2,249	17.5	2,922	38.6
Rejected omission in error	15	0.1	26	0.3
Original removed	179	1.4	48	0.6
Duplicate removed	554	4.3	454	6.0
Total	**12,852**	**100.0**	**7,576**	**100.0**

** Manual rejects are any votes returned with nothing to enable ECSA to identify the elector, e.g. ballot papers only*

Chapter 5

Processing the results



Voting and counting methods

The method of voting and counting continued to be a topic of interest among candidates. Similar to 2018, the post-election survey of candidates showed varying levels of understanding of and support for the proportional representation (PR) electoral system.

This is particularly demonstrated through the enquiries and comments received from candidates who questioned why they had not been elected when they had received a higher number of first preferences than other candidates, who were later elected through preference distributions.

Candidates and voters alike contacted the ECSA call centre throughout the election period for clarification on how preferences work and seeking an explanation of PR. Similar to previous years, some voters were opposed to ranking candidates using preferences as they wanted to give candidates equal weight. Other concerns related to the requirement for voters to allocate a specific number of preferences, in order to make a formal vote, including to candidates who they do not support.

Confusion about the electoral system was also demonstrated through candidates requesting recounts based solely on the margin of votes, without understanding how transfer values apply during the distribution of candidates' ballot papers. The complexity of the counting system meant that many candidates did not understand the election results and sought an explanation as to the final outcome.

ECSA recognises that more needs to be done to explain how voting and counting works at council elections. Despite information provided at candidate briefing sessions, in the candidate handbook, in online videos and website content, some candidates remained confused. Counting votes under the PR system can be a complex and protracted process, which also contributes to pressure from candidates and councils seeking faster results. However, particularly in elections where large fields of candidates contest multiple vacancies, PR can require numerous counts to distribute preferences, and the counting process can take considerable time.

In 2022, there were 25 contested elections deemed as complex counts as they were likely to require considerable manual effort to complete. Complex counts required additional resourcing and increased time with some results finalised five days after the close of voting. The largest number of counts recorded was for the Town of Gawler area councillor election which required 320 distributions. Of the 25 complex counts, 19 required more than 50 distributions to obtain a final result, with eight of those requiring more than 100 distributions.



Scrutiny and count arrangements

Location and timing

The scrutiny and count began at 9:00am on Saturday 12 November 2022 in local council venues across the state. Mayoral counts were the priority for Saturday, and 37 of 38 of these counts were successfully completed on that day.

Prior to counting the votes, the ballot papers were firstly extracted and reconciled. Count staff removed the declaration flaps from the ballot paper envelopes to ensure the secrecy of every vote.

Then the envelopes were opened, and the ballot papers extracted. The time taken for this process varied between councils depending on the number of ballot paper envelopes. For some councils, most of Saturday was spent conducting the extraction.

The ballot papers were reconciled at each stage to ensure that the total number of envelopes and ballot papers were accounted for. After the ballot papers were reconciled, count staff commenced checking for formality and the counting of first preferences, before finally undertaking the distribution of preferences. The count to first preferences for every election was counted at council premises or nearby venues, with the exception of the Flinders Ranges Council mayoral count which was undertaken at the ECSA Light Square office.

Counting continued into Sunday 13 November 2022, with 158 out of 184 counts completed and provisionally declared over the weekend.

Counting systems

The method of counting votes in council elections is prescribed by legislation and is complex as it involves several types of calculations. The following systems were utilised to assist with conduct of counts.

HC Auto counts

To ensure accuracy during the counting process, all LDROs used a Microsoft Excel based application called Hare-Clark Automation (HC Auto).

HC Auto was used to enter the number of ballot papers distributed at each count, calculate the quota and transfer values, and identify elected and excluded candidates. All LDROs completed training in using HC Auto which included several test exercises to ensure the system was functioning as expected.

However, some counts were predicted to be highly complex due to the number of candidates and number of vacancies. These counts often result in hundreds of individual distributions of ballot papers to achieve the final outcome, which cannot be completed during count weekend using the HC Auto software due to the extended time required.

Instead, ECSA continued counting during the week following count weekend to complete these elections via data entry. Software called Easycount was again used to conduct the extensive ballot paper distributions electronically as explained in the next section.

Complex data entry counts

Under section 55 of the LGE Act, the Returning Officer may, after consultation with council, decide to use a computer program to carry out steps involved in the recording, scrutiny or counting of votes.

Once nominations closed, ECSA conducted an analysis of all elections to identify which were most likely to be complex under the PR vote counting system. Based on the expected number of ballot papers, number of nominations and vacancies, 25 elections were selected for data entry. This was a significant decrease from the 42 identified in 2018.

The ballot papers for these elections were returned to ECSA's CPC after the extraction, reconciliation and first preference counts were conducted at council venues. The ballot papers were sorted into batches and data entry operators entered the preferences on each ballot paper into Easycount. Each batch was verified by a second data entry operator to ensure that the preferences were accurately entered. Once all data entry was completed, Easycount conducted the distribution to produce the final results.

Easycount was configured and tested in advance of count weekend to ensure that the software was functioning as expected. Testing included data entry of ballot papers from a previous 2018 election to ensure the same results were achieved.

Table 22 highlights the data entry counts for the 2022 Council Elections.

TABLE 22: Data entry counts, 2022

Area Councillor	No. Vacancies	No. Candidates
Adelaide Plains	9	15
Barossa	11	22
Ceduna	8	11
Coorong	7	15
Gawler	10	23
Loxton Waikerie	10	13
Mount Gambier	8	18
Murray Bridge	9	15
Naracoorte Lucindale	10	16
Port Augusta	9	13
Port Pirie	9	14
Tatiara	9	13
Victor Harbor	9	19
Walkerville	8	13
Whyalla	9	19

Ward	No. Vacancies	No. Candidates
Adelaide – Central Ward	4	14
Adelaide – South Ward	3	12
Adelaide Hills – Ranges Ward	7	12
Alexandrina – Alexandrina South Ward	3	13
Onkaparinga – Knox Ward	2	8
Onkaparinga – Mid Coast Ward	2	10
Onkaparinga – South Coast Ward	2	10
Onkaparinga – Southern Vales Ward	2	8
Playford – Ward 1	3	11
Playford – Ward 4	3	12

Software setting error discovered

In November 2023 during the preparations for the Court of Disputed Returns matter regarding the City of Adelaide Central ward election, ECSA identified an error in one of the settings of the computer software used for counting votes in complex elections. This software was used for 25 elections in the 2022 elections, so the settings for all those elections were reviewed. It was found the incorrect setting had been applied for all 25 elections.

The setting governed the transfer of ballot papers from candidates elected with surplus votes to candidates continuing in the count. When surplus votes are transferred, all the ballot papers received by the elected candidate throughout the count should be distributed at a calculated transfer value. However, the setting was set to only use the ballot papers the elected candidate received immediately prior to becoming elected, which is used in other jurisdictions for similar elections. This meant that not all ballot papers were included in the distributions of elected candidates' surplus votes.

ECSA then reprocessed the counts for all 25 elections using the correct computer settings to review the impact on results. The error resulted in a very small change to the number of votes in each election. For 24 out of 25 elections, there was no change to which candidates were elected.

However, it was identified that two candidates for the Adelaide Plains Council area councillor election were incorrectly elected. As soon as the error was detected all affected candidates, and the Adelaide Plains Council CEO were notified. ECSA subsequently lodged a petition with the Court of Disputed Returns.

The Commissioner lodged a petition with the Court of Disputed Returns to correct the results of the election to ensure they reflected the will of the voters. As the petition was lodged more than 28 days after the conclusion of the election, the Commissioner applied for an extension of time to allow the petition to be heard. On 27 August 2024, the Court granted the extension of time. On 2 December 2024, the Court declared that the two incorrectly elected candidates were not duly elected, and the two candidates who should have been elected were duly elected.

An internal review of the circumstances of this error identified that internal procedures and risk mitigation strategies were followed, including double-checking the computer settings and running the votes from a previous 2018 election using the 2022 settings. The 2018 election chosen for testing did not involve a surplus transfer until the last distribution of the count. In that instance, the impact of the surplus transfer was minor and did not change which candidates were elected during the test of Easycount. The settings error was therefore not detected as the elected candidates were correct.

The internal review also identified that the procedure manual is technical and complex, and used for many different count methods. A new procedure manual is being developed which will include clear instructions for the settings specific to the count system for South Australian local government elections. The procedure manual will also include detailed testing instructions to ensure all settings are performing correctly, and specific verification of correct surplus transfer calculations.

ECSA is committed to delivering all elections with the highest possible quality control measures in place. Regrettably, this software error was not discovered earlier; however, ECSA will be continually reviewing its internal processes and procedures to ensure errors of this nature do not occur again.

Recounts

Under section 49 of the LGE Act, unsuccessful candidates may request a recount within 72 hours of the provisional declaration. The Returning Officer may also initiate a recount.

When determining whether a recount should be undertaken, the Returning Officer required that candidates explain why they believed a recount would change the result. A small margin of votes between candidates is unlikely, of itself, to be considered sufficient reason for conducting a recount. Under section 49, recount requests may not be granted if the Returning Officer considers there is no prospect that a recount would alter the result of the election.

The number of requests for a recount from an unsuccessful candidate increased significantly to 40 from 28 received in the 2018 Council Elections. Of the 40 requests, two recounts were granted. One resulted in a change to an elected candidate for the City of West Torrens, Thebarton ward. The result for the other election, City of Marion, Warracowie ward, did not change.

The Returning Officer also initiated a further five recounts. This included the Adelaide Hills Council Ranges ward election due to identifying an anomaly in the total number of votes. The recount was conducted and the correct candidates were declared elected.

The Returning Officer also initiated recounts for each of the District Council of Grant elections. Upon initial scrutiny, some of the returned ballot paper envelopes were rejected due to a ballot paper being found outside the envelope. After the provisional declaration, a determination was made to admit ballot papers enclosed within those rejected envelopes to the count.

Recount details are available in Table 23, highlighting the recounts initiated by the Returning Officer and approved requests from unsuccessful candidates.

TABLE 23: Recounts, 2022

Council	Election	Initiated by	Date and Location of Recount	Changes to provisional results		
				Formal ballot papers	Informal ballot papers	Elected candidate
Adelaide Hills	Ranges Ward	Returning Officer	16 November 2022 ECSA CPC	Y (+635)	Y (+50)	Y
Grant	Mayor	Returning Officer	16 November 2022 Council premises	Y (+55)	Y (+4)	N
Grant	Central Ward	Returning Officer	16 November 2022 Council premises	Y (+32)	Y (+8)	N
Grant	Tarpeena Ward	Returning Officer	16 November 2022 Council premises	Y (+4)	N	N
Grant	Port MacDonnell Ward	Returning Officer	16 November 2022 Council premises	Y (+15)	N	N
Marion	Warracowie Ward	Candidate	17 November 2022 ECSA CPC	Y (-2)	Y (+2)	N
West Torrens	Thebarton Ward	Candidate	17 November 2022 ECSA CPC	Y (-1)	Y (+1)	Y

Timeliness of results

The duration of the counting process depends on many factors, including the number of votes, the complexity of the formality check, the number of staff, the software used, and the number of distributions required. This is one of the reasons ECSA is not able to advise of specific start and finish times for each count, as the distributions required are unknown until counting commences.

However, all counts conducted using the HC Auto program were expected to be completed at council premises on count weekend. This was largely achieved, with the exception of three ward counts which were more complex than expected and transferred to ECSA's CPC for completion.

Counts conducted using Easycount continued through the following week and concluded by Friday.

The timeframe for provisional declarations were as follows in Table 24.

Final results were confirmed in writing to Council Chief Executive Officers and candidates following the expiry of the 72-hour period following the provisional declarations, on Friday 18 November to Monday 28 November 2022, including the final results for elections with recounts.

The increased participation of scrutineers during counting processes as well as weather conditions over the count weekend caused counts to extend longer than expected. This saw many count staff out at council venues and ECSA staff work additional hours to ensure provisional results were made available to candidates as quickly as possible. For example, out of the total counts completed on Saturday 12 November 2022, almost half were provisionally declared after 5pm.

TABLE 24: Number of provisional declarations made during count period

	Sat 12 Nov	Sun 13 Nov	Mon 14 Nov	Tues 15 Nov	Wed 16 Nov	Thurs 17 Nov	Total
HC Auto							
Mayor	37	1					38
Area Councillor	13	2					15
Ward Councillor	37	69	3				105
Easycount							
Area			3	5	1	6	15
Ward			2	1	4		11
Total	**87**	**72**	**8**	**6**	**5**	**6**	**184**

Simply increasing the number of staff does not properly solve this issue, especially as counts enter high numbers of distributions and become complex. ECSA will continue to consider ways to achieve the timely publication of results while managing acceptable working hours, resources, and expectations of candidates and council staff.

A CALL FOR LEGISLATIVE CHANGE

Commencement of counting

Sections 5 and 47 of the LGE Act specify key timeframes in the election timetable. Under the current provisions, only one working day is available to carry out critical administrative activities to collate and prepare voting material in readiness for the commencement of the scrutiny and count. This includes processing the returned voting packs received up until the close of voting, including those deposited in ballot boxes at council offices across the state and, reconciling and packaging all returned voting packs, and transporting sealed boxes of material to council offices across the state.

The only way to meet these current deadlines is for staff to continue to work out of ordinary business hours at the risk of their general health and wellbeing and non-compliance with work health and safety legislation.

These timelines are no longer sustainable without additional resources.

To accommodate the increasing volume of processing and transport, and meet work health and safety obligations, the Act should be amended to allow three working days between close of voting and commencement of counting.

Recommendation 10.

Amend section 47(1)(b) of the LGE Act to extend the period between close of voting and commencement of the scrutiny and counting of votes by making ballot papers available on the third business day following the close of voting to allow adequate time to prepare for scrutiny and count processes and support staff health and wellbeing.

Disruptions to scrutiny and count

Weather

On Saturday 12 November, first day of the scrutiny and count, severe thunderstorms struck Adelaide and greater South Australia, with wind gusts up to 109 km/h recorded in the metropolitan area. Thousands of people were left without power, some for several days. Rain was also extreme, with many sites hitting rainfall records on Sunday 13 November.

This extreme weather had an impact on several count sites, with staff having to manage resulting issues such as flooding, fallen trees and power outages.

- In Port Lincoln, a loss of power delayed their counting start time.
- In Modbury, the City of Tea Tree Gully council office experienced flooding and had to wait for electricians to confirm the area was safe to use.
- In Hilton, the City of West Torrens council office was subject to lightning strikes and evacuations, which caused several delays with count progress.

The extreme wind and rain at other locations made it challenging to manage candidates who were trying to access a safe place to wait away from the count area, requiring intervention from the LDRO to properly manage the integrity of the count and the safety of those involved. Some LDROs also struggled with phone reception and had difficulties contacting ECSA as well as candidates.

The LDROs are commended for handling these added pressures and being adaptive to changing circumstances.



Above: ECSA's social media post on the day of the storm interruptions

White powder at CPC

The established postal voting process involves completed ballot material being posted back to ECSA from electors.

During the receipt and preliminary processing of returned ballot material on Friday 21 October 2022, a white powdery substance was found in one of the Reply-Paid envelopes. It was identified that the Reply-Paid envelope was from the City of Playford area, but the sender could not be identified. The envelope only contained the white powder and did not contain any actual votes. Metropolitan Fire Service (MFS) testing of the substance did not impact or destroy any live ballot material.

All staff were evacuated and SAPOL and MFS were notified and attended the CPC. The MFS established a command centre in the CPC car park to undertake their on-site investigation. MFS identified the white powder to be bicarbonate soda. SAPOL attended to investigate and took the Reply-Paid envelope as evidence.

To support staff wellbeing, a full staff debrief occurred at the CPC on Monday 24 October 2022.

As SAPOL could not identify the source of the Reply-Paid envelope, no further action could be taken.





Onkaparinga scrutiny and count

Volume of scrutineers

The scrutiny for Onkaparinga started at 9:00am Saturday 12 November in the council chamber of the City of Onkaparinga council office in Noarlunga. The LDRO reported that at least 50 scrutineers and supporters of candidates arrived at council premises and in the foyer for the commencement of the count. A group of these people appeared to be behaving aggressively towards other scrutineers and staff arriving for the count which created an intimidating environment in the foyer.

This also presented a significant challenge to staff responsible for ensuring that all scrutineers possessed the required documentation, and that no more than two scrutineers per candidate were admitted into the count room at any one time, as required under the Act.

Several scrutineers were also representing multiple candidates, adding a further level of complexity to ensuring that the scrutineer limits were not exceeded, and correct documentation was received.

This level of scrutineer engagement was unprecedented and not anticipated, based on ECSA's previous experience of the level of interest for a council election count. Consequently, ECSA was not prepared with adequate resources to manage the increased scrutineer presence. As an initial response, ECSA redeployed staff from a nearby counting centre at the City of Marion to provide additional support.

Hostility of scrutineers

A portion of the group of scrutineers were hostile towards the staff working at the count. Staff at the count reported that their approach appeared coordinated and planned.

Reports from the LDRO, ECSA staff, other scrutineers, and council staff have described the group as an 'angry mob' that came with the intent to 'flood and disrupt' the process.

Witnesses, including the LDRO, described a group of scrutineers and supporters of some candidates, as vocal, aggressive, organised and trained on what to say. The LDRO reported that the behaviour of the disruptive group forced them to negotiate for respectful behaviour instead of commencing scrutiny activities.

The LDRO reported that several count staff, other candidates, and their scrutineers and supporters, were subject to verbal abuse, intimidation, ageism, and threats of physical assault, as well as being filmed covertly and openly, and having footage posted online, against their will. Specifically, a video of the LDRO was posted online and was live for a short period, however, was later removed.

The behaviour impeded the process of the count to the extent that the Electoral Commissioner wrote to all candidates on Sunday 13 November 2022 to advise of behavioural expectations.

Escalation to authorities

In response to this behaviour, council staff called SAPOL twice to attend the count location. After the hostility of scrutineers on the morning of day one, the City of Onkaparinga council organised a security presence for day two.

Demands from hostile scrutineers

The count location facilities provided by the council consisted of three interconnected rooms. The LDRO had planned to use these three rooms to their full capacity however the scrutineers aggressively demanded only two rooms be used – as each candidate was only permitted to send in two scrutineers at a time, and it was voiced in displeasure that two scrutineers cannot spread across three rooms. In an attempt for peace, the LDRO decided to reduce the count to only two rooms. The reduction in space and number of tables



City of Onkaparinga scrutiny and count

13 November 2022 12:01 pm

Commissioner, Electoral (ECSA) Details

Show images

OFFICIAL

Dear Candidates

It has come to my attention that inappropropriate and disruptive behaviour was exhibited by some scrutineers at the City of Onkaparinga scrutiny and count yesterday.

While we are committed to providing scrutineers with information to allow them to understand electoral processes and what is occurring with a particular count, the behaviour observed yesterday significantly impacted the ability of my staff to conduct and finalise the counts in a timely and efficient manner. The Mayoral count has not yet been concluded which was a direct result of the siginificant disruption experienced in the morning.

caused further delays in extracting, reconciling, and counting the returned voting packs.

As well as the demand for only two rooms to be used, the scrutineers also made other demands of the LDRO, which caused further delays including:

- Witnessing the breaking and affixing of every seal
- Making their own masking tape seal over the top of the seal
- Escorting ballot material to and from storage
- Ongoing electoral process questions directed at the senior ECSA staff redeployed to assist against hostile scrutineer behaviour.

While scrutineers are entitled to reasonably observe and inquire about processes in the context of the scrutiny and count, these demands far exceeded the usual practice and approach and appeared intended to disrupt, interfere with, and delay legitimate scrutiny and count processes.

The demands from this group of scrutineers continued into day two of counting – Sunday 13 November 2022. On the Sunday, several different but equally vocal and disruptive scrutineers attended the council chambers where detailed briefings concerning the full election process were once again provided.

Overall impact and delay

The overall impact of these actions made for a combative scrutiny and count experience, for staff, scrutineers, council staff and everyone present. Some of ECSA's temporary election staff have indicated they will not work in council elections again, following this experience.

The count was significantly longer and slower than previous counts. Counting was expected to conclude at 6:00pm on Saturday however continued for many hours.

The count then resumed at 9:00am the next day and after further delays caused by some scrutineers, was completed at 8:35pm that evening.

After the conclusion of the scrutiny and count there were several requests for recounts which required ECSA investigation and follow-up. One of the disruptive scrutineers lodged a complaint that the process took too long.

A CALL FOR LEGISLATIVE CHANGE

Conduct and direction of scrutineers

The conduct of scrutineers at the City of Onkaparinga demonstrated the need for additional powers to enable electoral officers to respond to disorderly and disruptive behaviour.

In this case, aggressive scrutineers did not comply with reasonable requests made by electoral officers to not film, record or take photographs of staff or electoral material. This made several staff feel intimidated and unsafe, however the LDRO had no authority or power to ensure compliance and address the behaviour of the scrutineers.

South Australia is currently the only jurisdiction that does not have prescriptive provisions around the behaviour of scrutineers, or the ability for electoral officers to remove scrutineers for disorderly behaviour, during local government elections.

ECSA requires the ability to ensure electoral processes are not disrupted during the scrutiny of ballot paper envelopes or counting of votes.

Such offences should carry a penalty. These provisions could be modelled on the amended requirements in section 119 of the *Electoral Act 1985* and should enable a person to be removed for failing to comply with a lawful direction, and to be guilty of a further offence for re-entering a premises.

This is consistent with the approach in other jurisdictions.

Recommendation 11.

Consistent with recent *Electoral (Miscellaneous) Amendment Act 2024*, amend the LGE Act to introduce standards of conduct for scrutineers and offences with penalties for obstructing the exercise of electoral duties. Electoral officers should have the ability to direct a person to leave a location where electoral activities are being exercised, and this should be coupled with a requirement to comply with a reasonable direction.

Chapter 6

After the election



Legal and compliance

General

The Electoral Commissioner has powers under the LGE Act to:

- Investigate any matters concerning the operation or administration of the Act, including a matter that may involve a breach of the Act.
- Where electoral material contains a statement purporting to be a statement of fact and that statement is found to be inaccurate and misleading to a material extent, request that material be withdrawn from publication and/or request that the publisher publish a retraction, in a specified manner and form.
- Issue a formal reprimand to a person who, in the opinion of the Electoral Commissioner, has been guilty of a breach of the Act.
- Make application to the Supreme Court for withdrawal and retraction of inaccurate and misleading electoral material.
- Bring proceedings for an offence against the Act.

Complaints

ECSA received a substantial number of complaints about alleged breaches of the LGE Act. To establish how complaints would be managed, a complaints protocol was published for the 2022 Council Election and included in both the Candidate Handbook and on the ECSA website. ECSA introduced an online complaints form including prompts for the information required, and explanations of the offences under the Act. This material was intended to help complainants understand the types of complaints that can be made and acted on and the information that should be provided to support complaints.

Despite this, a significant proportion of complainants failed to provide sufficient information or submitted complaints about matters which were not an offence and could not be actioned. It was also clear that many candidates failed to understand the legislation which they are governed by, the seriousness of offences, or the Commissioner's role in complaints.

ECSA will further consider its information and education approach ahead of the next council elections in 2026 to seek to improve this understanding.

For those wishing to lodge a complaint, the protocol required that:

- the complaint be lodged on a complaint form,
- the complaint established the facts which are the basis of the allegation; and
- that evidence be provided supporting the alleged electoral offence.

For the 2022 Council Elections, a dedicated team was established to manage all complaints. An online complaint form was introduced. Where appropriate, advice was sought from the Crown Solicitors Office to inform the assessment of and response to complaints. At the conclusion of the election, all complaints were reviewed to determine if any should be referred for potential prosecution.

During the 2022 Council Elections there were 570 alleged breaches of the LGE Act. This is compared with 371 alleged breaches in 2018, an increase of 53.6%.

Table 25 provides a breakdown into categories of the alleged breaches.

TABLE 25: Complaints, 2022

	Number received	
Nature of complaint	**2022**	**2018**
Misleading electoral material (section 28)	246	145
Authorisation (section 27)	184	113
Violence, intimidation, bribery (section 57) and fraud (section 58)	57	78
Other (inc. conduct of officers & persons acting)	83	35
Total	**570**	**371**

Misleading electoral material

Under section 28 of the LGE Act it is an offence for electoral material to contain a statement purporting to be a statement of fact that is inaccurate and misleading to a material extent.

Many complainants do not understand how or when section 28 applies. For a breach of section 28 to be found, published electoral material must contain a statement purporting to be a statement of fact and this statement of fact must be inaccurate and misleading to a material extent. An opinion or a prediction of the future cannot be a statement of fact.

The complainant must provide supporting evidence that the statement is inaccurate and misleading to a material extent. Once this evidence is reviewed by ECSA, the publisher is given the opportunity to provide supporting evidence that their statement is true. An assessment is then made on the evidence provided and a determination made.

Of the 246 misleading material complaints,

- 155 were found not to be in breach of the LGE Act,
- 55 cases had insufficient evidence provided by the complainant to enable an assessment.
- 9 allegations were not within ECSA's jurisdiction to assess.
- 10 retractions were requested.
- 4 requests were made to cease publication.
- 2 amendments to the materials were requested.
- 12 warnings were issued.

The Electoral Commissioner has powers to request that the publisher withdraws the material or publish a retraction, and can apply to the Supreme Court to have the Court order the publisher to withdraw the material and/or publish a retraction. However, the investigation and prosecution of potential breaches of the offences in section 28 take time to complete and these usually take place following an election event.

A CALL FOR LEGISLATIVE CHANGE

Misleading information

Unlike every other electoral law in Australia, the LGE Act (and the corresponding regulations) contain no reference to prohibiting people from misleading or deceiving voters in relation to how they should mark their ballot papers or cast their vote.

ECSA cannot currently take action against a person or group who advocates that voters complete their ballot paper in a way which is wrong and would result in the casting of an informal vote, or against a person or group who tries to persuade voters to record a valid vote, but not for the candidate or candidates of the voters' choice. Likewise, ECSA is unable to take action against someone who provides misleading information about how to complete and return a ballot paper envelope, or who claims that electors can vote online at council elections or at a polling booth.

In the *Electoral Act 1985* which governs parliamentary elections in South Australia, such offences are covered by section 126 (1) and (2), and there are similar rules in all electoral legislation around the country. With the rise of electoral misinformation around Australia and the world, there is a critical need for legislative provisions to counter these types of communications at council elections.

Recommendation 12.

Amend the Act to prohibit people and groups from misleading or deceiving electors in relation to how they should mark their ballot papers and/or exercise their vote.

Authorisation of published electoral material

Section 27 of the LGE Act requires that a person must not publish electoral material or cause electoral material to be published unless the material contains the name and address of the person who authorises publication of the material and in the case of printed material, the name and address of the printer or other person taking responsibility for it.

When ECSA receives a complaint about unauthorised electoral material, it is assessed. Where it is determined that a breach of section 27 has occurred, ECSA will contact the person believed to be the publisher of the material and request that the material be authorised.

ECSA received 184 complaints regarding unauthorised material. With the increasing use of social media, most of these complaints related to a failure to understand social media authorisation requirements, despite guidance being provided during candidate briefing sessions and in nomination kits. There were 102 breaches identified where amendments of the materials were requested, or warnings were issued to the publisher.

Illegal practices – using violence, intimidation/bribery/fraud to influence voting and candidature

Section 57 of the LGE prohibits the use of violence, intimidation and bribery to induce a person to submit or withdraw their candidacy for election and/or to influence the vote of a person or otherwise interfere with an election or poll. Section 58 of the LGE Act prohibits a person from dishonestly exercising or attempting to exercise a vote at an election to which they are not entitled or from dishonestly influencing or attempting to influence the result of an election ('dishonest artifices').

Fifty seven complaints were lodged relating to section 57 and 58 of the LGE Act. 35 concerned allegations of violence, intimidation, and bribery and 22 were related to allegations of dishonest artifices.

Of the 35 complaints concerning violence, intimidation, and bribery, 24 complaints alleged intimidatory behaviour and half of these were within a social media context. Eleven complaints referred to allegations of bribery. Following an investigation into these, 23 were not considered a breach, 11 were not substantiated and one was not within ECSA's jurisdiction.

Twenty-two complaints were related to dishonest artifices. Four of these were considered potential breaches of the LGE Act, however they related to matters already being investigated at the time of the complaint.

Other

A further 83 complaints were received that related to other sections of the LGE Act or other Acts. None of these complaints were substantiated.

Resources

ECSA increased its staffing for complaints management for the 2022 elections. However, the 53.6% increase in the number of allegations received meant that there continued to be a strain on resources.

This sharp increase required ECSA to prioritise serious matters, which led to some complainants expressing dissatisfaction with ECSA's processes.

ECSA expects that the number of complaints will continue to grow and additional resourcing will be required for future council elections to manage this demand.

Prosecutions

At the conclusion of the election, all complaints were reviewed to determine if any should be referred for prosecution. Several matters were referred to the Crown Solicitors Office for further advice, however it was subsequently determined that no complaints received during the election would be referred for prosecution.

Alleged voter fraud

Through the 2022 Council Elections, three separate instances of alleged illegal practices were identified.

A number of additional scrutiny measures were put in place at the time to ensure the integrity of the elections, and ECSA wishes to thank the relevant councils for their invaluable assistance in these activities.

At the time of publishing this report, these matters are the subject of ongoing investigations and in one case is a matter before the Court of Disputed Returns and as such limited detail can be published, however a brief overview of each of the matters is provided below.

City of West Torrens

In the City of West Torrens, an alleged irregularity was identified that appeared to be an attempt to increase the number of enrolments on the council's supplementary voters roll by submitting false enrolment forms to the council.

The issue was first identified by governance staff at the City of West Torrens, prior to the close of roll during July of 2022 where they noticed a significant increase in the number of enrolments being submitted for a particular ward.

The governance staff at the City of West Torrens reported the issue to ECSA and SA Police (SAPOL) and conducted some investigations into the increased enrolments. Further scrutiny of the enrolment forms occurred during the voting period. After this further scrutiny some returned ballot envelopes were withheld from the count. This matter remains under investigation.

Recommendation 2 addresses this issue through strengthening the supplementary roll application process.

City of Marion

The initial irregularity in the City of Marion appeared to be the alleged theft of ballot materials from letterboxes. This issue was discovered during the voting period. On further examination, it appeared that completed ballot paper envelopes had been purportedly returned from the impacted electors.

Once ECSA staff had determined that there was an issue, ballot paper envelopes that were suspected to be fraudulently completed were temporarily removed from the continuing election process for additional scrutiny and investigation.

As a result of those initial investigations some ballot paper envelopes were removed, and the affected electors offered a new voting pack. The excluded ballot paper envelopes were then scanned to allow further review and investigation while the still unopened original envelopes were secured and isolated.

The investigation set out to obtain written statements from some of the impacted electors.

Recommendation 13 in this report discusses how verifying the date of birth field on the declaration for a voting pack will significantly reduce the ability for a voting pack to be returned by a person other than the addressed elector.

City of Adelaide

A potential alleged irregularity in the City of Adelaide was identified, where it appeared that votes may have been harvested to increase the number of votes for a particular candidate.

The issue was identified by a candidate in the Central Ward election and reported to ECSA. The Advertiser published photos of individuals with a number of unopened voting packs outside several high-rise accommodation towers in the Adelaide CBD. This issue was reported during the voting period.

The complainant identified four specific high-rise accommodation towers of interest. In response, returned ballot paper envelopes received from electors in those buildings were removed and subjected to additional scrutiny and investigations. As a result of those investigations some ballot paper envelopes were rejected and not included in the election process. The excluded ballot paper envelopes were then scanned to allow further review and investigation while the still unopened original envelopes were secured and isolated.

The investigation set out to obtain a number of written statements from various relevant witnesses. Some original envelopes were subject to forensic analysis. A further review of supplementary enrolments was conducted in May 2023, including obtaining additional witness statements.

The outcome of this election has subsequently been the subject of legal proceedings in the Court of Disputed Returns which are unresolved at the time of writing this report.

Recommendation 13 to reject envelopes without the elector's date of birth, and Recommendation 12 to prohibit people and groups from misleading or deceiving electors in relation to how they should mark their ballot papers and or exercise their vote, aim to address this issue.

A CALL FOR LEGISLATIVE CHANGE

Reject envelopes without date of birth

Electors were supplied with a ballot paper envelope to return their ballot papers in, which included fields for the elector to print their name, date of birth, and signature. Under section 47 of the LGE Act, the returning officer must reject any unopened envelope where the signature does not correspond to the signature of the voter. However, envelopes do not have to be rejected for leaving the date of birth field blank, or filling it out with a mistaken date, such as the date the voter completed their ballot papers. Under section 39(10) of the LGE Act, the returning officer is not obliged to check the date of birth of a voter, and section 39(11) allows the returning officer to accept a ballot paper envelope for the count if this field is blank or completed incorrectly.

Therefore, Parliament should consider amending sections 39 and 47 to compel the returning officer to reject envelopes with a missing or incorrect date of birth. While this additional check would increase the time taken to process votes, it would help ensure the correct person has completed a returned ballot paper envelope.

Using a sample group, ECSA conducted an analysis of ballot paper envelope flaps and found that 1.2% of accepted envelopes could have possibly been rejected for having a blank or incorrect date of birth recorded. Should this recommendation be accepted, ECSA would ensure that voters are aware their vote will not be accepted without the correct date of birth, and highlight their privacy is protected as ballot paper envelopes are sealed within a reply-paid envelope.

Recommendation 13.

To provide additional measures to ensure the authenticity of returned postal voting pack, amend section 39 of the LGE Act by deleting subsection 10 and removing the reference to a voter's date of birth in subsection 11. Amend section 47(2)(a) to compel the returning officer to reject any envelope where the date of birth does not, to the satisfaction of the returning officer, correspond with the date of birth of the elector. Amend Schedule 1, Part 7 of the CoA Act accordingly.



Court of Disputed Returns

There are provisions within the LGE Act for a petition to be lodged with the Court of Disputed Returns (the Court) to dispute the validity of an election. A petition needs to be lodged within 28 days after the conclusion of the election and must set out the facts relied on to invalidate the election.

After the conclusion of the 2022 elections, unsuccessful candidates lodged petitions at the Court of Disputed Returns for the following elections:

- City of Adelaide Lord Mayoral election
- City of Onkaparinga Mayoral election
- City of Adelaide Central ward election

City of Adelaide Lord Mayoral election

After the process of discovery was undertaken, the City of Adelaide Lord Mayoral petition was withdrawn in March 2023.

City of Onkaparinga Mayoral election

The City of Onkaparinga petition did not adequately set out the facts relied on to invalidate the election. As many as four directions hearings were held in the District Court to address the deficiencies with the original application and hear argument on subsequent applications. The petition was dismissed on 14 June 2023 on the basis that the petition did not particularise any claims or facts which could reasonably be said to have affected the result of the election. The Court did afford the petitioner leniency due to being unrepresented and provided assistance, however also noted the importance of all parties being well informed when court proceedings are engaged to ensure they comply with the provisions of the LGE Act and the Rules of Court.

ECSA sought that the Court award costs for the City of Onkaparinga matter given no valid application was lodged that outlined adequate facts. However, costs were not awarded to either ECSA or the council. Legal fees for this case amounted to $28,225. This does not include the significant amount of time and resources required to prepare documentation and manage the process.

City of Adelaide Central ward election

At the time of publishing this report, the City of Adelaide Central ward matter is currently before the Court of Disputed Returns.

Adelaide Plains Council area councillor election

The Electoral Commissioner also lodged a petition to the Court of Disputed Returns in February 2024 regarding the count software error that impacted the results for the Adelaide Plains Council area councillor election. At the time of publishing this report, an extension of time for the Court of Disputed Returns to hear this was granted. The final orders of the Court are not yet known.



Campaign donations returns

As a result of legislative amendments, several changes were made to how a candidate lodges their disclosure returns. This included the transfer of responsibility for receiving returns from the CEO of the relevant local government entity (council) to ECSA, and the introduction of an additional disclosure return to be submitted no later than 28 days after the close of nominations (retaining the return due no later than 30 days after the conclusion of the election).

Amendments introduced prior to the 2022 Council Elections expanded the financial compliance obligations of candidates contained in Part 14 of the LGE Act and Part 8, Division 2 of the CoA Act.

Candidates for a council election are now required to lodge:

- A first campaign donation return (no earlier than 21 days and not later than 28 days after close of nominations).
- A second campaign donation return within 30 days after the conclusion of the election.
- A campaign expenditure return (City of Adelaide candidates only) 30 days after the conclusion of the election.
- A large gift return within five days of receipt, for any gift more than $2,500.

Candidates are required to lodge these returns regardless of whether they received any gifts above the threshold for disclosure of $500 or regardless of whether they incurred campaign expenditure more than $500. They are required to lodge a 'nil' return in situations where they have nothing to declare.

Candidates are not required to lodge a large gift return if they do not receive any gifts worth more than $2,500.

The 2022 Council Elections involved 1,256 candidates. Consequently, a total of 2,512 campaign donation returns were due for lodgment.

The vast majority of these were nil returns. Only 33 returns disclosed donations above the $500 threshold, with a total of $36,894.91 donations disclosed.

All return details are available on the ECSA website.

Administering the donation returns

In the lead up to the 2022 Council Elections, ECSA developed new returns forms and procedures for candidates to assist them to comply with the new obligations.

To ensure candidates were aware of their legal obligations regarding donation and gift returns, ECSA provided information via:

- Candidate briefing sessions (conducted in person and webinar and a recorded version available on the ECSA website)
- The ECSA website
- A letter to candidates upon nomination
- A letter to candidates upon the results of the election
- Candidates handbook available in hard copy and electronically
- Gazette notices in newspapers circulated in South Australia
- Email reminders

As candidates could no longer lodge a return at the Council, a system was required for candidates across South Australia to lodged returns with ECSA. The candidate portal (which was used for the nomination process) was subsequently used for the lodgment of the disclosure returns. In the portal, candidates were able to download and upload fillable PDF forms.

Throughout the election period ECSA coordinated and monitored the returns from candidates, checked that the returns included the required information and sought additional information and/or amendments to the lodged returns, where needed to ensure compliance.

Candidate returns were published on the ECSA website.

A CALL FOR LEGISLATIVE CHANGE

Definition of candidate

Candidate is not currently a defined term under the LGE Act or CoA Act, however there are provisions which outline the entitlements and requirements of candidates, namely obligations to submit disclosure returns.

Candidates are defined differently for the purpose of disclosure returns. It is confusing for candidates to identify which category they belong to and therefore how to complete their disclosure returns with the correct disclosure and lodgement periods. Consideration should be given to clarify and confirm a single definition of candidate, either as an explicit deeming provision, or in Part 14 for the purpose of providing disclosure returns. This may not be essential if the recommendation to remove ongoing disclosure obligations in between elections is endorsed, which is discussed in this report.

Recommendation 14.

Consider defining the term 'candidate' either as an explicit deeming provision or in Part 14 of the LGE Act and Schedule 1, Part 8 of the CoA Act for the purpose of providing disclosure returns.

Definition of conclusion of election

Several provisions in the LGE Act, CoA Act and the regulations, reference the conclusion of the council elections as being relevant to another action or activity, including deadlines for lodging campaign donation returns.

Other actions and activities include:

- Casual vacancies occurring within 12 months after the conclusion of an election (s 6)
- Date of effect of election (ss 25 and 50)
- Returns made and certified by the returning officer (s 51)
- Candidate access to return (s 51)
- Deadline for petition to the Court of Disputed Returns (s 70)
- Conduct of council during election period (s 91A)

The LGE Act refers to the LG Act for the definition of conclusion of the elections, which has different meanings for contested and uncontested elections, and periodic and supplementary elections. The inconsistent definition of conclusion of the election makes it difficult for candidates to understand their obligations for disclosure returns and creates confusion around the other actions dependent on the conclusion of the election.

The definition of conclusion of the election should therefore relate back to a fixed day which would be applicable to all elections conducted as part of the four-yearly council elections.

Recommendation 15.

Review the actions, activities, and events under the LGE Act and CoA Act dependent on the definition of the 'conclusion of the election' and introduce a consistent definition of the term. Interdependent activities should relate to a fixed date for all elections, such as polling day.

A CALL FOR LEGISLATIVE CHANGE

Disclosure and lodgement periods

Interpretation of the current prescribed disclosure periods is complex, with periods varying due to the dependence on the definition of 'conclusion of the election' and whether the election was contested.

Recommendation 16.

Parliament should consider the appropriate period, however suggestions for amendments to the LGE Act are provided as follows:

- *Amend section 80 so that the second campaign donation return is due within 30 days of polling day, not within 30 days after the conclusion of the election.*
- *Amend the disclosure period to be the same for 'new' and 'not new' candidates as a fixed period, such as 12 months prior to polling day.*
- *Introduce a specific disclosure period for each disclosure return i.e.:*
  - the disclosure period for the first campaign donation return (and any large gifts received in the same period) commences 12 months prior to polling day and concludes at the close of nominations; and
  - the disclosure period for the second campaign donation return (and any large gifts received in the same period) commences on the day after the close of nominations and concludes on polling day.
- *Amend regulation 11A to specifically refer to the prescribed period.*
- *Amend section 24B in the CoA Act 1998 to provide the same disclosure period commencement date for 'new' and 'not new' candidates.*



Large gift returns

A total of 216 large gift returns were lodged by 187 candidates. Only four returns disclosed items which met the definition of a large gift. The total sum between the four genuine large gift returns was $47,430. Therefore, the remaining 212 were 'nil' returns lodged unnecessarily.

It should be noted that there is currently no way to immediately determine if a candidate has failed to lodge a large gift return as required (unless, for example, a donor was to make a report to ECSA). This has implications regarding the casual vacancy provisions within the LG Act.

A CALL FOR LEGISLATIVE CHANGE

Large gift returns

Given the small monetary value reported, the ongoing remote likelihood that candidates receive any large gifts, the automatic trigger of a casual vacancy if a return is not lodged within five days of receipt of the gift, and the associated administrative costs, the legislative benefit of the large gifts return requirement should be reviewed. Large gifts can be adequately captured in the standard campaign donation returns.

However, the City of Adelaide should remain unique as historically, gifts and large gifts are typically reported by City of Adelaide candidates.

Further, if large gift returns are to be retained, the threshold of $2,500 should be reconsidered. This amount is not indexed and inflation will soon erode any perceived value in this amount being a large gift.

Legal advice obtained during the elections also identified a drafting issue in relation to the word 'year' in regulation 11A. The significance of this relates to the calculation of the period in which candidates must submit a large gifts return. If large gift returns are to be retained, regulation 11A should be amended to define 'year' as a calendar year, not a financial year.

Recommendation 17.

Amend the LGE Act to remove the requirement for candidates to lodge large gift returns, including the requirement for candidates to lodge large gift returns in between elections, and the annual reporting period under regulation 11A.

If large gift returns are retained, amend regulation 11A to define 'year' as a calendar year. This definition should also be updated in regulation 6 of the City of Adelaide (Elections and Polls) Regulations 2010.

Campaign expenditure returns

There were 45 City of Adelaide candidates. Their returns disclosed $237,249.20 in the value of campaign expenditure. A total of seven of these returns were nil campaign expenditure returns.

Casual vacancy provisions

The LGE Act at section 85 and the CoA Act at section 29 provide that is an offence to fail to lodge a return within the time specified by the Act. The maximum penalty is $10,000.

The vast majority of the 1,256 candidates lodged both returns on time. However, 45 candidates who were elected to office failed to lodge their second return on time despite the information provided by ECSA.

In the notes to section 86, it states "*The office of a member of a council who fails to submit a return may become vacant under Chapter 5 Part 2 of the Local Government Act 1999.*"

ECSA sought advice on the operation of section 54(1)(h) and the impact of an elected member failing to lodge their second campaign return (or large gift return) in time.

Informed by that advice, ECSA concluded that the 45 council members identified as having failed to lodge their second campaign donation return within the prescribed time were subject to the casual vacancy provisions of section 54.

These members were able to apply to SACAT to seek relief from this provision. However, the Government moved to introduce legislation (*Local Government (Casual Vacancies) Amendment Act 2023*) to retrospectively reinstate the members and permit them additional time (if required) to lodge any missing return/s.

All affected members were reinstated upon successful lodgment of their missing campaign donation returns. Notably, all returns lodged were 'nil' returns.

Implications of the legislative changes

This was the first election where candidates were required to lodge two campaign donation returns and a new requirement for a large gift return was implemented.

It should be noted that ECSA experienced significant issues in ensuring that candidates understood and complied with their obligations. ECSA allocated additional resources to this task, recruiting an additional officer who spent numerous hours contacting candidates informing them of their requirements under the legislation and guiding them through the submission process.

Whilst most were able to lodge their returns, some candidates were unable to download a PDF, complete it, and submit it to the electronic portal potentially due to a lack of familiarity with this type of digital process. To assist these candidates and ensure compliance, ECSA began to accept email and postal submissions.

Following reports from a small number of candidates that the portal was not functioning, ECSA engaged an external provider to test the system and provide assurance. This process confirmed that the system was functioning as per specification and that any errors previously identified by candidates were user specific.

Whilst it remains the responsibility of candidates to lodge these returns, ECSA notes the difficulties suffered by some candidates and will endeavour to engage additional staff to assist at future elections provide support. ECSA will also consider modifications to its systems to ensure that they are as easy to use as possible to support timely compliance with legislative obligations, subject to the availability of funding to support improvements.

A CALL FOR LEGISLATIVE CHANGE

Disclosure returns non-compliance penalties

The changes to administration of the campaign donations returns revealed a problem with complexity of obligations and the appropriateness of the penalty for non-compliance. As most candidates lodge a return with no donations, the penalty of being immediately removed from office for non-compliance was widely regarded as disproportionate with the issue. Parliament should consider both simplifying the disclosure obligations as recommended in this report and introducing a more proportionate penalty for non-compliance.

The penalty for non-compliance in its current form also does not impact a candidate's ability to stand for election again through a supplementary election, or to fill a vacancy under a recount conducted in accordance with section 6A of the Act. To adequately deter candidates from non-compliance, they should not be eligible to nominate for another election, or be eligible for a section 6A recount, if they have outstanding disclosure returns from any previous election. The non-compliance should be rectified as part of the eligibility criteria.

Recommendation 18.

Amend section 54(1)(h) of the LG Act 1999 to remove the automatic triggering of a casual vacancy for non-compliance with campaign donation return requirements. A more suitable penalty such as the suspension of entitlements should be considered.

Ensure this also applies to members elected in accordance with the CoA Act 1998.

Further, amend the LGE Act to disqualify previous candidates who were not compliant with the returns requirements from being an eligible candidate for a recount under section 6A until the non-compliance is resolved.

Amend section 17 so that the failure to lodge a return disqualifies an individual from nominating as a candidate in future elections until the non-compliance is resolved.



Surveys

A range of surveys were conducted after the council elections to evaluate performance and inform planning for future elections. The survey of electors was conducted on ECSA's behalf by an independent research agency.

Survey of electors

Electors provided feedback about the council elections in a six-minute post-election survey. The representative sample included 830 electors (446 voters and 384 non-voters) from most council areas around the state. A mixed surveying method was used, via an online survey and computer assisted telephone interviews, between 14 and 28 November. The survey was completed by 446 voters (54%) and 384 non-voters (46%).

Voters

Among voters, the four most common reasons for voting were a desire to have their say (45%), they felt a responsibility to vote (22%), thinking that it was compulsory to vote (10%), a desire for change (9%).

Interestingly, support for candidates significantly declined since 2018, with only 2% of voters indicating they voted because they supported a candidate standing in their area, compared to 22% in 2018.

Voters were broadly positive about their voting experience and the services provided by ECSA at the elections. A strong majority of voters (78%) expressed satisfaction with the postal voting process they used for the elections. Regarding confidence with completing their ballot papers and postal declaration to ensure a valid vote, 88% of voters responded they were confident. Similarly, 85% were satisfied with the voting instructions ECSA provided in the postal voting packs.

The majority of voters stated that they returned their voting pack to either ECSA or their council within seven days of receiving it in the mail (65%).

Non-voters

Among non-voters, 47% stated that they did consider voting in the council elections before ultimately deciding not to. The five most common reasons for not voting were disinterest in the elections (22%), forgetting to vote (13%), lack of information about the candidates (12%), not being aware of the election (12%) and being too busy to vote (11%).

When non-voters were asked what could encourage them to vote in council elections, the strongest responses by a large margin were greater awareness about what councils do (57%) and more information about the candidates running (62%). Other factors identified as likely to stimulate higher electoral participation included a better selection of candidates to choose from (42%) and giving councils greater powers (40%). Interestingly, non-voting respondents strongly rejected more advertising about the elections (60%) and more education about how to vote (60%) as elements likely to encourage them to vote.

Survey of candidates

ECSA conducted a post-election survey of candidates to capture participant satisfaction levels against quantitative assessment criteria while also providing for qualitative measurement of responses to a range of open-ended questions about the electoral process. Highlights of the survey are as follows:

Candidates

58.9% of candidates who responded to the survey had stood at previous council elections. Indeed, 54.8% of those surveyed had served as councillors or mayors. Responding to a question on when they made the decision to run for council:

- 44.4% decided to nominate more than three months prior to nominating
- 31.0% made the decision between one and three months prior, and
- 9.4% decided just in the week before nominating.

39.0% of candidates surveyed chose to nominate were motivated by a specific issue, 37.1% chose to nominate based on their previous experience as a mayor or councillor, and 45.5% were pushed to nominate by friends or family. On average, candidates surveyed campaigned for three days per week for a period of five weeks before the election. The average candidate surveyed personally spent $1,665 on their campaign.

Election process

Candidates who responded to the survey provided a mixed view of ECSA's delivery of the elections. An overwhelming majority of candidates surveyed (87.2%) considered that ECSA had conducted the elections impartially and without bias.

Concerning the nomination process overall, 76.6% of candidates surveyed were satisfied. Concerning the results process overall, 62.6% of candidates surveyed expressed satisfaction, with 53.7% satisfied with the ballot paper scrutiny and counting process, and 58.0% satisfied with the timeliness of the results.

Free-text responses from candidates provided useful feedback about how to improve communication and awareness about the results process.

Complaints and legal obligations

Just 22.0% of candidates surveyed stated they experienced difficulties complying with the legal obligations relating to their requirements regarding signage, electoral advertising, social media and online campaigning, or their behaviour as a candidate.

A total of 19.2% of candidates surveyed said they either lodged a complaint with ECSA or had a complaint lodged about them. Of these candidates involved with a complaint, only 24.6% were satisfied with ECSA's complaints protocol and procedures.

Advertising and awareness campaigns

Some early advertising had been completed using the awareness campaign developed for the 2018 elections, 'Make a Difference.' While 94.6% of candidates surveyed recalled the 'Make a Difference' advertising campaign, only 53.6% considered that the campaign had been effective in encouraging people to consider nominating as candidates.

60.4% considered that the campaign raised public awareness of the council elections, while 41.4% thought that they successfully encouraged people to vote.

In comparison, 64.9% of candidates surveyed recalled seeing the 'Live local. Lead local' or 'Live local. Vote local' campaigns. 60.8% of those candidates considered the campaigns were effective in increasing public awareness of the election, and 46.6% thought the campaigns reminded people to return their ballot papers.

In their responses to open-ended questions, candidates provided multiple suggestions for how services can be improved for future council elections, as well as how to encourage more people to nominate and vote at council elections. These suggestions along with all the survey data have formed an integral part of ECSA's post-election evaluation process.

Survey of election staff

All CLOs and LDROs were invited to participate in separate online surveys to provide feedback on the training and preparation they received as well as ECSA's overall delivery of the council elections. Both surveys received extremely high response rates providing valuable feedback that will be used to analyse and improve ECSA's approach to engaging, training, and supporting the election workforce at future council elections.

Key positive findings included:

- A moderately experienced workforce with 65% of CLOs and 62% of DROs having worked in their roles at previous council elections.
- 86% of CLOs and 95% of LDROs stated that they were interested in working in their roles for ECSA again at future council elections.
- Positive feedback about the training and resources ECSA provided staff at the elections, with 78% of CLOs and 95% of LDROs satisfied that ECSA's training had prepared them to understand the roles and responsibilities of their jobs.
- Over 94% of both CLOs and LDROs were satisfied with the Guide for Electoral Officers booklet.
- Over 60% of CLOs opted to watch training videos as opposed to attending an in-person event.

Areas in the surveys for which less satisfactory ratings were provided included concerns about:

- candidate and scrutineer behaviour, with 30% of CLOs stating they had had difficulties or concerns with the behaviour or conduct of candidates, and 13% stating they had had difficulties or concerns with the behaviour or conduct of scrutineers.

Evaluation

An evaluation committee was formed to evaluate the conduct of the 2022 Council Elections. The purpose was to determine recommendations for legislative change and identify how delivery of elections can continue to be improved.

The evaluation committee used several data sources for their analysis, including:

- Project evaluation reports completed by ECSA project managers.
- Surveys of stakeholders including electors, candidates, LDROs, council staff and CEOs, and scrutineers and general feedback.
- Internal Innovations and Ideas Register.
- Data retrieved from election systems.
- Legal advice obtained during the election period.

The evaluation committee also worked with the LGA to debrief on the key successes and challenges. A key output from the evaluation is the recommendations for legislative change mentioned throughout this report.

Filling casual vacancies

Legislative change since the 2018 Council Elections enabled vacancies to be filled by recounting the votes cast at a previous election, if the vacancy occurs in the office of a councillor elected in a contested election, within 12 months of the conclusion of an election.

Following the 2022 Council Elections, several vacancies occurred and were able to be filled using section 6(2)(c) and section 6A of the LGE Act, saving councils the costs of supplementary elections. To date, ECSA has filled vacancies in 10 councils using these provisions. In administering this function, opportunities for improving the legislative provisions have been identified.

A CALL FOR LEGISLATIVE CHANGE

Filling casual vacancies

Vacancies can be filled using section 6A if they occur within 12 months of the 'conclusion of the election'. This date differs between each individual election, despite all being conducted as part of the periodic elections. This is due to the definition of 'conclusion of the election'. Parliament should consider amending section 6(2)(c) to apply to vacancies occurring within 12 months of polling day for the periodic elections or designated supplementary elections, to provide consistency for the relevant period.

Further, to fill a vacancy under section 6A, the Returning Officer must determine the successful candidate in accordance with the regulations. After making an initial declaration that they are willing and eligible to fill the vacancy, the successful candidate has a further one month to again declare that they are willing and eligible to fill the vacancy.

This creates a lack of certainty and creates inconsistencies with other provisions relating to the election of council members and when their election takes effect. Should a successful candidate no longer wish to be an elected member, the process under section 6A is simple enough to repeat for remaining willing and eligible candidates.

Section 6A (2) should be amended so that the initial declaration required by operation of section 6A(2)(b) (and subsequently regulation 3A(1)) is the only necessary declaration.

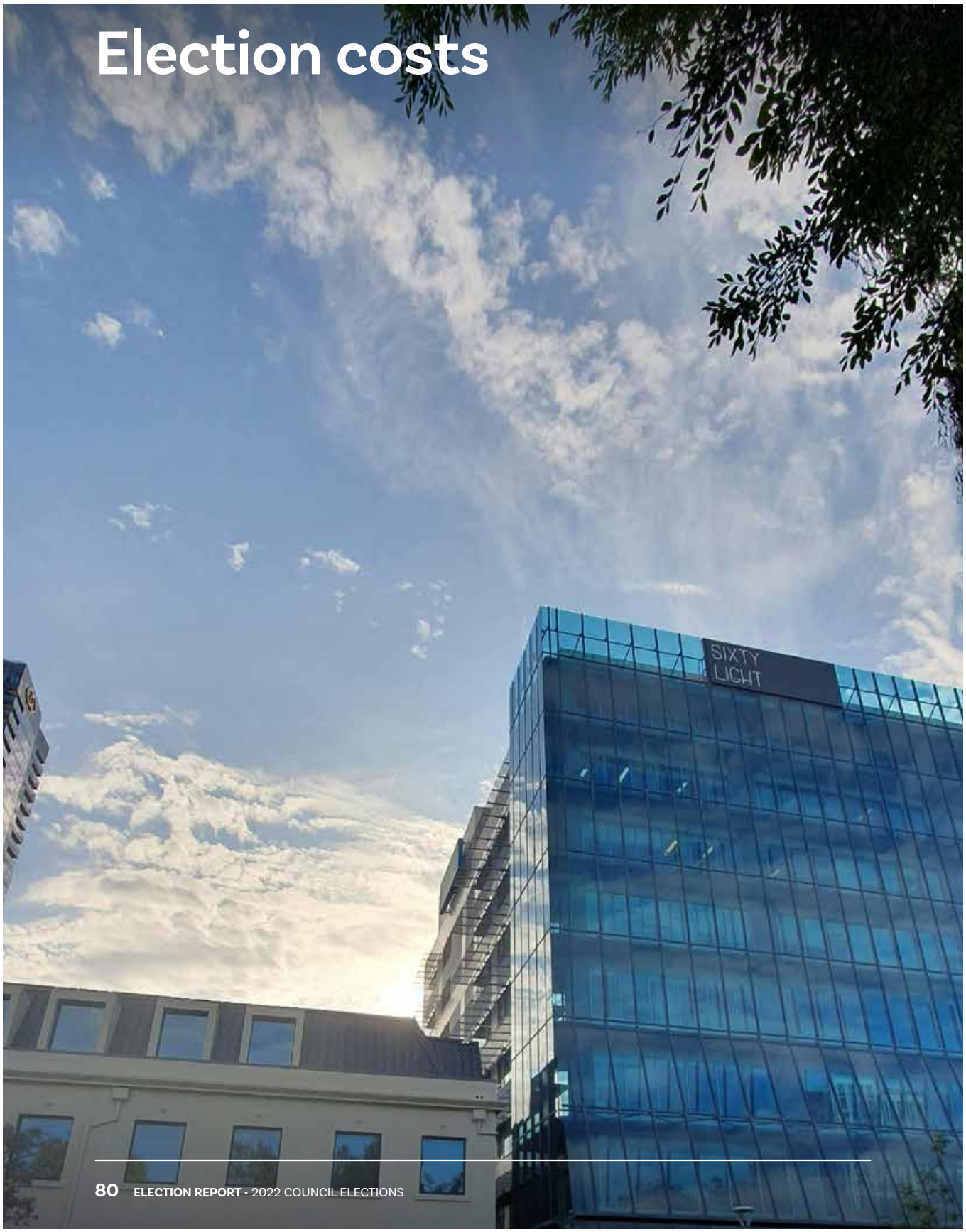
Recommendation 19.

Amend section 6(2)(c) to apply to vacancies occurring within 12 months of polling day for the periodic elections or designated supplementary elections.

Amend section 6A(2) so that the initial declaration required by operation of section 6A(2)(b) (and subsequently regulation 3A (1)) is the only necessary declaration.

Chapter 7

Election costs



In preparation for the elections process, the Electoral Commissioner wrote to all council chief executive officers in May 2022 to provide information on a number of issues relating to the conduct of the elections, including details of known impacting cost pressures that had occurred since the last elections in 2018.

These new and unavoidable cost pressures were forecast to increase the cost of the elections considerably and covered:

- Inflationary indexation over four years.
- Significant (above inflation) increases in costs of postage for both mail-out and mail return through Australia Post, including utilisation of the priority postage service to ensure electors received their ballot material in a timely manner.
- Increases in capped advertising campaign based on feedback from councils, targeted at improving enrolment and participation.
- Growth in the number of electors and the volume of materials and services.
- Impact of amendments to the LGE Act on ICT systems, in particular a candidate online nominations portal, campaign donation returns, and online publication of election results.
- Impact of amendments to the LGE Act to provide assisted voting for sight-impaired electors.
- Increased number of complaints.
- A combined approach with the LGA to advertising enrolment, awareness, and participation, including shared research as the foundation of the campaigns.

The COVID-19 pandemic was not expected to and did not have a significant impact on the conduct or cost of the elections.

The Electoral Commissioner provided an indicative cost per elector to council CEOs to assist councils with budgeting only. These indicative costs per elector were determined on the basis of similar volumes for nominations, contested elections and proportion of returned ballots to the 2018 elections levels plus the unavoidable cost pressures described above.

Expenditure

Total actual expenditure incurred by ECSA for the conduct of the 2022 Council Elections was $9.82 million, including GST (or $8.93 million excluding GST).

Consequently, the total election costs invoiced to councils for the 2022 Council Elections were $9.82 million (including GST), representing the costs and expenses incurred by the Electoral Commissioner as the Returning Officer and recoverable under section 13 of the LGE Act.

Actual expenditure was $420,000 or 4.5% less than the indicative costs provided to councils. The main reasons for the variation included:

- Efficiencies gained in processing both outgoing and returned ballot materials at the processing centre,
- Significantly lower than anticipated volume of assisted voting for sight-impaired, interstate, and overseas electors,

Total advertising was in line with the $900,000 capped commitment to councils.

However, the cost for some country councils exceeded the indicative cost per elector, often due to participation rates exceeding 60% resulting in both higher postage and longer scrutiny and count times.

Total actual expenditure (excluding GST) incurred by ECSA for the 2022 Council Elections was $2.36 million more than total expenditure for the 2018 elections due to the combined effect of:

New and unavoidable cost pressures advised to councils prior to elections ($2.78 million), partially offset by Lower actual costs due to subsequent changes in conditions for the conduct of the elections ($0.42 million).

Table 26 highlights the major expenses incurred and compared between the 2018 and 2022 elections.

TABLE 26: Major expense categories, 2018 – 2022

	2022	2018
Expense category	**($000s)**	**($000s)**
Advertising campaign	900	606
Statutory notices in newspapers and Government Gazette	207	251
Materials used in elections	1,015	922
Mailout and mail return of ballot papers - Australia Post costs	1,735	1,529
ICT systems and support	979	177
Postal ballot returns, processing, count and scrutiny	1,912	1,668
General recharge #	2,182	1,417
Total costs incurred by ECSA (excluding GST)	**8,930**	**6,570**
Goods and services tax (GST)	893	657
Total costs recoverable from council (GST inclusive)	**9,823**	**7,227**
Total electors on the roll	1,288,329	1,213,862
State-wide cost per elector (excluding GST)	$6.93	$5.41

General recharge includes costs of Deputy Returning Officers, preparation of election materials, training and information sessions, electoral rolls, nominations, processing centre, enquiry service, management support to Council Liaison Officers and other council staff, logistics and transport, quality controls, re-issues, results, legal matters, etc.

Cost per elector

There were 1,288,329 electors on the roll for the 2022 elections compared with 1,213,862 for the 2018 elections – an increase of 74,467 electors or 6.1%. The state-wide average cost per elector has increased to $6.93 in 2022 from $5.41 in 2018. The increase is due to the changes in conditions over the four years between elections reflected in the unavoidable cost pressures described above.

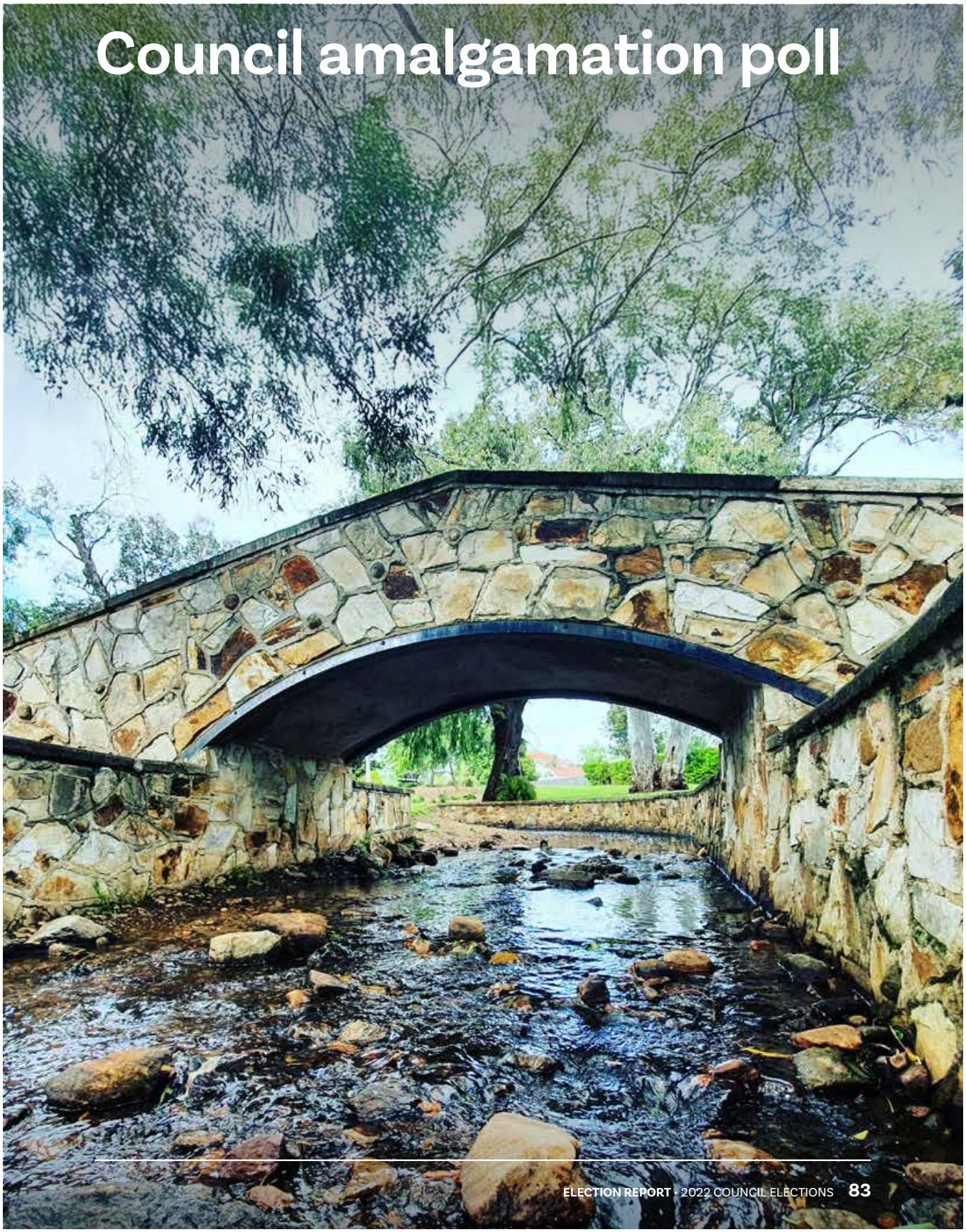
Recovery from councils

Section 13 of the LGE Act requires that all costs and expenses incurred by the Returning Officer in carrying out official duties must be defrayed from funds of the council. Accordingly, councils are charged for electoral services on the basis of cost recovery.

Councils were charged a progress instalment on 17 November 2022 representing estimated costs incurred to 31 October 2022. The balance of electoral services costs was invoiced to councils on 31 May 2023. The final invoice was issued later than planned due to additional time required to ensure accuracy and resolve mailout and mail return charges for each council.

Chapter 8

Council amalgamation poll



The *Plebiscite (South East Council Amalgamation) Act 2022* was introduced to Parliament in early September 2022. This Act directed ECSA to conduct a plebiscite of two councils in the south-east of SA: the District Council of Grant, and the City of Mount Gambier.

The state government was considering whether it was appropriate to refer a proposal to amalgamate the District Council of Grant and the City of Mount Gambier to the Local Government Boundaries Commission (the Boundaries Commission) to undertake a formal inquiry.

The plebiscite was a non-binding poll which sought to ascertain the level of community support within the District Council of Grant and the City of Mount Gambier, for the examination of an amalgamation of the two councils to form a single council.

Voters were specifically asked to answer 'yes' or 'no' to the following question: ***Do you support the examination of an amalgamation of the District Council of Grant and the City of Mount Gambier to form a single council?***

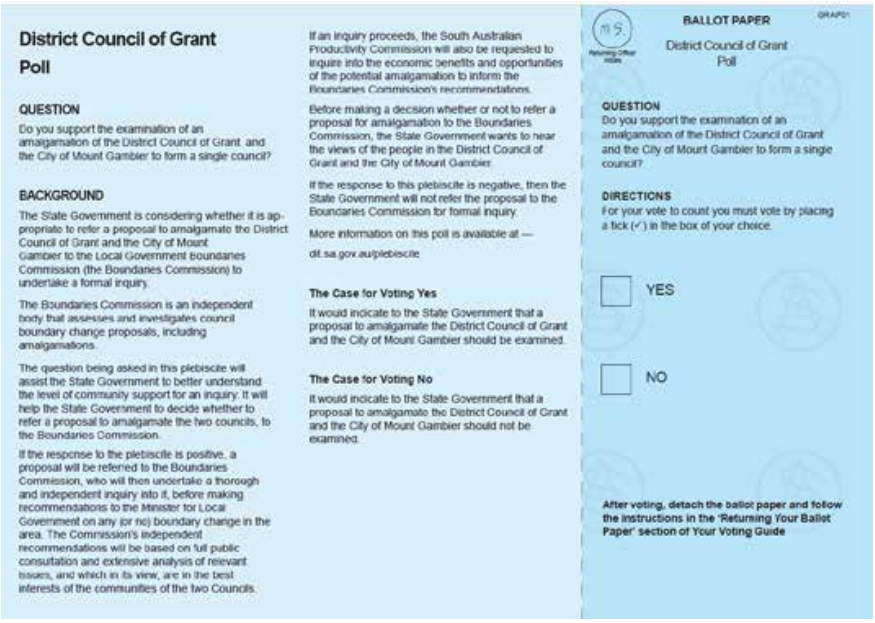
In managing this plebiscite, ECSA produced a unique ballot paper with instructions and included it in the postal voting pack for the elections, which was sent to electors, bodies corporate and groups whose names appeared on the voters roll for each council.

ECSA also designed and delivered an advertising campaign to inform electors in the areas of the poll.

Postal voting packs were mailed out to electors in these two councils from Friday 14 October 2022 to Thursday 20 October 2022. These packs included the ballot paper for the poll in addition to each elector's vote entitlement for their respective council and ward. Voting closed at 5:00pm on Thursday 10 November 2022, and the scrutiny and count of the poll commenced shortly after midday on Saturday 12 November 2022 at the District Council of Grant council office, and at 9:30pm at the City of Mount Gambier council chambers.

To ensure the scrutiny and count was managed effectively and independently, two ECSA staff members managed the process. Counting was undertaken without the assistance of staff from either council who were appointed as electoral officers for the purpose of the elections.

Under section 36 of the LGE Act, the council may appoint suitable persons to act as scrutineers for a poll. The Electoral Commissioner invited the chief executives from each council to scrutineer at the respective poll counts. The chief executives were also able to appoint another person to act as a scrutineer on their behalf.



District Council of Grant
Poll

QUESTION
Do you support the examination of an amalgamation of the District Council of Grant and the City of Mount Gambier to form a single council?

BACKGROUND
The State Government is considering whether it is appropriate to refer a proposal to amalgamate the District Council of Grant and the City of Mount Gambier to the Local Government Boundaries Commission (the Boundaries Commission) to undertake a formal inquiry.

The Boundaries Commission is an independent body that assesses and investigates council boundary change proposals, including amalgamations.

The question being asked in this plebiscite will assist the State Government to better understand the level of community support for an inquiry. It will help the State Government to decide whether to refer a proposal to amalgamate the two councils, to the Boundaries Commission.

If the response to the plebiscite is positive, a proposal will be referred to the Boundaries Commission, who will then undertake a thorough and independent inquiry into it, before making recommendations to the Minister for Local Government on any (or no) boundary change in the area. The Commission's independent recommendations will be based on full public consultation and extensive analysis of relevant issues, and which in its view, are in the best interests of the communities of the two Councils.

If an inquiry proceeds, the South Australian Productivity Commission will also be requested to inquire into the economic benefits and opportunities of the potential amalgamation to inform the Boundaries Commission's recommendations.

Before making a decision whether or not to refer a proposal for amalgamation to the Boundaries Commission, the State Government wants to hear the views of the people in the District Council of Grant and the City of Mount Gambier.

If the response to this plebiscite is negative, then the State Government will not refer the proposal to the Boundaries Commission for formal inquiry.

More information on this poll is available at —

dit.sa.gov.au/plebiscite

The Case for Voting Yes
It would indicate to the State Government that a proposal to amalgamate the District Council of Grant and the City of Mount Gambier should be examined.

The Case for Voting No
It would indicate to the State Government that a proposal to amalgamate the District Council of Grant and the City of Mount Gambier should not be examined.

BALLOT PAPER
District Council of Grant
Poll

QUESTION
Do you support the examination of an amalgamation of the District Council of Grant and the City of Mount Gambier to form a single council?

DIRECTIONS
For your vote to count you must vote by placing a tick (✓) in the box of your choice.

YES

NO

After voting, detach the ballot paper and follow the instructions in the 'Returning Your Ballot Paper' section of Your Voting Guide

Results

The results of the non-binding plebiscite are provided in the tables below – Tables 27-29.

TABLE 27: District Council of Grant plebiscite results

Ward	Yes	No	Formal votes	Informal votes	Total
Central	219	2,254	2,473	7	2,480
Tarpeena	42	297	339	2	341
Port MacDonnell	17	362	379	1	380
Total	**278**	**2,913**	**3,191**	**10**	**3,201**

TABLE 28: City of Mount Gambier plebiscite results

Yes	No	Formal votes	Informal votes	Total
2,663	4,041	6,704	40	6,744

TABLE 29: Combined plebiscite results

Council	Yes	No	Formal votes	Informal votes	Total
Grant	278	2,913	3,191	10	3,201
Mount Gambier	2,663	4,041	6,704	40	6,744
Total	**2,941** (29.7%)	**6,954** (70.3%)	**9,895**	**50**	**9,945**

Costs

The total costs of $26,616 (excluding GST) were recovered through the Office of Local Government (OLG). The costs of the advertising campaign, including production of content and media placement and statutory notices were $17,337. Materials, including printing ballot papers and the insertion of materials into envelopes cost $6,920 and the scrutiny and count team cost $2,358.



Above: Map of District of Grant and City of Mount Gambier

Appendices



9.1 Enrolment

TABLE 30: Elector representation, 2018 – 2022

This table contains statistics on the total eligible electors and number of ward and area councillors in each council at the 2018 and 2022 elections. This also includes the number of electors per councillor (excluding mayoral positions).

Council	2022 Eligible Electors	2022 No. Reps	2022 Electors per Rep	2018 Eligible Electors	2018 No. Reps	2018 Electors per Rep
Adelaide	30,410	11	2,765	26,538	11	2,413
Adelaide Hills	30,549	12	2,546	29,608	12	2,467
Adelaide Plains	7,023	9	780	5,964	9	663
Alexandrina	22,530	9	2,503	20,485	11	1,862
Barossa	18,856	11	1,714	17,583	11	1,598
Barunga West	2,068	9	230	1,976	9	220
Berri Barmera	7,561	8	945	7,304	8	913
Burnside	32,315	12	2,693	31,554	12	2,630
Campbelltown	37,111	10	3,711	34,934	10	3,493
Ceduna	2,130	8	266	2,058	8	257
Charles Sturt	90,029	16	5,627	83,958	16	5,247
Clare & Gilbert Valleys	6,945	9	772	6,668	9	741
Cleve	1,279	7	183	1,249	7	178
Coober Pedy	910	0	0	961	8	120
Coorong	3,901	7	557	3,778	9	420
Copper Coast	12,174	9	1,353	11,200	9	1,244
Elliston	742	8	93	729	8	91
Flinders Ranges	1,178	8	147	1,186	8	148
Franklin Harbour	926	6	154	905	6	151
Gawler	19,330	10	1,933	17,535	10	1,754
Goyder	3,164	7	452	3,050	7	436
Grant	5,639	9	627	5,505	9	612
Holdfast Bay	28,668	12	2,389	27,624	12	2,302
Kangaroo Island	3,674	9	408	3,476	9	386
Karoonda East Murray	745	6	124	746	6	124
Kimba	750	7	107	801	7	114
Kingston	1,905	7	272	1,827	7	261
Light	11,309	9	1,257	10,328	10	1,033

Council	2022 Eligible Electors	2022 No. Reps	2022 Electors per Rep	2018 Eligible Electors	2018 No. Reps	2018 Electors per Rep
Lower Eyre Peninsula	3,941	7	563	3,708	7	530
Loxton Waikerie	8,404	10	840	8,155	10	816
Marion	68,556	12	5,713	64,049	12	5,337
Mid Murray	6,987	8	873	6,432	9	715
Mitcham	49,481	12	4,123	48,258	13	3,712
Mount Barker	28,742	10	2,874	24,563	10	2,456
Mount Gambier	20,190	8	2,524	19,336	8	2,417
Mount Remarkable	2,189	7	313	2,134	7	305
Murray Bridge	15,550	9	1,728	14,339	9	1,593
Naracoorte Lucindale	5,909	10	591	5,875	10	588
Northern Areas	3,502	9	389	3,378	9	375
Norwood Payneham & St Peters	26,211	13	2,016	25,226	13	1,940
Onkaparinga	131,498	12	10,958	123,876	12	10,323
Orroroo Carrieton	666	6	111	678	6	113
Peterborough	1,243	8	155	1,205	8	151
Playford	67,965	15	4,531	60,373	15	4,025
Port Adelaide Enfield	89,021	17	5,237	82,814	17	4,871
Port Augusta	9,618	9	1,069	9,495	9	1,055
Port Lincoln	10,882	9	1,209	10,322	9	1,147
Port Pirie	13,127	9	1,459	12,792	9	1,421
Prospect	15,285	8	1,911	14,666	8	1,833
Renmark Paringa	6,722	8	840	6,469	8	809
Robe	1,376	6	229	1,184	6	197
Salisbury	98,277	14	7,020	93,937	14	6,710
Southern Mallee	1,338	7	191	1,353	7	193
Streaky Bay	1,658	8	207	1,558	8	195
Tatiara	4,553	9	506	4,505	9	501
Tea Tree Gully	74,686	12	6,224	72,865	12	6,072
Tumby Bay	2,104	6	351	1,981	6	330
Unley	28,061	12	2,338	27,441	12	2,287
Victor Harbor	13,398	9	1,489	12,363	9	1,374
Wakefield	5,030	9	559	4,757	9	529
Walkerville	5,836	8	730	5,674	8	709
Wattle Range	8,867	11	806	8,483	11	771

Council	2022 Eligible Electors	2022 No. Reps	2022 Electors per Rep	2018 Eligible Electors	2018 No. Reps	2018 Electors per Rep
West Torrens	43,403	14	3,100	40,905	14	2,922
Whyalla	15,594	9	1,733	15,267	9	1,696
Wudinna	827	7	118	846	7	121
Yankalilla	4,630	9	514	4,241	9	471
Yorke Peninsula	9,181	11	835	8,829	11	803
Total	1,288,329	622	2,071	1,213,862	637	1,906

TABLE 31: Number of enrolled electors per council, 2010 – 2022

Council	Country/Metro Council *	2022	2018	2014	2010
Adelaide	M	30,410	26,538	24,183	23,236
Adelaide Hills	C	30,549	29,608	29,094	28,767
Adelaide Plains	C	7,023	5,964	5,824	5,583
Alexandrina	C	22,530	20,485	18,887	18,097
Barossa	C	18,856	17,583	16,803	16,155
Barunga West	C	2,068	1,976	2,012	2,018
Berri Barmera	C	7,561	7,304	7,300	7,284
Burnside	M	32,315	31,554	31,607	31,990
Campbelltown	M	37,111	34,934	34,205	33,531
Ceduna	C	2,130	2,058	2,178	2,154
Charles Sturt	M	90,029	83,958	78,195	75,273
Clare & Gilbert Valleys	C	6,945	6,668	6,630	6,465
Cleve	C	1,279	1,249	1,291	1,333
Coober Pedy	C	910	961	1,123	1,184
Coorong	C	3,901	3,778	3,896	4,016
Copper Coast	C	12,174	11,200	10,385	9,778
Elliston	C	742	729	750	880
Flinders Ranges	C	1,178	1,186	1,234	1,201
Franklin Harbour	C	926	905	938	921
Gawler	M	19,330	17,535	15,497	14,698
Goyder	C	3,164	3,050	3,085	3,194
Grant	C	5,639	5,505	5,544	5,672
Holdfast Bay	M	28,668	27,624	26,746	26,062
Kangaroo Island	C	3,674	3,476	3,418	3,428

Council	Country/Metro Council *	2022	2018	2014	2010
Karoonda East Murray	C	745	746	807	831
Kimba	C	750	801	791	845
Kingston	C	1,905	1,827	1,928	1,897
Light	C	11,309	10,328	9,948	9,432
Lower Eyre Peninsula	C	3,941	3,708	3,694	3,378
Loxton Waikerie	C	8,404	8,155	8,165	8,168
Marion	M	68,556	64,049	61,097	59,426
Mid Murray	C	6,987	6,432	6,149	6,573
Mitcham	M	49,481	48,258	47,264	46,547
Mount Barker	C	28,742	24,563	21,864	20,384
Mount Gambier	C	20,190	19,336	18,485	17,940
Mount Remarkable	C	2,189	2,134	2,235	2,283
Murray Bridge	C	15,550	14,339	13,447	12,954
Naracoorte Lucindale	C	5,909	5,875	5,778	5,954
Northern Areas	C	3,502	3,378	3,489	3,550
Norwood Payneham & St Peters	M	26,211	25,226	24,796	24,709
Onkaparinga	M	131,498	123,876	115,399	111,137
Orroroo Carrieton	C	666	678	748	697
Peterborough	C	1,243	1,205	1,270	1,348
Playford	M	67,965	60,373	53,257	47,927
Port Adelaide Enfield	M	89,021	82,814	76,671	73,518
Port Augusta	C	9,618	9,495	9,244	9,255
Port Lincoln	C	10,882	10,322	9,946	9,799
Port Pirie	C	13,127	12,792	12,361	12,231
Prospect	M	15,285	14,666	14,347	13,950
Renmark Paringa	C	6,722	6,469	6,367	6,427
Robe	C	1,376	1,184	1,248	1,366
Salisbury	M	98,277	93,937	87,720	84,674
Southern Mallee	C	1,338	1,353	1,403	1,513
Streaky Bay	C	1,658	1,558	1,516	1,591
Tatiara	C	4,553	4,505	4,524	4,683
Tea Tree Gully	M	74,686	72,865	71,274	70,936
Tumby Bay	C	2,104	1,981	2,058	2,122
Unley	M	28,061	27,441	26,988	26,924

Council	Country/Metro Council *	2022	2018	2014	2010
Victor Harbor	C	13,398	12,363	11,714	10,975
Wakefield	C	5,030	4,757	4,730	4,814
Walkerville	M	5,836	5,674	5,326	5,358
Wattle Range	C	8,867	8,483	8,540	8,688
West Torrens	M	43,403	40,905	39,281	38,726
Whyalla	C	15,594	15,267	14,832	14,555
Wudinna	C	827	846	904	971
Yankalilla	C	4,630	4,241	3,944	3,643
Yorke Peninsula	C	9,181	8,829	9,321	9,442
Total		1,288,329	1,213,862	1,155,695	1,125,061

**C = country council, M = metropolitan council*

TABLE 32: Electors on the HA roll vs council roll, 2022

Council	HA Roll	Council Roll	Total
Adelaide	13,844	16,566	30,410
Adelaide Hills	30,531	18	30,549
Adelaide Plains	7,012	11	7,023
Alexandrina	22,435	95	22,530
Barossa	18,782	74	18,856
Barunga West	2,054	14	2,068
Berri Barmera	7,558	3	7,561
Burnside	32,290	25	32,315
Campbelltown	37,075	36	37,111
Ceduna	2,109	21	2,130
Charles Sturt	89,984	45	90,029
Clare & Gilbert Valleys	6,865	80	6,945
Cleve	1,274	5	1,279
Coober Pedy	908	2	910
Coorong	3,893	8	3,901
Copper Coast	12,092	82	12,174
Elliston	718	24	742
Flinders Ranges	1,166	12	1,178
Franklin Harbour	920	6	926
Gawler	19,310	20	19,330

Council	HA Roll	Council Roll	Total
Goyder	3,079	85	3,164
Grant	5,612	27	5,639
Holdfast Bay	28,644	24	28,668
Kangaroo Island	3,618	56	3,674
Karoonda East Murray	741	4	745
Kimba	728	22	750
Kingston	1,810	95	1,905
Light	11,178	131	11,309
Lower Eyre Peninsula	3,870	71	3,941
Loxton Waikerie	8,396	8	8,404
Marion	67,897	659	68,556
Mid Murray	6,885	102	6,987
Mitcham	49,454	27	49,481
Mount Barker	28,687	55	28,742
Mount Gambier	20,143	47	20,190
Mount Remarkable	2,167	22	2,189
Murray Bridge	15,490	60	15,550
Naracoorte Lucindale	5,889	20	5,909
Northern Areas	3,466	36	3,502
Norwood Payneham & St Peters	26,182	29	26,211
Onkaparinga	131,418	80	131,498
Orroroo Carrieton	660	6	666
Peterborough	1,242	1	1,243
Playford	67,923	42	67,965
Port Adelaide Enfield	88,882	139	89,021
Port Augusta	9,484	134	9,618
Port Lincoln	10,871	11	10,882
Port Pirie	13,120	7	13,127
Prospect	15,266	19	15,285
Renmark Paringa	6,718	4	6,722
Robe	1,234	142	1,376
Salisbury	98,207	70	98,277
Southern Mallee	1,333	5	1,338
Streaky Bay	1,628	30	1,658
Tatiara	4,527	26	4,553
Tea Tree Gully	74,647	39	74,686

Council	HA Roll	Council Roll	Total
Tumby Bay	2,101	3	2,104
Unley	27,957	104	28,061
Victor Harbor	13,217	181	13,398
Wakefield	4,966	64	5,030
Walkerville	5,819	17	5,836
Wattle Range	8,852	15	8,867
West Torrens	42,838	565	43,403
Whyalla	15,586	8	15,594
Wudinna	823	4	827
Yankalilla	4,457	173	4,630
Yorke Peninsula	9,070	111	9,181
Total	1,267,602	20,727	1,288,329

9.2 Postal and telephone assisted voting

TABLE 33: Postal returns and telephone voters, 2022

Council	Voting packs sent	Telephone voters	Voting packs returned	Postal returns rate	Returned to sender	Returned to sender rate	Voting packs returned late	Late returns rate
Adelaide	30,410	45	9,598	31.6%	1,092	3.6%	153	0.5%
Adelaide Hills	30,549	10	9,463	31.0%	718	2.4%	152	0.5%
Adelaide Plains	7,023	2	2,162	30.8%	239	3.4%	39	0.6%
Alexandrina	22,530	15	10,241	45.5%	740	3.3%	98	0.4%
Barossa	18,856	8	7,691	40.8%	619	3.3%	117	0.6%
Barunga West	2,068	0	1,116	54.0%	49	2.4%	16	0.8%
Berri Barmera	7,561	7	3,362	44.5%	289	3.8%	35	0.5%
Burnside	32,315	30	10,829	33.5%	475	1.5%	205	0.6%
Campbelltown	30,040	16	9,331	31.1%	439	1.5%	159	0.5%
Ceduna	2,130	1	1,193	56.0%	87	4.1%	14	0.7%
Charles Sturt	90,028	62	27,975	31.1%	1,420	1.6%	503	0.6%
Clare & Gilbert Valleys	6,945	3	3,422	49.3%	201	2.9%	37	0.5%
Cleve	1,279	1	896	70.1%	28	2.2%	3	0.2%
Coorong	3,901	5	2,214	56.8%	107	2.7%	36	0.9%
Elliston	742	2	517	69.7%	23	3.1%	5	0.7%
Flinders Ranges	1,178	0	750	63.7%	30	2.5%	3	0.3%
Franklin Harbour	926	2	652	70.4%	29	3.1%	0	0.0%
Gawler	19,330	6	6,650	34.4%	441	2.3%	114	0.6%
Goyder	2,695	2	1,593	59.1%	94	3.5%	16	0.6%
Grant	5,639	10	3,645	64.6%	87	1.5%	58	1.0%
Holdfast Bay	28,663	23	9,280	32.4%	549	1.9%	128	0.4%
Kangaroo Island	3,674	13	2,246	61.1%	90	2.4%	46	1.3%
Karoonda East Murray	745	1	485	65.1%	20	2.7%	4	0.5%
Kingston	1,905	1	1,186	62.3%	38	2.0%	4	0.2%
Light	11,309	2	4,248	37.6%	324	2.9%	55	0.5%
Lower Eyre Peninsula	3,941	3	1,714	43.5%	136	3.5%	23	0.6%

Council	Voting packs sent	Telephone voters	Voting packs returned	Postal returns rate	Returned to sender	Returned to sender rate	Voting packs returned late	Late returns rate
Loxton Waikerie	8,404	4	4,640	55.2%	280	3.3%	35	0.4%
Marion	68,556	32	20,489	29.9%	1,165	1.7%	404	0.6%
Mid Murray	6,987	2	3,158	45.2%	220	3.1%	38	0.5%
Mitcham	49,481	15	17,534	35.4%	647	1.3%	199	0.4%
Mount Barker	28,742	11	10,790	37.5%	847	2.9%	125	0.4%
Mount Gambier	20,190	14	8,508	42.1%	525	2.6%	138	0.7%
Murray Bridge	15,550	5	5,861	37.7%	639	4.1%	88	0.6%
Naracoorte Lucindale	5,909	1	3,648	61.7%	128	2.2%	27	0.5%
Northern Areas	2,758	0	1,381	50.1%	71	2.6%	16	0.6%
Norwood Payneham & St Peters	26,211	14	8,957	34.2%	419	1.6%	111	0.4%
Onkaparinga	131,498	44	33,687	25.6%	2,091	1.6%	590	0.4%
Peterborough	1,243	0	796	64.0%	23	1.9%	2	0.2%
Playford	67,965	25	19,098	28.1%	1,531	2.3%	427	0.6%
Port Adelaide Enfield	89,021	73	29,934	33.6%	1,545	1.7%	705	0.8%
Port Augusta	9,618	7	4,466	46.4%	304	3.2%	57	0.6%
Port Lincoln	10,882	16	4,465	41.0%	411	3.8%	66	0.6%
Port Pirie	13,127	3	5,362	40.8%	287	2.2%	58	0.4%
Prospect	15,285	15	6,091	39.8%	239	1.6%	82	0.5%
Renmark Paringa	6,722	8	3,298	49.1%	222	3.3%	28	0.4%
Robe	1,376	1	965	70.1%	27	2.0%	12	0.9%
Salisbury	98,277	61	32,411	33.0%	1,471	1.5%	622	0.6%
Tatiara	4,553	1	2,811	61.7%	178	3.9%	23	0.5%
Tea Tree Gully	74,686	28	20,148	27.0%	937	1.3%	292	0.4%
Unley	28,061	16	9,520	33.9%	479	1.7%	136	0.5%
Victor Harbor	13,398	12	6,538	48.8%	362	2.7%	50	0.4%
Wakefield	3,975	0	1,936	48.7%	126	3.2%	29	0.7%
Walkerville	5,836	10	2,425	41.6%	103	1.8%	35	0.6%
Wattle Range	8,867	5	4,339	48.9%	242	2.7%	70	0.8%
West Torrens	37,261	32	12,389	33.2%	633	1.7%	189	0.5%

Council	Voting packs sent	Telephone voters	Voting packs returned	Postal returns rate	Returned to sender	Returned to sender rate	Voting packs returned late	Late returns rate
Whyalla	15,594	9	6,867	44.0%	269	1.7%	71	0.5%
Yankalilla	4,630	8	2,538	54.8%	161	3.5%	9	0.2%
Yorke Peninsula	2,616	2	1,363	52.1%	94	3.6%	21	0.8%
State total	1,243,661	744	428,872	34.5%	25,040	2.0%	6,778	0.5%

9.3 Voter participation, 2018 – 2022

TABLE 34: Voter participation per council and per election – 2022 and 2018

Council and election	2022 Council Elections			2018 Council Elections		
	Total votes	Eligible electors	Voter participation	Total votes	Eligible electors	Voter participation
	no.	no.	%	no.	no.	%
City of Adelaide						
Lord Mayor	8,630	30,410	28.4%	7,293	26,538	27.5%
Area councillors	8,588	30,410	28.2%	7,248	26,538	27.3%
North ward councillors	2,486	7,169	34.7%	2,328	6,998	33.3%
Central ward councillors	3,382	13,909	24.3%	2,375	10,886	21.8%
South ward councillors	2,843	9,332	30.5%	2,642	8,674	30.5%
Overall voter participation for council (all elections combined)			28.4%			27.5%
Adelaide Hills						
Mayor	Uncontested			9,087	29,608	30.7%
Ranges ward councillors	5,302	18,209	29.1%	5,630	17,619	32.0%
Valleys ward councillors	3,984	12,340	32.3%	3,502	11,989	29.2%
Overall voter participation for council (all elections combined)			30.4%			30.8%
Adelaide Plains						
Mayor	2,080	7,023	29.6%	1,993	5,964	33.4%
Area councillors *(established at 2022 election)*	2,089	7,023	29.7%			NA
Mallala/Dublin ward councillors *(ward abolished at 2022 election)*			NA	770	1,928	39.9%
Two Wells ward councillors *(ward abolished at 2022 election)*			NA	665	1,810	36.7%
Lewiston ward councillors *(ward abolished at 2022 election)*			NA	556	2,226	25.0%
Overall voter participation for council (all elections combined)			29.7%			33.4%

Council and election	2022 Council Elections			2018 Council Elections		
	Total votes	Eligible electors	Voter participation	Total votes	Eligible electors	Voter participation
	no.	no.	%	no.	no.	%
Alexandrina						
Mayor	9,958	22,530	44.2%	8,490	20,485	41.4%
Alexandrina West ward councillors *(ward established at 2022 election)*	3,177	7,544	42.1%		NA	
Alexandrina North ward councillors *(ward established at 2022 election)*	3,076	7,555	40.7%		NA	
Alexandrina South ward councillors *(ward established at 2022 election)*	3,707	7,431	49.9%		NA	
Nangkita Kuitpo ward councillor *(ward abolished at 2022 election)*		NA		750	1,987	37.7%
Strathalbyn ward councillors *(ward abolished at 2022 election)*		NA		1,879	4,370	43.0%
Angas Bremer ward councillors *(ward abolished at 2022 election)*		NA		1,503	3,946	38.1%
Port Elliot Middleton ward councillors *(ward abolished at 2022 election)*		NA		1,356	3,251	41.7%
Goolwa Hindmarsh Island ward councillors *(ward abolished at 2022 election)*		NA		3,052	6,931	44.0%
Overall voter participation for council (all elections combined)			44.2%			41.6%
Barossa						
Mayor	7,394	18,856	39.2%	6,214	17,583	35.3%
Area councillors	7,446	18,856	39.5%	6,248	17,583	35.5%
Overall voter participation for council (all elections combined)			39.4%			35.4%

Council and election	2022 Council Elections			2018 Council Elections		
	Total votes	Eligible electors	Voter participation	Total votes	Eligible electors	Voter participation
	no.	no.	%	no.	no.	%
Barunga West						
Area councillors	1,087	2,068	52.6%	1,102	1,976	55.8%
Overall voter participation for council (all elections combined)			52.6%			55.8%
Berri Barmera						
Mayor	3,256	7,561	43.1%	3,094	7,304	42.4%
Area councillors	3,244	7,561	42.9%	3,114	7,304	42.6%
Overall voter participation for council (all elections combined)			43.0%			42.5%
Burnside						
Mayor	10,561	32,315	32.7%	9,442	31,554	29.9%
Beaumont ward councillors	1,886	5,328	35.4%	1,568	5,159	30.4%
Burnside ward councillors	1,666	5,297	31.5%	1,497	5,221	28.7%
Eastwood & Glenunga ward councillors	2,051	5,471	37.5%	1,661	5,106	32.5%
Kensington Gardens & Magill ward councillors	1,518	5,375	28.2%	1,552	5,373	28.9%
Kensington Park ward councillors	1,962	5,622	34.9%	1,663	5,531	30.1%
Rose Park & Toorak Gardens ward councillors		Uncontested		1,480	5,164	28.7%
Overall voter participation for council (all elections combined)			33.1%			29.9%
Campbelltown						
Mayor		Uncontested		10,519	34,934	30.1%
Hectorville ward councillors	2,500	8,112	30.8%	2,053	7,470	27.5%
Gorge ward councillors	2,225	7,265	30.6%	2,450	7,138	34.3%
Newton ward councillors	2,141	7,112	30.1%	1,754	6,607	26.5%
River ward councillors	2,245	7,551	29.7%	2,286	7,058	32.4%
Woodforde ward councillors		Uncontested		1,977	6,661	29.7%
Overall voter participation for council (all elections combined)			30.3%			30.1%

Council and election	2022 Council Elections			2018 Council Elections		
	Total votes	Eligible electors	Voter participation	Total votes	Eligible electors	Voter participation
	no.	no.	%	no.	no.	%
Ceduna						
Mayor	1,138	2,130	53.4%	1,047	2,058	50.9%
Area councillors	1,143	2,130	53.7%			Uncontested
Overall voter participation for council (all elections combined)			53.5%			50.9%
Charles Sturt						
Mayor	26,717	90,028	29.7%	23,922	83,958	28.5%
Semaphore Park ward councillors	3,344	10,174	32.9%	3,082	9,752	31.6%
Grange ward councillors	3,297	10,831	30.4%	3,175	10,391	30.6%
Henley ward councillors	3,056	11,045	27.7%	2,966	10,581	28.0%
Woodville ward councillors	4,141	12,297	33.7%	3,466	11,255	30.8%
West Woodville ward councillors	3,348	11,646	28.7%	2,702	10,455	25.8%
Findon ward councillors	3,777	11,696	32.3%	3,456	10,857	31.8%
Hindmarsh ward councillors	3,043	11,765	25.9%	2,603	10,694	24.3%
Beverley ward councillors	Uncontested			2,722	9,973	27.3%
Overall voter participation for council (all elections combined)			29.9%			28.6%
Clare & Gilbert Valleys						
Mayor	3,359	6,945	48.4%	Uncontested		
Area councillors	3,355	6,945	48.3%	2,905	6,668	43.6%
Overall voter participation for council (all elections combined)			48.3%			43.6%
Cleve						
Area councillors	882	1,279	69.0%	804	1,249	64.4%
Overall voter participation for council (all elections combined)			69.0%			64.4%
Coober Pedy						
Mayor	Election not held			529	961	55.0%
Area councillors	Election not held			527	961	54.8%
Overall voter participation for council (all elections combined)	No elections held					54.9%

Council and election	2022 Council Elections			2018 Council Elections		
	Total votes	Eligible electors	Voter participation	Total votes	Eligible electors	Voter participation
	no.	no.	%	no.	no.	%
Coorong						
Mayor *(established at 2022 election)*	2,146	3,901	55.0%			
Area councillors *(established at 2022 election)*	2,155	3,901	55.2%			
Parks ward councillors *(ward abolished at 2022 election)*			NA	533	837	63.7%
Mallee ward councillors *(ward abolished at 2022 election)*			NA	1,043	1,778	58.7%
Lakes ward councillors *(ward abolished at 2022 election)*			NA		Uncontested	
Overall voter participation for council (all elections combined)			55.1%			60.3%
Copper Coast						
Mayor		Uncontested		5,253	11,200	46.9%
Area councillors		Uncontested		5,280	11,200	47.1%
Overall voter participation for council (all elections combined)		No elections held				47.0%
Elliston						
Area councillors	509	742	68.6%	510	729	70.0%
Overall voter participation for council (all elections combined)			68.6%			70.0%
Flinders Ranges						
Mayor	736	1,178	62.5%		Uncontested	
Area councillors		Uncontested		704	1,186	59.4%
Overall voter participation for council (all elections combined)			62.5%			59.4%
Franklin Harbour						
Area councillors	645	926	69.7%		Uncontested	
Overall voter participation for council (all elections combined)			69.7%		No elections held	

Council and election	2022 Council Elections			2018 Council Elections		
	Total votes	Eligible electors	Voter participation	Total votes	Eligible electors	Voter participation
	no.	no.	%	no.	no.	%
Gawler						
Mayor	6,423	19,330	33.2%		Uncontested	
Area councillors	6,408	19,330	33.2%	4,963	17,535	28.3%
Overall voter participation for council (all elections combined)			33.2%			28.3%
Goyder						
Hallett ward councillor	278	472	58.9%	183	396	46.2%
Burra ward councillors	739	1,260	58.7%	778	1,288	60.4%
Eudunda ward councillors	537	963	55.8%	495	960	51.6%
Robertstown ward councillor		Uncontested			Uncontested	
Overall voter participation for council (all elections combined)			57.7%			55.1%
Grant						
Mayor	3,491	5,639	61.9%	2,345	5,504	42.6%
Central ward councillors	2,662	4,433	60.0%	1,798	4,332	41.5%
Tarpeena ward councillor	371	613	60.5%		Uncontested	
Port MacDonnell ward councillor	431	593	72.7%		Uncontested	
Overall voter participation for council (all elections combined)			61.7%			42.1%
Holdfast Bay						
Mayor	8,990	28,663	31.4%	9,244	27,624	33.5%
Glenelg ward councillors	2,139	7,032	30.4%	2,012	6,804	29.6%
Somerton ward councillors	2,318	7,216	32.1%	2,420	7,088	34.1%
Brighton ward councillors		Uncontested		2,449	6,865	35.7%
Seacliff ward councillors	2,308	7,218	32.0%	2,287	6,867	33.3%
Overall voter participation for council (all elections combined)			31.4%			33.3%

Council and election	2022 Council Elections			2018 Council Elections		
	Total votes	Eligible electors	Voter participation	Total votes	Eligible electors	Voter participation
	no.	no.	%	no.	no.	%
Kangaroo Island						
Mayor	2,199	3,674	59.9%	2,260	3,476	65.0%
Area councillors	2,206	3,674	60.0%	2,263	3,476	65.1%
Overall voter participation for council (all elections combined)			59.9%			65.1%
Karoonda East Murray						
Mayor	Uncontested			Uncontested		
Area councillors	465	745	62.4%	473	746	63.4%
Overall voter participation for council (all elections combined)			62.4%			63.4%
Kimba						
Area councillors	Uncontested			641	801	80.0%
Overall voter participation for council (all elections combined)	No elections held					80.0%
Kingston						
Mayor			Failed	1,147	1,827	62.8%
Area councillors	1,160	1,905	60.9%	1,150	1,827	62.9%
Overall voter participation for council (all elections combined)			60.9%			62.9%
Light						
Mayor	4,088	11,309	36.1%	Uncontested		
Dutton ward councillors	1,908	3,951	48.3%	1,216	3,050	39.9%
Light ward councillors	1,117	3,539	31.6%	732	2,290	32.0%
Laucke ward councillors *(ward abolished at 2022 election)*			NA	512	1,996	25.7%
Mudla Wirra ward councillors	1,080	3,819	28.3%	587	2,992	19.6%
Overall voter participation for council (all elections combined)			36.2%			29.5%

Council and election	2022 Council Elections			2018 Council Elections		
	Total votes	Eligible electors	Voter participation	Total votes	Eligible electors	Voter participation
	no.	no.	%	no.	no.	%
Lower Eyre						
Area councillors	1,693	3,941	43.0%	1,532	3,708	41.3%
Overall voter participation for council (all elections combined)			43.0%			41.3%
Loxton Waikerie						
Mayor	4,489	8,404	53.4%	4,746	8,155	58.2%
Area councillors	4,521	8,404	53.8%	4,772	8,155	58.5%
Overall voter participation for council (all elections combined)			53.6%			58.4%
Marion						
Mayor	19,433	68,556	28.3%	16,003	64,049	25.0%
Mullawirra ward councillors	3,321	12,035	27.6%	2,594	10,761	24.1%
Woodlands ward councillors	3,379	11,823	28.6%	2,555	10,892	23.5%
Warracowie ward councillors	3,279	12,238	26.8%	3,075	11,189	27.5%
Warriparinga ward councillors	3,343	11,196	29.9%	2,555	10,434	24.5%
Coastal ward councillors	3,376	10,555	32.0%	2,823	10,381	27.2%
Southern Hills ward councillors	2,747	10,709	25.7%	2,335	10,392	22.5%
Overall voter participation for council (all elections combined)			28.4%			24.9%
Mid Murray						
Mayor	3,092	6,987	44.3%	2,789	6,432	43.4%
Eyre ward councillors	727	1,667	43.6%	821	2,113	38.9%
Shearer ward councillors		Uncontested		1,318	3,084	42.7%
Murray ward councillors	733	1,612	45.5%	661	1,235	53.5%
Overall voter participation for council (all elections combined)			44.3%			43.4%

Council and election	2022 Council Elections			2018 Council Elections		
	Total votes	Eligible electors	Voter participation	Total votes	Eligible electors	Voter participation
	no.	no.	%	no.	no.	%
Mitcham						
Mayor	17,179	49,481	34.7%	15,675	48,258	32.5%
Boorman ward councillors	2,862	8,143	35.1%	2,401	7,684	31.2%
Gault ward councillors	2,817	8,634	32.6%	2,370	7,715	30.7%
Overton ward councillors	2,286	7,910	28.9%	1,808	7,591	23.8%
Babbage ward councillors	2,729	8,266	33.0%	2,093	7,171	29.2%
Craigburn ward councillors	3,149	8,416	37.4%	4,074	10,933	37.3%
The Park ward councillors	3,255	8,112	40.1%	2,786	7,164	38.9%
Overall voter participation for council (all elections combined)			34.6%			32.3%
Mount Barker						
Mayor	10,556	28,742	36.7%	Uncontested		
North ward councillors	2,929	7,929	36.9%	3,112	9,603	32.4%
Central ward councillors	4,387	12,421	35.3%	3,178	10,734	29.6%
South ward councillors	3,237	8,392	38.6%	1,272	4,226	30.1%
Overall voter participation for council (all elections combined)			36.7%			30.8%
Mount Gambier						
Mayor	Uncontested			8,036	19,336	41.6%
Area councillors	8,162	20,190	40.4%	8,035	19,336	41.6%
Overall voter participation for council (all elections combined)			40.4%			41.6%
Mount Remarkable						
Telowie ward councillors	Uncontested					Uncontested
Willochra ward councillors	Uncontested			734	1,185	61.9%
Overall voter participation for council (all elections combined)	No elections held					61.9%

Council and election	2022 Council Elections			2018 Council Elections		
	Total votes	Eligible electors	Voter participation	Total votes	Eligible electors	Voter participation
	no.	no.	%	no.	no.	%
Murray Bridge						
Mayor	5,605	15,550	36.0%			Uncontested
Area councillors	5,619	15,550	36.1%	4,927	14,339	34.4%
Overall voter participation for council (all elections combined)			36.1%			34.4%
Naracoorte Lucindale						
Mayor	3,527	5,909	59.7%	3,182	5,875	54.2%
Area councillors	3,533	5,909	59.8%	3,190	5,875	54.3%
Overall voter participation for council (all elections combined)			59.7%			54.2%
Northern Areas						
Belalie ward councillors	809	1,566	51.7%	776	1,520	51.1%
Broughton ward councillors		Uncontested			Uncontested	
Rocky River ward councillors	536	1,192	45.0%	556	1,132	49.1%
Yackamoorundie ward councillor		Uncontested				Failed
Overall voter participation for council (all elections combined)			48.8%			50.2%
Norwood Payneham & St Peters						
Mayor	8,713	26,211	33.2%	7,481	25,226	29.7%
St Peters ward councillors	1,459	3,825	38.1%	1,401	3,827	36.6%
Torrens ward councillors	1,357	4,227	32.1%	1,098	3,968	27.7%
Payneham ward councillors	1,241	3,963	31.3%	1,159	3,869	30.0%
Maylands/Trinity ward councillors	1,914	6,055	31.6%	1,614	5,808	27.8%
West Norwood/Kent Town ward councillors		Uncontested		1,127	4,052	27.8%
Kensington/East Norwood ward councillors	1,316	3,791	34.7%	1,130	3,702	30.5%
Overall voter participation for council (all elections combined)			33.3%			29.8%

Council and election	2022 Council Elections			2018 Council Elections		
	Total votes	Eligible electors	Voter participation	Total votes	Eligible electors	Voter participation
	no.	no.	%	no.	no.	%
Onkaparinga						
Mayor	32,668	131,498	24.8%	31,834	123,876	25.7%
South Coast ward councillors	6,100	22,883	26.7%	5,849	21,243	27.5%
Mid Coast ward councillors	6,020	24,729	24.3%	5,481	22,539	24.3%
Knox ward councillors	4,647	20,965	22.2%	4,576	19,915	23.0%
Pimpala ward councillors	5,071	21,274	23.8%	4,834	20,596	23.5%
Thalassa ward councillors	5,338	20,340	26.2%	5,285	19,985	26.4%
Southern Vales ward councillors	5,473	21,307	25.7%	5,797	19,598	29.6%
Overall voter participation for council (all elections combined)			24.8%			25.7%
Orroroo Carrieton						
Area councillors	Uncontested			469	678	69.2%
Overall voter participation for council (all elections combined)	No elections held					69.2%
Peterborough						
Mayor	766	1,243	61.6%			Uncontested
Area councillors	770	1,243	61.9%	736	1,205	61.1%
Overall voter participation for council (all elections combined)			61.8%			61.1%
Playford						
Mayor	17,945	67,965	26.4%	14,880	60,373	24.6%
Ward 1 councillors	4,122	14,991	27.5%	3,213	12,158	26.4%
Ward 2 councillors	4,212	16,333	25.8%	2,846	13,273	21.4%
Ward 3 councillors	3,152	12,005	26.3%	3,043	11,712	26.0%
Ward 4 councillors	3,086	11,911	25.9%	2,733	11,208	24.4%
Ward 5 councillors	3,446	12,725	27.1%	2,919	12,022	24.3%
Overall voter participation for council (all elections combined)			26.5%			24.5%

Council and election	2022 Council Elections			2018 Council Elections		
	Total votes	Eligible electors	Voter participation	Total votes	Eligible electors	Voter participation
	no.	no.	%	no.	no.	%
Port Adelaide Enfield						
Mayor	Uncontested			23,781	82,814	28.7%
Outer Harbor ward councillors	3,083	10,327	29.9%	3,432	9,974	34.4%
Semaphore ward councillors	3,223	9,917	32.5%	3,109	9,604	32.4%
Port Adelaide ward councillors	3,129	9,986	31.3%	2,660	9,345	28.5%
Parks ward councillors	5,067	14,948	33.9%	4,185	13,839	30.2%
Enfield ward councillors	5,415	15,964	33.9%	4,003	14,758	27.1%
Klemzig ward councillors	3,034	10,059	30.2%	2,125	9,396	22.6%
Northfield ward councillors	6,177	17,820	34.7%	4,309	15,898	27.1%
Overall voter participation for council (all elections combined)			32.7%			28.7%
Port Augusta						
Mayor	4,226	9,618	43.9%	4,524	9,495	47.6%
Area councillors	4,249	9,618	44.2%	4,523	9,495	47.6%
Overall voter participation for council (all elections combined)			44.1%			47.6%
Port Lincoln						
Mayor	4,350	10,882	40.0%	4,388	10,322	42.5%
Area councillors	4,309	10,882	39.6%	4,338	10,322	42.0%
Overall voter participation for council (all elections combined)			39.8%			42.3%
Port Pirie						
Mayor	Uncontested			5,995	12,792	46.9%
Area councillors	5,206	13,127	39.7%	5,997	12,792	46.9%
Overall voter participation for council (all elections combined)			39.7%			46.9%

Council and election	2022 Council Elections			2018 Council Elections		
	Total votes	Eligible electors	Voter participation	Total votes	Eligible electors	Voter participation
	no.	no.	%	no.	no.	%
Prospect						
Mayor	5,942	15,285	38.9%	4,655	14,666	31.7%
North ward councillors	1,342	3,692	36.3%	1,147	3,890	29.5%
West ward councillors	1,626	3,910	41.6%	1,254	3,782	33.2%
Central ward councillors	1,597	3,947	40.5%	1,043	3,445	30.3%
East ward councillors	1,350	3,736	36.1%	1,202	3,549	33.9%
Overall voter participation for council (all elections combined)			38.8%			31.7%
Renmark Paringa						
Mayor	3,212	6,722	47.8%	3,260	6,469	50.4%
Area councillors	3,216	6,722	47.8%	3,265	6,469	50.5%
Overall voter participation for council (all elections combined)			47.8%			50.4%
Robe						
Mayor			Failed	785	1,184	66.3%
Area councillors	952	1,376	69.2%	786	1,184	66.4%
Overall voter participation for council (all elections combined)			69.2%			66.3%
Salisbury						
Mayor	30,906	98,277	31.4%	25,287	93,937	26.9%
Central ward councillors	4,615	14,481	31.9%	3,634	13,832	26.3%
East ward councillors	3,868	13,822	28.0%	3,322	13,369	24.8%
South ward councillors	3,971	13,174	30.1%	3,049	12,837	23.8%
Hills ward councillors	3,755	13,147	28.6%	3,218	12,783	25.2%
Para ward councillors	5,315	14,716	36.1%	4,434	14,062	31.5%
North ward councillors	4,528	14,327	31.6%	3,829	13,099	29.2%
West ward councillors	4,874	14,610	33.4%	3,804	13,955	27.3%
Overall voter participation for council (all elections combined)			31.5%			26.9%

Council and election	2022 Council Elections			2018 Council Elections		
	Total votes	Eligible electors	Voter participation	Total votes	Eligible electors	Voter participation
	no.	no.	%	no.	no.	%
Southern Mallee						
Area councillors	Uncontested			916	1,353	67.7%
Overall voter participation for council (all elections combined)	No elections held					67.7%
Streaky Bay						
Flinders ward councillors	Uncontested			384	763	50.3%
Eyre ward councillors	Uncontested			419	795	52.7%
Overall voter participation for council (all elections combined)	No elections held					51.5%
Tatiara						
Mayor	2,742	4,553	60.2%			Uncontested
Area councillors	2,750	4,553	60.4%	2,089	4,505	46.4%
Overall voter participation for council (all elections combined)			60.3%			46.4%
Tea Tree Gully						
Mayor	19,594	74,686	26.2%	18,872	72,865	25.9%
Pedare ward councillors	3,046	13,125	23.2%	3,364	12,933	26.0%
Drumminor ward councillors	2,951	11,393	25.9%	2,779	11,191	24.8%
Hillcott ward councillors	3,022	11,882	25.4%	2,835	11,859	23.9%
Balmoral ward councillors	3,446	12,199	28.2%	3,050	11,654	26.2%
Steventon ward councillors	3,775	13,226	28.5%	3,583	12,782	28.0%
Water Gully ward councillors	3,399	12,861	26.4%	3,279	12,446	26.3%
Overall voter participation for council (all elections combined)			26.3%			25.9%
Tumby Bay						
Mayor	Uncontested			1,305	1,981	65.9%
Area councillors	Uncontested			1,301	1,981	65.7%
Overall voter participation for council (all elections combined)	No elections held					65.8%

Council and election	2022 Council Elections			2018 Council Elections		
	Total votes	Eligible electors	Voter participation	Total votes	Eligible electors	Voter participation
	no.	no.	%	no.	no.	%
Unley						
Mayor	9,210	28,061	32.8%	8,418	27,441	30.7%
Unley ward councillors	1,687	4,844	34.8%	1,503	4,607	32.6%
Parkside ward councillors	1,421	4,489	31.7%	1,117	4,372	25.5%
Fullarton ward councillors	1,633	5,008	32.6%		Uncontested	
Goodwood ward councillors	1,526	4,572	33.4%	1,493	4,535	32.9%
Clarence Park ward councillors	1,457	4,383	33.2%	1,372	4,310	31.8%
Unley Park ward councillors	1,502	4,765	31.5%		Uncontested	
Overall voter participation for council (all elections combined)			32.8%			30.7%
Victor Harbor						
Mayor	6,362	13,398	47.5%	6,335	12,363	51.2%
Area councillors	6,338	13,398	47.3%	6,312	12,363	51.1%
Overall voter participation for council (all elections combined)			47.4%			51.1%
Wakefield						
Mayor		Uncontested			Uncontested	
North ward councillors	750	1,625	46.2%	697	1,533	45.5%
Central ward councillors	1,141	2,350	48.6%	1,085	2,227	48.7%
South ward councillors			Uncontested	405	997	40.6%
Overall voter participation for council (all elections combined)			47.6%			46.0%
Walkerville						
Mayor	2,352	5,836	40.3%		Uncontested	
Area councillors	2,359	5,836	40.4%	1,890	5,674	33.3%
Overall voter participation for council (all elections combined)			40.4%			33.3%

Council and election	2022 Council Elections			2018 Council Elections		
	Total votes	Eligible electors	Voter participation	Total votes	Eligible electors	Voter participation
	no.	no.	%	no.	no.	%
Wattle Range						
Mayor	Uncontested			4,237	8,483	49.9%
Kintore ward councillors	854	1,525	56.0%	Uncontested		
Riddoch ward councillors	768	1,575	48.8%	667	1,507	44.3%
Corcoran ward councillors	1,931	4,249	45.4%	2,199	4,104	53.6%
Sorby Adams ward councillors	696	1,518	45.8%	626	1,443	43.4%
Overall voter participation for council (all elections combined)			47.9%			49.7%
West Torrens						
Mayor	Uncontested			11,825	40,905	28.9%
Keswick ward councillors	2,344	6,713	34.9%	1,684	5,739	29.3%
Hilton ward councillors	2,023	6,382	31.7%	1,558	6,030	25.8%
Plympton ward councillors	1,981	5,796	34.2%	1,744	5,449	32.0%
Lockleys ward councillors	1,961	6,000	32.7%	1,611	5,699	28.3%
Airport ward councillors	1,740	6,075	28.6%	1,990	5,848	34.0%
Morphett ward councillors	Uncontested			1,561	5,965	26.2%
Thebarton ward councillors	2,074	6,295	32.9%	1,661	6,175	26.9%
Overall voter participation for council (all elections combined)			32.5%			28.9%
Whyalla						
Mayor	6,603	15,594	42.3%	7,210	15,267	47.2%
Area councillors	6,556	15,594	42.0%	7,163	15,267	46.9%
Overall voter participation for council (all elections combined)			42.2%			47.1%
Wudinna						
Area councillors	Uncontested					Uncontested
Overall voter participation for council (all elections combined)	No elections held					No elections held

Council and election	2022 Council Elections			2018 Council Elections		
	Total votes	Eligible electors	Voter participation	Total votes	Eligible electors	Voter participation
	no.	no.	%	no.	no.	%
Yankalilla						
Field ward councillors	983	2,077	47.3%	811	1,929	42.0%
Light ward councillors	1,525	2,553	59.7%	1,257	2,312	54.4%
Overall voter participation for council (all elections combined)			54.2%			48.8%
Yorke Peninsula						
Mayor		Uncontested		4,552	8,829	51.6%
Kalkabury ward councillors		Uncontested		1,503	3,156	47.6%
Gum Flat ward councillors	1,334	2,616	51.0%	1,421	2,530	56.2%
Innes/Penton Vale ward councillors		Uncontested		1,625	3,143	51.7%
Overall voter participation for council (all elections combined)			51.0%			51.5%
Total (participation across all elections combined)			**32.9%**			**31.6%**
Notes:						
1. This table shows the voter participation figures at the 2022 and 2018 council elections calculated using the new measure of voter participation ECSA has adopted from this Election Report onward. That is, the number of formal and informal votes counted as a percentage of the number of enrolled electors.						
2. An uncontested election refers to a situation where the number of candidates who nominated equalled or was fewer than the number of positions available, and those candidates were elected unopposed without the need for an election to occur. A supplementary election is required whenever unfilled vacancies remain.						
3. A failed election refers here to a situation where no candidates nominated for election and a supplementary election was required to fill the vacancy or vacancies.						

TABLE 35: List of council elections, 2022

Council	Position	Vacancies	Candidates	Election status
Adelaide	Lord Mayor	1	5	Contested
Adelaide	Area councillor	2	9	Contested
Adelaide	North ward councillor	2	5	Contested
Adelaide	Central ward councillor	4	14	Contested
Adelaide	South ward councillor	3	12	Contested
Adelaide Hills	Mayor	1	1	Uncontested – no supplementary election required
Adelaide Hills	Ranges ward councillor	7	12	Contested
Adelaide Hills	Valleys ward councillor	5	6	Contested
Adelaide Plains	Mayor	1	2	Contested
Adelaide Plains	Area councillor	9	15	Contested
Alexandrina	Mayor	1	4	Contested
Alexandrina	Alexandrina West ward councillor	3	6	Contested
Alexandrina	Alexandrina North Ward councillor	3	6	Contested
Alexandrina	Alexandrina South ward councillor	3	13	Contested
Barossa	Mayor	1	2	Contested
Barossa	Area councillor	11	22	Contested
Barunga West	Area councillor	9	11	Contested
Berri Barmera	Mayor	1	3	Contested
Berri Barmera	Area councillor	8	9	Contested
Burnside	Mayor	1	2	Contested
Burnside	Beaumont ward councillor	2	6	Contested
Burnside	Burnside ward councillor	2	3	Contested
Burnside	Eastwood and Glenunga ward councillor	2	6	Contested
Burnside	Kensington Gardens and Magill ward councillor	2	6	Contested
Burnside	Kensington Park ward councillor	2	5	Contested
Burnside	Rose Park and Toorak Gardens ward councillor	2	2	Uncontested – no supplementary election required
Campbelltown	Mayor	1	1	Uncontested – no supplementary election required
Campbelltown	Hectorville ward councillor	2	7	Contested
Campbelltown	Gorge ward councillor	2	4	Contested

Council	Position	Vacancies	Candidates	Election status
Campbelltown	Newton ward councillor	2	4	Contested
Campbelltown	River ward councillor	2	5	Contested
Campbelltown	Woodforde ward councillor	2	2	Uncontested – no supplementary election required
Ceduna	Mayor	1	2	Contested
Ceduna	Area councillor	8	11	Contested
Charles Sturt	Mayor	1	4	Contested
Charles Sturt	Semaphore Park ward councillor	2	4	Contested
Charles Sturt	Grange ward councillor	2	4	Contested
Charles Sturt	Henley ward councillor	2	3	Contested
Charles Sturt	Woodville ward councillor	2	4	Contested
Charles Sturt	West Woodville ward councillor	2	3	Contested
Charles Sturt	Findon ward councillor	2	4	Contested
Charles Sturt	Hindmarsh ward councillor	2	5	Contested
Charles Sturt	Beverley ward councillor	2	2	Uncontested – no supplementary election required
Clare & Gilbert Valleys	Mayor	1	3	Contested
Clare & Gilbert Valleys	Area councillor	9	10	Contested
Cleve	Area councillor	7	11	Contested
Coorong	Mayor	1	3	Contested
Coorong	Area councillor	7	15	Contested
Copper Coast	Mayor	1	1	Uncontested – no supplementary election required
Copper Coast	Area councillor	9	8	Uncontested – supplementary election required
Elliston	Area councillor	8	11	Contested
Flinders Ranges	Mayor	1	2	Contested
Flinders Ranges	Area councillor	8	8	Uncontested – no supplementary election required
Franklin Harbour	Area councillor	6	9	Contested
Gawler	Mayor	1	4	Contested
Gawler	Area councillor	10	23	Contested
Goyder	Hallett ward councillor	1	3	Contested
Goyder	Burra ward councillor	3	7	Contested
Goyder	Eudunda ward councillor	2	6	Contested

Council	Position	Vacancies	Candidates	Election status
Goyder	Robertstown ward councillor	1	1	Uncontested – no supplementary election required
Grant	Mayor	1	2	Contested
Grant	Central ward councillor	7	10	Contested
Grant	Tarpeena ward councillor	1	2	Contested
Grant	Port MacDonnell ward councillor	1	3	Contested
Holdfast Bay	Mayor	1	2	Contested
Holdfast Bay	Glenelg ward councillor	3	8	Contested
Holdfast Bay	Somerton ward councillor	3	6	Contested
Holdfast Bay	Brighton ward councillor	3	3	Uncontested – no supplementary election required
Holdfast Bay	Seacliff ward councillor	3	5	Contested
Kangaroo Island	Mayor	1	2	Contested
Kangaroo Island	Area councillor	9	11	Contested
Karoonda East Murray	Mayor	1	1	Uncontested – no supplementary election required
Karoonda East Murray	Area councillor	6	11	Contested
Kimba	Area councillor	7	6	Uncontested – supplementary election required
Kingston	Mayor	1	0	Failed – supplementary election required
Kingston	Area councillor	7	9	Contested
Light	Mayor	1	2	Contested
Light	Dutton ward councillor	3	8	Contested
Light	Light ward councillor	3	4	Contested
Light	Mudla Wirra ward councillor	3	4	Contested
Lower Eyre Peninsula	Area councillor	7	8	Contested
Loxton Waikerie	Mayor	1	2	Contested
Loxton Waikerie	Area councillor	10	13	Contested
Marion	Mayor	1	3	Contested
Marion	Mullawirra ward councillor	2	3	Contested
Marion	Woodlands ward councillor	2	9	Contested
Marion	Warracowie ward councillor	2	8	Contested

Council	Position	Vacancies	Candidates	Election status
Marion	Warriparinga ward councillor	2	5	Contested
Marion	Coastal ward councillor	2	6	Contested
Marion	Southern Hills ward councillor	2	4	Contested
Mid Murray	Mayor	1	3	Contested
Mid Murray	Eyre ward councillor	2	4	Contested
Mid Murray	Shearer ward councillor	4	4	Uncontested – no supplementary election required
Mid Murray	Murray ward councillor	2	6	Contested
Mitcham	Mayor	1	3	Contested
Mitcham	Boorman ward councillor	2	4	Contested
Mitcham	Gault ward councillor	2	6	Contested
Mitcham	Overton ward councillor	2	6	Contested
Mitcham	Babbage ward councillor	2	4	Contested
Mitcham	Craigburn ward councillor	2	4	Contested
Mitcham	The Park ward councillor	2	3	Contested
Mount Barker	Mayor	1	2	Contested
Mount Barker	North ward councillor	3	4	Contested
Mount Barker	Central ward councillor	4	5	Contested
Mount Barker	South ward councillor	3	5	Contested
Mount Gambier	Mayor	1	1	Uncontested – no supplementary election required
Mount Gambier	Area councillor	8	18	Contested
Mount Remarkable	Telowie ward councillor	3	3	Uncontested – no supplementary election required
Mount Remarkable	Willochra ward councillor	4	3	Uncontested – supplementary election required
Murray Bridge	Mayor	1	2	Contested
Murray Bridge	Area councillor	9	15	Contested
Naracoorte Lucindale	Mayor	1	2	Contested
Naracoorte Lucindale	Area councillor	10	16	Contested
Northern Areas	Belalie ward councillor	4	5	Contested
Northern Areas	Broughton ward councillor	1	1	Uncontested – no supplementary election required
Northern Areas	Rocky River ward councillor	3	5	Contested

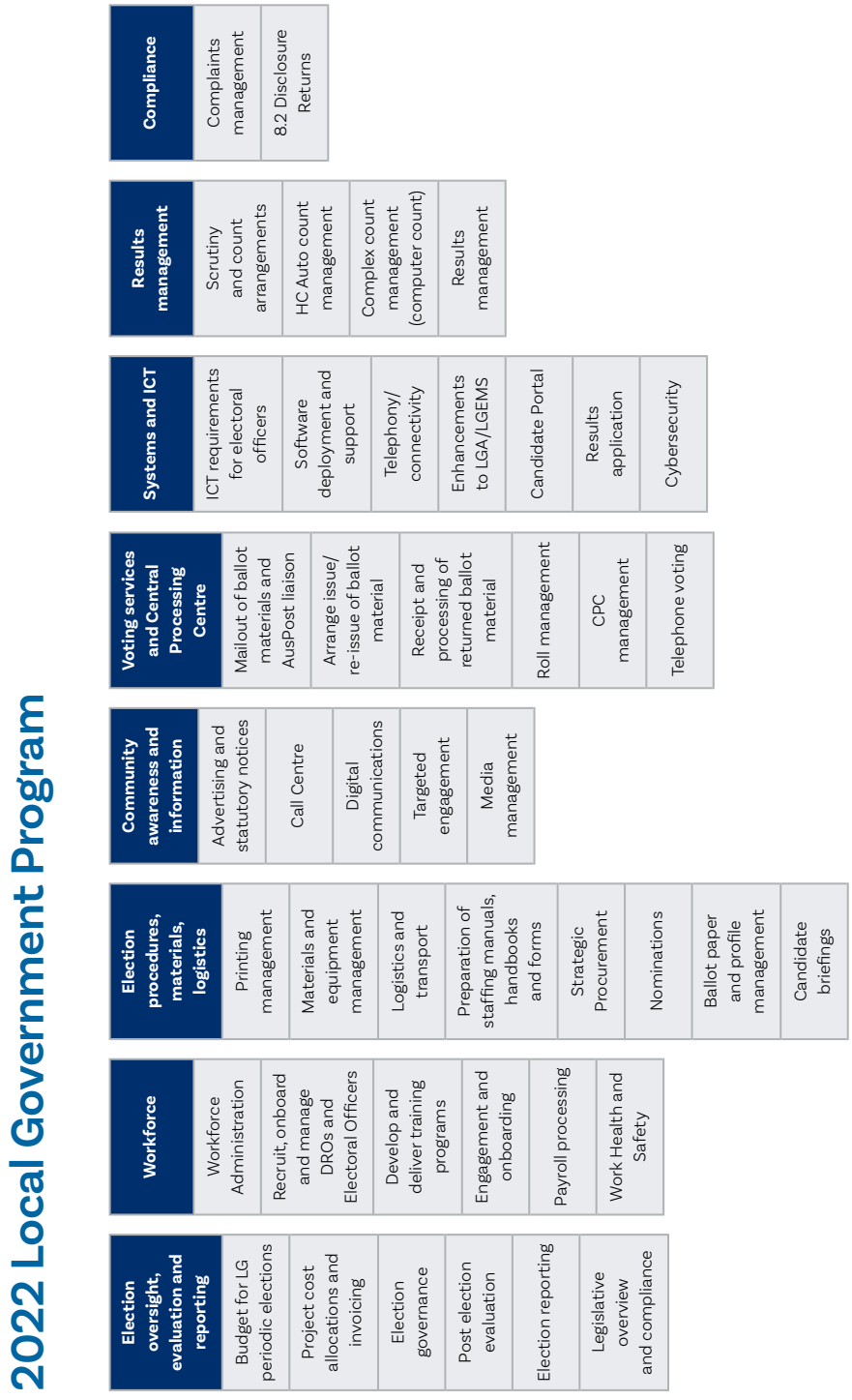
Council	Position	Vacancies	Candidates	Election status
Northern Areas	Yackamoorundie ward councillor	1	1	Uncontested – no supplementary election required
Norwood Payneham & St Peters	Mayor	1	3	Contested
Norwood Payneham & St Peters	St Peters ward councillor	2	6	Contested
Norwood Payneham & St Peters	Torrens ward councillor	2	3	Contested
Norwood Payneham & St Peters	Payneham ward councillor	2	5	Contested
Norwood Payneham & St Peters	Maylands/Trinity ward councillor	3	4	Contested
Norwood Payneham & St Peters	West Norwood/Kent Town ward councillor	2	2	Uncontested – no supplementary election required
Norwood Payneham & St Peters	Kensington/East Norwood ward councillor	2	3	Contested
Onkaparinga	Mayor	1	8	Contested
Onkaparinga	South Coast ward councillor	2	10	Contested
Onkaparinga	Mid Coast ward councillor	2	10	Contested
Onkaparinga	Knox ward councillor	2	8	Contested
Onkaparinga	Pimpala ward councillor	2	7	Contested
Onkaparinga	Thalassa ward councillor	2	6	Contested
Onkaparinga	Southern Vales ward councillor	2	8	Contested
Orroroo Carrieton	Area councillor	6	6	Uncontested – no supplementary election required
Peterborough	Mayor	1	2	Contested
Peterborough	Area councillor	8	10	Contested
Playford	Mayor	1	3	Contested
Playford	Ward 1 councillor	3	11	Contested
Playford	Ward 2 councillor	3	10	Contested
Playford	Ward 3 councillor	3	10	Contested
Playford	Ward 4 councillor	3	12	Contested
Playford	Ward 5 councillor	3	6	Contested
Port Adelaide Enfield	Mayor	1	1	Uncontested – no supplementary election required
Port Adelaide Enfield	Outer Harbor ward councillor	2	6	Contested
Port Adelaide Enfield	Semaphore ward councillor	2	6	Contested

Council	Position	Vacancies	Candidates	Election status
Port Adelaide Enfield	Port Adelaide ward councillor	2	6	Contested
Port Adelaide Enfield	Parks ward councillor	3	6	Contested
Port Adelaide Enfield	Enfield ward councillor	3	4	Contested
Port Adelaide Enfield	Klemzig ward councillor	2	6	Contested
Port Adelaide Enfield	Northfield ward councillor	3	6	Contested
Port Augusta	Mayor	1	2	Contested
Port Augusta	Area councillor	9	13	Contested
Port Lincoln	Mayor	1	2	Contested
Port Lincoln	Area councillor	9	10	Contested
Port Pirie	Mayor	1	1	Uncontested – no supplementary election required
Port Pirie	Area councillor	9	14	Contested
Prospect	Mayor	1	5	Contested
Prospect	North ward councillor	2	6	Contested
Prospect	West ward councillor	2	8	Contested
Prospect	Central ward councillor	2	5	Contested
Prospect	East ward councillor	2	6	Contested
Renmark Paringa	Mayor	1	2	Contested
Renmark Paringa	Area councillor	8	10	Contested
Robe	Mayor	1	0	Failed – supplementary election required
Robe	Area councillor	6	12	Contested
Salisbury	Mayor	1	4	Contested
Salisbury	Central ward councillor	2	5	Contested
Salisbury	East ward councillor	2	3	Contested
Salisbury	South ward councillor	2	5	Contested
Salisbury	Hills ward councillor	2	5	Contested
Salisbury	Para ward councillor	2	8	Contested
Salisbury	North ward councillor	2	4	Contested
Salisbury	West ward councillor	2	6	Contested
Southern Mallee	Area councillor	7	2	Uncontested – supplementary election required
Streaky Bay	Flinders ward councillor	4	4	Uncontested – no supplementary election required
Streaky Bay	Eyre ward councillor	4	3	Uncontested – supplementary election required

Council	Position	Vacancies	Candidates	Election status
Tatiara	Mayor	1	2	Contested
Tatiara	Area councillor	9	13	Contested
Tea Tree Gully	Mayor	1	5	Contested
Tea Tree Gully	Pedare ward councillor	2	5	Contested
Tea Tree Gully	Drumminor ward councillor	2	5	Contested
Tea Tree Gully	Hillcott ward councillor	2	4	Contested
Tea Tree Gully	Balmoral ward councillor	2	8	Contested
Tea Tree Gully	Steventon ward councillor	2	3	Contested
Tea Tree Gully	Water Gully ward councillor	2	4	Contested
Tumby Bay	Mayor	1	1	Uncontested – no supplementary election required
Tumby Bay	Area councillor	6	2	Uncontested – supplementary election required
Unley	Mayor	1	4	Contested
Unley	Unley ward councillor	2	3	Contested
Unley	Parkside ward councillor	2	4	Contested
Unley	Fullarton ward councillor	2	5	Contested
Unley	Goodwood ward councillor	2	7	Contested
Unley	Clarence Park ward councillor	2	3	Contested
Unley	Unley Park ward councillor	2	4	Contested
Victor Harbor	Mayor	1	3	Contested
Victor Harbor	Area councillor	9	19	Contested
Wakefield	Mayor	1	1	Uncontested – no supplementary election required
Wakefield	North ward councillor	3	6	Contested
Wakefield	Central ward councillor	4	6	Contested
Wakefield	South ward councillor	2	2	Uncontested – no supplementary election required
Walkerville	Mayor	1	2	Contested
Walkerville	Area councillor	8	13	Contested
Wattle Range	Mayor	1	1	Uncontested – no supplementary election required
Wattle Range	Kintore ward councillor	2	3	Contested
Wattle Range	Riddoch ward councillor	2	3	Contested

Council	Position	Vacancies	Candidates	Election status
Wattle Range	Corcoran ward councillor	5	6	Contested
Wattle Range	Sorby Adams ward councillor	2	4	Contested
West Torrens	Mayor	1	1	Uncontested – no supplementary election required
West Torrens	Keswick ward councillor	2	6	Contested
West Torrens	Hilton ward councillor	2	4	Contested
West Torrens	Plympton ward councillor	2	5	Contested
West Torrens	Lockleys ward councillor	2	4	Contested
West Torrens	Airport ward councillor	2	6	Contested
West Torrens	Morphett ward councillor	2	2	Uncontested – no supplementary election required
West Torrens	Thebarton ward councillor	2	6	Contested
Whyalla	Mayor	1	2	Contested
Whyalla	Area councillor	9	19	Contested
Wudinna	Area councillor	7	6	Uncontested – supplementary election required
Yankalilla	Field ward councillor	4	6	Contested
Yankalilla	Light ward councillor	5	10	Contested
Yorke Peninsula	Mayor	1	1	Uncontested – no supplementary election required
Yorke Peninsula	Kalkabury ward councillor	4	4	Uncontested – no supplementary election required
Yorke Peninsula	Gum Flat ward councillor	3	4	Contested
Yorke Peninsula	Innes/Penton Vale ward councillor	4	4	Uncontested – no supplementary election required
Total all councils		674	1,256	

9.4 Project management



Notes

Notes

Notes

Electoral Commission SOUTH AUSTRALIA

Level 6 / 60 Light Square, Adelaide SA 5000
GPO Box 646, Adelaide SA 5001
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DEBATE REPORT

7.1 Office of the Mayor and CEO

7.1.1 CEO ANNUAL PERFORMACE REVIEW 2025

Author: Mayor
25/24959

PURPOSE

The CEO Review Committee is responsible for matters that relate to the CEO's employment and performance. This report is for Council to appoint two Elected Member representatives to the Chief Executive Officer Performance Review Committee for the 2025 annual review.

To approve the allocation of budget to enable the Committee to conduct the annual review of the Chief Executive Officer's performance and remuneration as required in accordance with the Contract of Employment and the Section 102, *Local Government Act 1999*.

RECOMMENDATION
That Council:

(1) Appoints Mayor Lange, Deputy Mayor Greatwich and Cr …… and Cr …… to the Chief Executive Officer Performance Review Committee for the conduct of the 2025 process.

(3) Allocate a budget of up to $15,000 for the purpose of executing the Committee Terms of Reference including the external review of the Chief Executive Officers performance and remuneration.

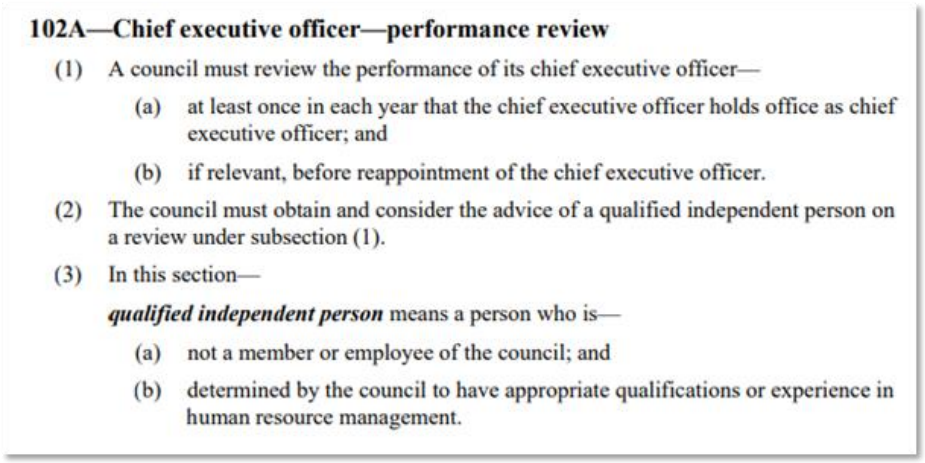
REPORT

Introduction
The *Local Government Act 1999*, along with the Chief Executive Officer's Contract of Employment requires that Council is responsible to review the performance, remuneration and management of the Chief Executive Officer.

Background
The previous three years, Council elected to undertake the review process engaging a relevant external agency to undertake the review, utilising external expertise of a HR management consultancy, as required by the *Local Government Act 1999*.

Discussion
As part of the contract of employment with the CEO, the CEO Performance Review Committee is required to conduct the CEO's performance and remuneration reviews. As per Council resolution CO 2022-26/349, the Terms of Reference have been updated to reflect the number of Elected Members that can be appointed to the Committee and presented to you for endorsement as at Attachment 1.

Changes to *The Local Government Act 1999* require that a Qualified Independent Member be appointed to the Committee. Please see below for definition as per the *Local Government Act 1999,* Section 102A(3) of Qualified Independent Member:



102A—Chief executive officer—performance review

(1) A council must review the performance of its chief executive officer—

(a) at least once in each year that the chief executive officer holds office as chief executive officer; and

(b) if relevant, before reappointment of the chief executive officer.

(2) The council must obtain and consider the advice of a qualified independent person on a review under subsection (1).

(3) In this section—

qualified independent person means a person who is—

(a) not a member or employee of the council; and

(b) determined by the council to have appropriate qualifications or experience in human resource management.

The Committee's Terms of Reference is for the purpose of not only undertaking the CEO Performance Review but formalise the terms of the Committee's operation, and to determine the time and frequency of meetings, prepare and distribution agendas, reports and minutes to facility transparency and accountability of the process and to review and make recommendations to Council.

The Representatives appointed to the Committee are contained within in the Terms of Reference and outlined below:

4 MEMBERSHIP

4.1 Members of the Committee shall be appointed by Council and shall comprise of six (5) Members, unless otherwise agreed with the CEO, as follows:

4.3.1 Mayor;

4.3.2 Deputy Mayor;

4.3.3 Two (2) Elected Members; and

4.3.4 One (1) Qualified Independent Member; (a person who is:

- not an Elected Member or Employee of Council; and
- determined by Council to have appropriate qualifications or experience in human resource management)

At the finalisation of the Committee's review, they will provide Council with a full report of review outcomes, assess and make decisions. As Mayor, I may also provide a summary of the process and performance findings.

If more nominations are received than the number of positions to the Committee, a ballot will be conducted as per Council's Code of Practice for Meeting Procedures.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Nil

Supporting references
Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Corporate Plan

BS10 People and Culture - Support to Managers and employees across the full employee lifecycle, including attraction, recruitment and selection, induction and on-boarding, training and performance development, performance management and offboarding.

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 102, Local Government Act 1999.

RISK MANAGEMENT CONSIDERATIONS

These statements are qualitative in nature and designed to provide an indication of Council's general position when deciding to take or retain risk in pursuit of its objectives.

1. SERVICE DELIVERY

Refers to the delivery of services to the community, which includes the systems and physical assets that enable provision of these services, including structures (such as roads, buildings and facilities) as well as IT infrastructure, plant, vehicles & other equipment.

Nil

2. SUSTAINABILITY & ENVIRONMENT

Relates to measures to preserve, protect and minimise impact on the natural environment, including sacred and indigenous lands, flora, fauna, heritage, water, waste, hazardous materials and pollution.

Nil

3. FINANCIAL

Refers to planning and control of Council's budget to align with the sustainable achievement of the desired outcomes articulated in its Community Plan.

Allocating a budget of up to $15,000 for the purpose of executing the Committee Terms of Reference including the external review of the Chief Executive Officers performance and remuneration to engage a relevant external agency to undertake the review, utilising external expertise of a HR management consultancy.

4. PEOPLE

Relates to recruitment, retention, wellbeing and safety of employees and volunteers and engagement and management of contractors as well as the wellbeing and safety of the community.

The Committee is established for the purpose of reviewing and effectively managing the Chief Executive Officer's performance and conduct, reviewing and providing advice to Council on setting the remuneration and conditions of employment for the Chief Executive Officer; and performing the functions of a selection panel pursuant to Section 98(4) of the Local Government Act 1999.

5. REPUTATION

Relates to policy, decisions, actions and circumstances that may cause Council to lose credibility with the community, ratepayers, key stakeholders, other levels of government and its own employees and contractors.

This decision will ensure Council are meeting requirements under section 102A of the Local Government Act 1999 ensuring a Chief Executive Officer – performance review is undertaken at least once in each year.

COMMUNITY ENGAGEMENT

Not required.

DEBATE REPORT

7.1 Office of the Mayor and CEO

7.1.2 REVISION OF THE LAND DIVISION GUIDELINES

Author: Project Officer - Growth Areas Planning
25/24970

PURPOSE

To seek endorsement of The Standards and Requirements for the Design, Construction and Development of Infrastructure Assets - Guidelines for undertaking Land Division as updated.

RECOMMENDATION

That Council having reviewed the policy settings approve The Standards and Requirements for the Design, Construction and Development of Infrastructure Assets - Guidelines for undertaking Land Division as per Attachment 1 and Appendix 1: Road Cross Sections (Attachment 2).

REPORT

Background
The Land Division Guidelines establish the desired minimum criteria to assist developers and applicants to ensure orderly and economic land supply, facilitating planning and design work and discussions with the council before development applications.

The review process for the purposes of the Concordia development was utilised as an opportunity to ensure the guidelines appropriately reflected Council's future vision for growth in the region. The revision reflects that we will strive to advocate and support a commitment to best practice, quality design and the protection and enhancement of the environmental, landscape, cultural, lifestyle and heritage values of the Barossa region.

Introduction
The Standards and Requirements for the Design, Construction and Development of Infrastructure Assets - Guidelines for undertaking Land Division have been reviewed to reflect current legislated requirements, industry best practice and to drive delivery of council's desired outcomes for future development in the Council area.

Discussion
The Land Division Guidelines (Revision 1.0) were previously endorsed by Council on 18 July 2017. Since the original endorsement, several minor revisions have occurred including incorporation of legislative change through the *Planning, Development & Infrastructure Act 2016* in March 2021 (Revision 2.0) and minor amendments in May 2024 (Revision 3.0).

As per Attachment 1, the revised version constitutes an extensive review of the original guidelines. As such, most sections of the Guidelines have been edited in some regard, along with formatting throughout, with the inclusion of new sections (e.g. Section 12:

Council Land, Appendix 1: Road Cross Sections). For ease of review, the proposed revised guidelines (Attachment 1) can be read in parallel (side by side) with the original version (Attachment 3) on a page-by-page basis.

The review of technical content in each section of the guideline was undertaken by both the Development Services and Infrastructure and Environmental teams as appropriate to ensure alignment across the organisation, with consultant input through Town Founders Pty Ltd.

It is noted that the State Government is investigating the development of standardised infrastructure/engineering guidelines for growth areas in South Australia as part of the Premier's Housing Roadmap. Engineering and Development Staff have been engaged in early initiation discussions as a key stakeholder given the development of Concordia Growth Area, along with members of other growth Councils. However, further progression of the guidelines and timing is still to be clearly articulated to Council. As such, it is considered prudent to review Council guidelines so that these may inform the State Government's activity or be ready for use in the event the State Government guidelines are still in development during pre-lodgement discussions and/or at the time of rezoning.

The reviewed guideline acknowledges and continues to allow for localised specific characteristics across the separate communities of the Council area and provides adequate flexibility for continuation of these elements if desired.

Summary and Conclusion
The Standards and Requirements for the Design, Construction and Development of Infrastructure Assets - Guidelines for undertaking Land Division has been extensively reviewed to align Council with current best practice and prepare for future growth.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1	Revision 4.0 - The Standards and Requirements for the Design, Construction and Development of Infrastructure Assets - Guidelines for undertaking Land Division. ⇩
Attachment 2	Appendix 1 - Road Cross Sections. ⇩
Attachment 3	Revision 3.0 - The Standards and Requirements for the Design, Construction and Development of Infrastructure Assets - Guidelines for undertaking Land Division. ⇩

Supporting references
Link below to Media Release on introduction of statewide Engineering and Design standards announcement.

https://www.premier.sa.gov.au/media-releases/news-archive/single-engineering-standards-to-remove-housing-development-speedbump

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Our places and spaces enhance the liveability, retain rural and regional character and diversity of our communities.

Strategic Outcome

- Our places are planned, managed, and sustainable.

Corporate Plan

CS15 Land Use and Development - Assessment of development applications for construction, alteration or demolition of buildings, and the division of land and changes in land use.

Legislative Requirements
Nil

RISK MANAGEMENT CONSIDERATIONS

These statements are qualitative in nature and designed to provide an indication of Council's general position when deciding to take or retain risk in pursuit of its objectives.

1. SERVICE DELIVERY

Refers to the delivery of services to the community, which includes the systems and physical assets that enable provision of these services, including structures (such as roads, buildings and facilities) as well as IT infrastructure, plant, vehicles & other equipment.

Endorsement of the Land Division Guidelines as written reduces risk related to delivery of future council managed physical assets, including roads and civil infrastructure included in a land division.

2. SUSTAINABILITY & ENVIRONMENT

Relates to measures to preserve, protect and minimise impact on the natural environment, including sacred and indigenous lands, flora, fauna, heritage, water, waste, hazardous materials and pollution.

Endorsement of the Land Division Guidelines as written reduces risk related environmental impacts including stormwater, native vegetation, waste, hazardous materials and pollution which have the potential to occur through a land division.

3. FINANCIAL

Refers to planning and control of Council's budget to align with the sustainable achievement of the desired outcomes articulated in its Community Plan.

Nil

4. PEOPLE

Relates to recruitment, retention, wellbeing and safety of employees and volunteers and engagement and management of contractors as well as the wellbeing and safety of the community.

Nil

5. REPUTATION

Relates to policy, decisions, actions and circumstances that may cause Council to lose credibility with the community, ratepayers, key stakeholders, other levels of government and its own employees and contractors.

Endorsement of the Land Division Guidelines as written reduces risk to Councils reputation through provision of guidelines that meet current industry best practice and improved customer experience through ease of use for stakeholders.

COMMUNITY ENGAGEMENT

Due to the technical nature and legislative requirements contained in the guidelines, it is not deemed prudent to conduct community consultation. The revision covers updates to mandatory requirements.

Once endorsed, it will be updated to reflect the current version on the Council website.

The guidelines will only be applied to applications received after the date of endorsement.


TheBarossaCouncil
Standards and Requirements for the Design, Construction and Development of Infrastructure Assets.
Guidelines for undertaking Land Division.

Document Information

Document	Key Information
Document Title	Standards and requirements for the design, construction and development of infrastructure assets. Guidelines for undertaking land division.
Author	The Barossa Council
Next Review Date	June 2026
Supersedes	All previous fact sheets and guidelines

Revision Register

Revision	Description of Revision	Authorised by	Date
1.0	Issued for use	Council	18 July 2017
2.0	Change of Legislation to Planning, Development & Infrastructure Act 2016	CMT	16 March 2021
3.0	Minor Amendments	N/A	10 May 2024
4.0	Extensive review in alignment with current best practice	Council	xx

DISCLAIMER

All information presented herein is accurate as at time of latest edition. This document is uncontrolled when printed. Please check with The Barossa Council website to ensure this is the current version.

INTRODUCTION

A land division is the division of land into at least two allotments which are held independently of one another or a boundary realignment.

A community title is the division of land into at least two allotments and includes an area of common property (typically a driveway).

There are two types of community title depending on the nature of the scheme:

1. A community scheme

2. A community strata scheme

In South Australia development approval shall be obtained before land may be divided. This approval is required pursuant to the *Planning, Development and Infrastructure Act 2016* and the *Real Property Act 1886* and applies whether a boundary between neighbouring property is shifted, one or more allotments is created, or for large-scale developments of numerous allotments.

A proposal for the division of land is assessed against the provisions of the Planning and Design Code to ensure the orderly and economic supply of land.

PLANNING AND DESIGN CODE

The Planning and Design Code is the single source of planning policy in South Australia. The Planning and Design Code describes the way land should be developed for different areas, the types of development preferred and the policies and standards against which land division proposals are assessed.

The Planning and Design Code guides the construction of roads, public services, open space, layout and dimension of allotments in suitable areas, placement of existing or required easements etc.

Policies cover a range of social, environmental and economic matters including planning, building, heritage and environmental protection. Such policies are set out in terms of word descriptions, zoning maps, diagrams and tables.

This guideline shall be read in conjunction with the Planning and Design Code.

STANDARD REQUIREMENTS

The Planning, *Development and Infrastructure Act 2016* specifies mandatory land division requirements and shall be read in conjunction with this guideline.

This guideline establishes the minimum criteria to be satisfied by the applicant of land divisions within the Council area. It will assist in undertaking preliminary planning and design work and assist to facilitate discussion with Council prior to lodgement of a development application.

The statement of requirements provided in this guideline will form the conditions and requirements of Council with respect to approving a land division. The standards have been prepared to encourage 'best practice' in the development of urban and rural areas within the Council area.

Information required in land division applications includes a plan drawn to a reasonable drafting standard and in the format prescribed by Schedule 8 of the *Planning, Development and Infrastructure (General) Regulations* showing:

- All allotments
- Roads, pavements and reserves
- Open space (12.5% and/or monetary payment)
- Water supply
- Sewage disposal facilities
- Stormwater drainage
- Waste disposal
- Gas, electricity, public lighting and communications
- Easements

Once approved, the applicant shall complete the construction of the above to the reasonable satisfaction of Council and all relevant authorities, covering all associated costs.

PROFESSIONAL ENGINEER

When seeking construction approval from The Barossa Council, a professional engineer shall provide detailed design drawings conforming to drawing standards, calculations and specification for:

- Road layouts, including sub-base course, base course and road sealing,
- Community Wastewater Management Scheme (CWMS), and
- Stormwater drainage systems etc.

The design shall be in accordance with relevant Australian Standards, technical codes of practice, Australian Road Rules and in line with current engineering practice. Noting specifications shall take precedence over construction drawings.

The applicant is to submit an electronic PDF format of all drawings and specifications relating to the land division. The drawings and specifications shall be approved by Council, in writing before any construction commences.

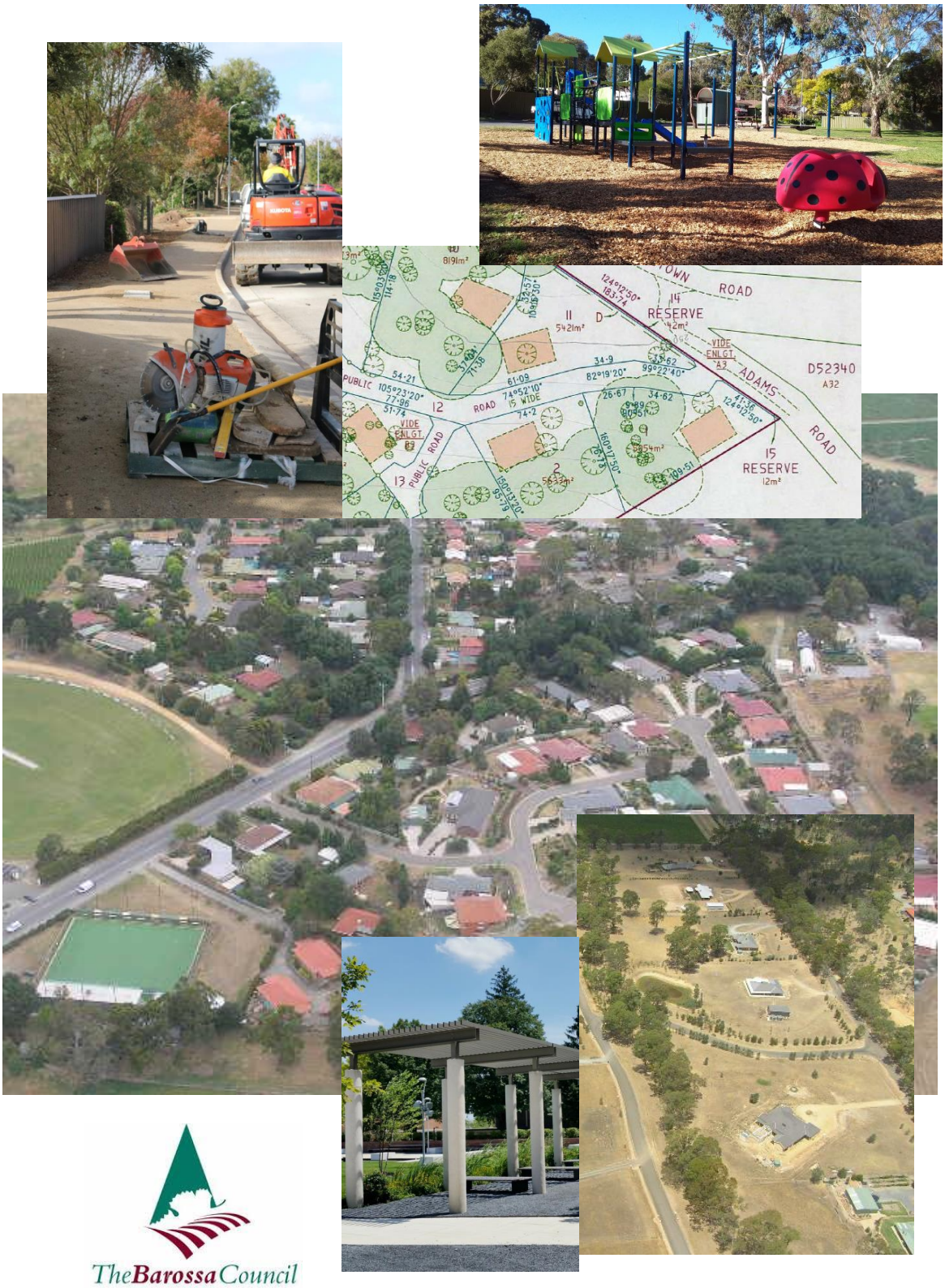
FURTHER ADVICE

The applicant is encouraged to consult with Council's Works and Engineering Services and Development Services teams and other relevant authorities during design preparation.

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RESERVE
ROAD
ADAMS
D52340
A32
PUBLIC ROAD
RESERVE
TheBarossaCouncil

STATEMENT OF REQUIREMENTS

1. LAND DIVISION

1.1 Design

A land division layout should provide a strong and positive identity, responding to:

- Site characteristics
- Setting
- Landmarks
- Views
- Natural (i.e. significant vegetation) and cultural features.

Accordingly, a site analysis plan and/or masterplan should be prepared (for divisions greater than 5 allotments or where appropriate) which details:

- Features and characteristics of the subject site
- Drainage and open spaces
- Contours and geotechnical conditions
- Views and vistas to and from the site
- Surrounding community facilities
- Existing and proposed easements
- Connection with surrounding streets, regional and local pedestrian and cycle path networks

Lot design and layout should provide a mix of lot size and enable a variety of housing types to be developed.

Opportunity for higher densities should be provided in areas close to:

- Services
- Public transport
- Public open space

1.2 Battle-Axe Allotments

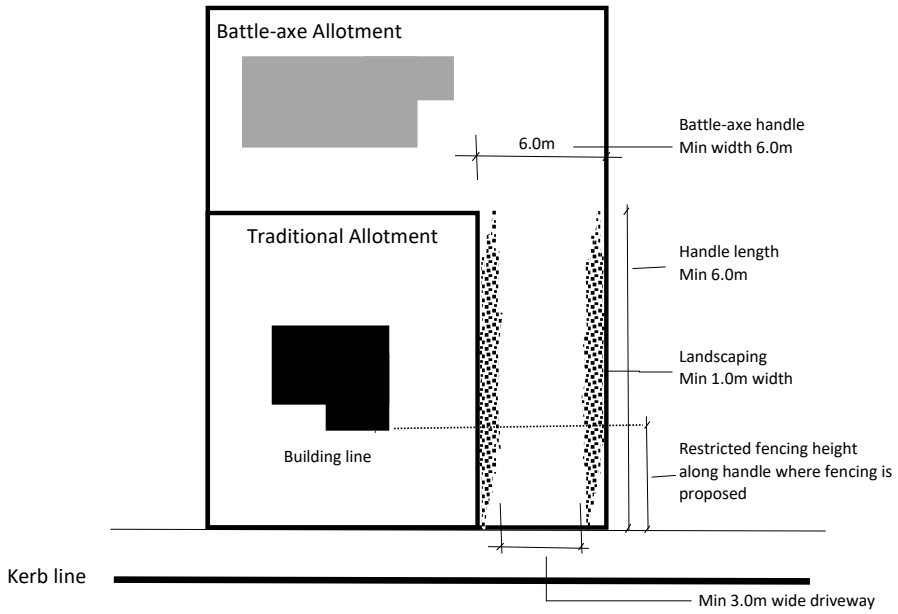
Battle-Axe allotment indicates an allotment that comprises:

- A driveway (and any related open space) that leads back from the road to the balance of the allotment; and
- The balance of the allotment, that is the principal part of the allotment does not have a boundary with the road.

Battle-axe allotments are not permitted in 'greenfield' developments.

The 'handle' of battle-axe/hammerhead allotments should maintain a minimum width of 6.0 metres, which consists of a driveway width of 3.0 to 4.0 metres and 1.0 metre width landscaping strips on both sides of the driveway and extend for a distance of 6.0 metres from the boundary.

An existing dwelling should be set back at least 0.9 metres from the 'handle' driveway/boundary.



2. ROADS AND PAVEMENTS

The provision of a road network within a land division is to be designed to provide:

- Convenient and safe access to all allotments for pedestrians, vehicles and cyclists.
- Safe, logical and hierarchical transport linkages with existing street system.
- Appropriate access for buses, emergency and service vehicles.
- A quality product that minimises maintenance costs.
- A convenient way for public utilities.
- Street landscaping.

- Convenient parking for visitors.

A road hierarchy is essential to maximise road safety, residential amenity and legibility. Each class of road serves a distinct set of functions and is designed accordingly.

The Barossa Council's Road Hierarchy has the following classes of road applied to sealed and unsealed roads:

- Boulevard/distributor road 1 and 2
- Collector road 1 and 2
- Local road for townships and urban areas (also applies to rural areas, noting rural areas will not include a footpath and may be unsealed)
- Laneway

All road cross section configurations are required to be fit for purpose for the expected:

- Road hierarchy;
- Traffic volume/s;
- Density of adjacent development;
- Pedestrian activity.

The road sections are contained in Attachment 1.

Some road cross sections contained in Attachment 1 are specific to Concordia only.

2.1 Road Reserve and Road Width

Minimum road reserve widths are shown in Attachment 1.

Additional minimum road reserve widths include:

- Cul-de-sac ends 25m
- T turnaround ends 14m

Additional road requirements include:

- Cul-de-sac ends (circular) 12.5m radius in bushfire prone areas
  9m radius (at gutter invert) elsewhere
- T turnaround ends 14m leg length (from the T junction)

Refer Appendix 1 for Road Cross Sections, including Concordia.

2.2 Road Design

All roads and intersections shall be designed in accordance with current *Austroads Guide to Road Design* (all Parts). The following requirements shall be noted:

- Adequate vehicle swept path space (bulbing) shall be provided at road on bends to assist traffic movements. Bulbing shall be equally spaced about the road centreline.
- Cul-de-sac and T turnarounds ends are to be designed to enable a large single unit vehicle, e.g. Council waste compactor, to undertake a U turn or three point turn.
- Minimum road grades shall be 0.5% and maximum road grades shall be 15% unless approved by Council.

- All roads shall be crowned.
- One-way crossfall is not permitted.
- Road geometry and pavement design shall provide safe and convenient movement of buses and suitable spatial allowance for the provision of bus stops and associated through-carriageway and roadside parking.
- In local roads, road segments should generally not exceed a length of 200m (ie. between intersections).
- Staggered T-intersections in local roads requires minimum offset of 40 metres (centreline to centreline).
- Indented car parking shall be provided adjacent designated open space reserves.

2.3 Pavement Design

Geotechnical test results shall be provided to the Council's Infrastructure and Environmental Services team with the pavement design and calculations for engineering approval.

All road pavements are to be designed using 95 percentile confidence limits for the ultimate traffic loading and a 40 year design life. Pavements are to be designed in accordance with:

- Austroads '*Guide to Pavement Technology Part 2: Pavement Structural Design*',
- Austroads '*Pavement Design for Light Traffic: A Supplement to Austroads Pavement Design Guide*', and
- Austroads '*Guide to Asset Management Part 5: Pavement Performance*'.

2.4 Road Sealing and Pavements

The pavement of proposed roads shall be extended to join the pavement of adjoining roads, including road connection and/or intersection upgrade in accordance with relevant standards based on anticipated traffic volumes.

All urban road pavements are to be sealed with an AC10, 40mm thick bituminous hot mix wearing course. Heavier pavement treatments on junctions may be required on steeper terrain.

Consideration will be given for sealing rural roads in some areas, with a 14mm / 7mm two coat bituminous spray seal wearing course required.

2.5 Traffic Control Devices

All necessary signs, traffic control devices and pavement markings shall be provided in accordance with *Australian Standard – AS1742 Manual of Uniform Traffic Control Devices.*

All statutory approvals shall be obtained from Department for Infrastructure and Transport (DIT) for traffic control devices.

2.6 Road Verge

- The road verge on both sides of a carriageway shall be a minimum width of 3.5m.
- A 2.5% grade shall be provided towards the top of kerb with 100mm of clean topsoil.
- Batters into allotments are to be no steeper than 1 in 6.

2.7 Kerbs and Gutters

All roads within designated townships shall be provided with kerb and gutter, The following requirements shall be noted:

- 150mm high upright kerb shall be provided adjacent allotments.
- 200mm high upright kerb shall be provided adjacent all reserves and non-residential properties.
- Where an alternative kerb type is regionally predominant, continuation of the existing kerb type may be considered by Council.
- Minimum longitudinal grade for kerb and gutter shall be 0.5%, including at intersections and around bends.
- Kerb outlet sleeves for the disposal of stormwater shall be provided on the lowest side of each allotment that drains to the road.
- Kerb inverts and crossing places shall be provided in upright kerbs for safe and convenient access to allotments where necessary.
- Rural areas require roadside drainage swales.

If any portion of an existing entranceway is to be amended to accommodate a proposed entranceway, it shall be removed and re-instated with kerb and gutter, together with appropriate restoration of the footpath and verge.

2.8 Vehicle Access and Crossover

The applicant shall seek authorisation from Council, pursuant to *Section 221 of the Local Government Act 1999*, to alter a road to permit or facilitate access from an adjacent property. Authorisation is not required if the alteration is approved as part of a development authorisation under the *Planning, Development & Infrastructure Act 2016*.

A vehicle all weather verge crossover is to be provided for each allotment as below:

- Single driveways shall be no greater than 3.5m wide (at property boundary)
- Double driveways shall be no greater than 6m (at property boundary)
- Flaring of up to 0.5m each side of the driveway at the gutter may be permitted dependent on available verge width.

A crossover location shall generally be approved at the property owners preferred position, provided that due regard has been taken to ensure reasonable sight lines and sight distances are maintained at all times for safe vehicle movements (Refer 7.2 Street Trees/Roadside Vegetation).

Crossovers are to be paved from the edge of the water table to the property boundary, at the cost of the applicant. The specific type of surface finish shall be determined by Council. Where the crossover traverses a road side drainage swale an appropriately sized drain is to be constructed in the crossover to provide free and unrestricted flow of stormwater.

All driveway access, car parking and vehicle manoeuvring areas shall comply with *AS/NZS 2890.1 Parking facilities - Part 1: Off-street car parking.*

2.9 Corner Cut-Off

Allotments located at intersections shall provide a 4.5m x 4.5m corner cut-off vested to The Barossa Council to allow adequate road and verge widths. Alternative corner cut-off dimension requirements may apply where obtuse angle road alignments or existing road infrastructure are required to be considered.

All fencing structures or other improvements shall be removed from that portion of land affected by the corner cut off, with all cost borne by the developer.

2.10 Earthworks

All earthworks associated with the development shall be stabilised in accordance with certified engineering design and practises against erosion and failure.

Earthworks shall not encroach across neighbouring property boundaries, reserves or road verges.

When fill or cut at the property boundary exceeds 200mm, a retaining wall with existing ground and proposed wall levels shall be specified.

2.11 Continuous Grade

Allotments being created shall be filled to provide a continuous grade of not less than 0.5% from the back of the allotment to the road reserve boundary.

Maximum allotment grades are subject to assessment and approval by Council.

2.12 Buffer Reserve Strip

A 0.1m wide buffer reserve strip may be required along a secondary boundary of the development, to prevent legal access from existing allotments to the secondary road reserve.

2.13 Easements

All Stormwater and CWMS infrastructure located within private property shall be constructed within an easement vested at the cost of the applicant to the The Barossa Council:

- The easement(s) shall be a minimum width of 3 metres and located to the satisfaction of Council.
- Where shared with both CWMS and stormwater drainage infrastructure the easement shall be a minimum width of 4 metres.
- Wider easements may be required subject to service type and depth.

2.14 Drawings and Specifications

Design drawings and specification shall be provided for separate construction approvals for the following: earthworks, base course, sub-base course, road sealing, etc., for large, staged development.

2.15 Practical Completion

All construction test results shall be provided to Council and approved prior to the Certificate of Practical Completion being issued.

An as constructed survey is to be performed on all infrastructure and services and provided to Council in DWG and PDF format prior to the granting of practical completion, to adequately inform Council's Asset Management data base of all works performed.

Defects Liability Period for the development is desired to be 12 months from written acceptance of Practical Completion of the civil works associated with the development. Council's standard approach is to enter an infrastructure agreement with the developer to outline the obligations of the developer to address defects within the defects liability period.

Council may agree to bonding of the civil works associated with the development following an application in writing from the developer to do so.

Bonding of an amount to Council's satisfaction may be in the form of Bank Guarantee or cash payment, calculated as follows:

- Defects & Omissions and incomplete works, (eg landscaping, fencing, footpath construction etc) calculated as total quoted value of works as agreed by Council, inclusive of GST.
- 12 Month Defect Liability Period, calculated as 10% total contract price (inclusive of GST) less amounts for items already bonded by other authorities.

Bank Guarantees are required to be in favour of The Barossa Council and be open ended (ie no end date).

Such bonding shall be received by Council prior to the development being granted clearance under the Planning, Development and Infrastructure Act.

3. STREET NAMES AND SIGNAGE

Suggested street names of a historical Barossa nature can be supplied to Council and will be considered in accordance with Council's *Property Identification Policy*.

Approved street signs shall be supplied and installed at the cost of the applicant, to indicate the appropriate streets to the reasonable satisfaction of Council.

Street signs shall generally be located 1.85m from back of kerb (to face of pole) or in accordance with: *AS1742.5. Manual of uniform traffic control devices Part 5: Street name and community facility name signs.*

Street signs shall comply with the Australian Standards, be provided with a 200mm pointer blade and be installed prior to the issue of Certificate of Practical Completion.

4. FOOTPATHS

4.1 Footpaths

Footpaths shall be provided on one side of the roadway in Local Roads and on both sides of the roadway in Collector and Boulevard/Distributor Roads, at the cost of the applicant. Footpaths shall be

located adjacent to property boundaries and coordinated to generally be located over common service trenches. Where provided on one side of the roadway only, footpaths shall generally be provided on the side with the least intersections or most allotments. The location of all footpaths is approved by Council's Infrastructure and Environmental Services team.

Footpaths shall be constructed and finished in bitumen or concrete (plain grey, broom finish) to the approved construction standard and requirements of Council. Exposed aggregate footpaths are not permitted. Where an alternative footpath type is regionally predominant, continuation of the existing footpath type may be considered by Council.

Footpaths shall be constructed for a 40 year design life with the following requirements:

- Footpaths shall have a minimum width of 1.5m
- Grade towards the kerb and gutter with a cross-fall not exceeding 2.0%
- Concrete footpaths shall be a minimum thickness of 150mm and include appropriately sized steel reinforcing mesh.
- Footpath base and sub-grade materials shall be designed to suit the prevailing soil properties
- Footpaths shall be constructed to ensure sustained structural integrity during the construction of adjacent dwellings.
- In accordance with *AS1428 - Design for access and mobility*: The applicant is to provide pedestrian pram (wheelchair) ramp access, including tactile ground surface indicators.
- In accordance with *Austroads Guide to Road Design Part 6A: Paths for Walking and Cycling* - Wider footpaths may be required.

All concrete footpaths shall be constructed prior to Certificate of Practical Completion (CPC) being issued.

4.2 Cyclist and Shared Paths

Cycle paths and shared paths shall be designed in accordance with: Austroads *Guide to Road Design Part 6A: Pedestrian and Cyclist Paths* and the DIT publication '*Guide to Bikeway Pavement Design Construction and Maintenance for South Australia'*.

Cycle paths shall be constructed and paved to the satisfaction of Council.

5. CAR PARKING

5.1 Car Parking Space or Area

Each car parking space or area abutting a walkway, footpath, landscaping area, fence or shop frontage shall be provided with a vehicle wheel stop or a 900mm high bollard, prior to the occupation or use of the development.

Parking shall be restricted within cul-de-sacs and T Turnarounds where it may affect the turning manoeuvre.

5.2 Car Parking Construction

All car parking, driveways and vehicle manoeuvring areas shall be constructed and finished in bitumen, or concrete in accordance with approved engineering procedures prior to the occupation or use of the development.

6. SERVICES AND INFRASTRUCTURE

6.1 Underground Services

All services, including communications and electricity, shall be placed underground to the requirements of the relevant service providers.

Services shall be provided in an appropriately located common service trench. The Common Services Trench design shall be coordinated to generally be located adjacent property boundaries, under footpaths.

The designs of all underground services shall provide for the coordinated provision of all required infrastructure, with due regard to future vehicle parking, driveway locations, street trees and footpath requirements.

6.2 Electrical/Lighting

Street lighting is to be provide throughout a land division in urban areas. Consideration to intersection lighting treatments only, may be considered in rural areas.

All street lighting and poles shall be of an approved SA Power Networks standard and installed to Council satisfaction, at the cost of the applicant.

Underground electrical power shall be provided to each allotment in accordance with a design approved by SA Power Networks and Council. The lighting system shall comply with SA Power Networks standards.

Pad mounted transformers and switching cabinets shall not be located in Council reserves. If a Council reserve is demonstrated as the only possible location, they are to be located to the side boundary of the reserve and appropriately screened with landscaping and vegetation to the satisfaction of Council.

6.3 Water Supply

To ensure the provision of an adequate water supply to each created allotment, where required water supply services, shall be installed in accordance with design requirements and relevant standards of SA Water.

6.4 Wastewater Disposal

To ensure the provision of an adequate waste disposal from each created allotment, wastewater disposal services, where required, shall be installed in accordance with design requirements and relevant standards of:

- SA Water
- SA Health

- Water Services Association of Australia
- The Barossa Council

6.5 Communications

To ensure the provision of an adequate supply to each created allotment, where required communication network services, shall be installed in accordance with design requirements and relevant standards of the service provider.

6.6 Damaged Infrastructure

Any portion of Council's infrastructure damaged as a result of work undertaken, on or associated with the development shall be repaired/reinstated to Council's satisfaction at the cost of the applicant.

7. LANDSCAPING AND OPEN SPACE

Public open space contributes to community wellbeing and providing opportunities for relaxation, recreation, social interaction and connection with nature. Council's guiding principles shall be considered when designing and delivering open spaces:

- Accessibility: Accessible to everyone, including those with disabilities, ensuring safe, convenient, and enjoyable experiences for all residents.
- Amenity: Greening and cooling of the urban environment and a spatial setting for housing
- Conservation: Protection, enhancement and integration of natural features and cultural sites
- Recreation: Both active and passive
- Sustainable: Sustainable selection of recycled, composite and natural materials. Sustainable design practices, including water and vegetation.
- Utility: Stormwater management, land uses buffers and land restoration.

Public open space shall be provided in accordance with Council's approved plans, strategies and guidelines, and the requirements of the *Planning Development and Infrastructure Act 2016.*

7.1 Landscaping and Open Space

Council's general design principles shall be considered when planning streetscapes and open spaces. Consideration shall be given to:

- Sustainable future maintenance:
  - Appropriate plant selection for the environment or location
  - Drought tolerant selections, appropriate for the Barossa's changing climate
  - Good quality materials and construction
  - Minimise Council's long term management costs.
- Connection:
  - Integration of streetscapes, parks, reserves to create habitat corridors.
  - Integration of streetscapes, parks, reserves to create pedestrian and cycle network.

- Configuration of open space to complement or enhance existing vegetation.
- New tree planting should reinforce existing regional character

- Risk and safety:
  - Safety of employees maintaining the area
  - Safety of motorists within vicinity of these areas
  - Clear zones appropriate to the speed of vehicles are maintained where landscaping is adjacent to roads.
  - Landscape design shall not present undue risks, including fire risk.
  - Land division design orientation to incorporate frontages to open space, promoting natural surveillance and community ownership
- Irrigation:
  - Design and materials to meet Councils minimum standards,
  - Design to deliver sustainable water usage practices.
  - An appropriately sized water meter shall be provided in reserves at no cost to Council in a location determined by the applicant and approved by Council's Infrastructure and Environmental Services team.
- Environmental:
  - Remove and control noxious and declared weeds and vegetation.
  - Maximise opportunities for water reuse
  - Reducing rate of surface water run-off and improve water quality before leaving the site.
  - Wherever practicable, local indigenous plant species should be used (as recommended by Barossa Bushgardens)

The applicant shall submit a landscaping plan showing detailed landscaping proposals, including:

- Topography and terrain
- Location of plantings
- Plant selections and size
- Existing trees to be retained/removed
- Materials selections

The potential impact upon existing native trees and vegetation shall be indicated on the landscaping plan and shall contain the following information:

- Identification of the species, including botanical name
- Accurate location
- Height, canopy and girth of the trunk
- Native vegetation assessment to be completed by a qualified professional, ensuring compliance with the *Native Vegetation Act and Regulations*.

All landscaping and tree planting proposed as part of a development is to be provided to the complete satisfaction of Council.

Landscaping shall be maintained by the applicant for a minimum period of 12 months from practical completion. Council is open to negotiating extended maintenance periods in agreement with

developers, aligning with the phasing of the development to deliver consistent visual identity throughout. Council's standard approach is to enter an infrastructure agreement with the developer, outlining the maintenance obligations of landscaping during the maintenance period.

7.2 Street Trees/Roadside Vegetation

Street trees are to be provided in front of all properties at the centre of the allotment, allowing for minimum distance of 1.5m from proposed access point. Where the allotment frontage is a minimum of 10 metres, the rate of one tree per allotment applies. Where the allotment frontage is less than 10 metres, cul-de-sac or corners are applicable, tree locations are to be approved by Council.

Street trees are to be planted within the council verge, the spacing of trees should not exceed 20 metres. Access points or service runs shall consider the impact on the health of existing and proposed street trees.

Kerb tree inlets should be prioritised where soil conditions are compatible and road infrastructure is not compromised.

The removal of any roadside vegetation requires approval from Council, having regard to Council's *Roadside Vegetation Management Plan* and is required to comply with the *Native Vegetation Act 1991 and Regulations*.

7.3 Furniture

Park furniture will be approved by Council during the concept plan design stage.

Park furniture shall consider the following:

- Durability
- Sustainable construction materials
- User comfort and accessibility
- Vandalism resistance

7.4 Playgrounds

Playgrounds will be approved by Council during the concept plan design stage.

Playground equipment is required to meet the *Australian Standards for fixed and moveable play equipment (AS 4685:2021)*

7.5 Lighting

Public lighting is required in open spaces under the following conditions:

- Sport and recreation facilities that have provision for night usage
- Large regional open spaces in agreement with council

Council's general design principles shall be considered when planning lighting in open spaces. Consideration shall be given to:

- Lighting paths, structures or features of the open space

- Lighting open spaces that integrate streetscapes, parks, reserves to create pedestrian and cycle networks
- Provision for lighting shall be in accordance with the relevant Australian Standards, including AS1158 Road lighting
- Light poles shall be approved by Council during the concept plan design stage

Energy efficient and solar lighting shall be considered

7.6 Fencing

All allotment boundaries abutting reserves (excluding any 0.1m reserve strip where required) shall be fenced using 1800mm high 'Good Neighbour' Colorbond fencing in "Woodland Grey" unless otherwise approved by Council.

Where allotments are designed to front the reserve, an open style of fencing should be provided and approved by Council.

Ownership of fences and all maintenance costs remain the responsibility of the applicant.

All fencing is to be completed at the cost of the applicant, complying with *The Fencing Act 1975,* to the complete satisfaction of Council.

8. STORMWATER DRAINAGE

The applicant is required to install stormwater infrastructure, costs will vary depending on the scale of infrastructure required for the division proposed and are the responsibility of the applicant.

The stormwater drainage design shall include a stormwater and site management plan with supporting computations compliant with the requirements listed below.

- A detailed drainage design for all of the proposed development, and if necessary due to existing land form, including areas outside the proposed development but within the drainage catchment affecting the development.
- The plan shall include details of existing:
  - Contours
  - Features
  - Stormwater infrastructure
- The plan shall include details of proposed:
  - Site works
  - Levels and grading
  - Stormwater drainage system
  - Detention facility including volumes and discharge controls
  - Building floor levels

- Paving
- Connection to and any required upgrading of the existing external drainage systems.

The stormwater drainage system shall be designed in accordance with the current edition of '*Australian Rainfall and Runoff' (IEA) and AS/NZS 3500.3 - Plumbing and drainage - Part 3: Stormwater drainage* and Council's requirements set out below.

The requirements for stormwater detention are separate to the requirements for stormwater retention.

Stormwater retention systems may be required within the development to maximise on-site reuse via internal plumbing and / or reticulation to gardens and / or soakage systems and as required by current State Government regulations '*South Australian Appendix to the Building Code of Australia*' (BCA) and the '*South Australian Housing Code*' (SAHC).

8.1 Drawings and Site Inspections

The detailed design drawings shall be submitted to the Infrastructure and Environmental Services team for approval prior to any works commencing.

All site construction work shall be carried out under the inspection of a professional engineer in accordance with the approved plans and specifications.

Council shall be notified 24 hours prior to the following:

- Commencement of any work onsite
- Testing of any/all stormwater drainage pipelines and associated infrastructure
- Backfill of any/all stormwater drainage pipelines and associated infrastructure

8.2 Site Discharge

The controlled discharge from the site shall be connected safely to Council's stormwater drainage system. The discharge to council's drainage system or a watercourse shall be consistent with the capacity of the system.

The maximum point discharge to kerb and gutter up to a 10% AEP event shall be 12L/s; 1% AEP event shall be 20L/s.

8.3 Land Division Drainage System

A stormwater management plan shall be based on ultimate development of all allotments. For residential allotments it shall be assumed that 75% of the area of allotments is impervious, unless it is demonstrated that an alternative is appropriate.

All stormwater drainage infrastructure shall function as a gravity system. Pumped systems are not permitted without written Council approval.

The underground system shall provide for runoff generated by a minimum 5% AEP (minor) event with gutter flow widths limited to a maximum of 1.5m.

Overflow paths shall be provided for a 1% AEP (major) event that will prevent stormwater runoff inundating properties. Where an overflow path cannot be achieved for a 1% AEP event or overflow

path discontinuity occurs and property flooding may occur, the underground system shall be designed to a minimum 1% AEP event standard, or appropriate detention/storage is required to be provided.

Stormwater runoff from the site shall not discharge onto any adjacent property or the footpath verge.

Stormwater systems shall be designed to minimise the need for rear allotment connections. Where rear of allotment drainage is unavoidable, an appropriate easement is required to be provided.

- Drainage easement(s) are to be vested free of costs to The Barossa Council.
- The easement(s) shall be a minimum width of 3 metres and located to the satisfaction of Council.
- Where shared with CWMS infrastructure the easement shall be a minimum width of 4 metres.
- Wider easements may be required subject to service type and depth.

8.4 Development Building Levels

Where an allotment grades towards a roadway, driveway levels at the boundary shall be specified at a minimum of 225mm above the adjacent street water table level and floor levels shall be a minimum 300mm above the highest adjacent street water table level.

Where an allotment grades away from a roadway, a continuous barrier shall be specified (including any driveway) along the frontage boundary at a minimum of 300mm above the adjacent water table levels.

8.5 Detention

Any increase in stormwater flows from a development shall be managed on site to minimise the impact on Council's stormwater infrastructure, water courses or other properties.

Stormwater detention systems shall be incorporated within the development to ensure that the peak flow rate discharging from the whole development site post development does not exceed the peak flow rate from the pre-development site. The post development analysis is required to demonstrate that critical storm duration is clearly identified. The outlet restriction system details and hydraulic design computations are required.

Detention basin design shall consider all risks resulting from storms exceeding 1% AEP.

Any stormwater detention basin shall have:

- A flat verge with a minimum width of 4 metres around the edge to facilitate access of maintenance equipment
- Batters with a maximum slope of 1 (vertical) in 6 (horizontal)
- Minimum 300mm freeboard from the maximum water level to the top of bank.

Detention basins shall be seeded and landscaped to Council's satisfaction.

Detention basins shall not incorporate retaining walls, or rocks within mowed areas.

Land used for detention basins, swale drains and overland flow paths shall be designated as 'drainage reserves'.

Post-development peak rate of runoff from the site shall not exceed the pre-development peak rate of runoff from the site or the maximum acceptable discharge to Council's infrastructure, whichever is the lesser. (Refer table below for Pre-development and Post-development design storms).

PROPOSED DEVELOPMENT	**AVERAGE EXCEEDANCE PROBABILITY (AEP) and MAXIMUM DISCHARGE RATES**
• Residential development up to 2 dwellings.	Detention shall be provided to limit the 20% AEP post–development peak discharge to the 20% AEP pre-development peak discharge from the site or the maximum acceptable discharge, whichever is the lesser.
• Residential Development of more than 2 dwellings. • Undeveloped vacant land. • Commercial and industrial development.	Detention shall be provided to limit the 5% AEP post–development peak discharge to the 5% AEP pre-development peak discharge from the site or the maximum acceptable discharge, whichever is the lesser.
HIGH RISK ZONE & DEVELOPMENT • Residential development of more than 2 dwellings. • Undeveloped vacant land. • Commercial and Industrial development.	Detention shall be provided to limit the 1% AEP post-development discharge to the 5% AEP pre-development discharge from the site or the maximum acceptable discharge, whichever is the lesser.

Note:
1. Refer to Council for High Risk Zone and Development assessment
2. Stormwater detention is not required for residential development less than 100m2 roof area.

When open natural land is developed and runoff may impact on natural streams, development or properties downstream the following applies:

- The impervious areas may impact on flood risk in severe storms. This can be mitigated by detention systems to reduce storm peak flows post development to no more than pre-development, for major storms.
- With high frequency rainfall events (say up to 50% AEP/2 year ARI)
  - Natural catchments usually absorb these rainfall events with little or no runoff,
  - With impervious areas runoff occurs from these events,
  - The impact on the downstream water course will be a significant unnatural increase in the frequency and duration of flows downstream,
  - Detention systems alone will not work on reducing these frequent flows,
  - These increases impact particularly on natural stream by being unnaturally frequently wet, affecting grasses, scouring etc,
  - It should be considered to provide a retention/re-use/soakage system (for say a 1 or 2 year storm) to withhold these frequent flows to closely mirror natural runoff characteristics. A more reliable management method is installation of underground stormwater base flow pipe system to convey

the regular stormwater flows to the most appropriate formed watercourse with capacity to accept the regular flows.

- Both detention and retention/base flow infrastructure are necessary to closely mirror pre-development runoff characteristics downstream

8.6 Pollution Control

Stormwater runoff shall be treated to achieve desired water quality levels consistent with current best practice and the Environmental Protection Authority's '*Stormwater Pollution Prevention code of practice for local, state and federal government'*. Council supports Water Sensitive Urban Design (WSUD) initiatives.

Pollution control devices shall be incorporated within commercial and industrial development to provide for the removal of gross pollutants, silt, grease, oil and possible harmful chemical pollutants. This requirement applies during the construction period and also applies to the completed build to protect the downstream drainage systems.

Silt, grease, oil and solid pollutants shall be removed from car parks where the number of parking lots exceeds nine.

8.7 Works External to Site

All required works extending beyond the development boundary is subject to an infrastructure agreement with Council.

8.8 Rear Allotment Drainage and Easements

Stormwater systems shall be designed to minimise the need for rear allotment connections. Where rear of allotment drainage is unavoidable, stormwater infrastructure located within private property shall be included in an easement vested at the cost of the applicant to the The Barossa Council:

- The easement(s) shall be a minimum width of 3 metres and located to the satisfaction of Council.
- Where shared with both CWMS and stormwater drainage infrastructure the easement shall be a minimum width of 4 metres.
- Wider easements may be required subject to service type and depth.

8.9 Discharge to Watercourse

Any direct connection of a stormwater drainage system to a water course shall incorporate scour protection measures and shall not obstruct flows in the water course.

Any discharge to a watercourse shall be consistent with the capacity of the system.

All necessary approvals from the relevant authority shall be sought for discharging into a watercourse.

8.10 Open Drainage Channel

Any required open drainage channel shall be designed so that it does not scour, with a minimum requirement of grass lining.

Batters shall be no greater than 1 on 6 for safety and to facilitate maintenance, i.e. slashing.

8.11 Stormwater Infrastructure

The desirable minimum gradient of stormwater drainage shall be 0.5%. Where this is unachievable, minimum pipe gradients in accordance with *Austroads Guide to Road Design Part 5A: Drainage: Road Surface, Networks, Basins and Subsurface* require Council approval. The following requirements shall be applied:

- Minimum pipe size for road drainage shall be Ø375mm and Rubber Ring Jointed (RRJ).
- Minimum size of reinforced box culverts shall be 300mm (W) x 225mm (H).
- Minimum pipe size for rear of allotment drains shall be Ø225mm (PVC).
- All Side Entry Pits shall be Double Side Entry Pits.
- Deflectors shall be provided on Side Entry Pit aprons where the gutter approach grade is greater than 3%. Deflectors shall not be used for Side Entry Pits located at sag points.
- Generally side entry pit spacing should not exceed 100 metres.
- All underground stormwater drainage in roadways shall be Reinforced Concrete Pipe (RCP) and Rubber Ring Jointed (RRJ). Fibre Reinforced Concrete (FRC) pipes is not permitted.

8.12 Pumped Discharges

Pumped discharges will only be considered where a gravity drainage system cannot be achieved.

The pump station and rising main shall be designed by an appropriately qualified engineer and include the following:

- The capacity of Council's drainage system.
- Detailed design and documentation of the pump station installation and operation, including provision for power failure and back up.
- Details of the operational and maintenance manual for the property owner.

Pumped discharge from individual allotments (where required) shall comply with the following:

- Stormwater shall be collected in a suitably sized pump sump suitably located within the property.
- Detailed design and documentation of the pump station installation and operation, including provision for power failure and back up, including details of the operational and maintenance manual for the property owner.
- The rising main from the pump sump is to discharge to a suitably sized sump located in private property and then discharge by gravity via a 200x100 galvanised steel box drain connected to the street kerb and water table. The finished verge area shall be free of trip hazards and all works shall be completed to Council satisfaction.
- Pumped discharge shall not outfall direct to the kerb and water table.
- The maximum point discharge to kerb and water table subject to capacity of the system:

- Up to a 10% AEP event shall be 12 L/s;
- 1% AEP event shall be 20 L/s

- Ownership and all maintenance of pump/pumping infrastructure will remain the responsibility of the property owner.

8.13 Flood Prone Land

Land within the maximum probable floodplain is considered as flood prone land.

Appropriate development of land between the 1% AEP floodplain and the maximum probable floodplain is permitted but shall comply with current best practice floodplain management, planning and environmental principles.

Land within the 1% AEP floodplain shall be preserved. Land between the 1% AEP and 5% AEP floodplain may be considered by Council for appropriate development. Council may consider the following:

- Floodplain properties within the 1%-5% zone are demonstrated to be of a non-conveyance, storage type hydraulic function, such that the development is not likely to have a significant impact on flood levels, the flood conveyance properties of the water course or flood risk to properties.
- The stormwater management system and major flood paths shall be designed to provide a minimum of 1% AEP protection against inundation of any building or flood intolerant structure.
- The development is safe and environmentally responsible.
- The development complies with current best practice flood plain management principles.
- The development is consistent with Council's policies and / or plans for the location.
- No flow- obstructive development is permitted within the 5% AEP floodplain.
- No flow-obstructive fencing or structure is to be placed across a watercourse.
- Dwellings constructed are to have a minimum floor level 300mm above the adjacent 1% AEP flood level.
- Upon the selection of the dwelling location, further assessment shall be undertaken by an appropriately qualified Engineer to specify the appropriate floor level and check proposed site earthworks.
- A flood management plan shall incorporate safe access from any development during a 1% AEP flood.
- A floodplain management report with supporting analysis shall be provided by an appropriately qualified Engineer. The documents shall cover any proposed development within the flood prone land.

- Refer Council's Flood Mapping data available at The Barossa Council Flood Mapping for known significant flood prone land.

9 COMMUNITY WASTEWATER MANAGEMENT SYSTEMS

Where a Community Wastewater Management System (CWMS) has been determined by Council to be the preferred waste water disposal system, the applicant is responsible for the installation of appropriate CWMS infrastructure required to service all allotments created by the land division.

All proposed new CWMS reticulation designs shall be submitted to Council for approval prior to construction and shall comply with requirements of all regulatory authorities:

- SA Health
- EPA
- Office of the Technical Regulator
- Council

Guidelines for different types of CWMS connections, applicable fees and approval processes are available on the Council website.

All CWMS infrastructure located within private property shall be included in an easement vested to The Barossa Council:

- The easement(s) shall be a minimum width of 3 metres and located to the satisfaction of Council.
- Where shared with stormwater drainage infrastructure the easement shall be a minimum width of 4 metres.
- Wider easements may be required subject to service type and depth.

Site inspections

Council's Infrastructure and Environmental Services team will inspect all drainage works carried out for the division and provide clearance to Planning and Land Use Services once works are given practical completion.

Council should be notified 24 hours prior to the following:

- Commencement of any work on site.
- Backfill of all CWMS pipelines and associated infrastructure
- Testing of all CWMS pipelines and associated infrastructure.

9.1 Augmentation Fee (connection charge)

Where the land division is proposed within an area serviced by Council's CWMS, an augmentation fee will be charged by Council for connection to the CWMS. The charge is based on the need to construct additional treatment infrastructure to cater for the additional wastewater.

The augmentation is paid per dwelling/allotment based on a disposals rate of 490L/day utilising *SA Health: Design Guideline flow rate*.

9.2 Disconnection of Inspection Points

The applicant shall provide for the disconnection of any redundant inspection points on the existing CWMS pipeline to the satisfaction of Council.

9.3 As Constructed Survey

Upon practical completion the contractor shall sufficiently verify design plans by arranging a complete 'As Constructed' survey of the CWMS including all features, not limited to:

- Natural surface levels.
- Any fill levels.

- All inverts.
- Top-stone levels.
- All structures.

The completed detail survey shall be issued to Council in .pdf and .dwg file formats. This survey shall be submitted to Council prior to *Certificate of Practical Completion* (CPC) being issued.

10. ENVIRONMENTAL PROTECTION

10.1 Site Management

The applicant shall submit to Council an environmental management plan for approval that addresses all possible sources of pollution during construction.

The environmental management plan should outline the methodology to:

- Minimise the impacts of noise on the amenity of the surrounding areas
- Minimise the impacts of dust on adjacent areas and the community
- Minimise the spread of sediments generated by construction activities
- Minimise soil disturbance, degradation and erosion
- Minimise the disturbance to existing flora
- Minimise the introduction and/or spread of weed species
- Minimise the potential for spills of oils and other noxious substances
- Minimise waste volume, maximise recycling, reuse and recovery
- Prevent any construction waste/litter entering the environment

10.2 Local Nuisance/Litter Control

All operations shall be conducted to comply with the *Local Nuisance and Litter Control Act 2016 and Regulations*.

For the purposes of the *Local Nuisance and Litter Control Act 2016* , local nuisance includes any adverse effect on an amenity value of an area that unreasonably interferes with or is likely to unreasonably interfere with the enjoyment of the area by persons occupying a place within, or lawfully resorting to, the area, that is caused by:

- Noise
- Odour
- Smoke
- Fumes
- Aerosols
- Dust

Exemption of local nuisance

The applicant may apply to Council for an exemption from causing local nuisance in respect of a specified activity pursuant to the *Local Nuisance and Litter Control Act 2016*. Alternatively, Council may determine that a land division, proposed or current, involves or may involve a significant risk of the release or escape of dust affecting adjoining land; and accordingly may request that an application for exemption pursuant to the *Local Nuisance and Litter Control Act* 2016 be lodged.

An application for an exemption shall be accompanied by:

- A site nuisance management plan
- All information relevant to the application
- The application fee

A site nuisance management plan shall provide:

- An assessment of the potential for local nuisance and the number of residential and commercial premises occupied by persons likely to be affected by the local nuisance (potentially affected persons);
- A map showing:
  - The proposed location of the activity and the likely fixed sources of local nuisance
  - The location of premises occupied by potentially affected persons and the distance of the premises from those sources
- The name and contact details of the responsible person in relation to the activity
- The proposed strategy for minimising, managing and monitoring the effects of the local nuisance on potentially affected persons
- The proposed communication strategy for communicating with potentially affected persons
- A copy of the notice (forming part of the communication strategy) proposed to be given to those persons to notify them of the activity, including the following details:
  - The nature of the proposed activity
  - The start and finish dates for the activity
  - The daily start and finish times for the activity
  - The anticipated sources of local nuisance generated by the activity
  - The proposed measures to be implemented to minimise the local nuisance
  - The name and contact details of the person who may be contacted by potentially affected persons regarding concerns or complaints in relation to the activity
  - Other relevant details required by council
- The proposed communication strategy, including reporting mechanism of the applicant on progress of the activity and the site nuisance management plan and any incidents
- The proposed process for recording details about complaints, including-
  - Contact details for each complainant

- The date and time of the complaint
- A description of the complaint
- The nature of the activity giving rise to the complaint
- Any action taken to address the complaint

10.3 Working Hours

Construction activities on the development site shall only be carried out between the following hours:

- Monday to Saturday: 7am to 7pm
- Sunday/Public Holidays: 9am to 5pm with Council approval

11. COMMUNITY TITLE DEVELOPMENT

11.1 Access

The community access road, internal driveways and all car parking and vehicle manoeuvring areas shall be designed in accordance with *AS2890.1 Parking facilities – Part 1: Off-street car parking*.

The common property intended to be used for roadways or vehicular access to community allotments shall:

- Have a minimum 6.1m width measured from boundary to boundary.
- Extend a minimum 6.0m into the property from the boundary.
- Accommodate a minimum 5.5m width roadway between kerbs.
- Be designed with sufficient on-site manoeuvring area available to enable vehicles to enter and exit in the forward direction.
- Allow for all visitor parking, vehicle turn-around areas and any associated kerbing, to be wholly located on common property.

12. COUNCIL LAND

Permanent structures and buildings are not generally permitted to be constructed on public land.

Any proposed development on public land shall be submitted to Council for approval prior to construction and shall comply with requirements of all regulatory authorities.

12.1 Entry statements

Entry statements for land divisions are not to be constructed on Council land unless approved by Council.

12.2 Electric Vehicle (EV) charging

Provision for electric vehicle charging is encouraged in public accessible areas, including activity centre

car parks, regional/ district size sport and recreation facilities.

All EV charging equipment designated for public use shall comply with *AS/NZS 3820 - Essential Safety Requirements for Electrical Equipment*

A license to occupy is required for facilities under *Local Government Act 1999.*

12.3 Verandas over footpaths

Commercial buildings are permitted to include designs with verandas or balconies constructed over Council footpaths, subject to permit approval under *Section 221 of the Local Government Act 1999.*

Checklist

PAVEMENT DESIGN

- ☐ Design and calculations
- ☐ Geotechnical test results
- ☐ Drawings and specification for construction approval:
  - earthworks
  - base course
  - sub-base course
  - road sealing

STREET NAMES

- ☐ Proposed street names

LANDSCAPING/RESERVES

- ☐ Landscaping plan
- ☐ Park furniture plan

STORMWATER DRAINAGE

- ☐ Stormwater/site management plan
- ☐ Floodplain management report

COMMUNITY WASTEWASTER MANAGEMENT SYSTEM

- ☐ Design drawings and specifications
- ☐ Detailed 'as constructed' survey

ENVIRONMENTAL PROTECTION

- ☐ Environmental management plan
- ☐ Site nuisance management plan

OTHER

- ☐ Building envelope plan
- ☐ Site layout plan
- ☐ Infrastructure agreement
- ☐ Application for construction or modification on Council property

Reference Material

Australian Road Rules 1999

Australian Standard - AS1158 - Road lighting.

Australian Standard - AS1428 - Design for access and mobility.

Australian Standard - AS1742 Manual of Uniform Traffic Control Devices.

Australian/New Zealand Standard - AS/NZS 2890.1Parking facilities - Part 1: Off-street car parking.

Australian/New Zealand Standard - AS/NZS 3500.3 Plumbing and drainage - Stormwater drainage.

Australian Standard – AS4685:2021 - Fixed and moveable play equipment

Austroads 'Guide to Asset Management Part 5: Pavement Performance'.

Austroads 'Guide to Pavement Technology Part 2: Pavement Structural Design'

Austroads 'Guide to Road Design Part 6A: Pedestrian and Cyclist Paths'

Austroads 'Pavement Design for Light Traffic: A Supplement to Austroads *Pavement Design Guide',*

Department for Infrastructure and Transport - Guide to Bikeway Pavement Design, Construction and Maintenance for South Australia

Department for Infrastructure and Transport – Master Specifications for Roads and Structures

Environmental Protection Authority - Stormwater Pollution Prevention: code of practice for local, state and federal government

Government of South Australia Guide *for Applicants - Land Division Guide*.

SA Health/ Local Government Association of SA - Septic Tank Effluent Drainage Scheme Design Criteria

South Australian Appendix to the Building Code of Australia (BCA)

South Australian Fencing Act 1975

South Australian Housing Code (SAHC)

South Australian Local Nuisance and Litter Control Act 2016

South Australian Native Vegetation Act 1991 and Regulations

South Australian Planning, Development and Infrastructure Act 2016

South Australian Real Property Act 1886

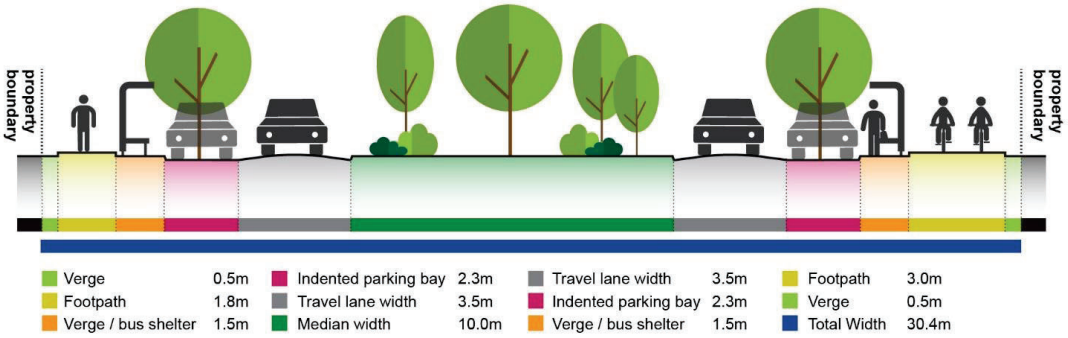
The Barossa Council - Property Identification Policy

The Barossa Council - Roadside Vegetation Management Plan

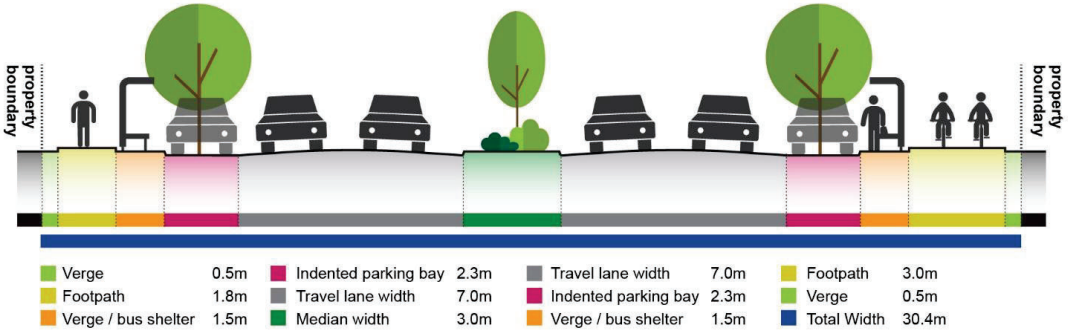
The Barossa Council - Stormwater Drainage Guidelines

Appendix 1

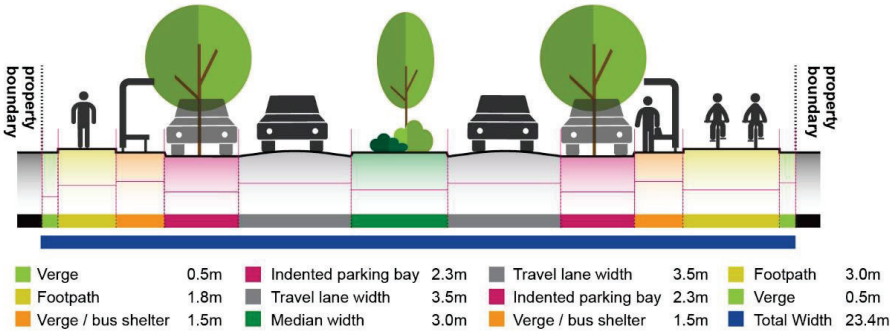
North- South Boulevard – Stage 1



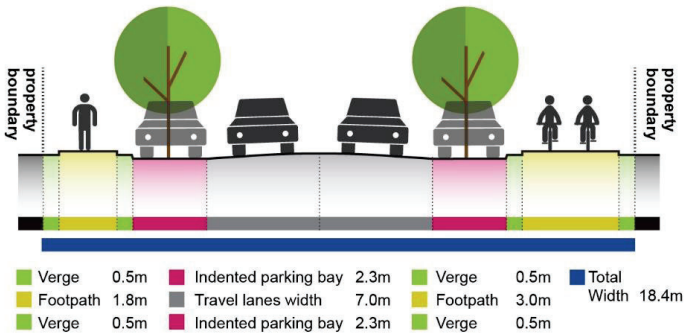
North- South Boulevard – Stage 2



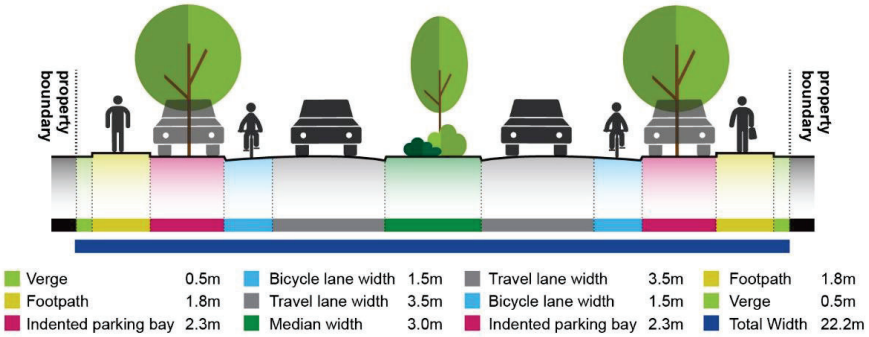
Collector Road (Infrastructure Scheme road)



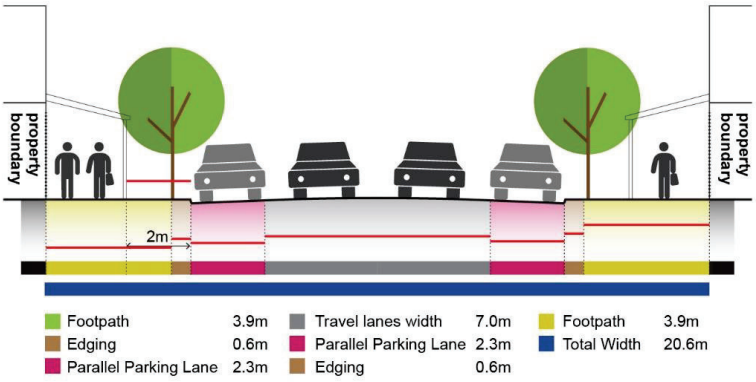
Collector Road (not in Scheme)



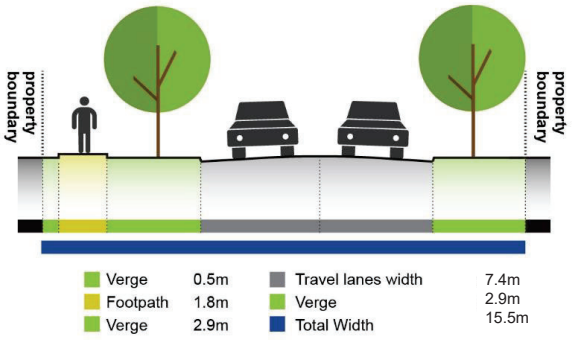
Collector Road (not for buses)



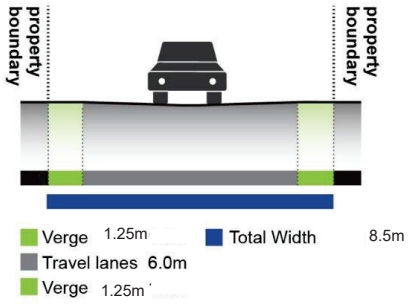
Main Street



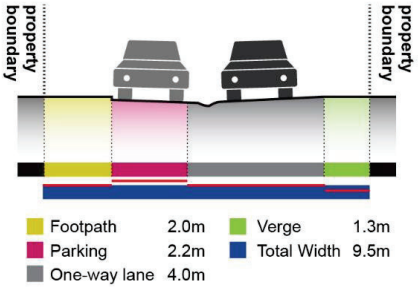
Local Road



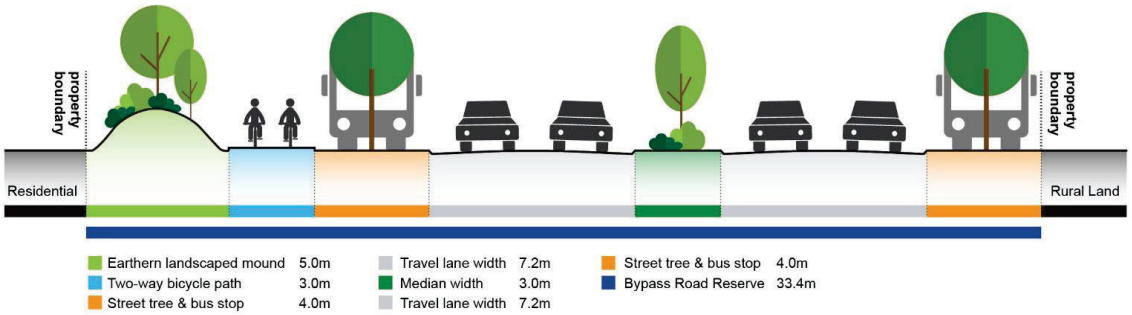
Rear Lane (residential)



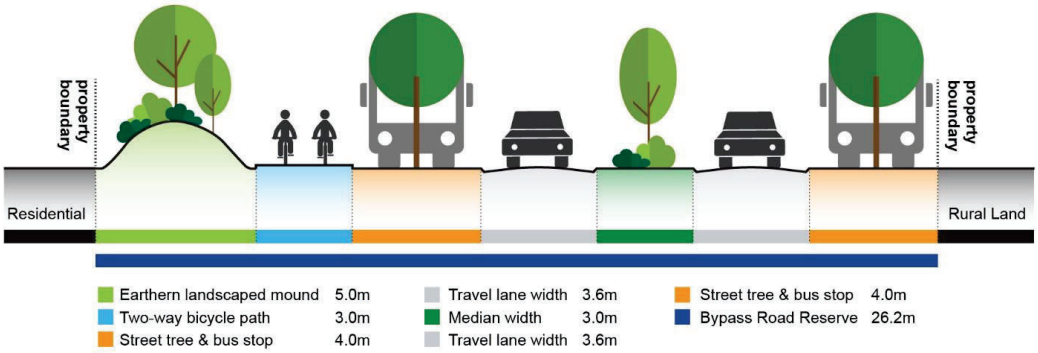
Lane (commercial – one way)



Link Road (Dual Lane)



Link Road (Single lane)




TheBarossaCouncil
Standards and Requirements for the Design, Construction and Development of Infrastructure Assets
Guidelines for undertaking Land Division

Document Information

Document	Key Information
Document Title	Standards and Requirements for the Design, Construction and Development of Infrastructure Assets . Guidelines for undertaking Land Division
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Supersedes	All previous fact sheets and guidelines

Revision Register

Revision	Description of Revision	Authorised by	Date
1.0	Issued for use	Council	18 July 2017
2.0	Change of Legislation to Planning, Development & Infrastructure Act 2016	CMT	16 March 2021
3.0	Minor Amendments		10 May 2024

DISCLAIMER

All information presented herein is accurate as of 16 March 2021. This Document is uncontrolled when printed. Please check with The Barossa Council website to ensure this is the current version.

INTRODUCTION

A Land Division is the division of land into at least two allotments which are held independently of one another or a boundary realignment. A Community Title is also the division of land into at least two lots and includes an area of common property (typically a driveway).

There are two types of Community Titles depending on the nature of the scheme:

1. A community scheme

2. A community strata scheme

In South Australia development approval must be obtained before land may be divided. This approval is required pursuant to the *Planning, Development and Infrastructure Act 2016* and the *Real Property Act 1886* and applies whether a boundary between neighbours is shifted, one or more allotments is created, or for large-scale developments of numerous allotments.

A proposal for the division of land is assessed against the provisions of the Planning and Design Code to ensure the orderly and economic supply of land.

PLANNING AND DESIGN CODE

The Planning and Design Code is a statutory document which sets out the planning policies for the state. The Planning and Design Code describes the way land should be developed for different parts of the area, the types of development preferred and the policies and standards against which land division proposals will be assessed.

The Planning and Design Code guides the construction of roads, public services, adequate open space, layout and dimension of allotments in suitable areas, placement of existing or required easements etc.

Policies cover a range of social, environmental and economic matters including planning, building, heritage and environmental protection. Such policies are set out in terms of word descriptions, zoning maps, diagrams and tables.

STANDARD REQUIREMENTS

The *Development and Infrastructure Act 2016* specify several mandatory land division requirements. e.g. Regulation 81 regarding width of road and thoroughfares.

A developer/applicant shall provide for the construction, to the reasonable satisfaction of Council and all relevant authorities, of all necessary services and infrastructure including but not necessarily limited to:

- roads and pavements
- open space (12.5% and/or monetary payment)
- stormwater drainage
- waste disposal
- water, gas, electricity, public lighting and communications.

All associated costs shall be borne by the developer.

The purpose of the guideline is to establish minimum criteria that is to be satisfied by developers/applicants of land divisions within the Council area. It will assist developers to undertake preliminary planning and design work and facilitate discussion with Council prior to lodgement of a Development Application.

The statement of requirements provided in this guideline will form the conditions and requirements of Council with respect to approving a land division.

This guideline must be read in conjunction with the Planning and Design Code.

These Standards have been prepared with the aim of encouraging 'best practice' in the development of urban and rural areas within Council.

Information required for land division applications, includes a plan showing all allotments, roads and reserves, an open space contribution and/or financial contribution, water supply, sewage disposal facilities and easements. The plan of division required for planning approval must be drawn to a reasonable drafting standard and in the format prescribed by Schedule 8 of the Planning, Development and Infrastructure (General) Regulations 2017.

Professional Engineer

When seeking construction approval from The Barossa Council, a Professional Engineer shall provide detailed design drawings, calculations and specification for:

- Road layouts, including sub-base course, base course and road sealing,
- Community Wastewater Management Scheme (CWMS), and
- Stormwater drainage systems etc.

The design shall generally be in accordance with relevant Australian Standards, technical codes of practice, Australian Road Rules and in line with current engineering practice.

All documentation will conform to drawing standards.

The developer/applicant is to submit an electronic PDF and DWG format of all drawings and specifications relating to the land division.

The drawings and specifications for such works shall be approved by Council, in writing before any construction work commences.

Specifications shall take precedence over construction drawings.

Further Advice

Developers/applicants are encouraged to consult with Council's Works and Engineering Services and Development and Environmental Services departments and any other relevant authorities prior to or during the preparation of design.

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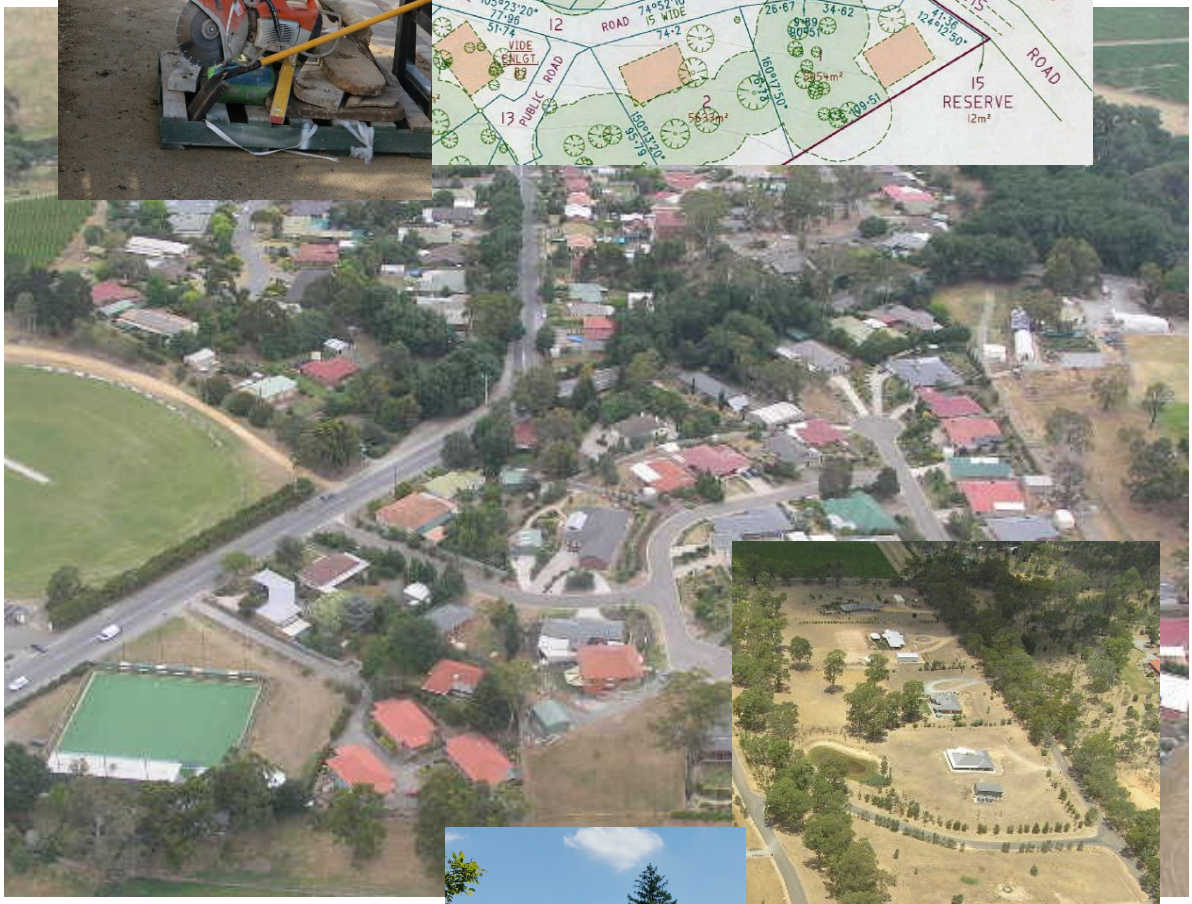
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STATEMENT OF REQUIREMENTS

1. LAND DIVISION

1.1. Design

A land division layout should provide a strong and positive identify, responding to:

- site characteristics
- setting
- landmarks
- views
- natural (i.e. significant vegetation) and cultural features.

Accordingly, a site analysis plan and/or masterplan should be prepared (for divisions greater than 5 allotments or where appropriate) which details:

- features and characteristics of the subject site
- drainage and open spaces
- contours and geotechnical conditions
- views and vistas to and from the site
- surrounding community facilities
- existing and proposed easments
- connection with surrounding streets, regional and local pedestrian and cycle path networks.

Lot design and layout should provide a mix of lot size and enable a variety of housing types to be developed.

Opportunity for higher densities should be provided in areas close to:

- services
- public transport
- public open space.

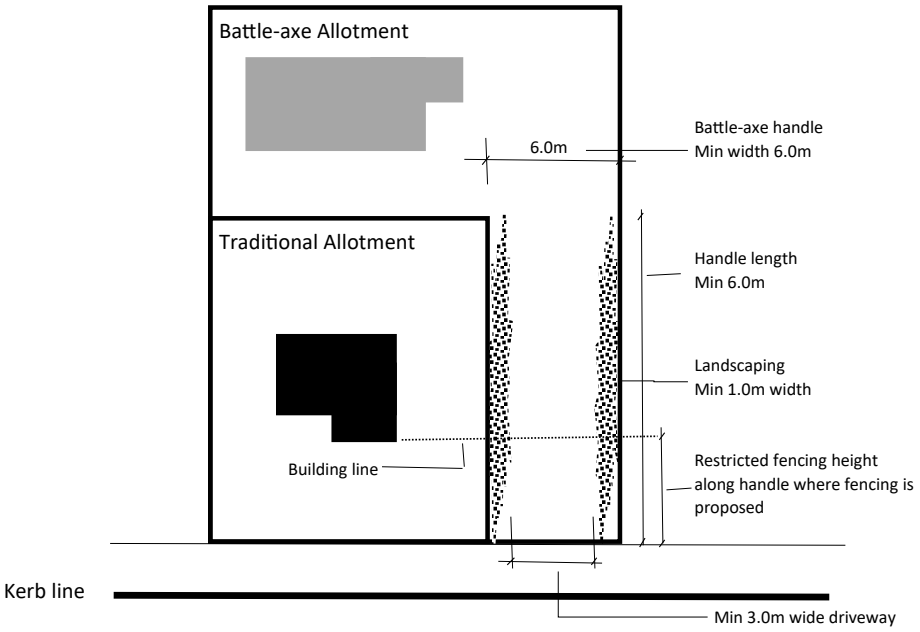
1.2. Battle-Axe Allotments

Battle-Axe allotment means an allotment or site that comprises:

- a driveway (and any related open space) that leads back from the road to the balance of the allotment or site; and
- a balance of the allotment or site that is the principal part of the allotment or site that does not have a boundary with the road.

The 'handle' of battle-axe/hammerhead allotments should maintain a minimum width of 6.0 metres, which consists of a driveway width of 3.0 to 4.0 metres and 1.0 metre width landscaping strips on both sides of the driveway and extend for a distance of 6.0 metres from the boundary.

An existing dwelling should be set back at least 0.9 metres from the 'handle' driveway/ boundary.



2. ROADS AND PAVEMENTS

The provision of a road network within a land division is to be designed so as to provide:

- convenient and safe access to all allotments for pedestrians, vehicles and cyclists
- safe, logical and hierarchical transport linkages with existing street system
- appropriate access for buses, emergency and service vehicles
- a quality product that minimises maintenance costs
- a convenient way for public utilities
- street landscaping
- convenient parking for visitors.

The Barossa Council's Road Hierarchy has the following classes of road applied to sealed and unsealed roads:

- Collector Roads
- Local Roads (Urban and Rural)

A Road Hierarchy is essential to maximise road safety, residential amenity and legibility. Each class of road serves a distinct set of functions and is designed accordingly.

2.1. Road Reserve and Road Width

The following minimum road reserve widths shall apply

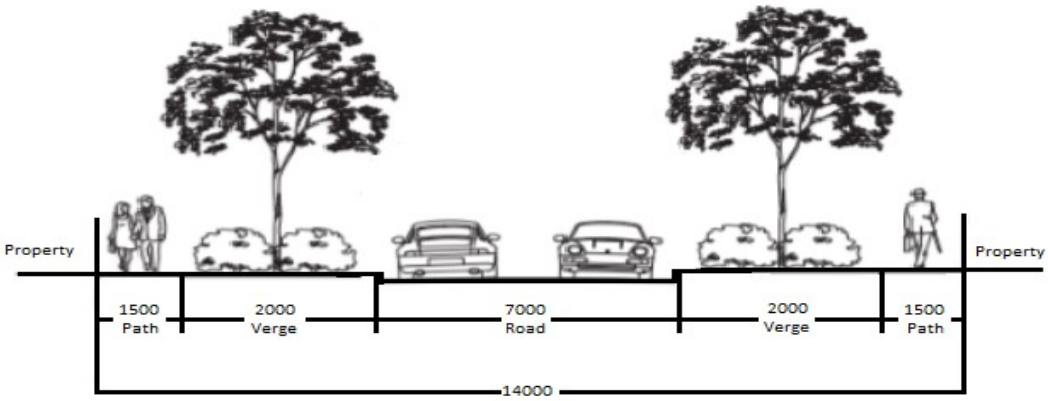
Collector Road	15 metres
Local Road	14 metres
Cul-de-sac Ends	25 metres
T Turnaround Ends	14 metres

Adequate vehicle swept path space (bulbing) shall be provided at road on bends to assist traffic movements. Bulbing shall be equally spaced about the road centreline.

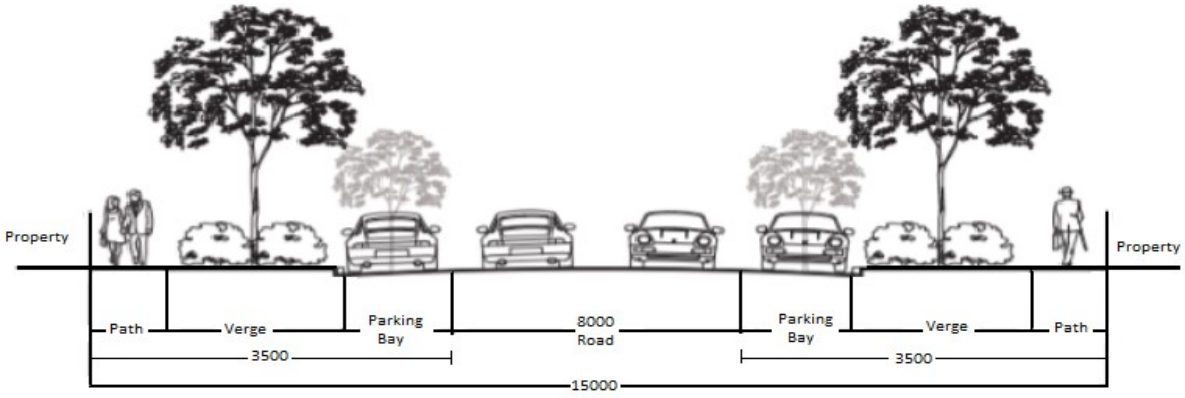
The following minimum road carriageway widths shall apply

Collector Road	8 metres
Local Road	7 metres
Cul-de-sac Ends (circular)	9 metres radius (at gutter invert)
T Turnaround Ends	14 metres leg length (from the T junction)

All cul-de-sac and T Turnarounds ends are to be designed to enable a large single unit vehicle, e.g. Council waste compactor, to undertake a U turn or three point turn.



Typical Local Road



Typical Collector Road

2.2. Road Grades

Minimum road grades shall be 0.5% and maximum road grades shall be 15% unless approved otherwise.

2.3. Pavement Design

Geotechnical test results shall be provided to the Council's Works and Engineering Services department with the pavement design and calculations for engineering approval with the engineering documentation.

2.4. Road Sealing and Pavements

All Urban road pavements are to be sealed with an AC10, 30mm thick Bituminous Hot mix wearing course.

Consideration will be given for rural roads in some areas to be sealed with a 14mm / 7mm two coat bituminous spray seal wearing course.

All road pavements are to be designed using 95 percentile confidence limits for the ultimate traffic loading and a 20 year design life, pavements are to be designed based on:

- Austroads '*Guide to Pavement Technology Part 2: Pavement Structural Design*',
- Austroads '*Pavement Design for Light Traffic: A Supplement to Austroads Pavement Design Guide*', and
- Austroads '*Guide to Asset Management Part 5: Pavement Performance*'.

2.5. Road Pavement to Extend to Existing

The pavement of proposed roads shall be extended to and join the pavements of adjoining streets and roads.

2.6. Traffic Control Devices

All necessary signs, traffic control devices and pavement markings shall be provided in accordance with Australian Standard – AS1742 *Manual of Uniform Traffic Control Devices*.

All required statutory approvals shall be obtained from Department of Planning, Transport and Infrastructure (DPTI) for traffic control devices.

2.7. Road Verge

The road verge on both sides of a carriageway shall be a minimum width of 3.5 metres.

A 2.5% grade is to be provided towards the top of kerb with 100mm of clean topsoil.

Batters into allotments are to be no steeper than 1 in 6.

2.8. Kerbs and Gutters

All roads within designated townships shall be provided with kerb and gutter. Rural areas will instead require road side drainage swales. Semi-mountable or 150mm high upright kerb shall be provided adjacent allotments.

200mm high upright kerb shall be provided adjacent all reserves and non-residential properties.

Minimum longitudinal grade for kerb and gutter shall be 0.5% unless approved otherwise.

Kerb outlet sleeves for the disposal of stormwater shall be provided for each allotment that drains to the road.

Kerb inverts and crossing places shall be provided in upright kerbs for safe and convenient access to allotments where necessary.

If any portion of an existing entranceway is to be amended to accommodate a proposed entranceway, it shall be removed and re-instated with kerb and gutter, together with appropriate restoration of the footpath and verge.

For kerb and gutter, and barrier kerb detail refer to council standards in **Appendix 1**.

2.9. Vehicle Access and Crossover

A Developer/Applicant must seek authorisation from Council, pursuant to Section 221 of the Local Government Act, to alter a road to permit or facilitate access from an adjacent property. Such authorisation is not required if the alteration is approved as part of a development authorisation under the Planning, Development & Infrastructure Act 2016.

A single/double vehicle all weather verge crossover is to be provided for each allotment.

A crossover shall generally be located at the property owners preferred position, provided that due regard has been taken to ensure reasonable sight lines and sight distances are maintained at all times for safe vehicle movements (**Refer 7.2 Street Trees/Roadside Vegetation**).

Crossovers are to be paved from the edge of the water table to the property boundary. (All costs to be borne by the developer).

Where the crossover traverses a road side drainage swale an appropriately sized drain in the crossover is to be constructed to provide for free and unrestricted flow of stormwater

All driveway access shall comply with AS/NZS 2890.1:2004. *Parking facilities - Part 1: Off-street car parking.*

2.10. Corner Cut-Off

Properties located at intersections shall provide a 4.5m x 4.5m corner cut-off vested to The Barossa Council to allow adequate road and verge widths. Other corner cut-off dimension requirements may apply where obtuse angle road alignments or existing road infrastructure are to be considered.

All fencing structures or other improvements shall be removed from that portion of land affected by the corner cut off, with all cost borne by the developer.

2.11. Earthworks

All earthworks associated with the development shall be stabilised in accordance with certified engineering design and practises against erosion and failure.

Earthworks must not encroach across neighbouring property boundaries, reserves or road verges.

When fill or cut at the property boundary exceeds 200mm, a retaining wall with existing ground and proposed wall levels shall be specified.

2.12. Continuous Grade

Allotments being created shall be filled to provide a continuous grade of not less than 0.5% from the back of the allotment to the road reserve boundary where necessary.

2.13. Buffer Reserve Strip

A 0.1m wide buffer reserve strip may be required along a secondary boundary of the development, to prevent legal access from existing allotments to the secondary road reserve.

2.14. Easements

Any necessary easement(s) for drainage purposes are to be vested free of costs to The Barossa Council.

The easement(s) shall be a minimum width of 3 metres and be appropriately located to the satisfaction of Council.

2.15. Drawings and Specifications

Design drawings and specification shall be provided for separate construction approvals for the following: earthworks, base course, sub-base course, road sealing, etc., for large staged development.

2.16. Practical Completion

All construction test results shall be provided to Council and approved prior to the Certificate of Practical Completion being issued

An as constructed survey is to be performed on all infrastructure and services and provided to Council in DWG and PDF format to adequately inform Council's Asset Management data base of all works performed.

Defects Liability Period for the development shall be 12 months from written acceptance of Practical Completion of the civil works associated with the development.

Council may agree to bonding of the civil works associated with the development following an application in writing from the developer to do so.

Bonding of an amount to Council's satisfaction may be in the form of Bank Guarantee or cash payment, calculated as follows:

- 12 Month Defect Liability Period, calculated as 10% total contract price (inclusive of GST) less amounts for items already bonded by other authorities.
- Incomplete works, (eg landscaping, fencing, footpath construction etc) calculated as total value of works, inclusive of GST.

Bank Guarantees are required to be in favour of The Barossa Council and be open ended (ie no end date).

Such bonding shall be received by Council prior to the development being granted clearance under the *Planning, Development and Infrastructure Act*.

3. STREET NAMES AND SIGNS

Suggested street names of a historical/Barossa nature can be supplied to Council, and will be considered in accordance with Council's *Property Identification Policy*.

Street signs shall be supplied (from an approved supplier) and erected so as to indicate the appropriate streets to the reasonable satisfaction of Council.

Street signs shall generally be located 1.85m from back of kerb (to face of pole) or as detailed in AS1742.5. All costs to be borne by the Developer.

Street signs shall comply with the Australian Standards and be provided with a 200mm pointer blade and shall be installed prior to the issue of Certificate of Practical Completion.

4. FOOTPATHS

4.1. Footpaths

Footpaths shall be provided on one side adjacent to the roadway in all 'Local Residential' streets, and on both sides of all 'Collector' roads with all costs borne by the Developer/ Applicant.

The location of footpaths shall generally be determined by the Developer/Applicant and approved by Council's Works and Engineering Services department.

Concrete block paved footpaths shall be a minimum width of 1.5m (unless noted otherwise) and grade towards the kerb and gutter with a cross-fall not exceeding 2.0%.

All footpaths shall be constructed at a point in time when most of housing development in the land division has been completed to avoid dilapidation by construction traffic.

The Developer/Applicant is to provide pedestrian pram (wheelchair) ramp accesses, including tactile ground surface indicators, in accordance with Australian Standard - *AS1428 - Design for access and mobility*.

Footpaths shall be constructed and finished in bitumen, concrete or blockwork to the approved construction standard and satisfaction of Council.

4.2. Cyclist and Shared Paths

Cycle paths and shared paths shall be designed in accordance with Austroads *Guide to Road Design Part 6A: Pedestrian and Cyclist Paths* and the DPTI publication '*Guide to Bikeway Pavement Design Construction and Maintenance for South Australia*'.

Cycle paths shall be constructed and paved to the satisfaction of Council.

5. CAR PARKING

5.1. Car Parking Space or Area

Each car parking space or area abutting a walkway, footpath, landscaping area, fence or shop frontage shall be provided with a vehicle wheel stop or a 900mm high bollard, prior to the occupation or use of the development.

Parking shall be restricted within cul-de-sacs and T Turnarounds where it may affect the turning manoeuvre.

5.2. Car Parking Construction

All car parking, driveways and vehicle manoeuvring areas shall be constructed and finished in bitumen, brick paving or concrete in accordance with approved engineering procedures prior to the occupation or use of the development.

6. SERVICES AND INFRASTRUCTURE

6.1. Underground Services

All services, including communications and electricity, shall be placed underground to the requirements of the relevant service providers.

Where appropriate services should be provided in a common service trench located as recommended in the Local Government Association of South Australia publication '*Services in Streets – A Code for the Placement of Infrastructure Services in New and Existing Streets*'.

6.2. Electrical/Lighting

Street lighting is to be provide throughout a land division in urban environments. Consideration to intersection lighting treatments only may be considered in rural environments.

All street lights and poles shall be of an approved standard SA Power Networks type to Council satisfaction.

Underground electrical power shall be provided to each allotment in accordance with a design approved by SA Power Networks and Council.

The lighting system shall comply with SA Power Networks standards. All costs to be borne by the developer.

The light column shall be located a minimum 1,550mm behind back of kerb to allow for a 1,500mm wide footpath. Additional setback is required where the footpath is wider.

Pad mounted transformers and switching cabinets are not to be located in Council reserves. If a Council reserve is demonstrated as the only possible location, they are to be located to the side boundary of the reserve to the satisfaction of Council.

6.3. Water Supply

Water supply services, where required, shall be installed in accordance with design requirements and relevant standards of SA Water, for the provision of an adequate water supply to each created allotment.

6.4. Waste Water Disposal

Waste Water Disposal services, where required, shall be installed in accordance with design requirements and relevant standards (SA Health, SA Water/Water Services Association of Australia codes) for the provision of an adequate waste disposal from each created allotment.

6.5. Communications

Communication network services, where required, shall be installed in accordance with design requirements and relevant standards of the service provider for the provision of an adequate supply to each created allotment.

6.6. Damaged Infrastructure

Any portion of Council's infrastructure damaged as a result of work undertaken, on or associated with the development shall be repaired/reinstated at the developer's expense.

7. LANDSCAPING / RESERVES

Public open space provides opportunities for:

- Recreation - both active and passive forms
- Conservation - protection or integration of natural features and cultural sites
- Amenity - greening of the urban environment and a spatial setting for housing
- Utility - stormwater management, buffers between different land uses and repair of degraded land.

Public open space should be provided in accordance with an approved open space strategy, master plan and/or the requirements of the Development Plan.

7.1. Landscaping and Open Space

A range of general design principles should be considered when planning streetscapes and open space design.

Consideration should be given but not limited to:

- Future ongoing low maintenance
  - Drought tolerant and appropriate for Barossa climate (frosts in winter and hot/dry conditions in summer)
  - Good quality plant and irrigation design, materials and construction – appropriate for our region and with a good design life
  - Not prone to a large leaf drop.

- Configuration of open space to complement existing vegetation
- Integration of streetscapes, parks, reserves and habitat corridors to provide linear connections within and external to the development
- Wherever practicable, local indigenous plant species should be used (as recommended by Barossa Bushgardens)
- Establishment of plant material of appropriate structure and species composition
- New tree planting should reinforce the existing character of areas, and not present a fire risk
- Conservation of irrigation water by using designs appropriate to the climate and utilising water-wise plant selection
- Maximising opportunities for water reuse
- Ensure that the design and development of the site does not increase the rate of surface water run-off and that opportunities to improve water quality before leaving the site are examined
- Linkage of the pedestrian and cycle network with reserves and parks where appropriate
- Orientation of the subdivision design should consider incorporation of frontages to open space to promote natural surveillance and community ownership
- The design of all landscaped areas should ensure:
  - Safety of employees maintaining the area
  - Safety of motorists within vicinity of these areas
  - Clear Zones appropriate to the speed of vehicles are maintained where landscaping is adjacent to roads.

All landscaping and tree planting proposed as part of the development is to be provided to the complete satisfaction of Council.

The Developer/Applicant shall submit to Council a landscaping plan showing all landscaping proposals in detail, including the type and location of plantings and any existing trees to be retained or removed.

The potential impact of the land division upon existing trees must be clearly shown on the plan and must contain the following information:

- Identification of the species including the botanical name of the tree

- The location of the tree accurately indicated
- The height and canopy pf the tree and girth of the trunk
- Tree healthy and vigour

All landscaping must be maintained for a period of 12 months from Practical Completion.

The Developer/Applicant is to remove all noxious weeds and vegetation from all reserves and ensure that all reserves are left in a condition suitable for Council to mow and maintain.

An appropriate sized water meter shall be provided in Reserves at no cost to Council in locations as determined by the applicant and approved by Council's Works and Engineering Services department.

7.2. Street Trees/Roadside Vegetation

Street trees are to be provided in front of all properties at the centre of the allotment (allowing for minimum distance of 1.5m from proposed access point) where the frontage is a minimum of 10 metres at a rate of one tree per allotment.

Where allotments are less than 10 metres in width or where a cul-de-sac or corner applies, tree locations are to be approved by Council.

Spacing of trees should not exceed 20 metres.

Street trees are to be planted within the council verge.

Access points or service runs should consider the impact on the health of existing and proposed street trees.

On occasions, and at the applicant's expense, Council may support the removal of a street tree to accommodate new access point(s). However, allotments will usually need to be designed to ensure the protection of the street tree.

The removal of any roadside vegetation requires approval from Council or a relevant authority, having regard to Council's *Roadside Vegetation Management Plan*.

7.3. Furniture

Park furniture will be of a type and manufacture approved by Council during the concept plan design stage.

Park furniture shall be selected based on the following:

- Durability
- Life span
- Construction material
- Vandal resistance
- User comfort

7.4. Lighting

Public lighting shall be required in reserves over 1 hectare in size or where paths are to show access to other structures or features of the park or the park forms a linear link.

Provision for lighting where appropriate in accordance with the relevant Australian Standards, including AS 1158 *Road lighting*.

Light poles shall be a type and style approved by Council during the concept plan design stage.

Where possible solar and energy efficient lighting shall be considered.

7.5. Fencing

All allotment boundaries abutting reserves (excluding any 0.1m reserve strip where required) shall be adequately fenced using 1800mm high 'Good Neighbour' colourbond fencing.

Where allotments are designed to front the reserve, an open style of fencing shall be provided by the developer as approved by Council.

All fencing costs shall be borne by the Developer/Applicant.

8. STORMWATER DRAINAGE

The Developer/Applicant is required to install stormwater infrastructure, costs will vary depending on the scale of infrastructure required for the division proposed.

The stormwater drainage design must include a stormwater and site management plan with supporting computations compliant with the requirements listed below.

A detailed drainage design is required for all of the proposed development, and if necessary due to existing land form, include areas outside the proposed development but within the drainage catchment affecting the development.

The plan shall at least include at least existing contours, features, existing stormwater infrastructure, proposed site works details, levels and grading, proposed stormwater drainage system, details of detention facility including volumes and discharge controls, proposed building floor levels, proposed paving and connection details to and any upgrading if required of the existing external drainage systems.

The stormwater drainage system shall be designed in accordance with the current edition of '*Australian Rainfall and Runoff*' (IEA) and AS/NZS 3500.3:2003 - *Plumbing and drainage - Part 3: Stormwater drainage* and Council's requirements set out below.

The requirements for stormwater detention are separate to the requirements for stormwater retention.

Stormwater retention systems may be required within the development to maximise on-site reuse via internal plumbing and / or reticulation to gardens and / or soakage systems and as required by current State Government regulations. Reference '*South Australian Appendix to the Building Code of Australia*' (BCA) and the '*South Australian Housing Code*' (SAHC).

8.1. Drawings and Site Inspections

The detailed design drawings must be submitted to the Works and Engineering Services department for approval prior to any works commencing on site.

All site construction work must be carried out under the inspection of a Professional Engineer in accordance with the approved plans and specifications

Council must be notified 24 hours prior to the following:

- Commencement of any work onsite
- Testing of any/all stormwater drainage pipelines and associated infrastructure
- Backfill of any/all stormwater drainage pipelines and associated infrastructure

8.2. Site Discharge

The controlled discharge from the site shall be connected safely to Council's stormwater drainage system.

The discharge to council's drainage system or a watercourse shall be consistent with the capacity of the systems.

The maximum point discharge to kerb and gutter up to a 10% AEP event shall be 12L/s; 1% AEP event shall be 20L/s.

8.3. Sub-Division Drainage System

A stormwater management plan for a development shall be based on ultimate development of the allotments. For residential allotments it shall be assumed that 75% of the area of the lots is impervious, unless it is demonstrated that alternative is appropriate.

The underground system shall provide for runoff generated by a minimum 10% AEP event with overflow paths provided for a 1% AEP event that will prevent stormwater runoff inundating properties.

8.4. Overland Flow Path

An unobstructed overland flow path shall be designed for the 1% AEP event.

Detention shall be provided for a 1% AEP storm where a flow path cannot be achieved

No stormwater runoff from the site shall be permitted to discharge onto any adjacent property or the footpath verge.

8.5. Minor Drainage System

Minor drainage systems shall be designed for a minimum of 10% AEP event with gutter flow widths limited to a maximum of 1.5m.

Where overflow path discontinuity occurs and property flooding may occur, a minimum 1% AEP standard is required.

8.6. Development Building Levels

Where a lot grades towards a roadway, driveway levels at the boundary shall be specified at a minimum of 225mm above the adjacent street watertable level and floor levels shall be a minimum 300mm above the highest adjacent street watertable level.

Where a lot grades away from a roadway, a continuous barrier shall be specified (including any driveway) along the frontage boundary at a minimum of 300mm above the adjacent watertable levels.

8.7. Detention

Any increase in stormwater flows from a development must be managed on site to minimise the impact on Council's stormwater infrastructure, water courses or other properties.

Stormwater detention systems shall be incorporated within the development to ensure that the peak flow rate discharging from the whole development site post development does not exceed the peak flow rate from the pre-development site. The post development analysis is required to demonstrate that critical storm duration is clearly identified. The outlet restriction system details and hydraulic design computations are required.

Any stormwater detention basin shall have:

- a flat verge with a minimum width of 3 metres around the edge of the basin to facilitate access of maintenance equipment, and
- batters with a maximum slope of 1 (vertical) in 6 (horizontal).

Detention basins shall be seeded and landscaped to Council's satisfaction.

Detention basins shall not incorporate retaining walls, or rocks within areas to be mowed.

Land used for detention basins, swale drains and overland flow paths shall be designated as 'drainage reserves'.

Post-development peak rate of runoff from the site must not exceed the pre-development peak rate of runoff from the site or the maximum acceptable discharge to Councils infrastructure, whichever is the lesser. (Refer table below for Pre-development and Post-development design storms).

PROPOSED DEVELOPMENT	ANNUAL EXCEEDANCE PROBABILITY (AEP)) and MAXIMUM DISCHARGE RATES
Residential development up to 2 dwellings	Detention shall be provided to limit the 20% AEP post–development peak discharge to the 20% AEP pre-development peak discharge from the site or as required by section 8.2 (Site Discharge), whichever is the lesser.
Residential Development of more than 2 dwellings. - Undeveloped vacant Land. - Commercial and Industrial development.	Detention shall be provided to limit the 5% AEP post –development peak discharge to the 5% AEP pre-development peak discharge from the site or as required by section 8.2 (Site Discharge), whichever is the lesser.
HIGH RISK ZONE and DEVELOPMENT	
Residential Development of more than 2 dwellings Undeveloped vacant Land. / Commercial and Industrial development	Detention shall be provided to limit the 1% AEP post-development discharge to the 5% AEP pre-development discharge from the site or as required by section 8.2 (Site Discharge), whichever is the lesser.

Note:
1. Refer to Council for **H**igh **R**isk **Z**one and **D**evelopment assessment
2. Stormwater detention is not required for residential development less than 100m^2 roof area.

When open natural land is developed and runoff may impact on natural streams, development or properties downstream:

- The impervious areas may impact on flood risk in severe storms. This can be mitigated by detention systems to reduce storm peak flows post development to no more than pre-development, for major storms.
- With high frequency rainfall events (say up to 50% AEP/2 year ARI)
  - Natural catchments usually absorb these rainfall events with little or no runoff,
  - With impervious areas runoff occurs from these events,
  - The impact on the downstream water course will be a significant unnatural increase in the frequency and duration of flows downstream,
  - Detention systems alone will not work on reducing these frequent flows,
  - These increases impact particularly on natural stream by being unnaturally frequently wet, affecting grasses, scouring etc,
  - It should be considered to provide a retention/re-use/soakage system (for say a 1 or 2 year storm) to withhold these frequent flows to closely mirror natural runoff characteristics. A more reliable management method is installation of underground stormwater base flow pipe system to convey the regular stormwater flows to the most appropriate formed watercourse with capacity to accept the regular flows.
- Both detention and retention/base flow infrastructure are necessary to closely mirror pre-development runoff characteristics downstream

8.8. Pollution Control

Runoff shall be treated to achieve desired water quality levels consistent with current best practice and the Environmental Protection Authority's '*Stormwater Pollution Prevention code of practice for local, state and federal government*'.

Pollution control devices shall be incorporated within commercial and industrial development to provide for the removal of gross pollutants, silt, grease and oil and possible harmful chemical pollutants. This requirement shall also apply to development during the construction period to protect the downstream drainage systems.

Grease, silt, oil and solid pollutants shall be removed from car parks where the number of parking lots exceeds nine.

Council supports Water Sensitive Urban Design (WSUD) initiatives.

8.9. Works External to Site

A completed '*Application for Construction or Modification on Council Property*' form is to be provided to Council with all designs extending beyond the property boundary.

8.10. Easements and Rear Allotment Drainage

All Council owned drainage infrastructure within private property shall be covered by a 3m wide easement. Where shared with CWMS infrastructure the easement shall be 4m.

Provide for rear allotment drainage with appropriate easements where drainage to the street gutter is not achievable.

8.11. Discharge to Watercourse

Any direct connection of a stormwater drainage system to a water course shall incorporate scour protection measures and shall not obstruct flows in the water course.

All necessary approvals from the relevant authority must be sought for discharging into a watercourse.

8.12. Open Drainage Channel

Any required open drainage channel shall be designed so that it does not scour, with a minimum requirement to be grass lining.

Batters shall be no greater than 1 on 6 for safety and to facilitate maintenance, i.e. slashing.

8.13. Minimum Size of Pipes and Reinforced Concrete Box Culverts

Minimum pipe size for road drainage shall be 375mm and rubber ring jointed.

Minimum size of reinforced box culverts shall be 300mm (W) x225mm (H).

8.14. Pumped Discharges

Pumped discharges shall only be considered where a gravity drainage system cannot be achieved.

The pump station and rising main shall be designed by an appropriately qualified Engineer and include the following:

- The capacity of Council's drainage system.
- Detailed design and documentation of the pump station installation and operation, including provision for power failure and back up.
- Details of the operational and maintenance manual for the property owner.

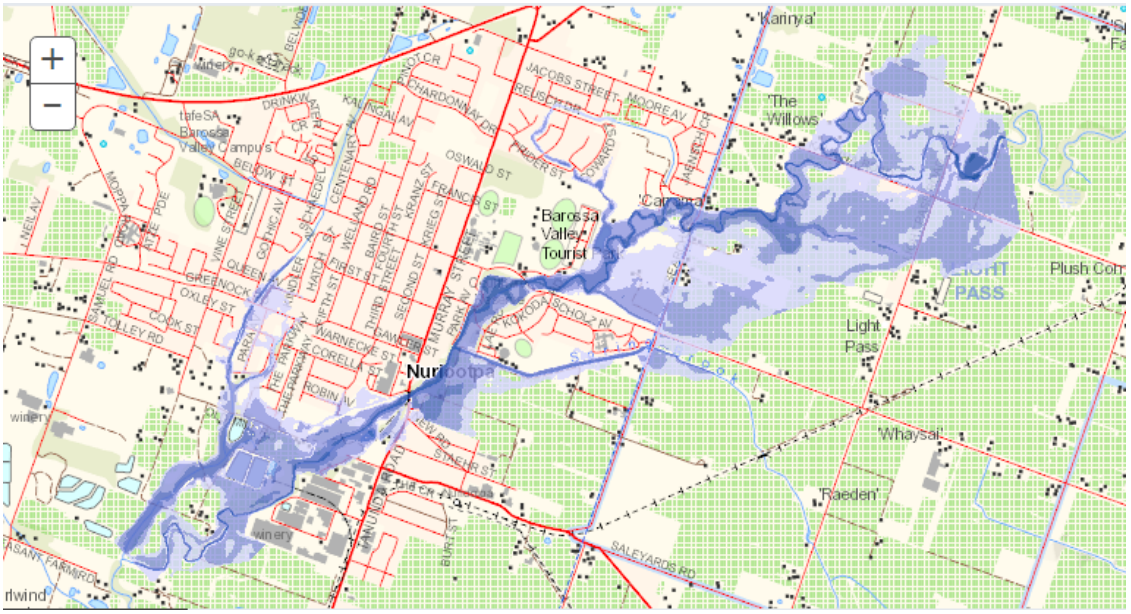
8.15. Flood Prone Land

Land within the maximum probable flood plain shall be considered as flood prone land.

Appropriate development of the land between the 1% AEP flood plain and the maximum probable flood plain is permitted but shall comply with current best practice flood plain management, planning and environmental principles and must be safe.

Land within the 1% AEP flood plain must be preserved. However the land between the 1% AEP and 5% AEP flood plains may be considered by Council for appropriate development. The issues, amongst others, that Council may consider are:

- The floodplain properties within this 1%-5% zone are demonstrated to be of a non-conveyance, storage type hydraulic function such that the development is not likely to have a significant impact on flood levels, the flood conveyance properties of the water course or flood risk to properties.
- The stormwater management system and major flood paths shall be designed to provide a minimum of 1% AEP protection against inundation of any building or flood intolerant structure.
- The development is safe and environmentally responsible
- The development complies with current best practice flood plain management principles
- The development is consistent with Council's policies and / or plans for the locality
- No flow obstructive development is permitted within the 5% AEP flood plain
- No flow obstructive fencing or structure is to be placed across the watercourse.
- Residences constructed on the allotments are to have a minimum floor level 300mm above the adjacent 1% AEP flood level.
- Upon the selection of the housing location/s within the property, further assessment shall be undertaken by an appropriately qualified Engineer to specify the appropriate floor level and check proposed site earthworks.
- A flood management plan shall incorporate safe access from any development during a 1% AEP flood.
- A flood plain management report with supporting analysis shall be prepared by an appropriately qualified Engineer. The documents shall cover any proposed development within the flood prone land.



Flood Prone Areas – Nuriootpa (1 in 100 year Scenario)

9. COMMUNITY WASTEWATER MANAGEMENT SYSTEMS

The Developer/Applicant is responsible for the installation of Community Wastewater Management System (CWMS) infrastructure required to service all allotments created by the division.

All proposed new CWMS reticulation design shall be submitted to Council prior to construction for approval and be of a suitable standard to comply with requirements of all regulatory authorities (SA Health, EPA and Office of the Technical Regulator etc.) and Council.

Guidelines for different types of connections, fee and approval processes are available on the Council web site.

A suitable easement shall be provided for CWMS infrastructure and illustrated on the final plan as required

Site Inspections

Council's Works and Engineering Services department will inspect all drainage works carried out for the division and will only give clearance to the Development Assessment Commission once works are given practical completion.

Council should be notified 24 hours prior to the following:

- Commencement of any work on site.
- Backfill of all CWMS pipelines and associated infrastructure
- Testing of all CWMS pipelines and associated infrastructure.

9.1. Augmentation Fee (connection charge)

An augmentation fee will be charged by Council for the connection of additional loads to the CWMS is based on the need to construct additional treatment infrastructure to cater for the additional wastewater.

The augmentation is paid per dwelling/Allotment based on a disposals rate of 490L/day (SA Health Design Guideline flow rate).

9.2. Disconnection of Inspection Points

Provide for the disconnection of any redundant inspection points on the existing CWMS pipeline to the satisfaction of Council.

9.3. As Constructed Survey

Upon practical completion the Contractor shall arrange for a complete 'As Constructed' survey of the CWMS to be undertaken to include all features, but not limited to natural surface levels, any fill levels, all inverts and top-stone levels and structures to sufficiently verify design plans.

The completed detail survey must be issued to Council in .pdf and .dwg file formats.

This survey must be submitted to Council prior to *Certificate of Practical Completion* (CPC) being issued.

10. ENVIRONMENTAL PROTECTION

10.1. Site Management

The Developer/Applicant must submit to Council an Environmental Management Plan for approval that addresses all possible sources of pollution during construction on the site.

The Environmental Management Plan should outline the methodology to:

- minimise the impacts of noise on the amenity of the surrounding areas
- ensure the impacts of dust on adjacent areas and the community are minimised
- minimise / manage the spread of sediments generated by construction activities
- minimise soil disturbance, degradation and erosion
- minimise the potential for spills of oils and other noxious substances to as low as reasonably practicable
- reduce waste volume, maximise recycling, reuse and recovery
- prevent any construction waste/litter entering the environment
- minimise the disturbance to existing flora
- minimise the introduction and/or spread of weed species

10.2. Local Nuisance/Litter Control

All operations shall be conducted in the most efficient and reasonable manner as set out by the *Local Nuisance and Litter Control Act 2016 and Regulations*.

For the purposes of this Act, local nuisance, amongst other things, includes any adverse effect on an amenity value of an area that is caused by noise, odour, smoke, fumes, aerosols or dust that unreasonably interferes with or is likely to interfere unreasonably with the enjoyment of the area by persons occupying a place within, or lawfully resorting to, the area.

All Environment Protection Authority and Council requirements shall be observed.

Exemption of local nuisance

A Developer/Applicant may apply to Council for an exemption from causing local nuisance in respect of a specified activity pursuant to the Local Nuisance and Litter Control Act.

An application for an exemption must be accompanied by:

a. a site nuisance management plan; and

b. any other information in connection with the application that the council may require; and

c. a fee

Council may determine that a division for land (proposed to be carried out, or is being carried out), involves or may involve a significant risk of the release or escape of dust affecting adjoining land; and accordingly may request that a site nuisance management plan pursuant to the Local Nuisance and Litter Control Act be lodged with Council in order to receive an exemption notice.

A site nuisance management plan must provide:

a. an assessment of the potential for local nuisance and the number of residential and commercial premises occupied by persons likely to be affected by the local nuisance (potentially affected persons);

b. a map showing-

   i. the proposed location of the activity and the likely fixed sources of local nuisance; and

   ii. the location of premises occupied by potentially affected persons and the distance of the premises from those sources;

c. the name and contact details of the responsible person in relation to the activity;

d. the proposed strategy for minimising, managing and monitoring the effects of the local nuisance on potentially affected persons;

e. the proposed communication strategy for communicating with potentially affected persons;

f. a copy of the notice (forming part of the communication strategy) proposed to be given to those persons to notify them of the activity, which must include the following details:

   i. the nature of the proposed activity;

   ii. the start and finish dates for the activity;

   iii. the daily start and finish times for the activity;

   iv. the anticipated sources of local nuisance generated by the activity;

   v. the proposed measures to be implemented to minimise the local nuisance;

   vi. the name and contact details of the person who may be contacted by potentially affected persons regarding concerns or complaints in relation to the activity;

   vii. such other details as the relevant council may require;

g. the proposed communication strategy with the relevant council, including reporting by the exempt person on progress of the activity and the site nuisance management plan and any unforeseen incidents;

h. the proposed process for recording details about complaints, including-

   i. contact details for each complainant; and

   ii. the date and time of the complaint; and

   iii. a description of the complaint; and

   iv. the nature of the activity giving rise to the complaint; and

   v. any action taken to address the complaint.

10.3. Working Hours

Construction activities on the development site shall be carried out only between the following hours:

- Monday to Saturday – 7am to 7pm
- Sunday/Public Holidays – 9am to 5pm with approval of Council.

11. COMMUNITY TITLE DEVELOPMENT

11.1. Access

The common property intended to be used for roadways or vehicular access to community lots shall have a minimum width of 6.1m, measured from boundary to boundary (minimum 5.5m between kerbs).

The community access road shall be designed in accordance with AS/NZS 2890.1 *Parking facilities—Part 1: Off-street car parking.*

The entrance to the access road shall be a minimum width of 6m and extend for a distance of 6m from the boundary. The minimum width of the access rod shall be 5.5m (measured between the kerb inverts or kerb faces) and be constructed on the common property.

The entry/exit point shall be designed so that sufficient on-site manoeuvring area is available to enable all vehicles to enter and exit the site in the forward direction.

The roadway and any associated kerb, including visitor parking shall be wholly located on common property.

All internal driveways and 'on-site' parking areas shall be designed in accordance with the AS/NZS 2890.1:2004 and other relevant Australian Standards.

11.2. Car Parking

It should be identified that there is sufficient onsite parking for 1 minimum visitor car per dwelling, independent of vehicle turnaround and manoeuvring areas.

Checklist

PAVEMENT DESIGN

- ☐ Design and Calculations
- ☐ Geotechnical test results
- ☐ Drawings and Specification
  - earthworks
  - base course
  - sub-base course
  - road sealing

STREET NAMES

- ☐ Proposed street names

LANDSCAPING/RESERVES

- ☐ Landscaping Plan
- ☐ Park Furniture Plan/Listing

STORMWATER DRAINAGE

- ☐ Stormwater/Site Management Plan
- ☐ Floodplain management report

COMMUNITY WASTEWASTER MANAGEMENT SYSTEM

- ☐ Design Drawings and Specifications
- ☐ Detailed 'as constructed' Survey

ENVIRONMENTAL PROTECTION

- ☐ Environmental Management Plan
- ☐ Site Nuisance Management Plan

OTHER

- ☐ Building Envelope Plan
- ☐ Site layout Plan
- ☐ 'Application for Construction or Modification on Council Property' form

Reference Material

Australian Road Rules 1999

Australian Standard - AS1158 - Road lighting.

Australian Standard - AS1428 - Design for access and mobility.

Australian Standard - AS1742 Manual of Uniform Traffic Control Devices.

Australian/New Zealand Standard - AS/NZS 2890.1:2004. Parking facilities - Part 1: Off-street car parking.

Australian/New Zealand Standard - AS/NZS 3500.3:2003. Plumbing and drainage - Stormwater drainage.

Austroads 'Guide to Asset Management Part 5: Pavement Performance'.

Austroads 'Guide to Pavement Technology Part 2: Pavement Structural Design'

Austroads 'Guide to Road Design Part 6A: Pedestrian and Cyclist Paths'

Austroads 'Pavement Design for Light Traffic: A Supplement to Austroads Pavement Design Guide',

CSIRO:'WSUD Engineering Procedures: Stormwater' 2005

Department of Planning, Transport and Infrastructure, Safety and Service Division - Guide to Bikeway Pavement Design, Construction and Maintenance for South Australia

Environmental Protection Authority - Stormwater Pollution Prevention: code of practice for local, state and federal government

Local Government Association of SA - Services in Streets – A Code for the Placement of Infrastructure Services in New and Existing Streets'

SA Health/ Local Government Association of SA - Septic Tank Effluent Drainage Scheme Design Criteria

South Australian Appendix to the Building Code of Australia (BCA)

South Australian Housing Code (SAHC)

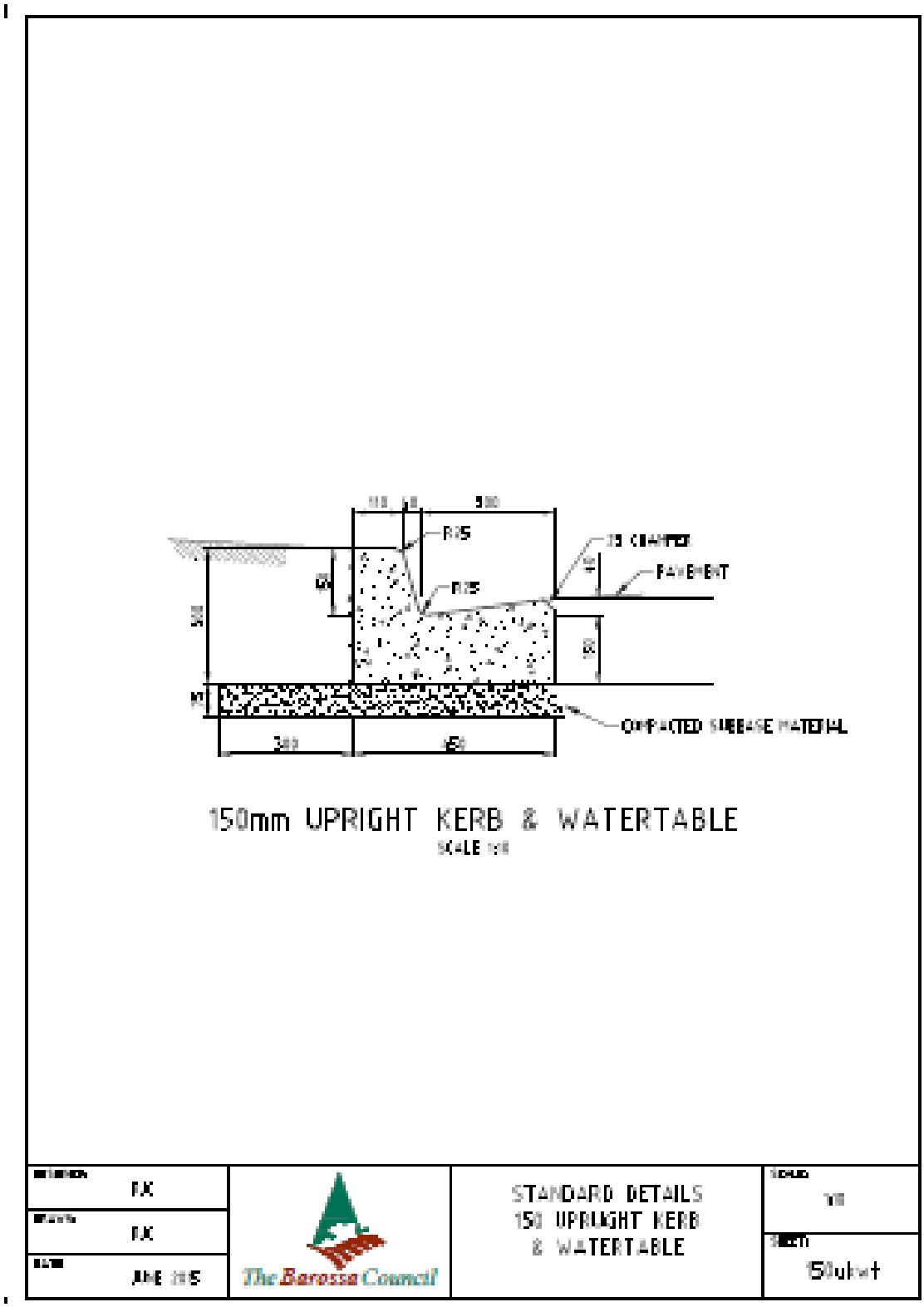
The Barossa Council - Property Identification Policy

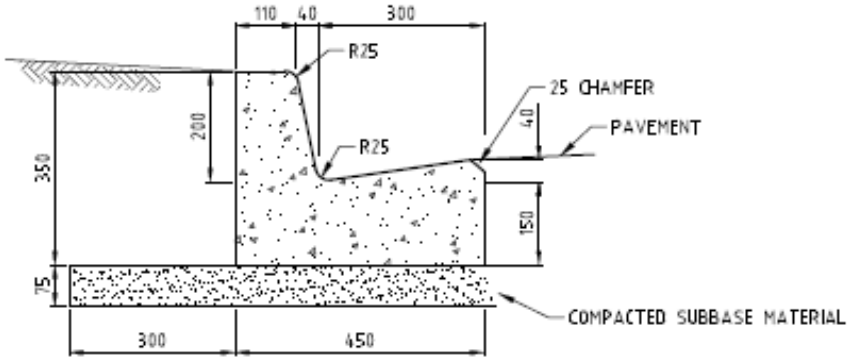
The Barossa Council - Roadside Vegetation Management Plan

The Barossa Council - Stormwater Drainage Guidelines

Transport SA Standards Specification pm32

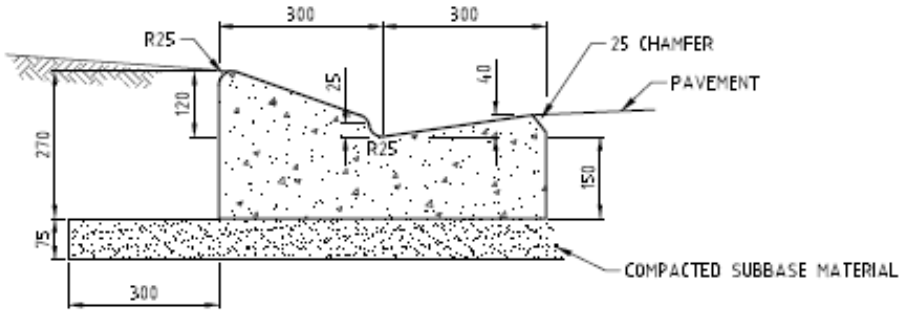
Appendix 1


R35
R35
PAVEMENT
COMPACTED SUBBASE MATERIAL
150mm UPRIGHT KERB & WATERTABLE
STANDARD DETAILS
150 UPRIGHT KERB
& WATERTABLE
The Barossa Council
150ukwt



200mm UPRIGHT KERB & WATERTABLE
SCALE 1:10

DESIGNED: RJC DRAWN: RJC DATE: JUNE 2015	The Barossa Council	STANDARD DETAILS 200 UPRIGHT KERB & WATERTABLE	SCALE: 1:10 SHEET: 200ukwt



MOUNTABLE KERB & WATERTABLE

SCALE 1:10

DESIGNED: RJC DRAWN: RJC DATE: JUNE 2015	The Barossa Council	STANDARD DETAILS MOUNTABLE KERB & WATERTABLE	SCALE: 1:10 SHEET: 120mkwt

DEBATE REPORT

7.1 Office of the Mayor and CEO

7.1.3 REQUEST FUNDS FROM TANUNDA TOWN RESERVE - RSL SIGNAGE

Author: Chief Executive Officer
25/25507

PURPOSE

To consider a request to use funds from the Tanunda Town Reserve to support signage at the Tanunda RSL.

RECOMMENDATION
That Council:

(1) Approve the allocation of $1,000 from the Tanunda Town Reserve as requested at Attachment 1, to be invoiced to Council by the Tanunda RSL.

(2) Support the investigation into the replacement and repair of the Tanunda Heritage Trail markers to be funded from the Tanunda Town Reserve, pending final approval from Council in due course.

REPORT

Background and Introduction
As outlined in the March meeting of Council, agenda item 7.1.1, various reserves have been held for some years and Council has determined to distribute or allocate funds to specific projects or surviving groups.

One group however did not have a natural successor, the Tanunda Town Committee. I have been liaising with a prior Chair of the Committee and former Councillor who has made two suggestions for its use.

Discussion
The first request for utilisation of $1,000 of these funds from past members of the Tanunda Town Committee who oversaw the Tanunda Town Reserve Fund is to support directional signed for the Tanunda RSL.

The second idea is the replacement or repair of the Tanunda Heritage Trail markers which are deteriorated and in need of funding. To give effect to this request a survey of markers and quotes will be necessary.

The request is aligned with the general improvement of services to the Tanunda Township and at officer level is supported.

The correspondence is at Attachment 1.

Summary
The requests are consistent with the desire of Council to distribute funding and close the accounts and are supportive of improvements for the Tanunda Township.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Correspondence ⇩

Supporting references
Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Our places and spaces enhance the liveability, retain rural and regional character and diversity of our communities.

Strategic Outcome

- Our places are planned, managed, and sustainable.

Legislative Requirements
Section 123 of the Local Government Act

RISK MANAGEMENT CONSIDERATIONS

These statements are qualitative in nature and designed to provide an indication of Council's general position when deciding to take or retain risk in pursuit of its objectives.

1. **SERVICE DELIVERY**
   Refers to the delivery of services to the community, which includes the systems and physical assets that enable provision of these services, including structures (such as roads, buildings and facilities) as well as IT infrastructure, plant, vehicles & other equipment.

   Provides support to community service outcomes in heritage and place.

2. **SUSTAINABILITY & ENVIRONMENT**
   Relates to measures to preserve, protect and minimise impact on the natural environment, including sacred and indigenous lands, flora, fauna, heritage, water, waste, hazardous materials and pollution.

   Nil

3. **FINANCIAL**
   Refers to planning and control of Council's budget to align with the sustainable achievement of the desired outcomes articulated in its Community Plan.

   $1,000 funded from the Tanunda Town Committee Reserve. Will make no material impact to the operating budget outcomes or net financial liabilities.

4. PEOPLE

Relates to recruitment, retention, wellbeing and safety of employees and volunteers and engagement and management of contractors as well as the wellbeing and safety of the community.

Nil

5. REPUTATION

Relates to policy, decisions, actions and circumstances that may cause Council to lose credibility with the community, ratepayers, key stakeholders, other levels of government and its own employees and contractors.

Support community request and associated services.

COMMUNITY ENGAGEMENT

Nil required or recommended.

From:
To: Martin McCarthy
Cc:
Subject: [EXTERNAL] Tanunda Town Committee Reserve Fund Tuesday,
Date: 25 March 2025 4:18:14 PM

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

Dear Martin,

Thank you for your time today. As discussed, Tanunda Town Committee (TTC) Reserve Fund stands at approximately $99,000.00.

As you are aware, Tanunda RSL has created directional signage to the Tanunda Hut, to be installed at the Bilyara Rd entrance to the Tanunda Oval complex. The cost of the signage is $1500. Jack and I are donating $500 to the RSL for the signage and we respectfully request that $1,000.00 of the TTC Reserve Fund be donated to RSL Tanunda to pay the balance.

We also request that the balance of the TTC Reserve Funds be allocated to the repair and on-going maintenance of the Tanunda Heritage Trail markers, which continue to enhance the visitor experience of tourists to our town. We understand that repair of the Heritage Trail Markers has been on the works' 'to-do' list for some years.

Yours sincerely,

Patsy Biscoe AM

On behalf of:-

Patsy Biscoe AM -Past Co-Chair Tanunda Town Committee
Dr John Urlwin - Past Co-Chair Tanunda Town Committee
Eve O'Brien - Founding member Tanunda Town Committee

cc Dr Jack Urlwin
Eva O'Brien
David Babbage, President RSL Tanunda Sub-Branch

DEBATE REPORT

7.1 Office of the Mayor and CEO

7.1.4 CORRESPONDENCE FROM MINISTER FOR LOCAL GOVERNMENT - ADELAIDE HILLS COUNCIL REQUEST TO LEAVE GAWLER RIVER FLOODPLAIN MANAGEMENT AUTHORITY

Author: Chief Executive Officer
25/25508

PURPOSE

To consider the Ministers correspondence and endorse a response on Adelaide Hills Council request to withdraw from the Gawler River Floodplain Management Authority.

RECOMMENDATION

That Council having reviewed the material from the Adelaide Hills Council:

(1) Note their analysis and concur with its conclusions, and authorise the Mayor to respond to the Minister that it has no objection to Adelaide Hills Council request to leave the Gawler River Floodplain Management Authority (GRFMA).

(2) Notwithstanding the Minister's decision, it be put to the Minister that an alternative model should be considered and put to Adelaide Hills Council and other constituent that would:
   a. Limit the extent of the current GRFMA to the prior agreed Bruce Eastick Dam only; and
   b. If determined necessary, a cross-government group be established to address risk and the business case for further stage 2 investment for flood mitigation on the North Para River from Gawler to the Gulf.
   c. With the limited GRFMA being of the current six Councils and the alternative body be established with downstream Local Government entities, private sector and State Government to address the future risk mitigation and business case outcomes.

(3) Instruct the Chief Executive Officer to develop and review paper on the benefits, costs and risk of being a member of the GRFMA (in its current form) and consideration of The Barossa Councils future membership with this Authority to meet budget discussions for the 2026-27 financial year.

REPORT

Background
Council is acutely aware that we are a foundation member of the Gawler River Floodplain Management Authority (GRFMA).

The Minister for Local Government the Hon Joe Szakacs has written to the Mayor seeking Councils comment on the application of Adelaide Hills Council (AHC) to withdraw from GRFMA. The correspondence is at Attachment 1.

Introduction
Whilst this matter is solely focussed on the AHC application, for over a decade The Barossa Council has had various conversations about the value, benefit, cost and true risks that are being mitigated, or Council is exposed to, through membership of the GRFMA.

There is one clear component of the membership which is not in doubt and that is no infrastructure funds or mitigation activities of the GRFMA have been dedicated to any works upstream of the Bruce Eastick dam.

Discussion
The AHC has undertaken assessment of its membership and that is best outlined in the documents attached at Attachment 2.

The information is clear and ultimately is a decision of AHC to make the application and the validity of the costs, benefits and risk is for them to determine. The effect of withdrawal of AHC will place additional costs upon the other 5 Councils based on the formula for cost distribution. With any withdrawal of a member it is assumed that a recasting of the existing Charter will be required.

Any review and rewrite of the Charter will again open up the structure for comment. Prior analysis done by Council under the last charter review suggested an alternative structure. The proposal was to limit the GRFMA to managing its existing infrastructure of the *current* Bruce Eastick dam and the processes of future flood mitigation and funding be determined through a different body, State or Local Government led, but not be the responsible delivery of new instructure. This is fundamentally based on the fact the possible future costs are way beyond what is affordable for the Councils, ongoing debate about the actual beneficiaries and the fact it has the capacity to consume the collective budgets and potentially make Council financially unsustainable. The State and Commonwealth need to be at the table, or preferably driving the future strategic needs. This is again suggested as a sound model to present to the Minister; it honours the past commitments made at the establishment of the GRFMA and removes the broader risk when GRFMA started to explore and plan for further downstream mitigation (be it through levies or raising the heigh of the Bruce Eastick dam) which is beyond the capacity of GRFMA and its constituent Councils.

Regardless of the position of Council and the Minister it is sound practice to review our position in such an organisation so that the current and future risks, costs and benefits are questioned, managed and reviewed. This is more so with such an Authority given the potential exposure to financial costs and loss associated with future proposed investments.

Summary and Conclusion
The Minister has sought Council comment on AHC withdrawal application from GRFMA. AHC has undertaken a process of assessment and determined its position. Councils view is now sought to inform a response to the Minister by Mayor Lange.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Minister for Local Government Correspondence ⇩
Attachment 2 Adelaide Hills Council Correspondence and Analysis ⇩

Supporting references
Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Creating a safe and connected community where people have access to sustainable services and service levels and infrastructure they need and feel a sense of belonging.

Strategic Outcome

- We support and advocate for sound planning and community outcomes in the implementation of the Concordia development in alignment with Councils vision, mission and principles for this development.



We strive to be a leader in regional Local Government and are committed to delivering effective, efficient, and valued services to the community.

Strategic Outcome

- We have strong relationships, and where appropriate, partner with our community, industries, stakeholders, the Local Government sector and Governments.

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

BS5 Enterprise Risk and Safety - The management of Council's Enterprise Risk profile including strategic and operational risk assessment, control and monitoring; internal control and audit; business continuity and disaster recovery planning; organisational emergency management; insurance portfolio management; and Work Health Safety system coordination

BS13 Strategic/Legislative Planning and Reporting - Provision of organisational performance report (outcomes), activity report (outputs), a range of statutory reporting (e.g. public health, tax, superannuation), financial reporting. Transparency and accountability regarding Council activity and expenditure provided

Legislative Requirements
Section 43 and Clause 29(b) of Schedule 2 of the Local Government Act

RISK MANAGEMENT CONSIDERATIONS

These statements are qualitative in nature and designed to provide an indication of Council's general position when deciding to take or retain risk in pursuit of its objectives.

1. SERVICE DELIVERY

Refers to the delivery of services to the community, which includes the systems and physical assets that enable provision of these services, including structures (such as roads, buildings and facilities) as well as IT infrastructure, plant, vehicles & other equipment.

Nil, the current GRFMA provides no tangible services to The Barossa Council.

2. SUSTAINABILITY & ENVIRONMENT

Relates to measures to preserve, protect and minimise impact on the natural environment, including sacred and indigenous lands, flora, fauna, heritage, water, waste, hazardous materials and pollution.

GRFMA strives to support management of risk to assets, economic and environment.

3. FINANCIAL

Refers to planning and control of Council's budget to align with the sustainable achievement of the desired outcomes articulated in its Community Plan.

There would be a annual financial impact of the costs of GRFMA being spread across 5 Councils. To provide a estimated quantum, if the 2025-26 budget was funded by the 5 remaining Councils instead of the six, the $36,469 in the draft budget, using a direct allocation equally across the remaining Councils the budget would need to increase to $43,763.

4. PEOPLE

Relates to recruitment, retention, wellbeing and safety of employees and volunteers and engagement and management of contractors as well as the wellbeing and safety of the community.

GRFMA strives to support management of risk to assets, economic and environment.

5. REPUTATION

Relates to policy, decisions, actions and circumstances that may cause Council to lose credibility with the community, ratepayers, key stakeholders, other levels of government and its own employees and contractors.

There is a exposure to reputation risk of being associated with and funding GRFMA and the future management of risk and financial cost and benefit.

COMMUNITY ENGAGEMENT

The Minister is engaging with Council for comment, it does not require nor is it recommended to undertaken community engagement.

Hon Joe Szakacs MP

Government of South Australia

Minister for Trade and Investment

Minister for Local Government

Minister for Veterans' Affairs

GPO Box 1533
ADELAIDE SA 5000

T: (08) 7133 2070

E: minister.szakacs@sa.gov.au

24MINLG-0591
LG25/00100

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

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

Dear Mayor Lange

I am writing to you regarding correspondence I have received from the Adelaide Hills Council requesting my approval to withdraw its membership from the Gawler River Floodplain Management Authority (GRFMA) effective 30 June 2025.

I am advised that clause 29(b) of Schedule 2 to the *Local Government Act 1999* provides that a council may, in accordance with the charter of the subsidiary and with the approval of the Minister, cease to be a constituent council of a regional subsidiary.

I am further advised that clause 19 of the GRFMA charter states that subject to the approval of the Minister, a constituent council may withdraw from the GRFMA by giving not less than six months' notice of its intention to do so to all other constituent councils and the executive officer of the GRFMA. The Adelaide Hills Council has advised me that it has written to the other constituent councils and GRFMA to provide this notice.

I consider that, amongst other things, your council's views on the Adelaide Hills Council's proposed withdrawal are relevant to my consideration of its request to cease to be a constituent council of GRFMA. Accordingly, I invite your council to provide comments to me on the Adelaide Hills Council's proposed withdrawal from GRFMA, as well as any material your council considers relevant to the same matter, at your earliest convenience.

I have advised the Adelaide Hills Council that I will write to each of the other constituent councils seeking their views on the effect of the Adelaide Hills Council's withdrawal, and that I will also seek the views of the Hon Dr Susan Close MP, Minister for Climate, Environment and Water, to assist in my consideration of this matter.

SOUTH AUSTRALIA

I also advise that, until such time as I provide my approval, the Adelaide Hills Council continues to be a constituent council of the GRFMA.

Yours sincerely

Hon Joe Szakacs MP
Minister for Trade and Investment
Minister for Local Government
Minister for Veterans' Affairs

27 / 3 / 2025

Cc: Mr Martin McCarthy, Chief Executive Officer, mmccarthy@barossa.sa.gov.au
barossa@barossa.sa.gov.au

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11 December 2024

Mr Martin McCarthy
Chief Executive Officer
The Barossa Council
42 Tanunda Road
NURIOOTPA SA 5502

By email: mmccarthy@barossa.sa.gov.au

Dear Martin

Adelaide Hills Council – GRFMA Membership

I refer to my previous correspondence dated 18 September 2024 in which Adelaide Hills Council advised that whilst no formal decision had been made, it was actively exploring withdrawing from the GFRMA.

I now wish to advise that at its ordinary meeting held on 26 November 2024, Adelaide Hills Council resolved as follows:

12.5 Gawler River Floodplain Management Authority Membership

Moved Cr Nathan Daniell
S/- Cr Mark Osterstock **419/24**

Council resolves:

1. **That the report be received and noted.**
2. **That the CEO formally write to the Minister, by 31 December 2024, seeking approval to withdraw from the GRFMA, as required by Clause 19 of the Charter.**
3. **That the CEO write to the GRFMA and Constituent Councils, by 31 December 2024, to officially advise of its intention to withdraw from the GRFMA, as required by Clause 19 of the Charter.**
4. **That the Council approve an initial budget allocation of $20,000 for consultant fees, enabling Council to obtain expert advice and effectively manage the negotiations required to exit the GRFMA.**

Carried Unanimously

Accordingly, I am formally notifying the Barossa Council, as a Constituent Council of the GRFMA, of Councill's intention to withdraw its membership by 30 June 2025.

As resolved, and in compliance with the requirements of the GRFMA Charter, the Council has notified the GRFMA of its intention to withdraw and is concurrently seeking Ministerial approval.

This notice satisfies the requirements under clause 19 of the GRFMA Charter, which stipulates that subject to the approval of the Minister, a Constituent Council may withdraw from the GRFMA by giving not less than six months' notice of its intention to do so to all other Constituent Councils and the Executive Officer of the GRFMA.

I would like to propose a joint meeting with all CEOs of the Constituent Council's in the new year to discuss this matter further. My Executive Assistance, Rebekah Lyons, will contact you to arrange a suitable time.

Should you require any further information of clarification, please do not hesitate to contact me.

Yours sincerely,



Greg Georgopoulos
Chief Executive Officer

Enc:

- Council Report on GRFMA membership issue (dated 26 November 2024)

ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 26 November 2024
AGENDA BUSINESS ITEM

Item:	**12.5**
Responsible Officer:	**Zoë Gill** **Executive Governance Officer** **Office of the Chief Executive**
Subject:	**Gawler River Floodplain Management Authority Membership**
For:	**Decision**

SUMMARY

At its meeting on 23 July 2024, Council resolved to formally notify the Gawler River Floodplain Management Authority ('GRFMA') Board, Constituent Councils, and, if appropriate, the Minister, of its intention to explore withdrawal from the GRFMA and to request their views on the matter. Council also directed the CEO to undertake a detailed examination of the implications of withdrawal and report the findings to Council in October 2024.

This report provides a detailed examination of the implications of withdrawal from the GRFMA.

Should Council wish to formally withdrawal from the GRFMA, to avoid incurring additional fees in the new financial year, it will need to notify the Constituent Councils and the GRFMA by 31 December 2024, as outlined in Clause 19 of the GRFMA Charter (**Appendix 1)**. A formal request to withdraw must also be submitted to the Minister. Both notifications can occur concurrently however, withdrawal is ultimately contingent on Ministerial approval. Until the withdrawal is finalised, Council will remain responsible for all financial obligations, including operating and capital contributions.

RECOMMENDATION

Council resolves:

1. **That the report be received and noted.**

2. **That the CEO formally write to the Minister, by 31 December 2024, seeking approval to withdraw from the GRFMA, as required by Clause 19 of the Charter.**

3. **That the CEO write to the GRFMA and Constituent Councils, by 31 December 2024, to officially advise of its intention to withdraw from the GRFMA, as required by Clause 19 of the Charter.**

4. **That the Council approve an initial budget allocation of $20,000 for consultant fees, enabling Council to obtain expert advice and effectively manage the negotiations required to exit the GRFMA.**

1. BACKGROUND

The GRFMA, established under Section 43 and Schedule 2 of the *Local Government Act 1999*, coordinates flood mitigation for the Gawler River and is comprised of six Constituent Councils: Adelaide Hills, Adelaide Plains, Barossa, Gawler, Light Regional, and Playford, as outlined in the GRFMA Charter.

Financially, Adelaide Hills Council contributes the smallest portion to the GRFMA's capital and maintenance expenses but shares equally in operational costs with the other Constituent Councils. Additionally, recent GRFMA initiatives, including major capital projects and a new Stormwater Management Plan, primarily benefit downstream areas, offering little if any benefit to the Adelaide Hills community.

Moreover, the Gawler River catchment, primarily fed by the North and South Para Rivers, has limited relevance to the Adelade Hills. Only a small section of the catchment lies within our Council boundaries, with most of this land managed by Forestry SA and SA Water. Water from this section flows into the South Para Reservoir, with SA Water solely managing releases. Adelaide Hills Council has no operational control over the catchment, and downstream flooding does not affect the district.

Since early 2024, the Council has been exploring the option of withdrawing from the GRFMA. This initiative began with a Council resolution on 23 April 2024, directing the CEO to provide to Council, by 31 July 2024, a report that examines the risks and opportunities associated with the Council's ongoing membership of the GRFMA, including details of the process for withdrawing. This is captured in part 4 of resolution 131/24:

Moved Cr Leith Mudge
S/- Cr Chris Grant **131/24**

Council resolves:

1. That the report be received and noted.

2. To advise the Board of the Gawler River Floodplain Management Authority (GRFMA) that it has reviewed the GRFMA Draft 2024-25 Annual Business Plan and Budget and that Council does not approve the budget on the following basis:

- **a. That the Council sees little if any benefit to the Adelaide Hills community in contributing to the cost of the further development of the flood mitigation works business case.**
- **b. That the Council is opposed to the apportioning of costs for further developing the business case equally among the member Councils.**
- **c. That the cost apportionment should be reflective of the relative contribution to the flood risk and the relative benefits of the flood mitigation works, to each community.**

3. That the Chief Executive Officer be authorised to participate in any dispute resolution process arising from this decision, noting that any decisions about funding allocations will need to be considered and approved by the Council.

4. **That the Chief Executive Officer provide a report to Council by 31 July 2024 which examines the risks and opportunities associated with the Council's ongoing membership of the Gawler River Floodplain Management Authority, including details of the process for withdrawing from the Authority.**

Carried Unanimously

This report was provided and considered at Council's meeting on 23 July 2024. Following consideration of the matter, Council resolved:

Moved Cr Mark Osterstock
S/- Cr Leith Mudge **261/24**

Council resolves:

1. **That this report *Gawler River Floodplain Management Authority Membership Report* be received and noted.**

2. **In light of the risks and opportunities of continued membership of GRFMA as outlined in this report, the CEO undertake a detailed examination of the implications of leaving the GRFMA, to be brought back to the Council for consideration by October 2024, noting that the CEO will seek additional budget to progress this project based on a cost estimate.**

3. **That the CEO formally notify the GRFMA Board and Constituent Councils that Adelaide Hills Council is exploring leaving the GRFMA and seek their views of Adelaide Hills Council staying or leaving the GRFMA.**

4. **That the CEO may, if appropriate, seek the views of the Minister or his office about Adelaide Hills Council staying or leaving the GRFMA.**

Carried Unanimously

At the same meeting the Council discussed the GRFMA 2024-25 Draft Annual Business Plan Options Report. Following consideration of the report, Council resolved:

Moved Cr Leith Mudge
S/- Cr Malcolm Herrmann **262/24**

Council resolves:

1. **That this report *Gawler River Floodplain Management Authority Annual Business Plan Options Report* be received and noted.**

2. **That Council notes its decision at the 23 April 2024 Council Meeting to not approve the Draft 2024-25 Gawler River Floodplain Management Authority Annual Business Plan at that time on the following basis:**

    a. **That the Council sees little if any benefit to the Adelaide Hills community in contributing to the cost of the further development of the flood mitigation works business case.**
    b. **That the Council is opposed to the apportioning of costs for further developing the business case equally among the member Councils.**
    c. **That the cost apportionment should be reflective of the relative contribution to the flood risk and the relative benefits of the flood mitigation works, to each community.**

3. **Notes that Council and the GRFMA have entered into dispute regarding the Draft 2024-25 Gawler River Floodplain Management Authority Annual Business Plan and Annual Budget.**

4. **For efficiency and resourcing reasons, to now approve the 2024-25 Gawler River Floodplain Management Authority Annual Business Plan and Annual Budget requiring a contribution from Council of approximately $50,000, while registering its objections to the proposed further development of the flood mitigation works business case.**

5. **That the Chief Executive Officer advises the Gawler River Floodplain Management Authority Board of Councils resolution and is authorised to undertake all procedures and processes necessary and incidental thereto.**

Carried Unanimously

Following the Council resolution 261/24 on 23 July 2024, the CEO formally notified the GRFMA Board, Constituent Councils, and the Minister of the Council's intention to explore withdrawing from the GRFMA, seeking their views of the matter and, in the case of the Minister, the assessment criteria used to assess withdrawal. The correspondence with each entity is outlined in further detail below.

Should Council wish to withdraw from GRFMA by 30 June 2025 and avoid any contribution fees for the next financial year, it will need to formally notify the Constituent Councils and the GRFMA by 31 December 2024 of its request to withdraw. A formal request to withdraw must also be submitted to the Minister. Both notifications can occur concurrently however, withdrawal is ultimately contingent on Ministerial approval.

Correspondence to the GRFMA Board

On 5 August 2024, the CEO sent a letter to the GRFMA Board informing them that, at its 23 July 2024 meeting (resolution 262/24), it reconsidered its stance on GRFMA's draft Annual Business Plan and Budget. While the Council approved the draft 2024-25 ABP and Budget, it also registered an objection to further developing the flood mitigation works business case. The letter advised that the Council's dispute with the GRFMA had ceased, and further correspondence would address the Council's ongoing membership.

On 30 October 2024, the CEO sent a second letter to the GRFMA Board, referencing resolutions from its 23 July 2024 meeting. The letter advised that, while no formal decision has been made, the Council is actively exploring withdrawal from the GRFMA and sought feedback from the GRFMA on this potential course of action.

On 13 November 2024, the GRFMA Board advised that the matter would be considered at the next meeting of the GRFMA, scheduled for 12 December 2024.

Correspondence to Constituent Councils

On 6 August 2024, the CEO notified the Constituent Councils that its dispute with the GRFMA had concluded and that further communication would follow regarding the Council's ongoing membership of the GRFMA.

On 18 September 2024, the CEO sent additional correspondence referencing resolutions from its 23 July 2024 meeting. The letter advised that, while no formal decision has been made, the Council is actively exploring withdrawing from the GRFMA and sought feedback from the Constituent Councils on the potential withdrawal. Additionally, the CEO expressed interest in meeting with each council to discuss the matter.

Council Responses:

- **Gawler Council**: On 6 November 2024, the Acting CEO formally objected to the potential withdrawal, emphasising that the public interest is best served by a GRFMA with full representation from all Constituent Councils. Adelaide Hills Council CEO expressed interest in meeting with the Acting CEO of Gawler Council to discuss their concerns. However, with the appointment of a new CEO on 18 November, a response is still pending.
- **Adelaide Plains Council**: Declined the invitation to meet, suggesting that any response should be provided through the GRFMA Board.
- **Barossa Council**: Also declined a meeting, noting no significant concerns or impacts arising from the proposed withdrawal.
- **Playford Council:** On 20 November 2024, the CEO of Playford Council expressed concerns about the timing of Council's proposed withdrawal. His preference was for the constituent Council's to jointly lobby the State and Federal government's to secure funding commitments to address risks of flooding prior to considering the role and composition of the GRFMA.

Scheduled Meetings:

- **Light Regional Council:** A meeting between CEOs is planned for 25 November 2024.

Administration remains committed to working collaboratively with the Constituent Councils as this matter progresses and will continue to keep stakeholders informed throughout the process.

Correspondence to the Minister

On 4 November 2024, the CEO sent correspondence to the Minister for Local Government, the Hon. Joe Szakcas MP, advising that Council is exploring the option of withdrawing from the GRFMA. The letter outlined the Council's rationale for a potential departure from the GRFMA. It also informed the Minister that Council has written to the GRFMA Board and the Constituent Councils to seek their views on the matter.

The letter indicated that, should Council ultimately decide to proceed, a formal request for approval to cease membership may be submitted to the Minister in the future. In the meantime, the letter sought the Minister's feedback on the potential withdrawal and any guidance on the criteria that would be used to evaluate such a request. The Minister was also informed that, to facilitate a withdrawal by 30 June 2025, Council must provide written notice to both the Constituent Councils and the GRFMA of its intent to withdraw by 31 December 2024. To allow Council adequate time to assess its position and, if necessary, provide notice by 31 December 2024, a response was requested by 19 November 2024. At the time of writing this report, a response had not been received.

2. ANALYSIS

- **Strategic Management Plan/Functional Strategy/Council Policy Alignment**

Goal 5	A Progressive Organisation
Objective 03	Our organisation is financially sustainable for both current and future generations
Priority 03.2	Ensure that renewal of assets and the associated maintenance is based on current asset management plans which consider reviewed service levels and whole of life costing

- **Legal Implications**

GRFMA is a regional subsidiary established under section 43 and Schedule 2 to the *Local Government Act 1999* (LG Act).

Both Adelaide Plains Council and Barossa Council have previously considered withdrawing from the GRFMA. In 2018, the Adelaide Plains Council formally applied to withdraw, but the then-Minister for Local Government, the Hon. Geoff Brock, denied the request, based upon an expectation that Adelaide Plains Council would raise concerns with GRFMA and the other Constituent Councils, as part of the then "flagged" review of the GRFMA Charter. While Barossa Council also explored withdrawal, it did not proceed, and neither council have since considered withdrawal.

Clause 29 of Schedule 2 to the *Local Government Act 1999*, reflected in clause 19 of the GRFMA Charter, allows councils to leave the GRFMA with Ministerial approval. Withdrawal requires six months' notice, with exit effective on 30 June following the notice period. Until withdrawal is complete, the Constituent Council remains responsible for all financial contributions that, as a Constituent Council, it is liable to make to the GRFMA, including the operating (OPEX) and capital (CAPEX) contributions per the approved budget.

Clause 19 of the GRFMA Charter provides that both the notice to Constituent Councils and the request for Ministerial approval can be undertaken concurrently. Therefore, should

Council wish to withdraw, it must, to facilitate withdrawal by 30 June 2025, provide written notice of its intent to both the Constituent Councils and the GRFMA by 31 December 2024, and submit a request for Ministerial approval to withdraw by this date. The Minister may grant approval at any time up to 30 June 2025. Failure to notify by 31 December 2024, will result in Council remaining liable for all associated fees and contributions in the 2025/26 financial year, effective from 1 July 2025.

- **Risk Management Implications**

See discussion under additional analysis

- **Financial and Resource Implications**

Council's current financial liability as a GRFMA member is considered to outweigh the benefits of membership. Operational costs are shared equally among member councils (16.66 per cent each), while maintenance and capital works costs vary, as outlined below.

Constituent Council	Capital Works Percentage Share	Maintenance of Assets Percentage Share	Operational Costs Percentage Share
Adelaide Hills Council	1.73%	1.73%	16.66%
Adelaide Plains Council	28.91%	28.91%	16.66%
The Barossa Council	8.67%	8.67%	16.66%
Town of Gawler	17.34%	17.34%	16.66%
Light Regional Council	8.67%	8.67%	16.66%
City of Playford	34.68%	34.68%	16.66%
Total	100%	100%	100%

	2023-24 Operating	2023-24 Asset maint	2023-24 Total	2024-25 Operating	2024-25 Asset maint	2024-25 Total	Total increase
Adelaide Hills Council	$ 24,938	$ 2,418	$ 27,356	$ 46,228	$ 2,414	$ 48,642	78%
Adelaide Plains Council	$ 24,938	$ 40,390	$ 65,328	$ 46,228	$ 40,330	$ 86,558	32%
The Barossa Council	$ 24,938	$ 12,117	$ 37,055	$ 46,228	$ 12,099	$ 58,327	57%
Town of Gawler	$ 24,938	$ 24,234	$ 49,172	$ 46,228	$ 24,198	$ 70,426	43%
Light Regional Council	$ 24,938	$ 12,117	$ 37,055	$ 46,228	$ 12,099	$ 58,327	57%
City of Playford	$ 24,938	$ 48,482	$ 73,420	$ 46,228	$ 48,410	$ 94,638	29%
TOTAL	**$ 149,628**	**$ 139,758**	**$ 289,386**	**$ 277,368**	**$ 139,550**	**$ 416,918**	**44%**

Potential capital works costs

The GRFMA's 2024/25 Annual Business Plan and Budget has resulted in an increase to council contributions to fund a $150,000 business case for flood mitigation projects. These projects, including the potential raising of the Bruce Eastick Dam, will require significant additional funding. This has increased Adelaide Hills Council's operating cost contributions from $24,938 to $46,228, representing an 85.37 per cent increase— or 78 per cent of total contributions – the highest among all constituent councils.

By comparison, the next largest percentage increases are for Barossa Council and Light Regional Council, both facing a 57 per cent rise. The smallest percentage increase will be incurred by the City of Playford, with contributions rising by 29 per cent, followed by Adelaide Plains Council, with a 32 per cent increase.

Future budget risk

There is no guarantee that future budgets will not see similar increases. The GRFMA's primary focus is on flood mitigation in the Gawler River region, which has limited direct impact on Adelaide Hills residents. Nor does Adelaide Hills Council have any material influence on the extent of flooding. Continued increases in contributions may not align with local community priorities, posing a potential reputational risk.

Asset depreciation

The recent revaluation of the Bruce Eastick Dam has led to a substantial increase in the annual depreciation expense, doubling from $328,561 in 2022-23 to a forecast $706,098 in 2024-25. While the GRFMA does not directly fund this expense, it is reflected in the financial statements of member councils, impacting Adelaide Hills Council's results based on its 5.34 per cent equity share.

Impact to other Constituent Councils

If the Adelaide Hills Council were to leave the GRFMA, it is expected that the remaining councils will absorb Council's foregone cost contribution.

Additionally, if Adelaide Hills Council withdraws from the GRFMA its 5.34 per cent equity share in the GRFMA, which was valued at $2,259,016 as of 30 June 2024, may be redistributed among the remaining Councils. This would increase their individual stakes and overall influence in GRFMA decision-making. The increased financial stake could also help the remaining councils justify and strengthen their own cases for flood mitigation projects and enhance the overall effectiveness of GRFMA initiatives.

Short-term cost of exiting the GRFMA

If Adelaide Hills Council were to exit the GRFMA, there are several immediate costs to consider:

- Legal Fees: Estimated at around $5,000.
- Consultant Fees: Expected to be $10,000 - $15,000 for expertise such as water specialists and business advisors.

Potential cost of equity share

The GRFMA Charter provides limited guidance on the exit process, making negotiations necessary to determine the handling of the Council's equity share. Potential scenarios include:

- Buy-back of the equity share by the GRFMA.
- Sale of the share to other member councils.
- Forfeiture of the equity share, with no financial return. This is $2,259,016 as of 30 June 2024. The surplus or deficit for 2024-25 will adjust this amount.
- Other potential options to be determined following consultation.

Given the limited guidance in the Charter and the uncertainty around the financial impact, it is recommended that Council approve an initial budget of $5,000 for legal fees and $15,000 for consultant fees. This funding will enable Council to secure expert advice and navigate the complex negotiations required.

- **Customer Service and Community/Cultural Implications**

The community expects any decision about GRFMA membership to be carefully considered.

- **Sustainability Implications**

While GRFMA's flood mitigation efforts address environmental concerns in the lower Gawler River floodplain, they have little direct impact on the Adelaide Hills Council district.

- **Engagement/Consultation conducted in the development of the report**

Consultation on the development of this report was as follows:

Council Committees:	Nil
Council Workshops:	Nil
Advisory Groups:	Nil
External Agencies:	GRFMA, constituent Councils and the Minister for Local Government.
Community:	Nil

- **Additional Analysis**

Opportunities of Ongoing Membership

Maintaining membership in the GRFMA may help preserve strong relationships with other Constituent Councils and the GRFMA Board, reducing the risk of conflict and fostering collaboration on future projects and regional initiatives.

Benefit to the GRFMA

If Adelaide Hills Council withdraws from the GRFMA, the remaining Constituent Councils may experience several benefits. The Council's departure could alleviate some of the administrative burden associated with coordinating six councils, leading to streamlined communication and more efficient decision-making processes. With fewer councils needing to reach consensus on strategic directions, budget allocations, and project priorities, operational efficiency within the GRFMA could be enhanced.

Moreover, this reduced complexity may foster greater accountability among the remaining councils. A more focused group could lead to improved engagement in the governance of GRFMA initiatives, strengthening the commitment to collaborative projects that address the specific needs of the councils most affected by flood risks.

The withdrawal of Adelaide Hills Council also presents an opportunity for the remaining councils to better align flood mitigation initiatives with their local objectives. This could enable a more tailored approach to resource allocation and project planning, ensuring that efforts reflect the priorities and concerns of the councils continuing to face flood risks.

Additionally, the departure may allow for the reallocation of the Adelaide Hills Council's share of depreciation expenses, providing the remaining councils with an opportunity to strengthen their cases for additional flood mitigation projects. The increased financial stake and consolidated interests could lead to more cohesive and effective project planning, directly benefiting the councils most impacted by flood risks.

Financially, according to Disaster Relief Australia, a higher number of councils increases the complexity of disaster response coordination. If Adelaide Hills Council exits the GRFMA, it could streamline disaster response efforts across the Gawler River Catchment. With fewer councils involved, there would be a reduction in the number of personnel requiring updates during flood risk scenarios. This would lessen the communication burden on South Australian agencies like the Department for Environment and Water and the State Emergency Service, as well as national bodies such as the Bureau of Meteorology. Consequently, these organizations could allocate resources more efficiently and respond more swiftly to flood events, enhancing the overall effectiveness of emergency management.

Process for leaving the GRFMA

Withdrawal from the GRFMA requires adherence to Clause 19 of the Charter. This process mandates that Council notify both the Constituent Councils and the GRFMA of its intent to withdraw and submit a request for Ministerial approval, as the Minister's consent is necessary for withdrawal. If Council completes these steps by 31 December 2024 and the Minister grants approval within six months, the withdrawal will take effect on 30 June 2025, enabling Council to avoid additional fees in the 2024/25 financial year.

Due to the limited procedural guidance in the Charter for such an action, Council has formally requested clarification from the Minister. A response is pending.

Given the uncommon nature of exiting a subsidiary and the limited guidance available, Council is pursuing these steps to ensure a well-informed decision regarding potential withdrawal from the GRFMA.

Timing of withdrawal

As indicated, to avoid incurring additional contributions in the next financial year, Council must notify the GRFMA and Constituent Councils of intent to withdraw by 31 December 2024. A formal request must also be submitted to the Minister. These notifications can be issued concurrently, but final approval depends to the Minister's consent.

Council is advised to formally proceed with the notification process by 31 December 2024 to preserve its options for withdrawal for 2024/2025.

3. OPTIONS

Council has the following options:

I. Continue to explore withdrawing from the GRFMA.
II. Decide to withdraw from the GRFMA.
III. Decide to remain with the GRFMA.

4. APPENDICES

1. The GRFMA Charter

Appendix 1

The GRFMA Charter

GAWLER RIVER FLOODPLAIN MANAGEMENT AUTHORITY

CHARTER

28/1/2020

1. INTRODUCTION

1.1 Name

The name of the subsidiary is the Gawler River Floodplain Management Authority (referred to as 'the Authority' in this Charter).

1.2 Definitions

'**AASB124**' means Australian Accounting Standards Board's Accounting Standard AASB124 Related Party Disclosure;

'**Act**' means the Local Government Act 1999 and includes all regulations made thereunder;

'**Annual Business Plan**' means the business plan adopted by the Authority pursuant to Clause 12.2;

'**Asset Management Plan**' means the asset management plan adopted by the Authority and approved by the Constituent Councils in accordance with Clause 13.3;

'**Board**' means the Board of the Authority set out at Clause 4;

'**Board Member**' means a member of the Board appointed pursuant to Clause 4.2;

'**Budget**' means the annual budget adopted by the Authority pursuant to Clause 12.1;

'**Chairperson**' means the member of the Board appointed pursuant to Clause 4.4;

'**Constituent Councils**' means those councils identified at Clause 2.2.

'**Council**' means a council constituted under the Act;

'Council Member' means a member of a Council;

'**Deputy Board Member**' means a deputy member of the Board appointed pursuant to Clause 4.3;

'**Dispute**' means a difference between one or more Constituent Councils and the Authority concerning the operations or affairs of the Authority and includes where a Constituent Council fails or refuses to approve the draft asset management plan, budget, long term financial plan, or charter amendment as advised by the Authority;

'**Financial Statements**' has the same meaning as in the Act;

'**Financial Year**' means 1 July each year to 30 June in the subsequent year;

'**Long Term Financial Plan**' means the long term financial plan adopted by the Authority and approved by the Constituent Councils pursuant to Clause 13.1;

'**Executive Officer**' means the person appointed pursuant to Clause 10.1 as the Executive Officer of the Authority;

'**Region**' means the collective geographical areas of the Constituent Councils;

'**Strategic Plan**' means the strategic plan adopted by the Authority pursuant to Clause 13.2.

1.2.1 In the calculation of 'days':

1.2.1.1 the day on which the notice, document, report, etc is given will not be taken into account; and

1.2.1.2 Saturdays, Sundays and public holidays will be taken into account.

1.3 **Interpretation**

In this Charter, unless the context otherwise requires:

1.3.1 the singular includes the plural and vice versa;

1.3.2 words importing a gender include other genders;

1.3.3 words importing natural persons include corporates;

1.3.4 reference to a section is to a section of the Act and includes any section that substantially replaces that section and deals with the same matter;

1.3.5 headings are for ease of reference only and do not affect the construction of this clause;

1.3.6 an unenforceable provision or part of a provision of this Charter may be severed and the remainder of this Charter continues in force, unless this would materially change the intended effect of this Charter.

1.4 **Local Government Act**

1.4.1 This Charter must be read in conjunction with Parts 2 and 3 of Schedule 2 to the Act.

1.4.2 The Authority shall conduct its affairs in accordance with and comply with Schedule 2 to the Act except as modified by this Charter in a manner permitted by Schedule 2.

2. **ESTABLISHMENT**

2.1 The Gawler River Floodplain Management Authority is established by the Constituent Councils as a regional subsidiary pursuant to Section 43 and Schedule 2 of the *Local Government Act 1999*.

2.2 The Authority is established by the Adelaide Hills Council, Adelaide Plains Council, The Barossa Council, Town of Gawler, the Light Regional Council and the City of Playford.

2.3 The Authority is subject to the joint direction of the Constituent Councils.

3. **PURPOSE AND FUNCTIONS**

3.1 The Authority has been established for the purpose of coordinating the planning, construction, operation and maintenance of flood mitigation infrastructure for the Gawler River, and for the following functions:

3.1.1 to raise finance for the purpose of developing, managing and operating and maintaining works approved by the Board;

3.1.2 to provide a forum for the discussion and consideration of topics relating to the Constituent Council's obligations and responsibilities in relation to management of flooding of the Gawler River;

3.1.3 to advocate on behalf of the Constituent Councils and their communities where required to State and Federal Governments for legislative policy changes on matters related to flood mitigation and management and associated land use planning with Gawler River flood mitigation;

3.1.4 to facilitate sustainable outcomes to ensure a proper balance between economic, social, environmental and cultural consideration;and

3.1.5 to provide advice as appropriate to the Constituent Councils in relation to development applications relevant to the Authority's roles and functions.

3.2 One or more of the Constituent Councils may request the Authority to undertake a function set out in Clause 3.1 of this Charter for the Constituent Council(s), which function will be additional and separate to those undertaken by the Authority for all of the Constituent Councils.

3.3 Where one or more Constituent Councils makes a request provided for under Clause 3.2, the Constituent Council(s) and the Authority must enter into a written agreement which amongst other things provides for the Constituent Council(s) to pay to the Authority annual subscription amounts and/or equal percentages of classes of subscription to meet the costs of the Authority in undertaking the additional function(s) and which also provides, with the ownership and maintenance of any resultant infrastructure.

3.4 The Authority is not involved in a significant business activity as defined in the Clause 7 Statement prepared under the Competition Principles Agreement of the National Competition Policy.

4. THE BOARD OF MANAGEMENT

4.1 The Board

4.1.1 The Authority will be governed by a Board and all decisions of the Board constitute decisions of the Authority.

4.1.2 The Board is responsible for the administration of the affairs of the Authority. The Board must ensure insofar as it is practicable, that the Authority complies with all legislative obligations including this Charter, that information provided to the Constituent Councils is accurate and that the Constituent Councils are kept informed of the solvency of the Authority as well as any material developments which may affect the operating capacity and financial affairs of the Authority.

4.2 Board Members

4.2.1 The Board will consist of 13 Board Members comprising:

4.2.1.1 the Chief Executive Officers of each of the Constituent Councils (including any persons acting in those offices from time to time) or his or her nominee who shall be an employee of the same Constituent Council as the Chief Executive Officer nominating the employee; and

4.2.1.2 one member of each Constituent Council appointed by each Constituent Council;

4.2.1.3 a Chairperson appointed pursuant to Clause 4.4.

4.2.2 A Board Member is at the expiry of his or her term of office eligible for reappointment.

4.2.3 Board Members (with the exception of the Chairperson) shall not be entitled to receive a sitting fee or other fee or remuneration for undertaking their role as a Board Member.

4.2.4 Written confirmation from the Chief Executive Officer of a Constituent Council will be sufficient evidence of that Constituent Council's appointment or revocation of the appointment of a Board Member.

4.2.5 In the event the office of a Board Member becomes vacant, the Constituent Council who appointed that Board Member will appoint another elected member to fill that vacancy:

4.2.5.1 if the Board Member whose office has become vacant was an elected member of a Constituent Council;

4.2.5.2 if the Board Member whose office has become vacant was a person nominated by the Chief Executive Officer of a Constituent Council, the Chief Executive Officer of that Constituent Council will act as a Board Member or nominate a person to be a Board Member.

4.2.6 The Constituent Councils will endeavour as far as practicable to ensure the Board comprises a gender balance and Board Members with a range of expertise including:

- environmental management;
- corporate financial management;
- general management;
- public sector governance;
- public works engineering management.

4.3 **Deputy Board Member**

4.3.1 Each Constituent Council must appoint:

4.3.1.1 an employee of that Constituent Council as a deputy Board Member who may act in the place of the Board Member being the Chief Executive Officer (or his or her nominee) of that Constituent Council as provided for in Clause 4.2.1.1 if that Board Member is unable for whatever reason to attend a meeting of the Board or otherwise able to act as a Board Member whilst the Board Member is unable to attend a meeting of the Board or to act as a Board Member; and

4.3.1.2 a member of that Constituent Council as a deputy Board Member who may act in the place of the Board Member appointed by that Constituent Council pursuant to Clause 4.2.1.2 if that Board Member is unable for whatever reason to attend a meeting of the Board or otherwise unable to act as a Board Member whilst the Board Member is unable to attend a meeting of the Board or act as a Board Member.

4.3.2 A deputy Board Member in attendance at a meeting of the Board may speak but is only entitled to vote on a matter to be decided by the Board if acting and in attendance at the meeting in accordance with Clauses 4.3.1.

4.4 **Chairperson**

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 and who the Constituent Councils consider has expertise in one or more of the following areas:

(a) environmental management;

(b) corporate financial management;

(c) general management;

(d) public sector governance.

4.4.2 In the event the Chairperson is absent or unable for whatever reason to act as Chairperson, the Board will elect a Board Member as the Acting Chairperson for the period the Chairperson is absent or unable to act as Chairperson.

4.4.3 The Chairperson is, at the expiry of his or her term of office, eligible for reappointment.

4.4.4 The Authority may at the expiry of the Chairperson's term of office as Chairperson appoint the Chairperson for a further term of up to three years and otherwise on the same terms and conditions as the Chairperson's original appointment.

4.4.5 The Authority may pay a sitting fee to the Chairperson in such amount as determined by the Authority.

4.4.6 The Chairperson will preside at all meetings of the Board and in the event the Chairperson is absent from a meeting, the Board must select a Board Member present to preside at that meeting only.

4.4.7 In the event there is a vacancy in the office of Chairperson, the Board will elect a Board Member to act as Chairperson for the balance of the original term or the appointment of a Chairperson, whichever occurs first.

5. **TERM OF OFFICE**

5.1 Subject to Clause 5.2, the term and other conditions of office of a Board Member, will be as determined by the Constituent Council appointing that Board Member.

5.2 The Constituent Councils will as far as practicable appoint Board Members, other than those Board Members who are the Chief Executive Officers of the Constituent Councils, following each periodic election of the Constituent Council until the next periodic election of the Constituent Council.

5.3 The Board may by a two-thirds majority vote of the Board Members present (excluding the member subject to this clause) make a recommendation to the Constituent Council that appointed the relevant Board Member, that the Constituent Council terminate the appointment of that Board Member in the event of:

5.3.1 any behaviour of the Board Member which in the opinion of the Authority amounts to impropriety;

5.3.2 serious neglect of duty in attending to the responsibilities of a Board Member and/or Chairperson of the Board;

5.3.3 breach of fiduciary duty to the Authority;

5.3.4 breach of the duty of confidentiality to the Authority or the Constituent Councils;

5.3.5 breach of the conflict of interest requirements applying to the Board Member; or

5.3.6 any other behaviour which may discredit the Authority or a Constituent Council.

5.4 The Authority may by a two-thirds majority vote of the Board Members present at a Board meeting (excluding the Chairperson) make a recommendation to the Constituent Councils that the appointment of the Chairperson be terminated in the event of:

5.4.1 any behaviour of the Chairperson which in the opinion of the Authority amounts to impropriety;

5.4.2 serious neglect of duty in attending to the responsibilities of a Board Member and/or Chairperson of the Board;

5.4.3 breach of fiduciary duty to the Authority;

5.4.4 breach of the duty of confidentiality to the Authority or the Constituent Councils;

5.4.5 breach of the conflict of interest requirements applying to a Board Member; or

5.4.6 any other behaviour which may discredit the Authority or a Constituent Council.

5.5 The Constituent Council which appointed the member whose term of office has become vacant will be responsible to appoint a Board Member to fill the vacancy.

5.6 A Board Member will cease to hold office and his or her office will become vacant:

5.6.1 if any of the grounds or circumstances in the Act as to when a Board Member's office becomes vacant arises;

5.6.2 if he or she is convicted of an indictable offence punishable by imprisonment;

5.6.3 if the Constituent Council which appointed the Board Member ceases to be a Constituent Council;

5.6.4 in relation to a Board Member who is the Chief Executive Officer (or his or her nominee) of a Constituent Council, if the Board Member ceases to be an employee of the Constituent Council that he or she was an employee of at the time he or she was appointed or the Constituent Council by which the Chief Executive Officer or his or her nominee is employed ceases to be a Constituent Council;

5.6.5 upon the happening of any other event through which the Board Member would be ineligible to remain as a Board Member; or

5.6.6 if a Constituent Council revokes the appointment of a Board Member appointed by that Constituent Council.

6. ROLE, FUNCTIONS AND PROCEEDINGS OF THE BOARD

6.1 Role of the Board

The Board is the Authority's governing body and has the responsibility for the administration of the affairs of the Authority ensuring that the Authority acts in accordance with this Charter and all relevant legislation including the Act.

6.2 Functions of the Board

In addition to the functions of the Board set out in the Act, the functions of the Board include:

6.2.1 the formulation of Strategic and Business Plans in accordance with Clause 13;

6.2.2 providing professional input and policy direction to the Authority;

6.2.3 ensuring strong accountability and stewardship of the Authority;

6.2.4 monitoring, overseeing and measuring the performance of the Executive Officer of the Authority;

6.2.5 ensuring that ethical behaviour and integrity is established and maintained by the Authority, the Board and Board Members in all activities undertaken by the Authority;

6.2.6 developing and adopting such policies and procedures as give effect to good governance and administrative practices;

6.2.7 exercising the care, diligence and skill that a prudent person of business would exercise in managing the affairs of other persons; and

6.2.8 avoiding investments that are speculative or hazardous by nature.

6.3 **Proceedings of the Board**

6.3.1 All meetings of the Authority shall be meetings of the Board.

6.3.2 Ordinary meetings of the Board will be held at such times and places as determined by the Board except that there must be at least one ordinary meeting of the Board every two months.

6.3.3 An ordinary meeting of the Board will constitute an ordinary meeting of the Authority. The Board shall administer the business of the Authority at the ordinary meeting.

6.3.4 For the purpose of this Clause 6.3, the contemporary linking together by telephone, audio-visual or other instantaneous means (telecommunications meeting) of the Board Members provided that at least a quorum is present, is deemed to constitute a meeting of the Board. Each of the Board Members taking part in the telecommunications meeting must at all times during the telecommunications meeting be able to hear and be heard by each of the other Board Members present. At the commencement of the meeting, each Board Member must announce his/her presence to all other Board Members taking part in the meeting. A Board Member must not leave a telecommunications meeting by disconnecting his/her telephone, audio-visual or other communication equipment, unless that Board Member has previously notified the Chairperson of the meeting.

6.3.5 A proposed resolution in writing and given to all Board Members in accordance with procedures determined by the Board will be a valid decision of the Board and will constitute a valid decision of the Authority where a majority of Board Members vote in favour of the resolution by signing and returning the resolution to the Executive Officer or otherwise giving written notice of their consent and setting out the terms of the resolution to the Executive Officer. The resolution will be deemed a resolution of the Board and will be as valid and effective as if it had been passed at a meeting of the Board duly convened and held.

6.3.6 Subject to Clause 6.3.7, meetings of the Board will be open to the public and Chapter 6 Part 3 extends to the Authority as if it were a Council and the Board Members were members of the Council.

6.3.7 Any Constituent Council, the Chairperson or three Board Members may by delivering a written request to the Executive Officer require a special meeting of the Board to be held and any such special meeting shall constitute a special meeting of the Authority. The written request must be accompanied by the agenda for the special meeting and if an agenda is not provided the request has no effect.

6.3.8 On receipt of a written request pursuant to Clause 6.3.7, the Executive Officer must give notice to all Board Members at least four hours prior to the commencement of the special meeting.

6.3.9 A meeting of the Board must not commence until a quorum of Board Members is present and a meeting must not continue if there is not a quorum of Board Members present. A quorum of Board Members will comprise one half of the Board Members in office, ignoring any fraction, plus one.

6.3.10 The Board must adopt a Code of Practice for Meeting Procedures to apply to the proceedings at and conduct of meetings of the Board. The Code of Practice for Meeting Procedures must not be inconsistent with the Act or this Charter.

6.3.11 The Code of Practice for Meeting Procedures may be reviewed by the Board at any time and must be reviewed at least once every three years.

6.3.12 In the event of any inconsistency between this Charter and the Code of Practice for Meeting Procedures, this Charter shall prevail.

7. PROPRIETY OF MEMBERS OF THE BOARD

7.1 Subject to Clauses 20(6) and 20(7) of Schedule 2 to the Act, the provisions regarding conflict of interest prescribed in the Act apply to all Board Members as if they were elected members of a Council and the Authority was a Council.

7.2 Board Members must comply with Division 2, Chapter 5 (Register of Interests) of the Act and to use all reasonable efforts to assist the Authority to comply with any obligations including regarding related party disclosures as set out in AASB124.

7.3 Board Members must act in accordance with their duties of confidence and other legal and fiduciary duties including honesty and the exercise of reasonable care and diligence to the Authority as required by Part 4, Division 1, Chapter 5 of the Act and Clause 23 of Schedule 2, Part 2 of the Act.

7.4 Subject to the express provisions of Schedule 2 to the Act and this Charter, all provisions governing the propriety and duties of members of a Council and public officers under the Act and other South Australian legislation apply to Board Members.

8. POWERS

8.1 The Authority is constituted as a body corporate under the Act and in all things acts through the Board.

8.2 The Authority has subject, where relevant to Clauses 8.3, 8.4 and 8.5:

8.2.1 the power to acquire, deal with and dispose of real and personal property and rights in relation to real and personal property;

8.2.2 the power to compulsorily acquire land in accordance with the Land Acquisition Act 1969, provided that such acquisition is for the purposes of flood mitigation;

8.2.3 the power to sue and be sued in its corporate name;

8.2.4 the power to enter into any kind of contract or arrangement;

8.2.5 the power to return surplus revenue to Constituent Councils in such proportions as the Board considers appropriate at the end of any financial year either by way of cash payment or reduction of annual contribution;

8.2.6 the power to set aside surplus revenue for future capital expenditure;

8.2.7 the power to invest funds and in doing so to take into account Part 4 of Chapter 9 of the Act;

8.2.8 the power to establish committees, in accordance with Clause 9;

8.2.9 the power to delegate any function or duty except for the power to compulsorily acquire land as set out in Clause 8.2.2 and any of the powers set out in section 44 of the Act, (where such powers are applicable to the Authority); and

8.2.10 the power to do anything else necessary or convenient for, or incidental to, the exercise, performance or discharge of its powers, functions or duties.

8.3 The Authority has the power to incur expenditure as follows:

8.3.1 in accordance with a budget adopted by the Authority under Clause 12.1; or

8.3.2 with the prior approval of the Constituent Councils; or

8.3.3 in accordance with the Act, in respect of expenditure not contained in a budget adopted by the Authority for a purpose of genuine emergency or hardship.

8.4 Subject to Clause 8.5, the Authority has the power to borrow money as follows:

8.4.1 in accordance with a budget adopted by the Authority under Clause 12; or

8.4.2 with the prior approval of the Constituent Councils.

8.5 Unless otherwise approved by the Constituent Councils, any and all borrowings (except overdraft facilities) taken out by the Authority:

8.5.1 must be from the Local Government Financial Authority or a registered bank or financial institution within Australia; and

8.5.2 the Authority shall not act outside of the areas of the Constituent Councils without their prior approval and that approval shall only be granted upon the basis that the Constituent Councils consider it necessary or expedient for the performance of their or the Authority's functions.

8.6 The Authority will have a common seal which may be affixed to documents requiring execution under common seal and must be witnessed by the Chairperson and one other Board Member.

8.7 The common seal must not be affixed to a document except to give effect to a resolution of the Board. The Executive Officer will maintain a register which records the resolutions of the Board giving authority to affix the common seal and details of the documents to which the common seal has been affixed with particulars of the persons who witnessed the fixing of the seal and the date.

8.8 The Board may by instrument under the seal authorise a person to execute documents on behalf of the Authority. The Executive Officer will maintain a register of such resolutions and details of any documents executed in this way, together with particulars of the person executing the document.

9. ESTABLISHMENT OF COMMITTEES

9.1 The Authority may establish committees.

9.2 A member of a committee holds office at the pleasure of the Board.

9.3 Without limiting the Board's power to establish additional committees, the following committee is established:

9.3.1 Audit Committee.

9.4 Audit Committee

9.4.1 The Audit Committee shall be composed of no more than three members of whom at least one shall be a person who is not a member of the Board ('Independent Member').

9.4.2 Members of the Audit Committee will be appointed by the Board biennially and at the expiry of a term of appointment are eligible for reappointment.

9.4.3 The Independent Member (or one of the Independent Members if there is more than one) shall be appointed by the Authority as the Chair of the Audit Committee. The Chair of the Audit Committee shall be paid such honorarium as the Authority determines.

9.4.4 Members of the Audit Committee must as far as practicable have recent and relevant financial, risk management or internal audit experience relevant to the functions of the Audit Committee as determined by the Authority.

9.4.5 The functions of the Audit Committee include:

9.4.5.1 reviewing annual Financial Statements of the Authority to ensure they provide a timely and fair view of the state of affairs of the Board; and

9.4.5.2 liaising with the external auditors of the Authority; and

9.4.5.3 reviewing the adequacy of the accounting, internal auditing, reporting, internal control and other financial management systems and practices of the Authority on a regular basis;

9.4.5.4 Considering and advising the Authority on risk management.

10. **ADMINISTRATIVE MATTERS**

10.1 There will be an Executive Officer of the Authority appointed by the Authority on terms and conditions to be determined by the Authority.

10.2 The Executive Officer will be responsible to the Board:

10.2.1 to ensure that the policies and lawful decisions of the Authority are implemented in a timely manner;

10.2.2 for the efficient and effective management of the operations and affairs of the Authority;

10.2.3 to provide advice and reports to the Board on the exercise and performance of the Authority's powers and functions; and

10.2.4 to give effect to the principles of human resource management generally applicable within the local government industry.

10.3 The Executive Officer has such powers, functions and duties prescribed by this clause and as determined necessary by the Authority from time to time to ensure the efficient and effective management of the operations and affairs of the Authority.

10.4 The Authority may employ other officers and it may authorise the Executive Officer to employ such other officers on its behalf as are required for the efficient and effective management of the operations and affairs of the Authority.

10.5 The Authority may engage professional consultants and it may authorise the Executive Officer to engage professional consultants to provide services to the Authority to ensure the proper execution of its decisions, the efficient and effective management of the operations and affairs of the Authority and for giving effect to the general management objectives and principles of personal management prescribed by this Charter.

11. FINANCIAL CONTRIBUTIONS TO THE AUTHORITY

11.1 The contributions of the Constituent Councils shall be based on the percentage shares for capital works, maintenance of assets of the Authority and operational costs of the Authority in accordance with Schedule 1.

Where the capital and/or maintenance cost exceeds $1 Million in any given year, Clause 11.7 shall apply.

11.2 The Authority will be responsible to provide the Constituent Councils with sufficient information for each of them to ascertain the level of and understand the reasons behind the funding required each financial year. This will be achieved via the business plan and the annual budget.

11.3 The Authority will determine annually the funds required by the Authority to enable it to function. The Constituent Councils shall contribute the funds requested by the Authority, in the annual budget and approved by the Constituent Councils, and any additional funds that are required for the continuing function of the Authority and approved by the Constituent Council. The Authority must provide full details regarding the need for additional funds to the Constituent Councils.

11.4 The annual contribution will be paid by each Constituent Council in advance by six monthly instalments.

11.5 Additional contributions (of any) will be paid by each Constituent Council in the manner and at the time determined by the Authority.

11.6 The Authority is accountable to each Constituent Council to ensure that the Authority functions in accordance with its business plan and approved budgets.

11.7 The Authority may enter into separate funding arrangements with Constituent Councils and with any State or Federal Government or their agencies in respect of any project undertaken or to be undertaken by or on behalf of the Authority.

11.8 Where a Constituent Council or Constituent Councils enter into an agreement with the Authority under Clauses 3.2 and 3.3 of this Charter the subscriptions payable under that agreement shall be additional to the subscriptions payable under this Clause.

12. BUDGET AND ANNUAL BUSINESS PLAN

12.1 **Budget**

12.1.1 The Authority must prepare a budget for each financial year.

12.1.2 The Budget must:

12.1.2.1 deal with each principal activity of the Authority on a separate basis;

12.1.2.2 be consistent with and account for activities and circumstances referred to in the Authority's Annual Business Plan;

12.1.2.3 be submitted in draft form to each Constituent Council before 31 March for approval;

12.1.2.4 not be adopted by the Authority until after 31 May but before 30 September;

12.1.2.5 identify the amount of and the reasons for the financial contributions to be made by each Constituent Council to the Authority.

12.1.3 The Budget may only be adopted where two thirds of the Board Members present vote in favour of the Budget.

12.1.4 The Authority must provide a copy of the adopted Budget to each Constituent Council within five clear days after adoption.

12.1.5 The Authority must reconsider its Budget in accordance with Regulation 9 of the Local Government (Financial Management) Regulations 2011.

12.1.6 The Authority must submit to each Constituent Council for approval, any proposed amendment to the Budget.

12.1.7 Where a Constituent Council has failed to approve a draft budget, or an amended budget, and has not served a notice on the Authority in accordance with Clause 21 within two months of the receipt of the draft budget, or amended budget by the Constituent Council, then the approval of the Constituent Council to the draft budget, or amended budget, will be deemed to have been given.

12.2 **Annual Business Plan**

12.2.1 The Authority shall have an Annual Business Plan in respect of the ensuing 12 months.

12.2.2 The Annual Business Plan must:

12.2.2.1 state the services to be provided by the Authority;

12.2.2.2 identify how the Authority intends to manage service delivery;

12.2.2.3 identify the performance targets which the Authority is to pursue;

12.2.2.4 provide a statement of financial and other resources and internal processes that will be required to achieve the performance targets and objectives of the Authority; and

12.2.2.5 specify the performance measures that are to be used to monitor and assess performance against targets.

13. MANAGEMENT FRAMEWORK

13.1 Long Term Financial Plan

13.1.1 The Authority must develop and adopt in consultation with the Constituent Councils a Long Term Financial Plan covering a period of at least ten (10) years in a form and including such matters which, as relevant, is consistent with Section 122 of the Act and the Local Government (Financial Management) Regulations 2011 as if the Authority were a council.

13.1.2 The Authority must review its Long Term Financial Plan in consultation with the Constituent Councils.

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

13.1.4 In any event, the Authority must undertake a comprehensive review of its Long Term Financial Plan every four years.

13.2 Strategic Plan

13.2.1 The Authority must prepare and adopt in consultation with the Constituent Councils a Strategic Plan for the conduct of its business which will identify the Authority's objectives over the period of the Strategic Plan and the principal activities that the Authority intends to undertake to achieve its objectives.

13.2.2 The Authority must review its Strategic Plan in consultation with the Constituent Councils.

13.2.3 The Authority must undertake a comprehensive review of its Strategic Plan every four years.

13.3 Asset Management Plan

13.3.1 The Authority must prepare and adopt in consultation with the Constituent Councils an Asset Management Plan in a form and including such matters which, as relevant, is consistent with Section 122 of the Act as if the Authority were a council.

13.3.2 The Authority must review its Asset Management Plan in consultation with the Constituent Councils.

13.3.3 The Authority may at any time review its Asset Management Plan but must undertake a review of the Asset Management Plan as soon as

practicable after the annual review of its Business Plan and concurrently with any review of its Strategic Plan.

13.3.4 In any event, the Authority must undertake a comprehensive review of its Asset Management Plan every four years.

14. **ACCOUNTING**

14.1 The Authority must ensure that its accounting records, accounts and financial statements are prepared and maintained in accordance with all relevant Australian Accounting Standards and legislation including the Local Government (Financial Management) Regulations 2011.

15. **AUDIT**

15.1 The Authority must appoint an auditor.

15.2 The Audit Committee must approve the audit strategy submitted by the external auditor before submission to the Board.

15.3 The Authority must provide its audited financial statements to the Chief Executive Officer of each Constituent Council by 30 September.

16. **FINANCE**

16.1 The Authority may establish and maintain a bank account with such banking facilities and at a bank to be determined by the Authority.

16.2 All cheques to be authorised must be signed by two Board Members or one Board Member and the Executive Officer.

16.3 Any payments made by Electronic Funds Transfer must be made in accordance with procedures which have received the prior approval of the auditor and been adopted by the Authority.

16.4 The Executive Officer must act prudently in the handling of all financial transactions for the Authority and must provide quarterly financial and corporate reports to the Authority and if requested, the Constituent Councils.

16.5 The Authority will, at the end of each financial year prepare a schedule of assets and liabilities. In addition, the Authority must maintain a record to be known as the 'Schedule of Constituent Councils' Interests in Net Assets'.

16.6 The Schedule of Constituent Councils Interests in Net Assets will reflect the proportionate contribution each Constituent Council has made to capital, operations and maintenance costs incurred by the Authority having regard to the proportionate contribution by way of subscriptions for each function undertaken by the Authority. The Schedule when updated by the Authority at the end of each financial year will reflect the proportionate contribution of each Constituent Council since the establishment of the Authority and once accepted by each Constituent Council will be evidence of the agreed proportion of a Constituent Council’s interests in the net assets as at 30 June in that year.

16.7 Where there is any dispute as to the Schedule, Clause 21 shall apply.

17. **REPORTS AND INFORMATION**

17.1 The Authority must submit an annual report on its work and operations including its audited financial statements, to each Constituent Council before 30 September.

17.2 The Authority shall report at any other time at the written request of a Constituent Council on matters being undertaken by the Authority. Any such report shall be provided to all Constituent Councils.

18. **ALTERATION TO THE CHARTER**

18.1 This charter may be amended by unanimous resolution of the Constituent Councils.

18.2 Before the Constituent Councils vote on a proposal to alter this Charter they must take into account any recommendations of the Authority.

19. **WITHDRAWAL OF A CONSTITUENT COUNCIL**

19.1 Subject to the approval of the Minister, a Constituent Council may withdraw from the Authority by giving not less than six months notice of its intention to do so to all other Constituent Councils and the Executive Officer.

19.2 In any event a withdrawal will not become effective until 30 June following the expiry of the six months notice as required by Clause 19.1 in the preceding sub-clause. Until a withdrawal becomes effective, the Constituent Council proposing withdrawal from the Authority will remain liable for all financial contributions whilst still a Constituent Council and will continue to be responsible for ensuring the proper conduct of the affairs of the Authority.

19.3 A withdrawing Constituent Council is not entitled to any refunds of any contributions made.

20. **ADDITION OF NEW MEMBER**

20.1 The Authority may consider the addition of a Council as a Constituent Council.

20.2 The Constituent Councils must resolve unanimously to approve the addition of a Council as a Constituent Council.

20.3 The Charter shall be amended in accordance with the provisions of this Charter to provide for a Council becoming a Constituent Council.

21. **DISPUTES**

21.1 In the event of any dispute or difference between the Constituent Councils or between one or more Constituent Councils and the Authority concerning this Charter or the Authority (**the Dispute**), a party may initiate the dispute process set out in this clause by serving a notice of dispute on all other Constituent

Councils with a contemporaneous copy being served on the Authority. The parties:

21.1.1 will attempt to settle the dispute or difference by negotiating in good faith;

21.1.2 if good faith negotiations do not settle the dispute within one month of the Dispute arising or such longer time as the parties to the Dispute may agree, then the Dispute shall be referred to an expert for determination. The expert shall be a person with the skills and expertise necessary to resolve the dispute and shall be nominated by the President of the Local Government Association of South Australia. The expert's determination shall be final and binding on the Constituent Councils. The costs of the expert will be apportioned and payable in accordance with the expert's determination;

21.1.3 if the Dispute is unable to be resolved by the expert within six months then any Constituent Council may request the Minister wind up the Authority; and

21.1.4 notwithstanding the existence of a Dispute, the Constituent Councils will continue to meet their obligations to the Authority.

22. **LIMIT OF LIABILITY**

22.1 Except insofar as Clause 3.2 applies the liability of a Constituent Council to the Authority is limited to those functions undertaken by the Authority and to which the Constituent Council has made a financial contribution. The liability of a Constituent Council is proportional to the interest of that Council in the net assets of the Authority as determined under Clause 16 of this Charter.

22.2 The liability of a Constituent Council to the Authority for any function undertaken by the Authority under Clause 3.2 is limited to the requesting Constituent Council or Constituent Councils and as reflected in the agreement entered into with the Authority for those purposes.

23. **DISSOLUTION OF THE AUTHORITY**

23.1 The Authority may be dissolved by the Minister in the circumstances envisaged by Clause 33, Part 2 of Schedule 2 of the Act.

23.2 In the event of there being net assets upon the dissolution and after realisation of all assets and meeting all liabilities, the net assets will be distributed to the then Constituent Councils on the basis of their current interest in the net assets of the Authority as determined by Clause 16.

23.3 In the event of there being an insolvency of the Authority at the time of dissolution, the then Constituent Councils will be responsible jointly and severally to pay the liabilities of the Authority and between themselves in the proportion of their interest in the net assets last determined under Clause 16.

24. **NON-DEROGATION AND DIRECTION BY CONSTITUENT COUNCILS**

24.1 The establishment of the Authority does not derogate from the power of any of the Constituent Councils to act independently in relation to a matter within the jurisdiction of the Authority.

24.2 Provided that the Constituent Councils have all first agreed as to the action to be taken, the Constituent Councils may jointly direct and control the Authority.

24.3 Where the Authority is required pursuant to the Act or this Charter to obtain the approval of one or more of the Constituent Councils, that approval must only be granted and must be evidenced by a resolution passed by either or each of the Constituent Councils granting such approval.

24.4 Unless otherwise stated in this Charter, where the Authority is required to obtain the consent or approval of the Constituent Councils this means the consent or approval of both the Constituent Councils expressed in the same or similar terms.

24.5 For the purpose of this Clause 24, any direction given by the Constituent Councils must be communicated by notice in writing provided to the Executive Officer of the Authority together with a copy of the relevant resolutions of the Constituent Councils.

SCHEDULE 1 – FINANCIAL CONTRIBUTIONS

Constituent Council	Capital Works Percentage Share %	Maintenance of Assets Percentage Share %	Operational Costs Percentage Share %
Adelaide Hills Council	1.73	1.73	16.66
Adelaide Plains Council	28.91	28.91	16.66
The Barossa Council	8.67	8.67	16.66
Town of Gawler	17.34	17.34	16.66
Light Regional Council	8.67	8.67	16.66
City of Playford	34.68	34.68	16.66
Total	100%	100%	100%

Capital Works are defined as building and engineering works that create an asset and the renewal of existing assets that has reached the end of its useful life.

Maintenance is defined as recurrent expenditure to ensure that existing assets function as designed and are kept in good condition.

Operational Costs are defined as recurrent expenditure incurred to ensure that the Authority can conduct day to day functions. Depreciation falls within the scope of the Authority's operational costs.

DEBATE REPORT

7.2 Corporate Services, Strategy and Innovation

7.2.1 REVOCATION OF COMMUNITY LAND CLASSIFIACTION - ALLOT 8 GEORGE STREET WILLIAMSTOWN

Author: Team Leader Corporate Governance and Information Services
25/24933

PURPOSE

For Council to consider community feedback in response to its proposal to revoke the Community Land classification over Allotment 8 George Street Williamstown and proceed in in submitting the proposal to the Minister to consider in accordance with Section 194 of the *Local Government Act 1999*.

RECOMMENDATION

That Council, having noted the completion of the consultation requirements, not having received any formal submissions and having complied with Section 194(2) of the *Local Government Act 1999*:

(1) Proceed, pursuant to Section 194 of the *Local Government Act 1999*, to continue the process to revoke the Community Land classification over Certificate of Title Volume 5532 Folio 961, Allotment (Reserve) 8 Deposited Plan 15967 in the area named Williamstown, Hundred of Barossa.

(2) In accordance with section 194 (3) (a), authorise the Chief Executive Officer to prepare a report and submit it to the Minister for Local Government seeking approval to revoke the Community Land classification over the above parcel, noting that should the Minister support the revocation Council shall be required to formally consider for a final time the actual revocation of Community Land classification.

REPORT

Background
In a report put to Council On 17 December 2024 (Attachment 1) Council resolved to authorise the commencement of a Community Land revocation process pursuant to Section 194 of the *Local Government Act 1999,* for Allotment 8 George Street Williamstown to facilitate a proposed land division that will incorporate new reserves providing for a larger community open space in exchange for the existing Allotment 8.

Introduction
A public notice (Attachment 2) inviting comments on the Community Land Revocation was placed in the Leader newspaper and on Council's website on 10 February 2025.

The public notice advised Interested persons may inspect documents, including mapping to assist in knowledge of the location, at The Barossa Council's Principal Office at 43-51 Tanunda Road, Nuriootpa; or on Council's website. A copy of the consultation report and supporting documentation is included in this report at Attachment 3.

Discussion
No submissions were received during the designated consultation preiod. Council can now consider whether to submit a report proposing the revocation of the community land status to the Minister for consideration.

Summary and Conclusion
Should the proposal be referred to the Minister and supported, the matter will be referred to Council for final endorsement in accordance with the *Local Government Act 1999* at section 194(3)(b).

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1	Council Report - Item 7.4.5 - 17 December 2024 ⇩
Attachment 2	Public Notice Community Land Revocation Proposal Allot 8 George Street Williamstown ⇩
Attachment 3	Consultation Report - Community Land Revocation - Allot 8 George Street Williamstown ⇩

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
Local Government Act 1999, Sections 50 and 194

RISK MANAGEMENT CONSIDERATIONS

These statements are qualitative in nature and designed to provide an indication of Council's general position when deciding to take or retain risk in pursuit of its objectives.

1. SERVICE DELIVERY
Refers to the delivery of services to the community, which includes the systems and physical assets that enable provision of these services, including structures (such as roads, buildings and facilities) as well as IT infrastructure, plant, vehicles & other equipment.

Nil

2. SUSTAINABILITY & ENVIRONMENT

Relates to measures to preserve, protect and minimise impact on the natural environment, including sacred and indigenous lands, flora, fauna, heritage, water, waste, hazardous materials and pollution.

Nil

3. FINANCIAL

Refers to planning and control of Council's budget to align with the sustainable achievement of the desired outcomes articulated in its Community Plan.

There are no financial or resource implications in submitting a report requesting the revocation of the community land status to the Minister.

4. PEOPLE

Relates to recruitment, retention, wellbeing and safety of employees and volunteers and engagement and management of contractors as well as the wellbeing and safety of the community.

The revocation of the Community Land Classification and exchange for new reserves within the development will allow for the provision of a larger community reserve when the land is developed providing increased opportunities for community enjoyment of open space.

5. REPUTATION

Relates to policy, decisions, actions and circumstances that may cause Council to lose credibility with the community, ratepayers, key stakeholders, other levels of government and its own employees and contractors.

Nil

COMMUNITY ENGAGEMENT

Community consultation has occurred in accordance with section 194 of the *Local Government Act 1999* and Council's Consultation Policy.

DEBATE REPORT

7.4 Development and Community Services

7.4.5 REQUEST FOR REVOCATION OF COMMUNITY LAND - LOT 8 GEORGE STREET WILLIAMSTOWN

Author: Manager Development Services
24/111637

PURPOSE

To present a request from NEPCO Group Pty Ltd to commence a revocation of community land process applying to a land-locked reserve, formally described as Allotment 8, Certificate of Title Volume 5532 Folio 961, Deposited Plan 15967, at George Street, Williamstown and request to relocate and/or remove rights of way over Allotment 9, George Street, Williamstown.

RECOMMENDATION

That Council:

(1) Authorise the commencement of a Community Land revocation process pursuant to Section 194 of the *Local Government Act 1999* in respect of Allotment 8, Certificate of Title Volume 5532 Folio 961, Deposited Plan 15967 on condition all costs associated with the revocation process shall be borne by the applicant.

(2) Authorise the Chief Executive Officer to remove rights of way over Allotment 9, George Street, Williamstown post land division approval.

(3) Agree to transfer the land, subject to land revocation being approved, to the current landowner as the only possible landowner that could purchase the land, due to it being land locked and that the land shall be transferred in support of the land development proceeding, and not until land division approval is achieved.

REPORT

Background
Allotment 8 was created in 1997 and the Minutes of The Barossa Council Advisory Committee, dated 23 December 1997, indicate that "*This land was acquired as open space when the allotments on George Street were developed and was taken in this portion as part of a larger Reserve to be created when other land in this locality is developed*". The recommendation adopted in the Minutes was "*That the Reserve be Retained*".

Introduction
The applicant, NEPCO Group Pty Ltd, have requested Council support to commence a revocation of community land process applying to a land-locked reserve,

described as Allotment 8, Certificate of Title Volume 5532 Folio 961, Deposited Plan 15967, at George Street, Williamstown and request to relocate and/or remove rights of way over Allotment 9, George Street, Williamstown.

A copy of the request is contained in *Attachment 1.*

The request is tied with a proposed land division to develop the vacant site into 52 residential allotments, together with proposed public road and reserves. This land is Zoned Township Neighbourhood and represents the last remaining large undeveloped land parcel in Williamstown.

A copy of the plan of division is contained in *Attachment 2*.

The location of the existing reserve, measuring 22m x 25m (550m^2 in total), can be seen on the plan of new division and the reserve is proposed to be realigned with other reserve land under the land division, subject to development approval and approval under Section 194 of the *Local Government Act 1999.*

The request seeks that new reserves proposed within the land division are exchanged for the existing Allotment 8, which is located such that it will conflict with the proposed alignment of a public road. The applicant advises the land division is difficult to design without relocating the reserve land. The applicant proposes that the land division will provide reserve allocation in excess of what is required by Section 198 of the *Planning, Development & Infrastructure Act 2016* of 12.5%, such that financial consideration in support of the reserve exchange in their view should not be applicable. Ultimately, this consideration will be for Council to determine.

Discussion
Given that Allotment 8 is held as community land, Council needs to comply with the provisions of Section 194 of the *Local Government Act 1999* and undertake the necessary community consultation and consider any representations made before proceeding. If Council then proceeds with the revocation, it must first seek the approval of the Minister for Local Government and if that is approved, then make a resolution to revoke the community land status. The resulting parcel of land can then be created and Council will need to consider whether it wishes to accept the proposed exchange of reserves as outlined, pursuant to The Barossa Council Disposal of Land and Other Assets Policy. The process will take upwards of 6 months.

The applicant submits that new reserves proposed by the land division in exchange for Allotment 8 will fulfil the intent of the minutes of The Barossa Council Advisory Committee, 1997 in that a larger reserve will be created when the land is developed. The present Allotment 8 is of little current value, due to it being land locked by the surrounding Allotment 9 which is to be developed. A land exchange to facilitate the provision of a larger area of reserve will be far more beneficial for community use.

The applicant also seeks support to alter and/or remove rights of way over Allotment 9, George Street, Williamstown, which presently extend from George Street up to the reserve. The right of way is identified on the Certificate of Title for Allotment 9 and is 15m wide. Stage 1 of the land division will involve construction of a public road in alignment with portion of the right of way. The applicant would seek that the right of way is extinguished where duplicated by the new road and the balance of the right of way would remain until such time as the land exchange were to occur.

Summary and Conclusion
The land division is proposed upon the last remaining large undeveloped parcel of zoned land in Williamstown. The existing reserve was designated for provision of future open space and in its current configuration, is of little current value. The revocation of the community land classification will enable the applicant to proceed with a proposed land division that will incorporate new open space and the applicant proposes an exchange in reserves to fulfil the intent of the minutes of The Barossa Council Advisory Committee, 1997.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Application for Revocation of Community Land - Lot 8 George Street Williamstown ⇩
Attachment 2 Development Application 24039820 - Proposed Plan of Division ⇩

Supporting references
Guidance Paper No. 5 - Community Land Revocations

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan

Business and Employment

Goal
11 The Barossa has a strong local economy that adapts, innovates and thrives on change and strives for a diverse industry base that provides a sustainable range of business and job opportunities for people.

Strategies
11.2 Support proactive population growth that is incremental, well managed and is backed up by local planning and development opportunities.

Legislative Requirements
Local Government Act 1999
Planning, Development & Infrastructure Act 2016

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

In this case, the costs associated with the land revocation process shall be covered by the applicant. In addition, Council will need to resolve whether to support the proposed land disposal as outlined in the form of a land exchange, should the community land classification be revoked.

COMMUNITY ENGAGEMENT

Following completion of a report on the proposal prepared containing the matters prescribed by Section 194(2)(a) of the *Local Government Act 1999*, Council must undertake public consultation on the proposal in accordance with the relevant steps set out in its public consultation policy.

OUTHRED ENGLISH
Urban & Regional Planners

Our ref: 2437/124

3 December 2024

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

Dear Martin

Re: Request to Initiate the land revocation process – Community Land– Lot 8 (Reserve) in C/T 5532/961, George Street, Williamstown.

I write on behalf of my client - NEPCO Group of Companies, in respect to a request for Council to Initiate the land revocation process for a small land-locked reserve (Lot 8). Allotment 8 is surrounded by land (Lot 9), owned by my client, and presently in the process of a land division application for 52 residential allotments.

Subject Land
The land subject to this revocation request is Allotment 8 contained in Certificate of Title Volume 5532 Volume 961.

Allotment 8 measures 22m x 25m, giving an area of 550m^2. Lot 8 is entirely surrounded by Lot 9.

Legal access to Lot 8 is via a 15m wide right-of-way, over Lot 9, connecting to George Street.

Background
I understand that Allotment 8 was created in 1997. I have been provided with the following information: - *'The minutes of The Barossa Council Advisory Committee, dated 23 December 1997 indicate that this land was acquired as open space when the allotments fronting George Street were developed and was taken in this portion as part of a larger Reserve to be created when other land in this locality is developed'.*

Land Division of Allotment 9
My client has been engaged in preparing a land division proposal for Lot 9 during 2024. The subject land is reasonably steep in places, resulting in significant time having been spent in achieving the most appropriate design to address the slope and the provision of services.

A final land division design was achieved in November, following consultation with Council

Outhred English Planners Pty Ltd
Trading As: Outhred English Urban and Regional Planners - ABN 77 663 685 416
Email: john@outhredenglish.com.au - Mobile: 0488 225 160
PO Box 20, North Adelaide SA 5006

staff. A development application for 52 residential allotments, roads and reserves in three stages was lodged on 27 November 2024. A copy of the land division plan is attached with the position of Lot 8 clearly marked.

The proposed land division provides a large reserve with an area of 15,646m^2. This is substantially in excess of the 12.5% reserve allocation required by a land division creating 21 or more allotments.

Thus, the proposal from my client is to provide other nearby land for reserve purposes, in exchange for Allotment 8. The calculations of reserve provision, are a follows:

- Lot 9 area – 62,257m^2
- 12.5% required for reserve = 7,782m2
- Amount of reserve to be provided in the subject land division, that is in excess of 12.5% = 7,864m^2 (15,646m^2 – 7,782m^2)

The Barossa Council Disposal of Land and Other Assets Policy

I note that Clause 3.1.1 of the policy, lists matters to consider in any decision to dispose of land. I would contribute the following brief comments, in respect to the relevant listed considerations:

- The land has little use in its present land-locked position
- The replacement reserve land, consolidated with additional reserve allocation from the land division, will be much more useful for community use
- The proposal is consistent with the intent of the 1997 minute of The Barossa Council Advisory Committee, in that it foreshadowed future consolidation into a larger Reserve to be created when other land in this locality is developed

Rights-of-way

My client is aware of the time involved in the process of Revocation of Community Land Classification pursuant to Section 194 of the Local Government Act 1999.

The time involved in the land division approval process, followed by the development of the 16 allotments in Stage 1, means it will be sometime before Stage 2 will commence. However, the rights-of-way over Lot 9, involve both Stages 1 & 2. Therefore, it would be appreciated if Council could consider what resolutions would be necessary to relocate the rights-of-way over the proposed public roads.

Should you wish to discuss further contact me on (08) 8342 4848.

Yours sincerely



John Outhred
Principal Planner - Planning and Property
Attachments:
C/T 5532/961 – Lot 8
C/T 5417/786 – Lot 9
Land Division Plan – DA ID 24039820 with position of Lot 8 marked


Development No.
Application ID:
STAGE 3
STAGE 2
STAGE 1
LOT 8
PUBLIC ROAD
GEORGE
STREET
LANGE GROVE
PROPOSED PLAN OF DIVISION
HD OF BAROSSA
WILLIAMSTOWN
BAROSSA COUNCIL
Steed
surveyors • land divisions

LAND SERVICES SA

Product	Register Search (CT 5532/961)
Date/Time	21/11/2024 10:03AM
Customer Reference	13123
Order ID	20241121002178

REAL PROPERTY ACT, 1886 South Australia

The Registrar-General certifies that this Title Register Search displays the records maintained in the Register Book and other notations at the time of searching.

REGISTRAR - GENERAL SOUTH AUSTRALIA

Certificate of Title - Volume 5532 Folio 961

Parent Title(s) CT 4260/276

Creating Dealing(s) CONVERTED TITLE

Title Issued 08/05/1998 **Edition** 1 **Edition Issued** 08/05/1998

Estate Type

FEE SIMPLE (RESERVE)

Registered Proprietor

THE BAROSSA COUNCIL
OF PO BOX 867 NURIOOTPA SA 5355

Description of Land

ALLOTMENT (RESERVE) 8 DEPOSITED PLAN 15967
IN THE AREA NAMED WILLIAMSTOWN
HUNDRED OF BAROSSA

BEING A RESERVE

Easements

NIL

Schedule of Dealings

NIL

Notations

Dealings Affecting Title	NIL
Priority Notices	NIL
Registrar-General's Notes	NIL
Administrative Interests	NIL

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LAND SERVICES SA

Product	Register Search (CT 5417/786)
Date/Time	04/11/2020 08:25AM
Customer Reference	
Order ID	20201104000420

REAL PROPERTY ACT, 1886
South Australia

The Registrar-General certifies that this Title Register Search displays the records maintained in the Register Book and other notations at the time of searching.

REGISTRAR - GENERAL SOUTH AUSTRALIA

Certificate of Title - Volume 5417 Folio 786

Parent Title(s)	CT 4260/280				
Creating Dealing(s)	SC 8237383				
Title Issued	06/05/1997	**Edition**	1	**Edition Issued**	06/05/1997

Estate Type

FEE SIMPLE

Registered Proprietor

MARIA FLECKER
OF 22A MILLICENT STREET ATHOL PARK SA 5012

Description of Land

ALLOTMENT 9 DEPOSITED PLAN 15967
IN THE AREA NAMED WILLIAMSTOWN
HUNDRED OF BAROSSA

Easements

SUBJECT TO FREE AND UNRESTRICTED RIGHT(S) OF WAY OVER THE LAND MARKED A

Schedule of Dealings

NIL

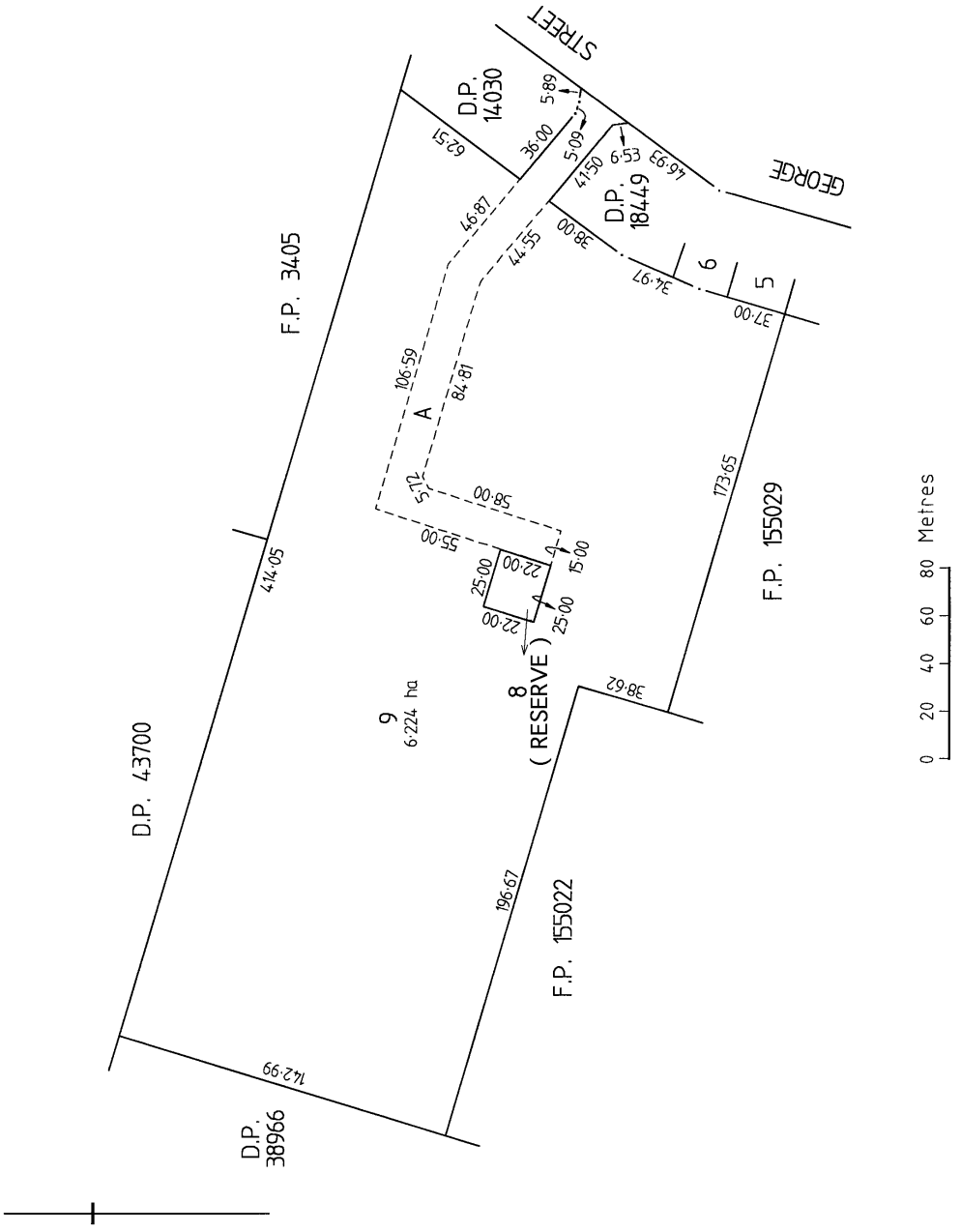
Notations

Dealings Affecting Title	NIL
Priority Notices	NIL
Notations on Plan	NIL
Registrar-General's Notes	NIL
Administrative Interests	NIL

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Product	Register Search (CT 5417/786)
Date/Time	04/11/2020 08:25AM
Customer Reference	
Order ID	20201104000420



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Product	Historical Search
Date/Time	04/11/2020 08:25AM
Customer Reference	
Order ID	20201104000420

Certificate of Title

Title Reference:	CT 5417/786
Status:	CURRENT
Parent Title(s):	CT 4260/280
Dealing(s) Creating Title:	SC 8237383
Title Issued:	06/05/1997
Edition:	1

Dealings

No lodged Dealings found.

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Development No.
Application ID:

SCALE 0 15 30 45 60 75 METRES
ORIGINAL SHEET SIZE A1



REGISTERED PROPRIETOR ..... WILLIAMSTOWN DEVELOPMENT PROJECT PTY LTD

TOTAL AREA 6.281ha (62,807m²)

No OF EXISTING ALLOTMENTS 2
No OF ADDITIONAL ALLOTMENTS 50

52 TOWNSHIP NEIGHBOURHOOD ALLOTMENTS
TOTAL AREA OF NEW RESIDENTIAL ALLOTMENTS 35,626m²

4 ROADS:
ALLOT 201 (PUBLIC ROAD)
ALLOT 202 (PUBLIC ROAD)
ALLOT 203 (PUBLIC ROAD)
ALLOT 204 (PUBLIC ROAD)
TOTAL AREA OF ROAD 11,535m²

1 RESERVE:
ALLOT 101 (RESERVE)
TOTAL AREA OF RESERVE 15,646m²

LEVEL DATUM ..... AHD DERIVED FROM PSM 6628/52670 RL 287.808m AHD
CONTOUR INTERVAL ..... 0.5 METRE
COORDINATE DATUM ..... MGA 2020 ZONE 54
COMBINED SCALE FACTOR 1.000015
ZONE ..... TOWNSHIP NEIGHBOURHOOD

PROPOSED PLAN OF DIVISION

SHEET 1 OF 1
MAP REF: 6628-17-E
COUNCIL: BAROSSA COUNCIL
LAND DESCRIPTION

HD OF BAROSSA
ALLOT 8 (RESERVE) & 9 IN D15967
OF SECTIONS 984 & 985
in the area named
WILLIAMSTOWN
C.T. VOL. 5532 FOL. 961
C.T. VOL. 5417 FOL. 786

EASEMENT NOTES AND OTHER ANNOTATIONS:

SECTION 90E OF THE REAL PROPERTY ACT APPLIES TO THIS PLAN.

PORTIONS OF ALLOTMENTS 11-15, 20-23, 44, 46, 47, 51 & 52 MARKED B ARE TO BE SUBJECT TO SERVICE EASEMENTS TO THE COUNCIL FOR THE AREA FOR DRAINAGE PURPOSES.

NEW EASEMENTS ARE 3.00 WIDE UNLESS OTHERWISE SHOWN.

STAGING:
STAGE 1: ALLOTS 1-16 (INCL)
STAGE 2: 17-28 (INCL), 50-52 (INCL)
STAGE 3: ALLOTS 29-49 (INCL)

DIMENSIONS AND AREAS ARE SUBJECT TO SURVEY.

LEGEND:
TMP = TELECOM MARKER
DO = DRAINAGE OUTLET
GP = GRATED PIT
UMH = UNCLASSIFIED MANHOLE
BORE
UUN = UNCLASSIFIED UTILITY
POST/STRAINER
TREE
NATURAL SURFACE
BOUNDARY
BOUNDARY
EASEMENT BOUNDARY
MAJOR CONTOUR
MINOR CONTOUR
BOTTOM OF BANK
TOP OF BANK
FENCE
G.LFENCE
GUT = GUTTER
EAV = EAVES
BUILDING
SHED
FTG = FOOTING
EDGE OF CONCRETE
EDGE OF PATH
CENTRE OF DRAIN
UG DRAINAGE
WT = WATER TABLE
EB = EDGE OF BITUMEN
TK = TOP OF KERB
DRIVEWAY

REV	DATE	DESCRIPTION
3.1	17/11/24	AMEND ALLOTMENT LAYOUT
3.0	17/09/24	FIRST ISSUE

ADDITIONS & AMENDMENTS

VOUCHED FOR IN ACCORDANCE WITH SCHEDULE 8 OF THE PLANNING, DEVELOPMENT & INFRASTRUCTURE (GENERAL) REGULATIONS 2017

H.M.POHL 17/09/24
LICENSED SURVEYOR ..... DATE

IMPORTANT NOTE: This plan was prepared for ANANTA GHISING as a proposed subdivision to accompany a subdivision application to THE BAROSSA COUNCIL and should not be used for any other purpose.
The dimensions, areas and total number of allotments shown hereon are subject to field survey and also to the requirements of Council and any other authority which may have requirements under any relevant legislation.
In particular, no reliance should be placed on the information on this plan for any financial dealings involving the land.
Steed Surveyors therefore disclaims any liability for any loss or damage whatsoever or howsoever incurred arising from any party who uses or relies upon this plan for any purpose other than as a document prepared for the sole purpose of making a subdivisional application to Council and which may be subject to alteration for reasons beyond the control of Steed Surveyors.
This is not a plan of an approved subdivision.
This note is an integral part of this plan.

surveyors + land divisions
info@steedsurveyors.com.au
ACN 614 910 691
Steed
Norwood - 08 8362 7900
23 Sydenham Road SO67
Murray Bridge - 08 8532 5200
Murrundi Building, 30 Seventh Street 5253
Kangaroo Island - 08 8559 4283

REFERENCE: 13123P3.1 17/11/24 JEH,FJT,ELT

Community Land Revocation Proposal

Notice is given under section 194(2)(b) of the Local Government Act 1999 that public comment is invited on a Council proposal to revoke the following land from classification as Community Land:

Land Name: Reserve, George Street, Williamstown
Address: Allotment 8 George Street, Williamstown
Title Reference: Volume 5532 Folio 961

Council has received an application to remove the Community Land classification for the above land parcel.

The request is tied with a proposed land division to develop the vacant site into 52 residential allotments, together with proposed public road and reserves. This land is Zoned Township Neighbourhood and represents the last remaining large undeveloped land parcel in Williamstown.

The request seeks that new reserves proposed within the land division are exchanged for the existing Allotment 8, which is located such that it will conflict with the proposed alignment of a public road. The applicant advises the land division is difficult to design without relocating the reserve land.

New reserves proposed by the land division in exchange for Allotment 8 will provide for a larger community reserve to be created when the land is developed.

Interested persons may inspect documents, including mapping at The Barossa Council's Principal Office at 43-51 Tanunda Road, Nuriootpa; or on Council's website at www.barossa.sa.gov.au.

Written submissions on the proposed revocation of the Community Land should be addressed to the Chief Executive Officer, The Barossa Council, PO Box 867, Nuriootpa SA 5355, or email to barossa@barossa.sa.gov.au.

Submissions must be received by 5pm Friday 14 March, 2025

Martin McCarthy
Chief Executive Officer

Consultation Report

Pursuant to Section 194 of the Local Government Act 1999

PROPERTY DETAILS

Land Name: Reserve, George Street, Williamstown

Address: Allotment 8 George Street, Williamstown

Title Reference: Volume 5532 Folio 961

Please see map at the *Attachment* for the relevant land location; the parcel of land is highlighted.

1. Reason for proposal

To remove the community land classification applying to the land-locked reserve described as Allotment 8, Certificate of Title Volume 5532 Folio 961, Deposited Plan 15967, at George Street, Williamstown to facilitate a proposed land division.

The land division proposes to develop the above parcel, along with the adjacent land parcel, Allotment 9, Certificate of Title Volume 5417 Folio 786, Deposited Plan 15967, at George Street, Williamstown.

The current designs are provided at the *Attachment* to this report.

2. Proposed Management of the Land and Assessment of its Strategic Purpose

Allotment 8 was created in 1997 and the Minutes of The Barossa Council Advisory Committee, dated 23 December 1997, indicate that "This land was acquired as open space when the allotments on George Street were developed and was taken in this portion as part of a larger Reserve to be created when other land in this locality is developed". The recommendation adopted in the Minutes was "That the Reserve be Retained".

The existing reserve was designated for provision of future open space and in its current configuration, is of little current value. The revocation of the community land classification will enable the applicant to proceed with a proposed land division that will incorporate new open space and the applicant proposes an exchange in reserves to fulfil the intent of the minutes of The Barossa Council Advisory Committee, 1997.

3. Reservation, Dedication, Trust or Known Restrictions

The community land parcel is encumbered at present as it is classified as Community Land pursuant to Section 193 of the Local Government Act 1999 (the Act).

In order to provide the highlighted land and make it available for the development it must be unencumbered.

The attachment also provides a copy of the certificate of title.

There are no other known encumbrances or restrictions over the land.

4. Relevance to Community Consultation

Before the community land can be incorporated into the proposed development, its formal classification as "Community Land" under the *Local Government Act* must be considered and if supported by Council, revoked.

The Act establishes a framework for the classification of land owned by or under Council's care, control and management – this is known as "community land". The framework ensures a consistent and strategic approach to the administration and management of local government land. Its objectives are to protect the interests of the whole community regarding the land for current and future generations.

The Act requires Council to consult with its community over proposals to revoke land from the Community Land classification framework.

Accordingly, Council has approved a consultation process which will start on Monday 10 February 2025 and conclude at 5pm, local time on Friday 14 March 2025. The approved consultation process shall be:

(1) Public notices in the Leader and Bunyip newspapers.
(2) Placement of information on website and Facebook.
(3) Display at Council primary office 43-51 Tanunda Road Nuriootpa.

The consultation period will seek written submissions through email or letter.

After the consultation period, a report will be prepared for Council's consideration including submissions received, to determine if it will proceed with the revocation of the community land status of the parcel of community land.

5. Future use of Land

The request seeks that new reserves proposed within the land division are exchanged for the existing Allotment 8, which is located such that it will conflict with the proposed alignment of a public road.

The applicant advises the land division is difficult to design without relocating the reserve land. The applicant proposes that the land division will provide reserve allocation in excess of what is required by Section 198 of the Planning, Development & Infrastructure Act 2016 of 12.5%, such that financial consideration in support of the reserve exchange in their view should not be applicable. Ultimately, this consideration will be for Council to determine.

6. Effect on the Area and Local Community

There will be minor loss of undeveloped land of little value.
The location of the existing reserve, measuring 22m x 25m (550m2 in total), can be seen on the plan of new division and the reserve is proposed to be realigned with other reserve land under the land division, subject to development approval and approval under Section 194 of the Local Government Act 1999

new reserves proposed by the land division in exchange for Allotment 8 will fulfil the intent of the minutes of The Barossa Council Advisory Committee, 1997 in that a larger reserve will be created when the land is developed. The present Allotment 8 is of little current value, due to it being land locked by the surrounding Allotment 9 which is to be developed. A land exchange to facilitate the provision of a larger area of reserve will be far more beneficial for community use.

7. Other Key Legislative Considerations

Whilst this report addresses the requirements under Section 194 of the Local Government Act, and that the land is not being disposed of, rather it shall be incorporated as part of the development application for allotment 9, and a larger reserve will be created when the land is developed.

At this time Council is satisfied that the revocation of the community land classification is a sound investment in community outcomes.

On approval of community land revocation Council shall:

1. Begin the process to transfer the land in support of the land development proceeding.
2. Complete the transfer only when land division approval is achieved.

OUTHRED ENGLISH
Urban & Regional Planners

Our ref: 2437/124

3 December 2024

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

Dear Martin

Re: Request to Initiate the land revocation process – Community Land– Lot 8 (Reserve) in C/T 5532/961, George Street, Williamstown.

I write on behalf of my client - NEPCO Group of Companies, in respect to a request for Council to Initiate the land revocation process for a small land-locked reserve (Lot 8). Allotment 8 is surrounded by land (Lot 9), owned by my client, and presently in the process of a land division application for 52 residential allotments.

Subject Land
The land subject to this revocation request is Allotment 8 contained in Certificate of Title Volume 5532 Volume 961.

Allotment 8 measures 22m x 25m, giving an area of 550m^2. Lot 8 is entirely surrounded by Lot 9.

Legal access to Lot 8 is via a 15m wide right-of-way, over Lot 9, connecting to George Street.

Background
I understand that Allotment 8 was created in 1997. I have been provided with the following information: - *'The minutes of The Barossa Council Advisory Committee, dated 23 December 1997 indicate that this land was acquired as open space when the allotments fronting George Street were developed and was taken in this portion as part of a larger Reserve to be created when other land in this locality is developed'.*

Land Division of Allotment 9
My client has been engaged in preparing a land division proposal for Lot 9 during 2024. The subject land is reasonably steep in places, resulting in significant time having been spent in achieving the most appropriate design to address the slope and the provision of services.

A final land division design was achieved in November, following consultation with Council

Outhred English Planners Pty Ltd
Trading As: Outhred English Urban and Regional Planners - ABN 77 663 685 416
Email: john@outhredenglish.com.au - Mobile: 0488 225 160
PO Box 20, North Adelaide SA 5006

staff. A development application for 52 residential allotments, roads and reserves in three stages was lodged on 27 November 2024. A copy of the land division plan is attached with the position of Lot 8 clearly marked.

The proposed land division provides a large reserve with an area of 15,646m^2. This is substantially in excess of the 12.5% reserve allocation required by a land division creating 21 or more allotments.

Thus, the proposal from my client is to provide other nearby land for reserve purposes, in exchange for Allotment 8. The calculations of reserve provision, are a follows:

- Lot 9 area – 62,257m^2
- 12.5% required for reserve = 7,782m2
- Amount of reserve to be provided in the subject land division, that is in excess of 12.5% = 7,864m^2 (15,646m^2 – 7,782m^2)

The Barossa Council Disposal of Land and Other Assets Policy
I note that Clause 3.1.1 of the policy, lists matters to consider in any decision to dispose of land. I would contribute the following brief comments, in respect to the relevant listed considerations:

- The land has little use in its present land-locked position
- The replacement reserve land, consolidated with additional reserve allocation from the land division, will be much more useful for community use
- The proposal is consistent with the intent of the 1997 minute of The Barossa Council Advisory Committee, in that it foreshadowed future consolidation into a larger Reserve to be created when other land in this locality is developed

Rights-of-way
My client is aware of the time involved in the process of Revocation of Community Land Classification pursuant to Section 194 of the Local Government Act 1999.

The time involved in the land division approval process, followed by the development of the 16 allotments in Stage 1, means it will be sometime before Stage 2 will commence. However, the rights-of-way over Lot 9, involve both Stages 1 & 2. Therefore, it would be appreciated if Council could consider what resolutions would be necessary to relocate the rights-of-way over the proposed public roads.

Should you wish to discuss further contact me on (08) 8342 4848.

Yours sincerely



John Outhred
Principal Planner - Planning and Property
Attachments:
C/T 5532/961 – Lot 8
C/T 5417/786 – Lot 9
Land Division Plan – DA ID 24039820 with position of Lot 8 marked


Development No.
Application ID:
STAGE 3
STAGE 2
STAGE 1
LOT 8
PUBLIC ROAD
KALIMU DRIVE
LANGE GROVE
GEORGE
STREET
PROPOSED PLAN OF DIVISION
HD OF BAROSSA
WILLIAMSTOWN
surveyors + land divisions

LAND SERVICES SA

Product	Register Search (CT 5532/961)
Date/Time	21/11/2024 10:03AM
Customer Reference	13123
Order ID	20241121002178

REAL PROPERTY ACT, 1886 South Australia

The Registrar-General certifies that this Title Register Search displays the records maintained in the Register Book and other notations at the time of searching.

REGISTRAR - GENERAL SOUTH AUSTRALIA

Certificate of Title - Volume 5532 Folio 961

Parent Title(s) CT 4260/276

Creating Dealing(s) CONVERTED TITLE

Title Issued 08/05/1998 **Edition** 1 **Edition Issued** 08/05/1998

Estate Type

FEE SIMPLE (RESERVE)

Registered Proprietor

THE BAROSSA COUNCIL
OF PO BOX 867 NURIOOTPA SA 5355

Description of Land

ALLOTMENT (RESERVE) 8 DEPOSITED PLAN 15967
IN THE AREA NAMED WILLIAMSTOWN
HUNDRED OF BAROSSA

BEING A RESERVE

Easements

NIL

Schedule of Dealings

NIL

Notations

Dealings Affecting Title	NIL
Priority Notices	NIL
Registrar-General's Notes	NIL
Administrative Interests	NIL

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Product	Register Search (CT 5417/786)
Date/Time	04/11/2020 08:25AM
Customer Reference	
Order ID	20201104000420

REAL PROPERTY ACT, 1886 South Australia

The Registrar-General certifies that this Title Register Search displays the records maintained in the Register Book and other notations at the time of searching.

Certificate of Title - Volume 5417 Folio 786

Parent Title(s)	CT 4260/280				
Creating Dealing(s)	SC 8237383				
Title Issued	06/05/1997	**Edition**	1	**Edition Issued**	06/05/1997

Estate Type

FEE SIMPLE

Registered Proprietor

MARIA FLECKER
OF 22A MILLICENT STREET ATHOL PARK SA 5012

Description of Land

ALLOTMENT 9 DEPOSITED PLAN 15967
IN THE AREA NAMED WILLIAMSTOWN
HUNDRED OF BAROSSA

Easements

SUBJECT TO FREE AND UNRESTRICTED RIGHT(S) OF WAY OVER THE LAND MARKED A

Schedule of Dealings

NIL

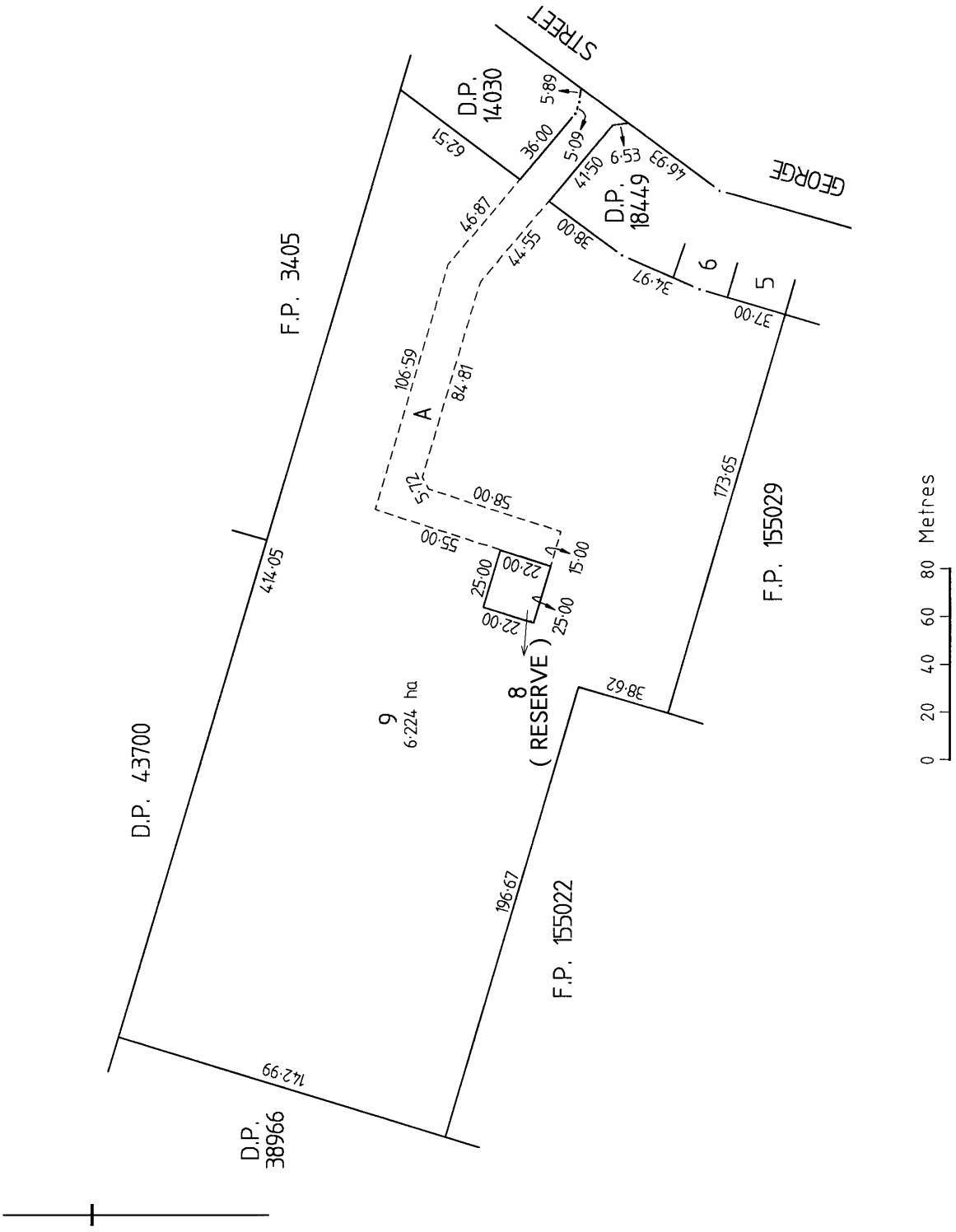
Notations

Dealings Affecting Title	NIL
Priority Notices	NIL
Notations on Plan	NIL
Registrar-General's Notes	NIL
Administrative Interests	NIL

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LAND SERVICES SA

Product	Register Search (CT 5417/786)
Date/Time	04/11/2020 08:25AM
Customer Reference	
Order ID	20201104000420



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Product	Historical Search
Date/Time	04/11/2020 08:25AM
Customer Reference	
Order ID	20201104000420

Certificate of Title

Title Reference:	CT 5417/786
Status:	CURRENT
Parent Title(s):	CT 4260/280
Dealing(s) Creating Title:	SC 8237383
Title Issued:	06/05/1997
Edition:	1

Dealings

No lodged Dealings found.

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DEBATE REPORT

7.2 Corporate Services, Strategy and Innovation

7.2.2 PROPOSED AMENDMENT TO LEASE, LICENCE AND HIRE PERMIT POLICY FEE SETTINGS

Author: Deputy CEO and Director Corporate Services, Strategy and Innovation
25/25216

PURPOSE

To seek approval to amend the Lease, Licence and Hire Permit Policy fee settings to introduce a cap on the written down value of non-commercially leased assets for the purpose of ensuring the calculation of base exclusive and shared use fees in a manner that ensures the ongoing financial sustainability of local sporting clubs and community groups.

RECOMMENDATION

That Council approves the introduction of a $10m cap on the written down value of assets for the purpose of calculating base exclusive use and shared use lease fees for non-commercial lease agreements.

REPORT

Background
Following a deep review and redesign of Council's framework for managing third party use of community land, buildings and recreational assets throughout 2022/23 and a period of community consultation, Council adopted the current approved Lease, Licence and Hire Permit Policy (see Attachment 1) at its meeting of 18 July 2023.

Introduction
Council's Lease, Licence and Hire Permit Policy seeks to achieve the following objectives:

1. To ensure that there is flexibility and an opportunity for all community members as individuals, groups and organisations to be able to access Council facilities for a mix of welfare, social, cultural, recreational and community functions, activities and services;
2. To ensure that fees and charges for hire of Council community facilities meet principles of social justice equity and value for money and demonstrates Council's commitment to a fair, accountable and transparent process.
3. To ensure that there is a clear process and criteria in place for the consideration of applications for fee reduction or waiver for the hire of Council facilities.

To this end, the Policy sets out high level principles and policy settings and provides a framework for the use, occupancy and management of Council buildings and land.

The Policy is supported by a suite of Conditions of Use Guidelines for each agreement type, providing granular detail on specific conditions of use, roles and responsibilities, the applicable fee setting methodology and applicable fee subsidies.

Discussion
Since its adoption in July 2023, Council Officers have been rolling out implementation of Lease, Licence and Hire Permit Policy when generating new permits and agreements, including the revised fee settings, generating outcomes consistent with objective 2 outlined in the introduction of this report.

However, the recent completion of Barossa Park has identified the potential for unfavourable and unsustainable financial outcomes for primary lessees of the Clubroom at this site due to base fees being calculated upon 1% of the current written down value of the leased area in accordance with section 3.5.2 of the policy.

The current written down value of the Clubroom at Barossa Park is in excess of $20m which far exceeds the written down value of any other leased asset within The Barossa Council portfolio of community facilities, a result that is largely driven by the regional level of service the precinct seeks to deliver and Council's obligation to meet State government event venue requirements. Based on current fee settings, the base fee for this facility when being occupied under a shared use lease would be $200,000 which is significantly reduced for rebates and capital contributions. In addition to higher base fees, the lessee for this facility is also required to fund maintenance requirements in accordance with Council's standards Shared Use Lease Guidelines. Due to the nature of this facility, these requirements are far greater in scale and complexity than any expectations across other Council facilities.

The above fees are likely to contribute to unsustainable financial outcomes for any sporting club or community group operating as the primary lease holder in this facility and are at odds with the broader objectives of Council to meet its endorsed objectives for community participation, fairness and equity and broader wellbeing, despite the capacity to generate income associated with events and third-party hire.

To ensure a measure of parity across our recreation park facilities and the clubs that perform a vital role in activating and maintaining these spaces, it is recommended that Council give consideration to introducing a $10m cap on the written down value of non-commercially leased assets for the purpose of ensuring the calculation of base exclusive and shared use fees in a manner that ensures the ongoing financial sustainability of local sporting clubs and community groups (ie base cost is never more than $100,000 prior to the application of relevant subsidies and capital contribution rate which can bring the lease fee down to as low as $15,000 per annum).

Summary and Conclusion
To ensure the ongoing financial sustainability of sporting and community groups engaged in exclusive or shared use lease arrangements for Council owned community assets it is recommended that a cap on the current written down value of assets be introduced for the purpose of calculating base fees.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Lease Licence and Hire Permit Policy - Approved July 2023

Supporting references
Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Creating a safe and connected community where people have access to sustainable services and service levels and infrastructure they need and feel a sense of belonging.

Strategic Outcome
- Our services and facilities are accessible.



Our places and spaces enhance the liveability, retain rural and regional character and diversity of our communities.

Strategic Outcome
- Our places are planned, managed, and sustainable.



We strive to be a leader in regional Local Government and are committed to delivering effective, efficient, and valued services to the community.

Strategic Outcome
- We have strong relationships, and where appropriate, partner with our community, industries, stakeholders, the Local Government sector and Governments.

Corporate Plan

CS6 Community - To help the prosperity and wellbeing of the community. Community grants programs. Support for community groups – networking, advice, input to The Big Project

Legislative Requirements
Local Government Act 1999
Retail and Commercial Leases Act 1995
Crown Land Management Act 2009
Risk Management Considerations

COMMUNITY ENGAGEMENT

These statements are qualitative in nature and designed to provide an indication of Council's general position when deciding to take or retain risk in pursuit of its objectives.

1. SERVICE DELIVERY

Refers to the delivery of services to the community, which includes the systems and physical assets that enable provision of these services, including structures (such as roads, buildings and facilities) as well as IT infrastructure, plant, vehicles & other equipment.

The adopted policy settings fundamentally meet their objective to manage both organisational and stakeholder risks associated with the ongoing management

and use of Council infrastructure and assets whilst also providing a framework for fairness, equity and transparency. However, the current fee settings for the calculation of the base fee for exclusive use and shared use lease agreements introduced a high risk of financial unsustainability for local sporting clubs and community groups which, if realised will have a significant impact on Council's operational capacity to assume the maintenance and management responsibilities for impacted facilities.

2. SUSTAINABILITY & ENVIRONMENT

Relates to measures to preserve, protect and minimise impact on the natural environment, including sacred and indigenous lands, flora, fauna, heritage, water, waste, hazardous materials and pollution.

Nil

3. FINANCIAL

Refers to planning and control of Council's budget to align with the sustainable achievement of the desired outcomes articulated in its Community Plan.

The proposed capping of the written down value of facilities subject to a non-commercial lease arrangement at $10m will reduce leasing revenue at a value of 1% for each dollar over the threshold. In the case of Barossa Park, the nominal base fee reduction associated with the introduction of the cap is approximately $100,000 prior to the application of subsidies.

Please note however, that the cost for Council to directly maintain and manage the facility would far exceed the value of this loss of income, should a lessee not be secured for the site, or should a lessee terminate their agreement with Council due to tenure at the facility becoming financially unsustainable.

In addition, Council has accepted obligations, with associated funding provisions in the long term financial plan, to deliver an advanced level of service aligned to a regional facility, to not only meet State Government event venue requirements but also to cater for the region's growing needs which should be reasonably compensated for when comparing fees across similar precincts.

It is also important to understand that although Barossa Park offers the lease holder an opportunity to generate income in a manner unique to this facility, Council's own intent around access and utilisation of the site, together with the State Governments' expectations for the hosting of high-profile events, will at times impact the lessee's ability to generate income great enough to sustain uncapped fee settings.

It should be noted that the only facility that would currently meet the threshold for the application of the cap is Barossa Park, with no other recreational clubroom facility across our sporting codes currently exceeding $8m. As such, the lessee of the Barossa Park clubroom will be paying a base fee (prior to subsidies) that is considerably higher than any other sporting club or community group in the Council area.

4. PEOPLE

Relates to recruitment, retention, wellbeing and safety of employees and volunteers and engagement and management of contractors as well as the wellbeing and safety of the community.

Council has a vested interested in ensuring ongoing occupancy at the Barossa Park site to meet community wellbeing outcomes and ensure the ongoing viability of local clubs.

5. REPUTATION

Relates to policy, decisions, actions and circumstances that may cause Council to lose credibility with the community, ratepayers, key stakeholders, other levels of government and its own employees and contractors.

Given current sentiment surrounding the financial sustainability of The Summit at Mt Barker and challenges associated with occupancy and capacity for grass roots clubs to fund utilisation of this site, along with community concerns regarding the potential for Barossa Park to experience similar challenges, there is considerable risk of poor reputational outcomes and an erosion of community confidence should Council not take proactive steps to address fee parity and sustainability. This view is of course balanced with the need to ensure that Council's overall operating position is not impacted negatively leading to broader community scrutiny regarding funding priorities.

COMMUNITY ENGAGEMENT

A comprehensive early engagement strategy was implemented during March and April 2023 to assist officers to shape the proposed policy settings. This phase saw the release of website content, a video and FAQs to the general community.

Correspondence was also sent to all current lease and license holders providing a link to the website information and offering face to face meetings along with seeking feedback via the web, email and phone. During this period face to face meetings were held with a significant number of stakeholder groups regarding the proposed reforms and draft policy settings, informing a number of refinements.

To facilitate formal consultation in accordance with requirements under the *Local Government Act 1999*, a period of formal public consultation was held from 24 May to 14 June 2023. A raft of opportunities was made available for the provision of feedback including the Policy being made available at Council's Principal Office and on Council's website, and advertisements being placed in local papers inviting community feedback during the 21-day period.

Since the adoption of the policy, Officers have continued to liaise directly with current lease and licence holders to monitor the effectiveness of the settings and such feedback has led to the identification of the challenges outlined in this report relating to fee settings.

THE BAROSSA COUNCIL
LEASE, LICENCE & PERMIT POLICY

1.	Purpose

1.1. The Barossa Council is committed to maximising the community benefits that can be obtained through the use of its facilities whilst ensuring equitable, transparent and responsible management of its occupancy agreements.

1.2. This Policy provides a framework for the use, occupancy and management of Council buildings and land and the terms, conditions and principles upon which occupancy agreements will be developed. The Policy is to be used in conjunction with Council's individual *Shared Use Lease, Exclusive Use Lease, Ground Lease, Licence & Hire Permit Agreements Conditions of Use Guidelines.*

2.	Scope

2.1. This Policy applies to all tenants of Council's community facilities.

2.1.1. Community facility tenants include permit holders, licensees, lessees and managers (under a management agreement or other legal arrangement).

2.1.2. Community facilities include but may not be limited to indoor recreation centres, community centres, community halls, sporting clubrooms, change rooms, storage facilities, sporting playing areas such as ovals, courts, bowling greens and pitches, aquatic centres, meeting rooms within Council owned buildings, and land parcels designated as community land.

2.2. The provisions set out in this Policy provide a guiding framework for the implementation and ongoing administration of agreements in the form of Hire Permits, Licences, Ground Leases, Exclusive Use Leases, Shared Use Leases (exclusive right of possession over buildings and structures at certain times and associated licences over playing surfaces), Crown Land Leases and Management Agreements.

2.3. The following agreements regarding the use of Council land form part of Council's overall framework, but are not dealt with in this Policy as they are already managed through existing policies and processes or legislation other than the *Local Government Act 1999* (the Act):

a) Public and Community Event approvals.

b) Public Road Authorisations and Permits.

c) Both temporary and permanent alterations to a public road carried out by an applicant under Section 221and where it involves a business activity under Section 222 of the Act are in the case of S.221 managed by the Construction or Modifications to Council Land Process and in the case of S.222 managed by the Use of an Unmade Public Road Process. Residential Park Tenancy and Site Agreements for those who seek temporary accommodation in Council owned Caravan Parks are managed in accordance with the Residential Parks Act 2007 and the supporting Regulations.

3. Policy Statement

3.1. Objectives

3.1.1. Council's framework for the use, occupancy and management of Council buildings and land seeks to:

3.1.1.1. Ensure that there is flexibility and an opportunity for all community members as individuals, groups or organisations to be able to access Council facilities for a mix of welfare, social, cultural, recreational and community functions, activities and services;

3.1.1.2. Ensure that Council is promoting and supporting the optimal use and management of its facilities in accordance with Council's sustainability objectives.

3.1.1.3. Ensure that fees and charges for hire of Council community facilities meet principles of social justice, equity and value for money and demonstrates Council's commitment to a fair, accountable and transparent process; and

3.1.1.4. Ensure that there is a clear process and criteria in place for the consideration of applications for fee reduction, subsidy or waiver for the hire of Council facilities.

3.2. Core Principles

3.2.1. Council recognises the need to provide community facilities that are equipped for a range of different uses and cater to the needs of a range of different users, and therefore will consider the granting of a Lease, Licence or Hire Permit in accordance with the following principles:

3.2.1.1. Equitable needs-based distribution of facilities and land, with priority given to The Barossa Council ratepayers, residents, locally based groups and not-for-profit organisations;

3.2.1.2. Ensuring high occupancy rates for facilities;

3.2.1.3. Ensuring consistent tenure conditions;

3.2.1.4. Defining responsibilities and costs associated with the construction, maintenance and operation of facilities;

3.2.1.5. Acknowledging the value of community organisations through the development of partnerships and shared values in the development of healthy and sustainable communities;

3.2.1.6. The intended use is in accordance with the Community Land Management Plan (CLMP), Council's relevant Strategic Plans and any relevant Council strategies as well as suiting the purpose of the community facility and adjacent community infrastructure; and

3.2.1.7. Ensuring the system utilises the simplest form of agreement for the circumstances and risks of each user.

3.2.2. Within the above context, the primary use of community facilities will be to facilitate activities that provide community development outcomes and benefits for The Barossa Council ratepayers, residents, businesses and visitors.

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3.2.3. Use of community facilities for conducting commercial or business activities will be considered on a case-by-case basis, with particular priority given to those proposals where there is a demonstratable community or economic benefit. Such use will require the approval of the Council or its delegate. Such a use may also attract the application of the *Retail and Commercial Leases Act 1995*, see sections 3.4.5 and 6.2 below.

3.2.4. Council's community facilities are not to be used for the purpose of holding any activities that may be deemed discriminatory as defined by relevant legislation including the *Equal Opportunity Act 1984* (SA), *Age Discrimination Act 2004* (Commonwealth), *Disability Discrimination Act 1992* (Commonwealth), *Racial Discrimination Act 1975* (Commonwealth) and *Sex Discrimination Act 1984* (Commonwealth) or in any way discrediting to Council.

3.2.5. All lessees, licensees and hire permit holders will be required to enter into an agreement with Council in the appropriate form, and to comply with the terms and conditions of that agreement on an ongoing basis including the punctual payment of associated fees and charges.

3.2.6. The Council recognises the significant contribution to community well being made by community organisations which use Council controlled land. Council also acknowledges its responsibilities to ratepayers who fund the maintenance of this land and facilities and so provides a balanced approach towards the use of land for community purposes, in accordance with the role, functions and principles to be observed by councils as set out under the Act.

3.3. Facility Use Agreements

3.3.1. Council will enter into a range of occupancy agreements with community facility users tailored to suit the nature of the facility, usage, user profile and Council's legislative and governance obligations.

3.3.2. Council's occupancy agreement options are summarised below:



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3.4. Conditions

3.4.1. All Leases, Licenses and Hire Permits are subject to terms and conditions contained within the relevant associated documentation.

3.4.2. Detailed terms and conditions for each occupancy agreement type are contained within the Council's *individual Shared Use Lease, Exclusive Use Lease, Ground Lease, Licence & Hire Permit Agreements Conditions of Use Guidelines*, however general conditions for each agreement type are summarised below:



3.4.3. All lessees and licensees (excluding hire permit holders) are required to hold a current public liability insurance policy to cover against all actions, costs, claims, damages and expenses which may be brought or made or claimed against them in relation to the activity for the period of the Lease/Licence.

3.4.4. Evidence of the policy must be provided via a Certificate of Currency at the time of securing the Lease/Licence and whenever requested.

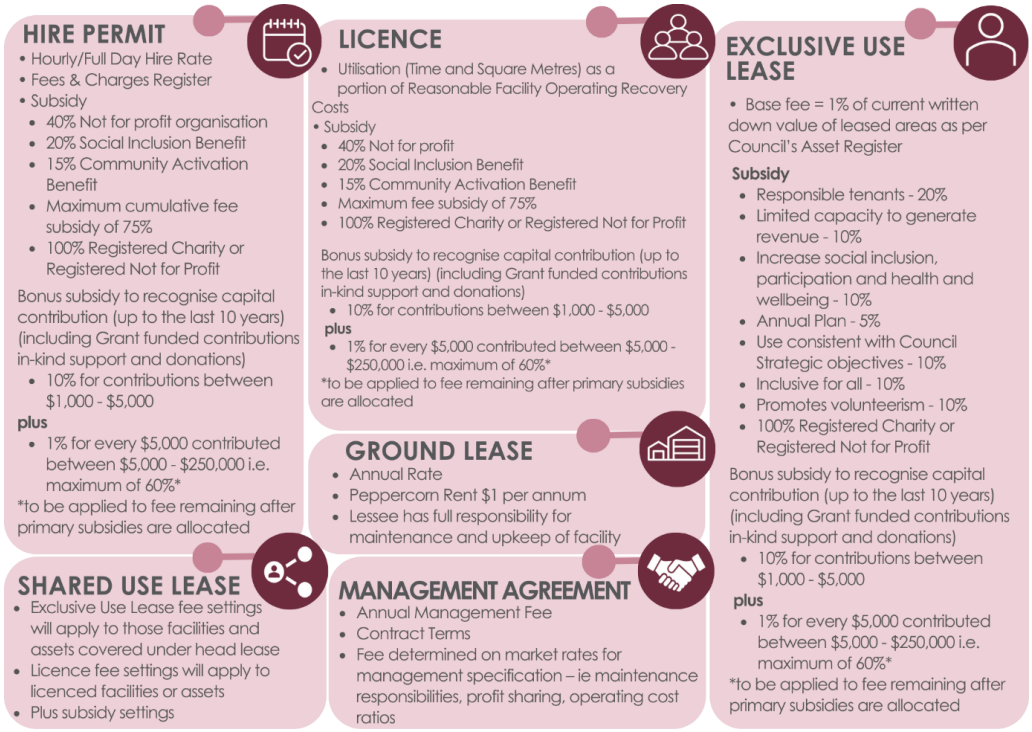
3.4.5. In the event that the Council approves the use of community facilities for conducting commercial or business activities, then the terms and conditions of the relevant lease/licence agreement will be subject to the application of the Retail and Commercial Leases Act 1995 (see section 6.2 below).

3.5. Fees and Charges

3.5.1. Fees and Charges will be applied to the hire, lease and license of community facilities in accordance with the below fees settings and are to be paid annually in advance for ongoing tenants and prior to the day of facility hire for ad-hoc and one-off Permit Hirers.

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3.5.2. Detailed fees and charges for each occupancy agreement type are contained within Council's individual *Shared Use Lease, Exclusive Use Lease, Ground Lease, Licence & Hire Permit Agreements Conditions of Use Guidelines*, however general fee settings for each agreement type are summarised below:



3.5.3. Applicable Subsidy Criteria set out in individual *Shared Use Lease, Exclusive Use Lease, Ground Lease, Licence & Hire Permit Agreements Conditions of Use Guidelines* will be used by Council to assess the level of subsidy applied to reduce the calculated hire permit fee or annual lease/licence fee.

3.5.4. Lease and licence fees determined will be in place for the length of tenure and will be indexed by the Consumer Price Index on an annual basis.

3.5.5. Clubs and organisations with existing occupancy arrangements at Council owned facilities that will be receiving an increased permit, lease or licence fee under the new model will have any increase phased in over a period of three (3) years as shown below:

3.5.5.1. Year 1 of the lease = 25% of the increase of the annual lease fee (after subsidies have been applied);

3.5.5.2. Year 2 of the lease = 50% of the increase of the annual lease fee (after subsidies have been applied); and

3.5.5.3. Year 3 of the lease = 100% of the increase of the annual lease fee (after subsidies have been applied).

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3.6. Approval of Agreements - Delegated Power

3.6.1. The Council delegates its powers or functions pursuant to section 44 of the Act to the Chief Executive Officer or specific officers and they are sub-delegated as the Chief Executive Officer sees fit. Delegations are outlined in the Delegations Register of Council. Decisions to approve agreements for the use of Council controlled land and facilities are made as follows:

3.6.1.1. Agreements for a term (including renewals) of more than five (5) years will be referred to the Council for preliminary consideration and 'in principle' approval prior to undergoing public notification and consultation in accordance with Council's Public Consultation Policy;

3.6.1.2. Agreements for a term of five (5) years or less can be approved under delegation from the Chief Executive Officer; and

3.6.1.3. The power to approve the renewal of an existing Agreement is also made under delegation, provided that the proposed terms and conditions are materially the same as the initial Agreement. Where it is proposed that the terms and conditions have been materially affected, a new Agreement will be required in accordance with this paragraph.

3.7. Compliance Review Mechanisms / Inspections

3.7.1. Facility inspections and occupancy agreement reviews will occur annually, at a minimum, for Lease and Licence holders, taking into consideration facility maintenance, public health conditions, utilisation, capital development planning and financial review.

3.8. End of Life Asset Replacement or Renewal

3.8.1. Asset renewal or redevelopment projects will be based on the relevant asset management plan and end of life asset assessments. Redevelopment, if deemed necessary by Council, will be based on a like for like service/ competition level and incorporate compliance with current day standards and facility guidelines (i.e. Building Code, State/National Sporting Organisation facility requirements, asset management standards, contemporary sustainability standards).

3.8.2. Where Lease or Licence holders request upgrades that Council considers to be above and beyond standard levels of service for similar facilities, or outside of the scope of relevant asset standards, the Lessee or Licensee will be required to fund the difference in cost, unless otherwise approved by Council.

3.8.3. Significant or total redevelopment projects that are subject to exclusive use and access by the community is restricted, will require Council consideration and endorsement, as well as a Tenant financial contribution and the receipt of external funding equalling a minimum of33% of the total redevelopment cost.

3.8.4. Grass playing fields and other sporting surfaces freely open to the public for passive recreational activities will be funded by Council in accordance with relevant asset management and competition standards.

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3.8.5. Synthetic or specialised playing surfaces are to be funded jointly by Council and the Lessee/Licensee for renewal and upgrade.

3.8.6. Council's financial contribution towards asset replacement or renewal will be subject to the prioritisation of resources.

3.9. Replacement of Synthetic Playing Surfaces

3.9.1. To ensure that sufficient funds are available for the replacement of synthetic playing surfaces, Council will require the Lessee or Licensee to establish a 'sinking fund'.

3.9.2. It is estimated that an Artificial Grass Pitch (AGP) has a life span of approximately ten to fifteen years depending on factors such as pitch type and quality, usage and maintenance. It is therefore necessary that a mechanism be put in place to recognise this and provide finance to replace the pitch when appropriate.

3.9.3. Each year, the Lessee or Licensee will be required to quarantine the allocated annual amount into their sinking fund – these funds should not be used for any other purpose or initiative and must be held separately from the Lessee or Licensee's day to day finances.

3.9.4. It is expected the Lessee or Licensee will contribute 50% towards the future cost of the synthetic playing surface replacement, unless otherwise resolved by Council.

3.9.5. The annual contribution to the sinking fund will be calculated as follows:

Annual Contribution = Cost of Playing Surface Replacement / Estimated Life of Playing Surface X 50%

3.9.6. As the cost of the replacement is in the future, then the sinking fund must account today for a future amount. The annual contribution required by the Lessee or Licensee will be reviewed biennially to ensure the sinking fund reflects the forecast future contribution required.

3.9.7. The biennial review will be calculated as follows:

3.9.7.1. Step 1 - Future Contribution = Cost of Playing Surface Replacement X 50% less funds held in sinking fund

3.9.7.2. Step 2 – Revised Annual Contribution = Future Contribution / Estimated Remaining Life of Playing Surface

3.9.8. The Lessee or Licensee will be required to submit to Council annually a reconciliation of the sinking fund.

3.10. Signage and Sponsorship

3.10.1. Site signage and sponsorship advertising is subject to Council assessment and approval in accordance with relevant legislative frameworks, including the *Local Government Act 1999* and *Planning Development and Infrastructure Act 2016*.

3.10.2. Under Lease and Licence conditions of use, the Lessee or Licensee will be responsible for ensuring:

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3.10.2.1. All signs in the leased or licenced area are maintained to the satisfaction of the Council;

3.10.2.2. All signs are securely fastened and kept free of graffiti;

3.10.2.3. The removal and reinstatement of sponsorship signage at Council's request, where alternate use of the asset conflicts with the advertising displayed; and

3.10.2.4. Prior to installation of any signage, Council approval is obtained (as the facility/land owner), along with development and/or building approval if required.

3.11. Community Facility User Capacity Assistance

3.11.1. Council is committed to supporting the sustainability of community groups and sporting clubs within the Council area and may provide a range of services to permit holders, lessees and licensees including, but not limited to:

- Working in partnership with clubs to complete an annual business plan;
- Providing club governance and development support;
- Grant writing assistance;
- Capital funding;
- Maintenance services;
- Training;
- Quarterly newsletters;
- Forums;
- Networking events;
- Regular industry updates; and/or
- When Council identifies a Tenant who is not complying with the conditions of the occupancy agreement, working with them to assist the Tenant to avoid non-compliance issues.

4 Supporting Processes and Documents

- Shared Use Lease Agreement Conditions of Use Guidelines
- Exclusive Use Lease Agreement Conditions of Use Guidelines
- Ground Lease Agreement Conditions of Use Guidelines
- Licence Agreement Conditions of Use Guidelines
- Hire Permit Agreement Conditions of Use Guidelines
- Asset Register
- Community Land Management Plan
- Fees and Charges Register

5 Related Policies

- Asset Management Policy
- Event Management Policy
- Public Consultation Policy
- Risk Management Policy
- Strategic Rating Policy
- Construction or Modifications to Council Land Process
- Event Management Process
- Use an Unmade Public Road Process
- Procurement Policy

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6	Legislation and References

6.1 Local Government Act 1999 (the Act)

6.1.1 Section 49 of the Act requires Council to prepare and adopt a policy on contracts and tenders, including a policy on the sale and disposal of land or other assets.

6.1.2 Section 196 of the Act requires Council to prepare, publicly consult, and adopt one or more Community Land Management Plan(s) (CLMP) for its community land if among other things the land is, or is to be, occupied under a lease or licence agreement.

6.1.3 Section 201 of the Act prohibits Council from leasing or licensing community land unless Council does so in accordance with the Act, including those sections of the Act mentioned below.

6.1.4 Section 202 of the Act permits Council to grant a lease or licence over community land (including community land that is, or forms part of, a park or reserve). Prior to Council granting a lease or licence relating to community land, it must follow the relevant steps as detailed in Councils Community Engagement (Public Consultation) Policy, except where:

a) The grant of the lease or licence is authorised in an approved management plan for the land and the term of the proposed lease or licence is five years or less; or

b) The regulations provide, in the circumstances of the case, for an exemption from compliance with a public consultation policy.

6.1.5 Section 202 also places restrictions on Council's power to grant a lease or licence over community land including that such a lease or licence may only be granted for a term not exceeding forty-two (42) years and the lease or licence may be extended but not so that the term extends beyond a total of forty-two (42) years. However, a new lease or licence may be granted at the expiration of the forty-two (42) year term (subject to the other requirements of the Act or any other law)

6.2 Retail and Commercial Leases Act 1995 (RCLA)

6.2.1 The RCLA applies to leases/licences granted by the Council to a lessee or a licensee if the lease/licence is in respect of a "retail shop" (see section 4 of the RCLA). However, following recent amendments, the RCLA will not apply to a lease or licence granted by Council where the amount of rent payable does not exceed Fifty Thousand Dollars ($50,000.00) per annum and the lessee or licensee:

a) Is registered under the *Australian Charities and Not-for-profits Commission Act 2012* of the Commonwealth; or

b) Is an entity that is not carried on for the purposes of profit or gain to its individual members and that is, by the terms of its constitution, prohibited from making any distribution, whether in money, property or otherwise, to its members; or

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c) Uses the premises the subject of the lease for the provision of health, welfare, community, cultural, sporting or recreational activities on a non-commercial basis.

6.2.2 In light of the recent amendments outlined above, the majority of leases/licenses granted by the Council in accordance with this Policy will not be caught under the RCLA, which will generally only apply where the lessee/licensee is using community facilities for conducting commercial or business activities.

6.2.3 In the event that the RCLA does apply, it imposes a number of rules and restrictions on the terms of any lease/licence between the parties, which will be included in the documentation and must be complied with.

6.3 Crown Land Management Act 2009 (CLMA)

6.3.1 The CLMA applies to Crown land of which the Council has care, control or management. Section 22 of the CLMA requires Council to obtain Ministerial consent to a lease, before the lease is granted to the lessee. If consent is not obtained, the lease is of no effect. The Minister's consent is not required in relation to a lease of dedicated land by Council in accordance with section 202 of the *Local Government Act 1999* if:

a) Native title in the land has been extinguished or Council is satisfied that the grant of the lease will not affect native title; and

b) The lease will not cause any development (within the meaning of the *Planning, Development and Infrastructure Act 2016*); and

c) Council is satisfied that the grant of the lease:

I. Would not detract from any existing public use and enjoyment of the land; and

II. Would not prevent the land being used for the purpose for which it was dedicated; and

III. Would not otherwise, in the opinion of Council, be improper or undesirable.

6.3.2 The Minister's consent is not required in relation to the grant of a licence in relation to dedicated land if the custodian of the dedicated land (i.e. Council) is satisfied that the grant of the licence:

d) Would not detract from any existing public use and enjoyment of the land; and

e) Would not prevent the land being used for the purpose for which it was dedicated; and

f) Would not otherwise, in the opinion of Council, be improper or undesirable.

6.4 Other Legislative References

- *Law of Property Act 1936*
- *Liquor Licensing Act 1997*
- *Food Act 2001*

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- *Work Health and Safety Act 2012* and *Regulations 2012*
- *Community Titles Act 1996*
- *Planning, Development and Infrastructure Act 2016*
- *Planning, Development and Infrastructure (General) Regulations*
- *Disability Discrimination Act 1992*
- *Disability Inclusion Act 2018*
- *South Australian Public Health Act 2011* and *Regulations 2013*
- Building Code of Australia
- *Real Property Act 1886*
- *Recreational Grounds Rates and Taxes Exemption Act 1981*
- *Gaming Machines Act 1992*
- *Gambling Administration Act 2019*
- *Child Safety (Prohibited Persons) Act 2016*
- *Fair Work (Commonwealth Powers) Act 2009*
- *Government Business Enterprise (Competition) Act 1996* (competitive neutrality principles)

7. Review

This Policy will be reviewed by the Council in consultation with the relevant stakeholders, within four (4) years or more frequently if legislation or Council's need changes.

8. Further Information

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

8.2. Complaints regarding this Policy or its application can be made to the Customer Service team on 8563 8444 or barossa@barossa.sa.gov.au at first instance, who will refer you to the most appropriate officer according to Council's *Customer Service Policy* (see clause 8.1 above for availability).

9. Document Control

Community Plan Link:	Community and Culture Infrastructure		
Document Owner:	Director Corporate Services and Business Innovation	**Document Control Officer:**	Manager Corporate Services
Audience:	External	**Next Review Date:**	31/07/2027
Version history			
Version No.	**Date**	**Description of Change**	
2.0	18/07/2023	Major Re-Write and Introduction of New Lease, Licence and Hire Permit Framework	
1.0	16/09/2015	New Policy	

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10.	Definitions

Act	*Local Government Act 1999*
Agreement	For the purpose of this Policy, a written agreement can take the form of a Land-only Lease, Lease, Licence, Permit or Management Agreement
Club	A Club is defined as a group combining for a common purpose and is normally an incorporated not-for-profit association. The Club may have a focus on sporting, recreation, social, educational, environmental, arts, cultural and/or health and wellbeing activities provided for the benefit of the community.
Commercial	An organisation, including incorporated body, co-operative society, partnership or sole trader conducting activities for the purposes of deriving a financial return to the proprietors or shareholders
Commercial Agreements	Are those Agreements entered into for a consideration giving a commercial return to Council, which may or may not be at a market rate
Community Facilities	Council owned or managed buildings (e.g. clubrooms, halls, community centres) and playing areas (such as an oval, pitch, court, bowling green) that are provided to benefit the community. It also includes community facilities located on Crown Land under the care, control and management of Council
Council Controlled Land	Land which is either owned by Council or under Council's care and control, and includes council maintained roads
Community Land	Refers to land, excluding roads, owned or managed by Council, and classified in accordance with Section 193 of the *Local Government Act 1999*. Community land is identified in Council's Community Land Management Register, and managed in accordance with Council's Community Land Management Plan
Community Land Excluded	Refers to land that has been resolved by Council to be excluded from the community land classification, for an alternate purpose ie Council operational land
CLMP	Community Land Management Plan
Crown Land Lease	A lease (or licence) of dedicated land owned by the Crown but under the care and control of Council. Leases on Crown land will require Ministerial approval, except if native title rights have been extinguished or Council can demonstrate the lease will not impact native title rights and the leases will not cause any new development and is consistent with the purpose of the dedication or management plan
Differentiating between a Lease and Licence	The right of exclusive use is the prime consideration in determining whether an agreement is deemed a lease or licence. An example of where a licence is appropriate is where two groups share a multi-use facility and neither has exclusive use, and in such a circumstance a licence is the appropriate agreement.
Ground Lease	An agreement in which a tenant is permitted to develop land during the lease period, after which the land an all improvements are turned over to the property/land owner
Head Lease	A lease with one main tenant, who then sub-leases the community facilities to other tenants
Lease	Refers to an agreement with Council (Lessor) that grants exclusive rights to a Lessee to occupy land and/or facilities for a specified time, under certain terms and conditions
Lessor	Refers to Council in the context of this policy, as landowner, or custodian of Crown land

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Lessee	Means a Tenant, Licensee, Lessee or Authorisation/Permit Holder irrespective of the object of the Agreement (i.e. whether building or hoarding). In the case of a multi-user Agreement it refers to the Head Tenant/Lessee/Licensee or Management Committee as applicable
Licence	Refers to an agreement with Council (Licensor), that grants non-exclusive rights to occupy land and/or facilities to a Licensee, for a specified time, under certain terms and conditions.
Licensor	Refers to Council in the context of this policy, as landowner, or custodian of Crown land
Licensee	Refers to the individual, group or organisation entering into an agreement with Council to occupy shared use land and/or facilities
Management Agreement	An agreement signed between Council and another party, where the other party is occupying a community facility and sets out each parties' responsibilities
Not for Profit and Community Organisations	Are incorporated associations whose primary objective is service to the community rather than profit. Organisations wishing to have their Not for Profit status recognised must be a registered not for profit entity with the Australian Charities and Not-for-profits Commission (ACNC)
Occupancy Agreement	Occupancy agreement collectively describes all types of Council/Tenant agreements i.e. permit, licence, lease and management agreements
Occupant	A person or organisation who is the lessee or licensee of Council controlled land or facilities
Outgoings	Means all reimbursable tax charges, insurance premiums, utilities and maintenance and repair costs that are associated with the operation of the premises
Permit/Hire Agreement	A permit is a once-off or short-term use (e.g. < than 1 year) of a community facility
Playing area	An area set aside for sport, recreation and community use, such as sporting grounds, courts and parks i.e. ovals, tennis courts, bowling greens and pitches
Sub-Lease	An agreement by the Head Tenant to another organisation which stipulates the negotiated fees/charges/conditions and times of use for the period of the agreement
Sporting and Community Organisation/Group	A not for profit organisation that exists exclusively for charitable purposes or as an amateur sporting group, arts, craft or other special interest group established for the benefit of the community of The Barossa council. Primarily voluntary staff (including officials and coaches) and/or Committee
Tenant	The occupier of a community facility under an occupancy agreement
Tenure	The legal right to occupy land or building for a period of time

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DEBATE REPORT

7.2 Corporate Services, Strategy and Innovation

7.2.3 IT HARDWARE PURCHASING MODEL CHANGE PROPOSAL

Author: Deputy CEO and Director Corporate Services, Strategy and Innovation
25/25286

PURPOSE

To seek council approval to transition Council IT hardware purchasing from a leasing model (operating expenditure) to an outright purchasing model (capital expenditure with depreciation charged to the operating budget) to facilitate cost savings and release operating budget to fund software system improvements.

RECOMMENDATION

That Council having reviewed the financial model and advice set out in this report, approve the strategy to proceed with an outright purchasing model for information technology hardware and approve the Chief Executive Officer to make the necessary budget adjustments to align to the financial model presented at Attachment 1 and that the maximum capital expenditure for hardware purchases for 2024-25 is $550,000.

REPORT

Background
Council has been operating under a third party financed IT hardware leasing model for the renewal of desktop PCs, laptops, surfaces, screens, library IT assets and sundry IT equipment for close to a decade with operating funds budgeted annually to ensure continuity of funding capacity for each refresh cycle. This model was originally implemented to offset risks associated with the insufficient retention of allocated capital funds in out years and limited IT asset planning maturity to support the refresh of infrastructure at regular intervals causing operational vulnerability and growing cyber risk.

Introduction
In line with Council's commitment to continuous improvement and the generation of cost savings to offset investment in more advanced systems, Officers have recently reviewed the IT hardware purchasing model to assess the merits of transitioning from a leasing model to outright purchase under a capital expenditure model.

Discussion
Council's current IT hardware leasing model, which ordinarily consists of three to five year leasing terms, increases the cost of the asset in terms of interest charged over the life of the lease (loan) agreement and residual values to be paid out at the conclusion of the lease term (ie lease cost is 90% of the cost of the asset plus interest per quarter and payout figure is outstanding 10% of the value of the asset plus balloon payment of notionally 20% - costs are quoted at agreement expiry).

Currently balloon payments at end of lease are absorbed via either capital provisions for IT infrastructure or unspent operating funds in the IT operating budget. These payments are marginally offset by the sale of end-of-life items via an auction clearing house upon replacement of existing hardware. It is estimated that Council is able to recoup approximately 20% of the gross cost of the asset prior to lease fees and charges being applied via this disposal method.,

The current leasing model provides continuity of funding year to year with fixed and ongoing funding provision within the long-term financial plan. This mitigates against the absorption of lumpy expenditure within the capital program in out years and offsets risks associated with poor replacement cycle planning, however it does ultimately result in increased costs.

Given the current level of maturity in IT asset replacement planning (with a clear 4 year refresh schedule for desktops and surfaces, 8 year cycle for screens, 2 year cycle for mobile phones and longer term cycle for Library Self Service Scanners) it is proposed that Council's standard IT asset purchasing method transition to outright purchasing via capital expenditure to reduce costs associated with leasing, increase value for money outcomes and to release operating budget to fund software system improvements.

This model will require the allocation of capital funding within the long-term financial plan to facilitate planned hardware/asset refreshes at the nominated intervals.

Cost Impact Assessment

The financial model is provided at Attachment 1.

- OPEX
    - 2024/25 - full utilisation of the existing opex budget for leasing to cover leasing costs to 30 June 2025.
    - 2025/26 and beyond – release of current allocated budget for leasing (1150-61176) to software licensing (1150-61183) – $228,400
    - Depreciation charge of $75,000 per annum for the first cycle of 4 years and adjusted for each future cycle.
- CAPEX
    - 2024/25 – full upfront payment for this year's desktop and hardware refresh – approx. $400,000 to $550,000 (still subject to an RFQ process via vendor panel) to be funded via an increase to the ICT hardware refresh capital budget of $281,880. There is a saving of $118,120 for the Pathway budget allocation in 2024-25 offsetting the purchase cost.
    - 2025/26 – lump sum payout of all existing lease agreements as at 1 July so that Council assumes full ownership of assets – requiring the allocation of $278,329 within the IT capital budget.
    - LTFP – $25k per annum for mobiles, $400k in 29/30 and every 4 years thereafter for desktops and surfaces, $100,000 in 29/30 and every 8 years thereafter for screens (note – library refresh requirements for scanners to be determined).

Revenue Assessment

- 2025/26 - Sale of end of life hardware following refresh will return approximately $100,000 to Council

Net Change to Long Term Financial Plan at $400K Purchase Cost

Over the next 10 years the savings are:
- $727,199 in cash outlays. This is significantly lower due to the initial capital set up costs to position the Council for the forward savings.
- $1,551,088 in operating budget improvement.

Over a six-year refresh cycle (21 years) the savings are:
- $2,233,480 in cash outlays.
- $3,848,729 in operating budget improvement.

Net Change to Long Term Financial Plan at $550K Purchase Cost (not in attachments provided as sensitivity analysis)

Over the next 10 years the savings are:
- $311,922 in cash outlays. This is significantly lower due to the initial capital set up costs to position the Council for the forward savings.
- $1,250,036 in operating budget improvement.

Over a six-year refresh cycle (21 years) the savings are:
- $1,259,702 in cash outlays.
- $3,219,965 in operating budget improvement.

Summary and Conclusion
Based on the significant savings projected and reduction in risks associated with long term IT asset replacement planning, it is recommended that Council transition to an outright purchasing model for IT assets using capital expenditure to reduce costs associated with leasing, increase value for money outcomes and to release operating budget to fund software system improvements.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Financial Model - Purchasing vs Leasing Proposal

Supporting references
Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan

Our Council

We strive to be a leader in regional Local Government and are committed to delivering effective, efficient, and valued services to the community.

Strategic Outcome
- We are financially sustainable and take a planned and long-term approach to investment.
- We have sound asset management services.

Corporate Plan

BS11 Procurement - Management of the acquisition of goods and services in accordance with legislative requirements and Council's procurement principles to deliver value for money outcomes for the community

Legislative Requirements
Local Government Act 1999

RISK MANAGEMENT CONSIDERATIONS

These statements are qualitative in nature and designed to provide an indication of Council's general position when deciding to take or retain risk in pursuit of its objectives.

1. SERVICE DELIVERY

Refers to the delivery of services to the community, which includes the systems and physical assets that enable provision of these services, including structures (such as roads, buildings and facilities) as well as IT infrastructure, plant, vehicles & other equipment.

The proposed purchasing model provides continuity of capacity to ensure Council's IT hardware assets meet minimum service levels using the most cost effective strategy.

2. SUSTAINABILITY & ENVIRONMENT

Relates to measures to preserve, protect and minimise impact on the natural environment, including sacred and indigenous lands, flora, fauna, heritage, water, waste, hazardous materials and pollution.

Nil

3. FINANCIAL

Refers to planning and control of Council's budget to align with the sustainable achievement of the desired outcomes articulated in its Community Plan.

Financial risks considerations are discussed in the body of this report. The key financial performance indicators are met as outlined in the following table.

The following tables outline the state of the long-term financial plan and financial sustainability of Council from the updated modelling.

2024-25 Q2 Revised Budget	Revised LTFP $'000	Projection including this proposal	Change – Positive / (Negative) $'000	Indicator
Operating Surplus / (Deficit)	(803)	(843)	(40)	
Borrowings at 30 June 2025	37,941	33,191	4,750	
Net Cash at 30 June 2025	1,340	1,417	77	
Operating Surplus Ratio 3 Year rolling	(0.2)%	(0.3)%	(0.1)%	
Net Financial Liabilities	82.5%	74.7%	7.8%	
Asset Renewal Funding Ratio – Using Depreciation	124.0%	121.2%	(2.8%)	
Asset Renewal Funding Ratio – Using Infrastructure and Asset Management Plan Forecast	150.2%	148.6%	(1.6%)	

10 Year Long Term Financial Plan	Revised LTFP $'000 at 6 January 2025	Projection including this proposal*	Change – Positive / (Negative) $'000	Indicator
Operating Surplus / (Deficit) - Cumulative Result at 30 June 2034	10,318	8,246	(2,072)	
Borrowings at 30 June 2034	5,145	4,885	260	
Net Cash at 30 June 2034	17	21	4	
Operating Surplus Ratio 3 Year rolling at 30 June 2034	3.8%	3.2%	(0.6%)	
Net Financial Liabilities at 30 June 2034	16.4%	16.0%	0.4%	
Asset Renewal Funding Ratio – Ave – Using Depreciation	105.4%	106.5%	1.1%	
Asset Renewal Funding Ratio – Ave – Using Infrastructure and Asset Management Plan Forecast	132.5%	130.6%	(1.9%)	

* Includes current draft 2025-26 budget projections.

* Includes current draft 2025-26 budget projections.

4. PEOPLE

Relates to recruitment, retention, wellbeing and safety of employees and volunteers and engagement and management of contractors as well as the wellbeing and safety of the community.

Nil

5. REPUTATION

Relates to policy, decisions, actions and circumstances that may cause Council to lose credibility with the community, ratepayers, key stakeholders, other levels of government and its own employees and contractors.

The proposed purchasing methodology aligns with Council's principles regarding good governance, strengthening the organisation's reputation as a trusted, responsible and financially sustainable entity.

COMMUNITY ENGAGEMENT

Community consultation is not required.

THE BAROSSA COUNCIL

DUE DILIGENCE REPORT - LEVEL 2 - PROJECT FEASIBILITY STUDY (Sections A to E)

Related Policy/Process	**TBCPOC4400 Budget & Business Plan and Review Policy**	**Document Number:**	**TBCFOR4411**
Document Owner:	**Director Corporate and Community Services**	**Last Revised Date:**	**New Form**
Document Control:	**Manager Financial Services**	**TRIM Reference:**	**14/36075**
Date Approved:	**19/11/2014**	**Next Review Date:**	**10/09/2018**

SECTION C (of A-E): 10 Year Funding Requirements & Financial Outcomes

Title of Proposal: Moving from Leasing to Buying Computer andTel Example data has been inserted

PROJECT YEARLY COST NET (GST Exclusive)		**Year 1**	**Year 2**	**Year 3**	**Year 4**	**Year 5**	**Year 6**	**Year 7**	**Year 8**	**Year 9**	**Year 10**	**Year 11**	**Year 12**	**Year 13**	**Year 14**	**Year 15**	**Year 16**	**Year 17**	**Year 18**	**Year 19**	**Year 20**	**Year 21**
SharePoint		**2024-25**	**2025-26**	**2026-27**	**2027-28**	**2028-29**	**2029-30**	**2030-31**	**2031-32**	**2032-33**	**2033-34**	**2034-35**	**2035-36**	**2036-37**	**2037-38**	**2038-39**	**2039-40**	**2040-41**	**2041-42**	**2042-43**	**2043-44**	**2044-45**
NI - Income	**Total Funding**	**118,120**	**100,000**	**-**	**-**	**110,381**	**-**	**-**	**-**	**121,840**	**-**	**-**	**-**	**134,489**	**-**	**-**	**-**	**148,451**	**-**	**-**	**-**	**163,862**
NI - Capital	**Total Capital**	**425,621**	**304,000**	**25,625**	**26,394**	**579,092**	**28,001**	**28,841**	**29,706**	**517,959**	**31,516**	**32,461**	**33,435**	**706,882**	**35,471**	**36,535**	**37,631**	**632,562**	**39,923**	**41,121**	**42,354**	**862,933**
NI - Operating	**Net Operating**	**-**	**228,400**	**234,110**	**239,963**	**245,962**	**252,111**	**258,414**	**264,874**	**271,496**	**278,283**	**285,240**	**292,371**	**299,681**	**307,173**	**314,852**	**322,723**	**330,791**	**339,061**	**347,538**	**356,226**	**365,132**
	Project Cash Profit/(Loss)	**(307,501)**	**24,400**	**208,485**	**213,569**	**(222,749)**	**224,110**	**229,572**	**235,168**	**(124,623)**	**246,768**	**252,779**	**258,936**	**(272,712)**	**271,702**	**278,317**	**285,092**	**(153,320)**	**299,138**	**306,417**	**313,872**	**(333,939)**
	Project Cumulative Cash - Profit/(Loss)	**(307,501)**	**(283,101)**	**(74,616)**	**138,953**	**(83,796)**	**140,314**	**369,887**	**605,054**	**480,432**	**727,199**	**979,979**	**1,238,915**	**966,203**	**1,237,904**	**1,516,221**	**1,801,313**	**1,647,993**	**1,947,131**	**2,253,548**	**2,567,420**	**2,233,480**
SECTION C: 10 Year Funding Requirements & Financial Outcomes																						
How will the proposal be funded?																						
Funding																						
Council Saving Pathway Upgrade		118,120	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Sale of Hardware at End of Refresh Period		-	100,000	-	-	110,381	-	-	-	121,840	-	-	-	134,489	-	-	-	148,451	-	-	-	163,862
Total		**118,120**	**100,000**	**-**	**-**	**110,381**	**-**	**-**	**-**	**121,840**	**-**	**-**	**-**	**134,489**	**-**	**-**	**-**	**148,451**	**-**	**-**	**-**	**163,862**
Is there a build or purchase cost for an asset?																						
Capital Expenditure																						
	Purcahse of Computer Hardware - Laptops/Surfaces/Desktops	400,000	-	-	-	441,525	-	-	-	487,361	-	-	-	537,956	-	-	-	593,802	-	-	-	655,447
	Purchase of Computer Hardware - Screens 8 Yearly	-	-	-	-	110,381	-	-	-	-	-	-	-	134,489	-	-	-	-	-	-	-	163,861
	Purcahse of Mobile Hardware	25,621	25,000	25,625	26,394	27,186	28,001	28,841	29,706	30,598	31,516	32,461	33,435	34,438	35,471	36,535	37,631	38,760	39,923	41,121	42,354	43,625
	Buyout of Existing Lease	-	279,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total		**425,621**	**304,000**	**25,625**	**26,394**	**579,092**	**28,001**	**28,841**	**29,706**	**517,959**	**31,516**	**32,461**	**33,435**	**706,882**	**35,471**	**36,535**	**37,631**	**632,562**	**39,923**	**41,121**	**42,354**	**862,933**
All Operating Revenue and Expenses below are *additional* ie., a result of the new initiative (with GST excluded) and do not include previous normal level operations																						
Net Operating Cash Result Profit/(Loss)		**-**	**228,400**	**234,110**	**239,963**	**245,962**	**252,111**	**258,414**	**264,874**	**271,496**	**278,283**	**285,240**	**292,371**	**299,681**	**307,173**	**314,852**	**322,723**	**330,791**	**339,061**	**347,538**	**356,226**	**365,132**
Total Operating Cash Revenue		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total Operating Cash Expenses		-	(228,400)	(234,110)	(239,963)	(245,962)	(252,111)	(258,414)	(264,874)	(271,496)	(278,283)	(285,240)	(292,371)	(299,681)	(307,173)	(314,852)	(322,723)	(330,791)	(339,061)	(347,538)	(356,226)	(365,132)
Operational																						
Operating Revenue																						
	Nil	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Operating Expenses																						
	Lease Saving	-	(228,400)	(234,110)	(239,963)	(245,962)	(252,111)	(258,414)	(264,874)	(271,496)	(278,283)	(285,240)	(292,371)	(299,681)	(307,173)	(314,852)	(322,723)	(330,791)	(339,061)	(347,538)	(356,226)	(365,132)
Depreciation Impact																						
	Plant and Equipment Depreciation	-	75,000	75,000	75,000	75,000	82,786	82,786	82,786	82,786	91,380	91,380	91,380	91,380	100,867	100,867	100,867	134,489	134,489	134,489	134,489	148,451
	Project Operating Profit/(Loss)	**-**	**153,400**	**159,110**	**164,963**	**170,962**	**169,325**	**175,628**	**182,088**	**188,710**	**186,903**	**193,860**	**200,991**	**208,300**	**206,306**	**213,985**	**221,857**	**196,302**	**204,572**	**213,049**	**221,737**	**216,681**
	Project Cumulative Operating - Profit/(Loss)	**-**	**153,400**	**312,510**	**477,473**	**648,435**	**817,759**	**993,387**	**1,175,475**	**1,364,185**	**1,551,088**	**1,744,948**	**1,945,939**	**2,154,240**	**2,360,546**	**2,574,531**	**2,796,387**	**2,992,690**	**3,197,262**	**3,410,311**	**3,632,048**	**3,848,729**

DEBATE REPORT

7.2 Corporate Services, Strategy and Innovation

7.2.4 BAROSSA PARK - ENDORSEMENT OF LEASE AND LICENCE ARRANGEMENTS FOR THE BAROSSA DISTRICT FOOTBALL AND NETBALL CLUB

Author: Property Lead
25/25307

PURPOSE

To seek approval to undertake public consultation in accordance with Section 202 of the *Local Government Act 1999* (the *Act*) with the intent to offer a lease for up to 10 years to the Barossa District Football and Netball Club Inc. for the primary use of the Barossa Park Clubroom and shared use of associated recreational spaces.

RECOMMENDATION
That Council:

1) Notes that construction of the new Barossa Park sports and recreational facility has now been completed and endorses the intent to activate the facility beyond the *2025 AFL Gather Round* and *Festival of Footy* events.

2) Endorses the proposal to draft and offer the Barossa District Football and Netball Club Inc. a Shared Use Lease for up to 10 years over the portion of land known as 2 Barossa Valley Way, Lyndoch defined as Allotment 100 in Deposited Plan 134915 and described in Certificate of Title Volume 5677 Folio 210 (the Land), in accordance with Section 202 of the *Local Government Act 1999 (the Act)*.

3) Authorises Officers to undertake public consultation in accordance with Section 223 of the *Act* and Council's Public Consultation Policy by engaging with the community in the following manner:
   a. Publish an advertisement in the Leader newspaper;
   b. Make public the proposal on Council's website as a public notice; and
   c. Make available a hard copy of the proposal to be collected from the Barossa Council offices located at 43-51 Tanunda Road, Nuriootpa.

4) Authorises the Deputy CEO & Director, Corporate Services, Strategy and Innovation to sign the agreement with Barossa District Football and Netball Club Inc., should no substantive objections be received. In the event that objections requiring review by Council are submitted, a further report shall be presented to Council for consideration and decision making.

5) The terms and conditions to be incorporated within the agreements, together with the calculation of fees and charges, shall give due consideration to Council's endorsed Leasing and Licencing Policy and framework, the requirements agreed upon between Council and the State Government in delivery of this project and take note of the nature of this facility, the intent to ensure optimum utilisation and the unique requirements associated with maintenance and management of the buildings and grounds.

REPORT

Background

The Barossa District Football and Netball Club was formed in 1979 resulting from the merger between the Williamstown Rovers Football Club (based at the Queen Victoria Jubilee Park in Williamstown) and the Lyndoch Football Club (based at Lyndoch Oval). The club has long provided a platform for members of the local community to engage in sporting and recreational pursuits.

In 2023, South Australia played host to the AFL's highly successful *AFL Gather Round*, a special AFL event where all 18 teams play their matches in one location during a single round of the home-and-away season. The event was hugely successful, bringing significant financial return into the South Australian economy.

In partnership with the AFL and the South Australian Government, the Barossa Council have played an integral part in delivering a state-of-the-art facility at Barossa Park (previously known as Lyndoch Recreation Park), located at number 2 Barossa Valley Way, Lyndoch. This facility is unlike any other sporting and recreational venue in the region and hosted the *2025 AFL Gather Round* between 10th and 13th April 2025.

Introduction

Beyond the *AFL Gather Round*, the facility is intended to transform the Barossa into a hub for sporting and community events. The facility includes a new multipurpose building, clubrooms, and an oval upgraded to AFL standards, along with other amenities like netball courts, a recreation green, and a second oval.

The facility is expected to enhance tourism and visitation, and support arts, culture and festivals within the region, as well as encouraging grass-roots participation in sport and provide a stand-out venue for local community and recreational needs.

The facility is intended to become the home of several sporting and community clubs:

- The Barossa District Football and Netball Club
- The Lyndoch Cricket Club
- The Lyndoch Tennis Club
- The Lyndoch & Districts Little Athletics Centre
- The Lyndoch and Districts Bowling Club
- The Barossa Valley Racing Pigeon Club
- The Southern Barossa Alliance

This report seeks Council's endorsement to undertake the necessary public consultation to draft and execute a lease agreement for the Barossa District Football and Netball Clubs' occupancy at the site, in accordance with the requirements of the *Act*.

Discussion

The Barossa District Football and Netball Club (the BDFNC) are intended to be the principal user of the clubroom facility. The BDFNC have expressed their interest in assuming primary control of the new Clubrooms, charged with the responsibility of ensuring that the facility is properly managed to provide opportunities for utilisation not only for their club, but those clubs mentioned earlier in this report and any other sporting user that may be endorsed by Council to call Barossa Park home.

The BDFNC have also opted to partner with Council and the State Government where required and ensure the facility is able to host local and major events, both sporting and non-sporting in nature.

For their efforts, including significant financial investment, the BDFNC has requested to be offered a lease over the facility for a period up to 10 years.

Officers will also shortly commence the negotiation of leasing and licencing arrangements with other sporting and community clubs who will operating within the precinct for a period of up to 5 years in line with Council's endorsed Leasing and Licencing Policy and framework.

Summary and Conclusion
This report seeks Council's endorsement to enter into a 10 year lease with the BDFNC. The following conditions shall apply:

- Officers to undertake public consultation in accordance with the process set out in this reports' Recommendations in order to meet the requirements of Sections 202 and 223 of the *Local Government Act 1999*;
- The agreement shall be for a period up to 10 years, with the BDFNC having principal responsibility for the maintenance and upkeep of the facility in line with Council's endorsed Lease, Licence and Hire Permit Policy and framework, and any unique conditions that may be negotiated;
- The calculation of fees and charges shall be in line with Council's endorsed Lease, Licence and Hire Permit Policy and framework or as otherwise resolved by Council;
- The agreement shall incorporate one or more "lease review" points, allowing both the BDFNC and Council the opportunity to reassess the nature of the agreement, taking into account the unique set of circumstances surrounding this facility;
- The intent of both Council and the State Government to ensure optimal utilisation of the facility for both local, regional and major events; and
- Any other matters considered relevant to this facility.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Nil

Supporting references
Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Our places and spaces enhance the liveability, retain rural and regional character and diversity of our communities.

Strategic Outcome
- Our places are planned, managed, and sustainable.



We strive to be a leader in regional Local Government and are committed to delivering effective, efficient, and valued services to the community.

Strategic Outcome

- We have strong relationships, and where appropriate, partner with our community, industries, stakeholders, the Local Government sector and Governments.

Corporate Plan

CS12 Facility and Community Land - Management of buildings, maintenance and occupancy, including inspections and advice to enable safe, accessible, fit for purpose and well managed community facilities, office spaces and community land

Legislative Requirements

Compliance with Sections 202 and 223 of the *Local Government Act 1999* is a mandatory requirement. The granting of a lease or licence upon this portion of community land will be reflected in Council's appropriate Community Land Management Register.

RISK MANAGEMENT CONSIDERATIONS

These statements are qualitative in nature and designed to provide an indication of Council's general position when deciding to take or retain risk in pursuit of its objectives.

1. SERVICE DELIVERY

Refers to the delivery of services to the community, which includes the systems and physical assets that enable provision of these services, including structures (such as roads, buildings and facilities) as well as IT infrastructure, plant, vehicles & other equipment.

The proposal to lease and licence the facility to various sporting and community groups meets Council's objectives to ensure utilisation and community "return" on Council's considerable financial investment into this facility. The lease agreements are intended to assist user groups with developing a sense of identify, ownership and pride within their own club, collectively with other users and in the facility that they have the privilege to share.

2. SUSTAINABILITY & ENVIRONMENT

Relates to measures to preserve, protect and minimise impact on the natural environment, including sacred and indigenous lands, flora, fauna, heritage, water, waste, hazardous materials and pollution.

Terms and conditions to be established within the leases and licences shall create parameters for both the user groups and Council towards sustainability and utilisation of the Clubrooms and neighbouring buildings

as well as enjoyment of the grounds and surrounding environment both for active and passive recreation.

3. FINANCIAL

Refers to planning and control of Council's budget to align with the sustainable achievement of the desired outcomes articulated in its Community Plan.

Leasing and licencing fees for the BDFNC and lease and licence holders are proposed to be calculated in line with Council's endorsed Lease, Licence and Hire Permit Policy and framework, or as otherwise endorsed by Council.

4. PEOPLE

Relates to recruitment, retention, wellbeing and safety of employees and volunteers and engagement and management of contractors as well as the wellbeing and safety of the community.

Council has a vested interest in ensuring ongoing occupancy of the entire Barossa Park precinct in order to meet community wellbeing outcomes, ensure the ongoing viability of local clubs and allow the community opportunities for engagement with authorised users and the facility as a whole.

5. REPUTATION

Relates to policy, decisions, actions and circumstances that may cause Council to lose credibility with the community, ratepayers, key stakeholders, other levels of government and its own employees and contractors.

There has been much interest in the delivery of the Barossa Park project as it relates to the *2025 AFL Gather Round* activation and ongoing partnering with the State Government around major events.

Of fundamental importance is the future of the facility to service our local sporting and community groups and provide a recreational precinct that the Barossa Valley community can be proud of. Ensuring the appropriate establishment of leasing and licencing agreements for utilisation of this facility is a fundamental step in that direction.

COMMUNITY ENGAGEMENT

Public Consultation for any lease on community land longer than 5 years is required in accordance with section 223 of the *Local Government Act 1999* and Council's own Public Consultation Policy.

As such, Council Administration staff propose to engage with the community regarding the intent to offer the Barossa District Football and Netball Club a lease up to 10 years in the following manner:

a. Publish an advertisement in the Leader newspaper;
b. Publish the proposal on the Barossa Council website as a public notice; and

c. Make available a hard copy of the proposal to be collected from the Barossa Council offices located at 43-51 Tanunda Road, Nuriootpa.

Feedback is welcome, and any submissions will be assessed on merit. Should responses likely to impact the proposal be received, a further report will be presented for Council's consideration if required.

Leases up to five years in length are not required to undertake public consultation in accordance with the *Act* and shall be negotiated with the various user groups on a case-by-case basis.

DEBATE REPORT

7.2 Corporate Services, Strategy and Innovation

7.2.5 MONTHLY FINANCE REPORT AS AT 31 MARCH 2025

Author: Senior Accountant
25/25320

PURPOSE

The monthly finance report as at 31 March 2025 provides information on the financial position and performance of the Council, including notes on material trends and transactions.

RECOMMENDATION
That Council receives and notes the monthly finance report as at 31 March 2025, as provided in Attachment 1.

REPORT

The monthly finance report as at 31 March 2025 is attached. This report has been prepared comparing the year-to-date actuals at the end of the period, to the original adopted 2024-2025 budget, as well as revised quarter 2 budget.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Monthly Finance Report to Council - as at 31 March 2025

Supporting references
Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Corporate Plan

BS6 Finance - Provision of financial and budgetary accounting services, treasury and investment services, management reporting, reconciliation and taxation services, asset accounting, internal control, accounts payable and receivable services

Legislative Requirements
Nil

RISK MANAGEMENT CONSIDERATIONS

These statements are qualitative in nature and designed to provide an indication of Council's general position when deciding to take or retain risk in pursuit of its objectives.

1. SERVICE DELIVERY

Refers to the delivery of services to the community, which includes the systems and physical assets that enable provision of these services, including structures (such as roads, buildings and facilities) as well as IT infrastructure, plant, vehicles & other equipment.

Monthly monitoring of financial performance ensures Council is in a position to ensure budget and expenditure are aligned to meet approved levels of service.

2. SUSTAINABILITY & ENVIRONMENT

Relates to measures to preserve, protect and minimise impact on the natural environment, including sacred and indigenous lands, flora, fauna, heritage, water, waste, hazardous materials and pollution.

Nil

3. FINANCIAL

Refers to planning and control of Council's budget to align with the sustainable achievement of the desired outcomes articulated in its Community Plan.

To enable Council to make effective and strategic decisions, a high-level monthly finance report is provided for Council's noting.

4. PEOPLE

Relates to recruitment, retention, wellbeing and safety of employees and volunteers and engagement and management of contractors as well as the wellbeing and safety of the community.

Nil

5. REPUTATION

Relates to policy, decisions, actions and circumstances that may cause Council to lose credibility with the community, ratepayers, key stakeholders, other levels of government and its own employees and contractors.

Nil

COMMUNITY ENGAGEMENT

Community consultation was undertaken as part of the original budget adoption process for 2024-2025, as required by the relevant legislation. This report is advising Council of the monthly finance position compared to that budget.

MONTHLY FINANCE REPORT

AS AT 31 March 2025
For Year Ending 30 June 2025

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) $'000
OPERATING ACTIVITIES:		*Operating*			
Operating revenue			49,517	50,590	47,906
Less: Operating expenses		**72.56%**	(49,954)	(51,393)	(36,245)
Operating Surplus / (Deficit)			**(437)**	**(803)**	**11,661**
CAPITAL ACTIVITIES:					
Net Outlays on Existing Assets		*Capital*			
Capital expenditure on renewal and replacement of existing assets	*2*	52.53%	(11,202)	(10,689)	(5,884)
Add back: Depreciation, amortisation & impairment			10,816	11,136	8,112
Add back: Proceeds from sale of replaced assets			368	368	226
Subtotal			**(18)**	**815**	**2,454**
Net Outlays on New and Upgraded Assets					
Capital Expenditure on new and upgraded assets	*2*	98.03%	(29,484)	(32,139)	(28,904)
Add back: Amounts received specifically for new and upgraded assets	*1*		6,725	8,196	3,993
Subtotal			**(22,759)**	**(23,943)**	**(24,911)**
Net Lending/(Borrowing) for the Financial Year			**(23,214)**	**(23,931)**	**(10,796)**
Total % Capital Budget Spent		**85.50%**			

NOTES
1) Total Barossa Park SA Government contributions year-to-date excluded from figure - $16.7 million
2) 2024-25 capital expenditure to end of March includes:
- Barossa Park redevelopment (less SA Government contribution) - $21.9m
- Nuriootpa soccer - $1.5m
- Sealed roads - $1.8m
- Unsealed roads - $1.5m

DEBATE REPORT

7.3 Infrastructure and Environmental Services

7.3.1 EDEN VALLEY - PUBLIC TOILET - GIFTING OF ASSET

Author: Director Infrastructure and Environmental Services
25/24954

PURPOSE

To approve proceeding with transfer of the Eden Valley Toilet Block to the Eden Valley Institute.

RECOMMENDATION

That Council having considered the Disposal of Assets Policy and noting the initiative has repurposed an asset that was likely to be written off as a result of the Barossa Park investment and the ongoing community benefit the asset will provide over the ensuing 10 years:

(1) Approve the gifting of the Eden Valley Toilet Block to the Eden Valley Institute including the necessary accounting and budget adjustments to give realisation to this decision.

(2) Authorise the Chief Executive Officer to develop and enter into an agreement for a minimum of 10 years that delivers the following key strategic outcomes:
   a. Council will provide servicing of the asset including cleaning and provision of consumables to ensure the public access to the facility.
   b. Council will provide general maintenance to the asset to ensure the public access to the facility.
   c. Council will cover the asset under Council's Public Liability as the major beneficial is the public.
   d. Eden Valley Institute will insure the asset with Council compensating for the cost annually, as Council will not be able to insure the asset directly as it will not longer in its ownership
   e. That any claims Council will cover the cost of any excess payment
   f. That public access be maintained during reasonable hours, at a minimum between 8:00am and 6:00pm daily and;
   g. Council provide a financial amount to be agreed to contribute to the annual costs for insurance, power, water and future repainting of the facility that does not exceed actual costs incurred.

REPORT

Background and Introduction
Council have had numerous requests for the provision of public toilet facilities to be available within the Eden Valley Township. As a part of the Barossa Park Project – a pre-cast toilet became available for repurposing.

Discussion
As a part of the Barossa Park Project a pre-cast toilet that was providing public amenities on the site. After inspection of the asset it was determined that the existing toilet was still in satisfactory condition and was suitable and safe to be transported. It was determined that installing at the rear of the Eden Valley Institute in consultation with the committee was an appropriate location. Council undertook the works which included the provision of access paths, connection to power and sewer as well as transport and site preparation works.

In consultation with the Eden Valley Institute Committee their preference was that the asset was gifted to the Institute with Council providing for the ongoing maintenance and servicing of the asset including providing cleaning and consumables as well as financial contribution for the costs incurred in relation to water, power and insurances.

In discussion with the Institute it was also determined that for the above to be able to be provided the facility would need to be made available to the public at a minimum between the hours of 8:00am and 6:00pm daily subject to an agreement being entered into for a minimum of 10 years.

Summary and Conclusion
That Council agrees to gift the asset to the Eden Valley Institute and enter into minimum 10 year agreement that outlines the ongoing responsibilities of both Council and the Eden Valley Institute.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Nil

Supporting references
Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Our places and spaces enhance the liveability, retain rural and regional character and diversity of our communities.

Strategic Outcome
- We plan for and deliver infrastructure to enhance our places.

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

RISK MANAGEMENT CONSIDERATIONS

These statements are qualitative in nature and designed to provide an indication of Council's general position when deciding to take or retain risk in pursuit of its objectives.

1. SERVICE DELIVERY

Refers to the delivery of services to the community, which includes the systems and physical assets that enable provision of these services, including structures (such as roads, buildings and facilities) as well as IT infrastructure, plant, vehicles & other equipment.

Council will be increasing the level of service in the Eden Valley township by providing the toilet however there will be no provision for renewal of the asset as it is being gifted to the Institute.

2. SUSTAINABILITY & ENVIRONMENT

Relates to measures to preserve, protect and minimise impact on the natural environment, including sacred and indigenous lands, flora, fauna, heritage, water, waste, hazardous materials and pollution.

Nil

3. FINANCIAL

Refers to planning and control of Council's budget to align with the sustainable achievement of the desired outcomes articulated in its Community Plan.

That Council will be required to the fund the ongoing cleaning and consumable provision along with covering agreed costs in relation to power, water, insurances and re-painting of the facility. This is estimated at $3,000 per annum and provides a service not provided in the main township.

The value of the asset at replacement cost is $34,000 of which $26,520.87 is the written down value and this is the amount to be written off of Councils assets base. It effects the Statement of Comprehensive Income below the operating result line, that is it will not impact the performance outcome for Councils 2024-25 operating result and will have a no material impact on the net financial liabilities of Council. This will result in a reduction of the asset off of Council balance sheet, minor reduction on depreciation aligning to the operating cost.

On balance the changes to the ongoing financials of Council are not material and the operating outcome is relatively neutral.

4. PEOPLE

Relates to recruitment, retention, wellbeing and safety of employees and volunteers and engagement and management of contractors as well as the wellbeing and safety of the community.

Nil

5. REPUTATION

Relates to policy, decisions, actions and circumstances that may cause Council to lose credibility with the community, ratepayers, key stakeholders, other levels of government and its own employees and contractors.

Nil

COMMUNITY ENGAGEMENT

Meeting and email correspondence has been undertaken with the Eden Valley Institute Committee in relation to the public toilet.

DEBATE REPORT

7.3 Infrastructure and Environmental Services

7.3.2 RECOGNITION OF JULIE ANN COMBE

Author: Manager, Engineering Services
25/24971

PURPOSE

Following the meeting of The Barossa Council on 18 February 2025 an appropriate street/road or open space/garden be named in recognition of the late Julie Ann Combe.

RECOMMENDATION

That Council place a plaque on a park bench within the Coulthard Reserve precinct, Nuriootpa, in recognition of the significant volunteer community achievement of the late Julie Ann Combe.

REPORT

Background
At the meeting of The Barossa Council on 18 February 2025, it was approved that Council instruct the Chief Executive Officer to nominate an appropriate street/road or open space/garden to be named after the late Julie Ann Combe who was a devoted Barossa Area Fundraisers for Cancer Chairperson and during her management oversaw and contributed to raising $800,000 for cancer services in the Barossa and that the nomination be table by the April meeting of Council.

Introduction
Memorials on Council land are considered in accordance with The Barossa Council "Memorials on Council Land" Policy.

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

Public road names are selected in accordance with The Barossa Council "Property Identification Policy" and the associated "Selection of Road and Public Place Names Process".

With reference to Section 4.2.1 of the Policy, sources for road names may include:
- Aboriginal names taken from the local aboriginal language;
- Early explorers, pioneers and settlers;
- Elected Members with a term of service greater than 10 years;
- Local identities of significant achievement in their field;
- Local history;
- Thematic names such as flora, fauna etc;

- War / casualty lists;
- Commemorative names.

Discussion
Memorialising the name "Combe" either on a memorial on council land or as a public road name has warrant in terms of Julie Combe's significant volunteer community achievement.

There is no other existing Combe related road name in The Barossa Council area.

Summary and Conclusion
Consideration of memorials are in accordance with the "Memorials on Council Land Policy". Public road names are selected in accordance with The Barossa Council "Property Identification Policy" and the associated "Selection of Road and Public Place Names Process".

Given the nature of the significant volunteer community achievement of the late Julie Combe, a plaque in an open space/garden orientated commemoration would be appropriate, perhaps placed on a park bench or another place of solitude and reflection. A plaque would allow additional wording, if desired, for a greater understanding and appreciation of Julie Combe's volunteer community service, which is not able to be achieved with a street name sign.

If a street/road name commemoration is preferred, the next land division requiring road names to be determined is expected to be for new residential development north of Kalimna Road, Nuriootpa.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Nil

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

RISK MANAGEMENT CONSIDERATIONS

These statements are qualitative in nature and designed to provide an indication of Council's general position when deciding to take or retain risk in pursuit of its objectives.

1. SERVICE DELIVERY

Refers to the delivery of services to the community, which includes the systems and physical assets that enable provision of these services, including structures (such as roads, buildings and facilities) as well as IT infrastructure, plant, vehicles & other equipment.

Nil

2. SUSTAINABILITY & ENVIRONMENT

Relates to measures to preserve, protect and minimise impact on the natural environment, including sacred and indigenous lands, flora, fauna, heritage, water, waste, hazardous materials and pollution.

Nil

3. FINANCIAL

Refers to planning and control of Council's budget to align with the sustainable achievement of the desired outcomes articulated in its Community Plan.

All costs associated with implementing a memorial infrastructure on Council land would be the responsibility of Council. All costs associated with implementing naming a road and the associated would be the responsibility of the land division developer.

4. PEOPLE

Relates to recruitment, retention, wellbeing and safety of employees and volunteers and engagement and management of contractors as well as the wellbeing and safety of the community.

Nil

5. REPUTATION

Relates to policy, decisions, actions and circumstances that may cause Council to lose credibility with the community, ratepayers, key stakeholders, other levels of government and its own employees and contractors.

Nil

COMMUNITY ENGAGEMENT

No formal community consultation has been engaged; however, reference has been made to The Barossa Council approved "Selection of Road and Public Place Names Process" and "Memorials on Council Land Policy".

DEBATE REPORT

7.3 Infrastructure and Environmental Services

7.3.3 BAROSSA RUGBY PRECINCT - INTERCHANGE SHELTERS

Author: Director Infrastructure and Environmental Services
25/25449

PURPOSE

To seek Council approval for financial support to the Barossa Rams Rugby club for the provision of two (2) 10 person interchange benches and the associated installation.

RECOMMENDATION

That Council approve financial support to Barossa Rams Rugby Club of $16,000 towards the provision and installation of two (2) 10 person interchange benches on condition they are added to the value of assets and the lease fee adjusted accordingly at the next annual review.

REPORT

Background and Introduction
Barossa Rams have been using the new Barossa Rams facility for over 12 months and have identified an improvement to support adequate space and seating for players and officials to be positioned for interchange/officials purposes.

Discussion
Council was approached through the Mayor by the President of Barossa Rams Rugby seeking financial support in the form of a 50% contribution towards the purchase and installation of two (2) 10 person interchange benches at the Barossa Rams Rugby facility.

As part of the Barossa Park development it procured interchange benches and the supplied benches provide was incorrect. This error has resulted in the opportunity to purchase these as at a discounted rate to be repurposed to the Barossa Rams. The assets are fit for purpose for Barossa Rams and they have reviewed them. The supply cost of each 10 person bench is approximately $15,000 (supply and delivery only). Through negotiation with the supplier an offer has been made to purchase the surplus benches for $10,000 each (supply and delivery only).

As a result, Barossa Rams, through their President has approached Council via the Mayor seeking a 50% split of the costs to supply and install the incorrectly supplied benches. The total estimated cost of the project is $32,000 resulting in a request of $16,000 from Council.

The support will enable the Barossa Rams to take advantage of the supply error and expedite the provision of interchange benches for their players and officials.

Summary and Conclusion
Due to the incorrect supply of interchange benches for the Barossa Park Project, there is the ability to purchase two (2) 10 person interchange benches at a discounted rate. Barossa Rams Rugby Club is seeking a 50% ($16,000) financial contribution from Council.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Nil

Supporting references
Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Our places and spaces enhance the liveability, retain rural and regional character and diversity of our communities.

Strategic Outcome

- We plan for and deliver infrastructure to enhance our places.
- Our places are planned, managed, and sustainable.

Legislative Requirements
Nil

RISK MANAGEMENT CONSIDERATIONS

These statements are qualitative in nature and designed to provide an indication of Council's general position when deciding to take or retain risk in pursuit of its objectives.

1. **SERVICE DELIVERY**
   Refers to the delivery of services to the community, which includes the systems and physical assets that enable provision of these services, including structures (such as roads, buildings and facilities) as well as IT infrastructure, plant, vehicles & other equipment.

   Increase in the level of service provided with the installation of 2 additional assets at the Tanunda Rugby Precinct.

2. **SUSTAINABILITY & ENVIRONMENT**
   Relates to measures to preserve, protect and minimise impact on the natural environment, including sacred and indigenous lands, flora, fauna, heritage, water, waste, hazardous materials and pollution.

   Nil

3. FINANCIAL

Refers to planning and control of Council's budget to align with the sustainable achievement of the desired outcomes articulated in its Community Plan.

Increase in Council expenditure for the 2024/25 Financial Year by $16,000.

4. PEOPLE

Relates to recruitment, retention, wellbeing and safety of employees and volunteers and engagement and management of contractors as well as the wellbeing and safety of the community.

Nil

5. REPUTATION

Relates to policy, decisions, actions and circumstances that may cause Council to lose credibility with the community, ratepayers, key stakeholders, other levels of government and its own employees and contractors.

Nil

COMMUNITY ENGAGEMENT

Council has engaged with the Barossa Rams Rugby Club as it relates to the provision of the 2 interchange benches.

DEBATE REPORT

7.4 Development and Community Services

7.4.1 LYNDOCH CHRISTMAS STREET PARTY - REQUEST TO OPERATE SCENIC FLIGHTS

Author: Executive and Project Support Officer
25/16137

PURPOSE

Council has received a request from Barossa Helicopters for permission to operate short scenic flights from the Village Green during the Lyndoch Christmas Street Party, to be held on Friday 12 December 2025.

RECOMMENDATION

That Council approve the request from Barossa Helicopters to operate short scenic flights from the Village Green during the Lyndoch Street Party to be held 12 December 2025.

REPORT

Background
The Lyndoch Christmas Street Party is planned for Friday 12 December 2025 and will feature family-friendly entertainment, local foods and live music and entertainment for all ages.

To ensure safety, it is proposed that Lyndoch's main street will be closed to traffic from 5pm to 10:30pm.

Introduction
Barossa Helicopters have been operating scenic tours at events across South Australia for 37 years. Their crew are well trained in the operation of taking off and landing Helicopters at large events.

Safety precautions include the use of Flag Bunting, undertaking a Risk Assessment and on-site experienced crew to manage operations, passenger safety and logistics.

Discussion
As the land is Local Government Land and use of the land is controlled by Council By-Law 4. The By-Law stipulates under Part 4, that "*a person must not, without permission, on local government land….subject to the Civil Aviation Act 1988, land or take off any aircraft on or from the land*".

The power to grant the required permission has not been delegated to any Council Officer, and as such, a decision needs to be made by resolution of Council.

In support of their request, Barossa Helicopters have provided Council with the following documentation (refer Attachment 1):

- Public Liability Certificate of Currency;
- Off Site Risk Assessment; and
- Off Site Emergency Response Plan

Summary and Conclusion
Barossa Helicopter have submitted a request to operate short scenic flights from the Village Green, during the Lyndoch Christmas Street Party to be held on Friday 12 December 2025.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Application - Barossa Helicopters - Operate Scenic Flights from Lyndoch Village Green ⇩

Supporting references
The Barossa Council By-Law 4

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Implementing economic development strategies to support future growth opportunities and a diversified and resilient economy showcasing the Barossa rural and regional character.

Strategic Outcome
- We partner with and support local business.

Legislative Requirements
Local Government Act 1999
Civil Aviation Act 1988
Council By-Law 4

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Barossa Helicopters Ground Crew will be on the ground at the Lyndoch Village Green prior to landings and take offs, to ensure that there are no people or other obstacles (and be in contact with the Pilot via radio to advise when it is safe to take off and land).

The Main Street will be closed to traffic from 5-10:30pm, and CFS and Police will be in attendance.

COMMUNITY ENGAGEMENT

Not required.

ABN: 70 008 203 727
PO Box 58
261 Hoffnungsthal Road
LYNDOCH South Australia 5351
Phone: (08) 8524 4209 I Fax: (08) 8524 4830
E: fly@barossahelicopters.com.au
W: www.barossahelicopters.com.au

"the difference is our approach"

The Barossa Council
Jake McVicar
Via email: jmcvicar@barossa.sa.gov.au

4 February 2025

Dear Jake,

RE: Request for Permission to Operate Scenic Flights at Lyndoch Street Party – Friday, 12 December.

Barossa Helicopters would like to formally request permission to operate short scenic helicopter flights from the Lyndoch Village Green during the Lyndoch Street Party on Friday, 12 December.

Proposed Operations:

- **Location:** Lyndoch Village Green
- **Date:** Friday, 12 December
- **Time:** 5pm - dark

Safety and Compliance Measures:

Barossa Helicopters has been operating scenic tours at events across South Australia for 37 years. Our team is experienced in ensuring a safe and enjoyable experience for all participants. To facilitate safe operations at the Lyndoch Street Party, we will provide the following:

- **Flag Bunting:** All operational areas will be fenced off with appropriate bunting and ground crew monitoring at all times.
- **Risk Assessment:** please see attached
- **Insurance:** A copy of our current public liability insurance is attached.
- **Crew & Ground Support:** Our experienced crew will be on-site to manage operations, passenger safety, and logistics.

We kindly ask for council's approval and any specific requirements or conditions necessary to proceed. Please let us know if there are any further steps we need to take in order to facilitate this request.

We appreciate your time and consideration and look forward to contributing to the success of the Lyndoch Street Party. Please do not hesitate to contact us should you require further details.

Kind regards,

BHasting
Bridgette Hasting
Chief Pilot

PROFESSIONAL I RELIABLE I FLEXIBLE I EXPERIENCED

Doug Williamson
Risk Advisor
Marsh Advantage Insurance Pty Ltd
ABN 31 081 358 303
One One One Eagle Street
Level 13, 111 Eagle Street
GPO Box 2743
BRISBANE QLD 4001
Tel 61 7 3115 4579
Fax 61 7 3115 4557
Doug.williamson@marsh.com

22 January 2025

CERTIFICATE OF INSURANCE

AIRCRAFT & PREMISES LIABILITY INSURANCE

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE HOLDER. IT DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICY. IT IS PROVIDED AS A SUMMARY ONLY OF THE COVER PROVIDED AND IS CURRENT ONLY AT THE DATE OF ISSUE. FOR FULL PARTICULARS, REFERENCE MUST BE MADE TO THE CURRENT POLICY WORDING

Insured

Barossa Helicopters Pty Ltd and/or its/their subsidiary companies and/or related bodies corporate, as defined in the Corporations Act 2001, (including those acquired or incorporated during the Period of Insurance) for their respective rights, titles and interests.

Period of Insurance

From 8th February 2025 to 8th February 2026

Insurer

NAME	POLICY NUMBER	PARTICIPATION %
QBE Insurance (Australia) Ltd	04 Q01 0059096	100%

Geographical Limits

Commonwealth of Australia

Location/Home Base

Premises at 261 Hoffnungsthal Road, Lyndoch SA

Interest Insured

The Insured's legal liability to third parties and passengers for accidental bodily injury, including death and accidental damage to property arising out of the Insured's operation and/or ownership of the aircraft described in the Schedule.

Premises Liability – Section 1 – The insured's legal Liability to third parties arising from the use/ownership of airside premises.

Aircraft & Liability Limits

Equipment

MAKE	REG NO	LEGAL LIABILITY	PAX/CREW SEATS
2005 Robinson R44 Clipper II	VH-BHV	$20,000,000	4 / 1
2012 Robinson R44 Clipper II	VH-YBI	$1,000,000 (Ground Risks Only)	4 / 1
2007 Robinson R44 Clipper II	VH-FRL	$20,000,000	4 / 1
2007 Robinson R44 Clipper II	VH-IPS	$20,000,000	4 / 1

Aircraft Liabilities: Combined Single Limit - Third Party Liability, Passenger Legal Liability, Bodily Injury/Property Damage any one occurrence - $20,000,000

Premises Legal Liability – $10,000,000 any one occurrence

Pilots

As declared and approved

Uses

Private Business and Pleasure, Commercial, Rental

Special Uses

Industrial Aid, Commercial Charter, Endorsements / Check and Training of Company Pilots, Aerial Survey and Photography, Baiting / Feral Animal Control / Aerial Shooting and Crop Inspections and Slung Loads, but EXCLUDING Aerial Agriculture and Frost Control

Principle Conditions

AVN 48B War, Hi-Jacking and Other Perils Exclusion Clause
AVN 52E Extended Coverage Write-back (Aviation War Liabilities)
AVN57A Civil Aviation (Carriers Liability) Act
AVN 73 Liability to Pilots Clause
AVN 74 Pilot Indemnity Clause

SUBJECT TO policy terms conditions, limitations and exclusions.

In accordance with the ongoing commitment by Marsh to quality management philosophies, this certificate has been verified for accuracy of content by

Authorised Signatory



22 January 2025
. . . . . .

Signed *Date*

BAROSSA HELICOPTERS PTY LTD
OFF SITE RISK ASSESSMENT

Form SMS04

Activity: Helicopter Landing at various times and days to drop off or pick up clients.	**Site:** *Selected wineries and other off-site locations listed in the HLS register.*
People at Risk: *Staff, Members of the public*	
Name of Person Completing Form: Bridgette Hasting **Job Title:** Chief Pilot **Date:** 21 May 2021 **Review Date:** May 2022	

HAZARD	RISK	INITIAL RATING	EXISTING CONTROL MEASURES	FINAL RATING	ADDITIONAL ACTION REQUIRED
Debris being blown about by helicopter.	Injury sustained by debris striking bystanders. Damage to vehicles or buildings.	M	Litter pick the landing site prior to helicopter's arrival. Consider use of Marshall to await helicopter's arrival in sheltered site away from direction of approach of helicopter. Landing pad/area sufficient distance from parked cars.	L	Litter pickers, gloves, and suitable bags to be used. Warnings in case sharps encountered. Staff to check all clear.
People/animals too close to helicopter.	Injury to bystanders	H	Designated landing area/pad. Marshal to keep people away from landing area and to ensure dogs are kept under control. People to remain at least 30m away from landing site. Make staff of venue aware of helicopter landing time. Staff will remain vigilant and warn off if necessary.	M	Distance recommended by Company – approx. 30 m. Do not publicise unduly to avoid gate-crashing.
Helicopter crash.	Helicopter damage Injury to bystanders. Damage to vehicles or buildings.	M	Windsock deployed (if fitted). Competent pilot using properly maintained aircraft. E-mail from pilot/Company detailing his safe procedure for landing. Evacuate building(s) if applicable.	L	Agreed exchange of information between pilot/company and staff of venue. See attached emergency response plan.
Collision with obstacle	Helicopter damage Injury to bystanders. Damage to vehicles or buildings.	M	Appropriate inspection from the ground prior to use to ensure there is enough space for safe arrival and departure. Ensure pilot in command is aware of the Helicopter landing site register approved for the company.	L	Agreed exchange of information between pilot/company and staff of venue. See attached emergency response plan.

OFF SITE EMERGENCY RESPONSE

IMMEDIATELY contact Barossa Helicopters Head of Flying Operations

–

Bridgette Hasting on 08 85244 209 or 0408544209

(1) Contact emergency services on 000.

(2) Use whatever means possible to suppress/extinguish any fire.

(3) Rescue injured personnel, at no time do you put yourself in danger.

(4) Place injured in the recovery position and administer first aid.

(5) Secure the area to allow free access of emergency services.

(6) Do not allow public or media access

(7) Do not touch or move aircraft wreckage or debris

SAFEGUARDING AIRCRAFT

Barossa Helicopters Staff will be in attendance to ensure the following:

(8) If the aircraft is not presenting a hazard or at risk of further damage do not commence dismantling or removal until approval has been given.

(9) Take all the possible steps to safeguard the wreckage. Where possible, take a photo of the panel before removing all documentation for safe keeping.

(10) Although in the initial stages the aircraft will, in all probability, be under the control of the Australian Transport Safety Bureau, it is essential to maintain a "watching brief" in the absence of the surveyor to ensure the security of the aircraft following its release.

MEDIA POLICY

Barossa Helicopter's request that any person at the site does NOT speak with media or post any photos or comments on social media. Barossa Helicopters will make the media statement once all facts are in place about the incident or accident.

(11) The media liaison is either ***Sandra Kies or Bridgette Hasting***. Only one person will be available for comment to media.

(12) Should any other person on the site, company, employee, family, or family of employee's make your statement "no comment" and direct them to either Sandra or Bridgette.

(13) No comments will be made on social media.

(14) A media release should be made available as soon as practical after official matters have taken place.

(15) To avoid being harassed by media, give as much detail as allowed by CASA, ATSB or other relevant authorities.

(16) In the event of a serious or fatal incident, the company will appoint an external media liaison.

DEBATE REPORT

7.4 Development and Community Services

7.4.2 BAROSSA CREATIVE INDUSTRIES CENTRE - PROGRESS UPDATE

Author: Director Development and Community Services
25/25192

PURPOSE

To provide Elected Members with a progress update and also to endorse minor changes to the original plans that have occurred as part of the design review phase.

RECOMMENDATION

That Council approve the updated drawings, as presented at Attachment 1, noting other minor changes may occur as the build proceeds, and any significant amendments will be reported to Council.

REPORT

Background
The Barossa Council secured a grant of $6.961M through the Growing Regions Program, and an additional $500,000 from the States Open Space Grant Program to deliver the Barossa Creative Industries Centre (BCIC).

Introduction
The BCIC has been a long-term visionary project for The Barossa Council and is now becoming a reality following the awarding of the Growing Regions and Open Space grants.

Since July last year, the appointed architect Phillips/Pilkington Architects (PPA) have been working alongside the Council's Project Working Group and Agile Stakeholder Group to progress the design of the BCIC to allow detailed design and costings to take place.

As a result of this work variations to the original design have had to take place for a number of reasons.

Discussion
The BCIC will result in the existing Soldiers Memorial Hall and Regional Art Gallery being extended with a new 'L' shaped building to the east, which also create a new large courtyard area. The primary design elements include:

- Front of House, including dedicated Soldiers' Memorial display, admin/ticket counter, casual seating and bar;
- Heritage Centre, including digital and artefact displays, story banks and archives;

- Broadcasting Studio, including radio broadcasting, recording and production facilities;
- Music education, practice and production;
- Extension to existing Concert Hall for Back of House, including a green room and change rooms to facilitate a diverse range of performances;
- Visual Arts education, practice and production, including Artists in Residence Studios, and Workshops;
- Extension of existing gallery spaces for digital art displays and projections;
- Ancillary Spaces, including staff workroom, toilets and storage;
- Kitchen area;
- External event courtyard to host functions such as craft and artisan markets with live amplified music, concerts and recitals, and live radio broadcasts; and
- Landscape, including local provenance vegetation, sculptures, interpretive displays and outdoor performance stages.

As part of the process, and in December 2024, a cost estimate was undertaken that found the cost of the development to be considerably over and above the available budget. As such, a significant value management exercise was undertaken that balanced the need to bring the project back within budget whilst not compromising the functionality, look and feel of the building. A report was considered by Council at its Special Meeting held on 6 January 2025, which outlines, in detail, the value management exercise and budget implications.

Importantly, the building envelope predominantly aligns with the original Development Plan Consent.

The amended drawings are attached in Attachment 1.

Construction of the building was originally proposed to commence in mid-June 2025, however a delay to the works program has occurred due to the need to investigate the need to upgrade the existing Soldiers Memorial Hall to cater for a seismic event. The Project team have worked closely with a Building Certifier who has recommended the building have an 'Importance Level 2' rating which limits the audience size, in the hall, to 300 guests. The building has also been 'engineered' to function as two separable portions, which is achieved by the inclusion of a fire wall with separate Fire Indicator Panels and means of escape. The needs to undertake a seismic upgrade is no longer required due to these amendments.

Cook Building have also prepared an updated program, with the key milestones, as follows:

- Submit variation to Planning Consent 10 April 2025
- 50% Documentation for cost estimate 20 May 2025
- Building Rules Consent lodgement 20 July 2025
- Tendering Trade Packages 31 July – 21 August 2025
- Approval to Proceed 2 September 2025
- Construction Commencement 18 September 2025
- Practical Completion 14 July 2026

The amended program still meets the grant funding requirements of completion by December 2026.

Summary and Conclusion
The BCIC has been subject to an exhaustive design review process to meet budget requirements and also to satisfy seismic upgrade requirements. As a result, minor changes have been made to the layout of the building and the build program has been delayed by 3 months.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Barossa Creative Industries Draft Design Plans as at 1 April 2025 ⇩

Supporting references
Nil.

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Corporate Plan

CS2 Art and Culture - Organising and facilitating the Barossa gallery, arts culture and events

Legislative Requirements
Local Government Act 1999

RISK MANAGEMENT CONSIDERATIONS

These statements are qualitative in nature and designed to provide an indication of Council's general position when deciding to take or retain risk in pursuit of its objectives.

1. SERVICE DELIVERY
Refers to the delivery of services to the community, which includes the systems and physical assets that enable provision of these services, including structures (such as roads, buildings and facilities) as well as IT infrastructure, plant, vehicles & other equipment.

The proposed amendments to the design and construction program align with the budget and funding condition to allow the project to commence and be constructed within a reasonable timeframe.

2. SUSTAINABILITY & ENVIRONMENT
Relates to measures to preserve, protect and minimise impact on the natural environment, including sacred and indigenous lands, flora, fauna, heritage, water, waste, hazardous materials and pollution.

The design changes are required to avoid the need to avoid a seismic upgrade of the Soldiers Memorial Hall which would have substantially altered the external appearance of the building and eroded its heritage value.

3. FINANCIAL

Refers to planning and control of Council's budget to align with the sustainable achievement of the desired outcomes articulated in its Community Plan.

The design amendments are required to ensure that the project can be delivered within the approved budget.

4. PEOPLE

Relates to recruitment, retention, wellbeing and safety of employees and volunteers and engagement and management of contractors as well as the wellbeing and safety of the community.

Nil

5. REPUTATION

Relates to policy, decisions, actions and circumstances that may cause Council to lose credibility with the community, ratepayers, key stakeholders, other levels of government and its own employees and contractors.

The BCIC has been a long term, visionary project that is subject to significant grant funding. The amendments to the design were necessary to allow the project to progress. Without the design changes to project was at significant risk due to cost implications of the seismic upgrade requirements.

COMMUNITY ENGAGEMENT

Community engagement has been ongoing during the design phase.



Phillips/Pilkington Architects
165 MacKinnon Parade, North Adelaide SA 5006
tel: 08 8239 9000 fax 08 8239 9099

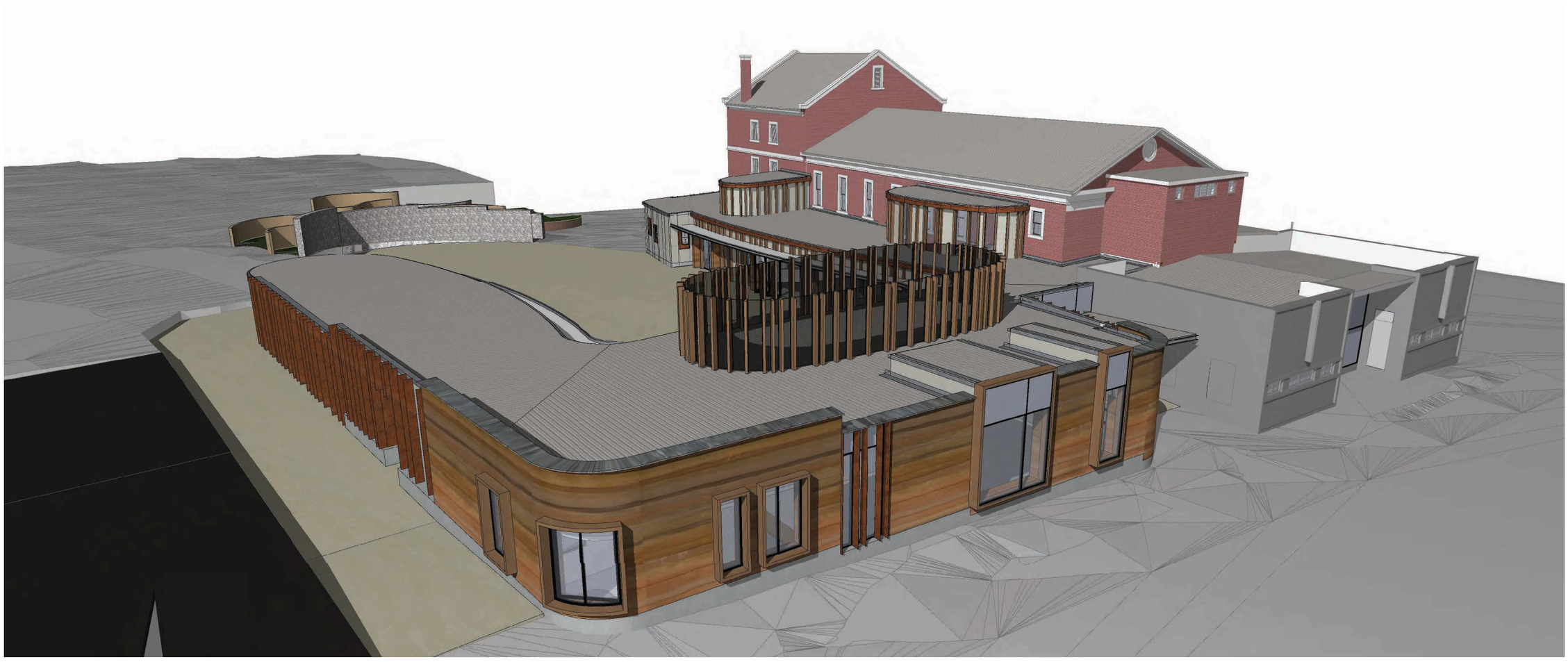
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BAROSSA CREATIVE INDUSTRIES CENTRE
Ngadjuri Country
3 Basedow Road, Tanunda SA

ENTRANCE VIEW

Scale 1:1 @ A1

Drawing By: **BK/ML**
Checked By: **SP**
Project No/Drawing No.: **18559 - SK17**
Date: **2/4/2025**
NOT FOR CONSTRUCTION
Revision: **DD02**



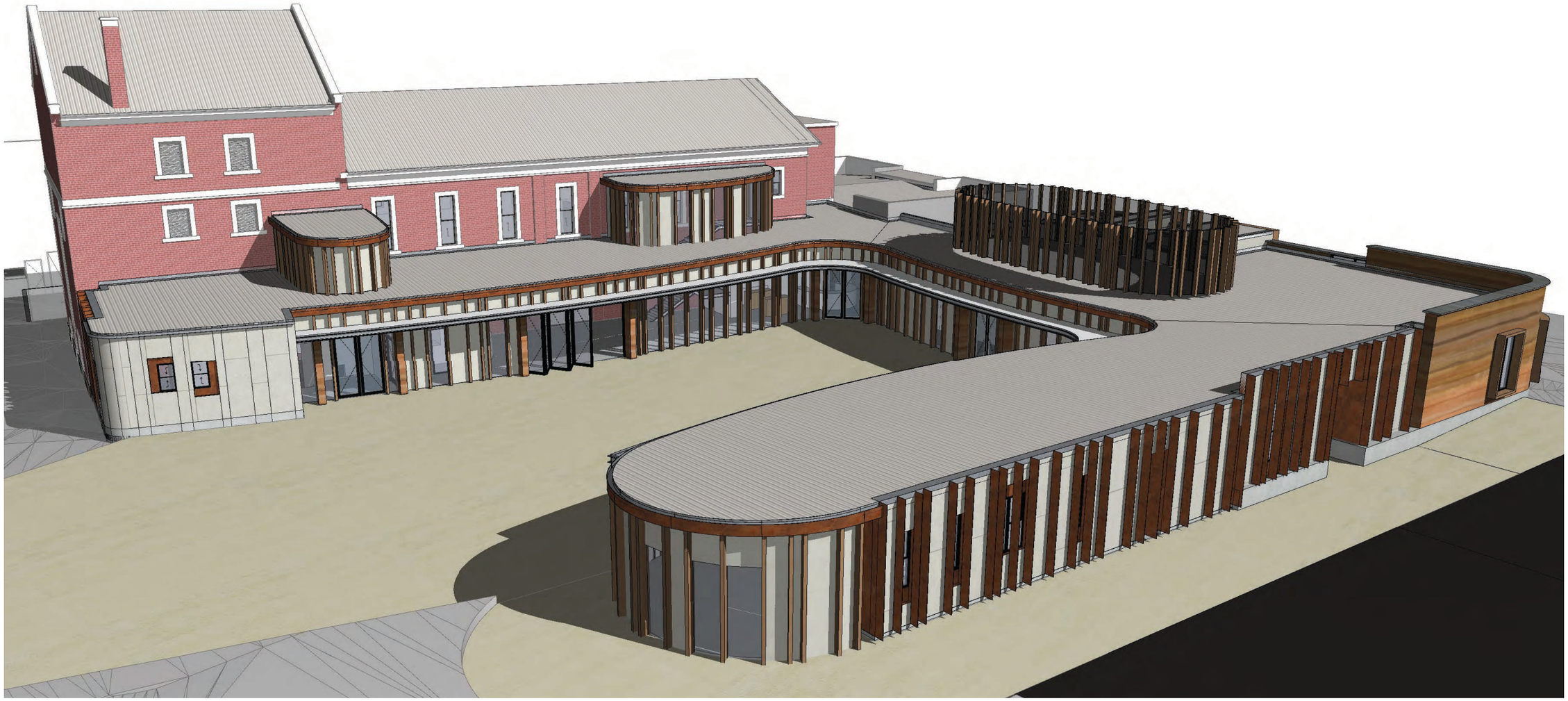
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165 MacKinnon Parade, North Adelaide SA 5006
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BAROSSA CREATIVE INDUSTRIES CENTRE
Ngadjuri Country
3 Basedow Road, Tanunda SA

AERIAL VIEW - STREET

Scale 1:1 @ A1

Drawing By: **BK/ML**
Checked By: **SP**
Project No/Drawing No.: **18559 - SK13**
Date: **2/4/2025**
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BAROSSA CREATIVE INDUSTRIES CENTRE
Ngadjuri Country
3 Basedow Road, Tanunda SA

AERIAL VIEW - COURTYARD

Scale 1:1 @ A1

Drawing By: **BK/ML**
Checked By: **SP**
Project No/Drawing No.: **18559 - SK14**
Date: **2/4/2025**
NOT FOR CONSTRUCTION
Revision: **DD10**



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BAROSSA CREATIVE INDUSTRIES CENTRE

3 Basedow Road, Tanunda SA

PROPOSED SITE & LANDSCAPE PLAN

Scale 1:500 @ A1

DRAWING BY **BK/ML** DATE: **2/4/2025**
CHECKED BY **SP** **NOT FOR CONSTRUCTION**
PROJECT NO/DRAWING NO.: **18559 - SK01**
REVISION: **DD13**

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BAROSSA CREATIVE INDUSTRIES CENTRE

Ngadjuri Country
3 Basedow Road, Tanunda SA

GROUND FLOOR PLAN 1:200

Scale 1:200 @ A1

Drawing By: **BK/ML**
Checked By: **SP**
Project No/Drawing No.: **18559 - SK02**
Date: **2/4/2025**
NOT FOR CONSTRUCTION
Revision: **DD14**



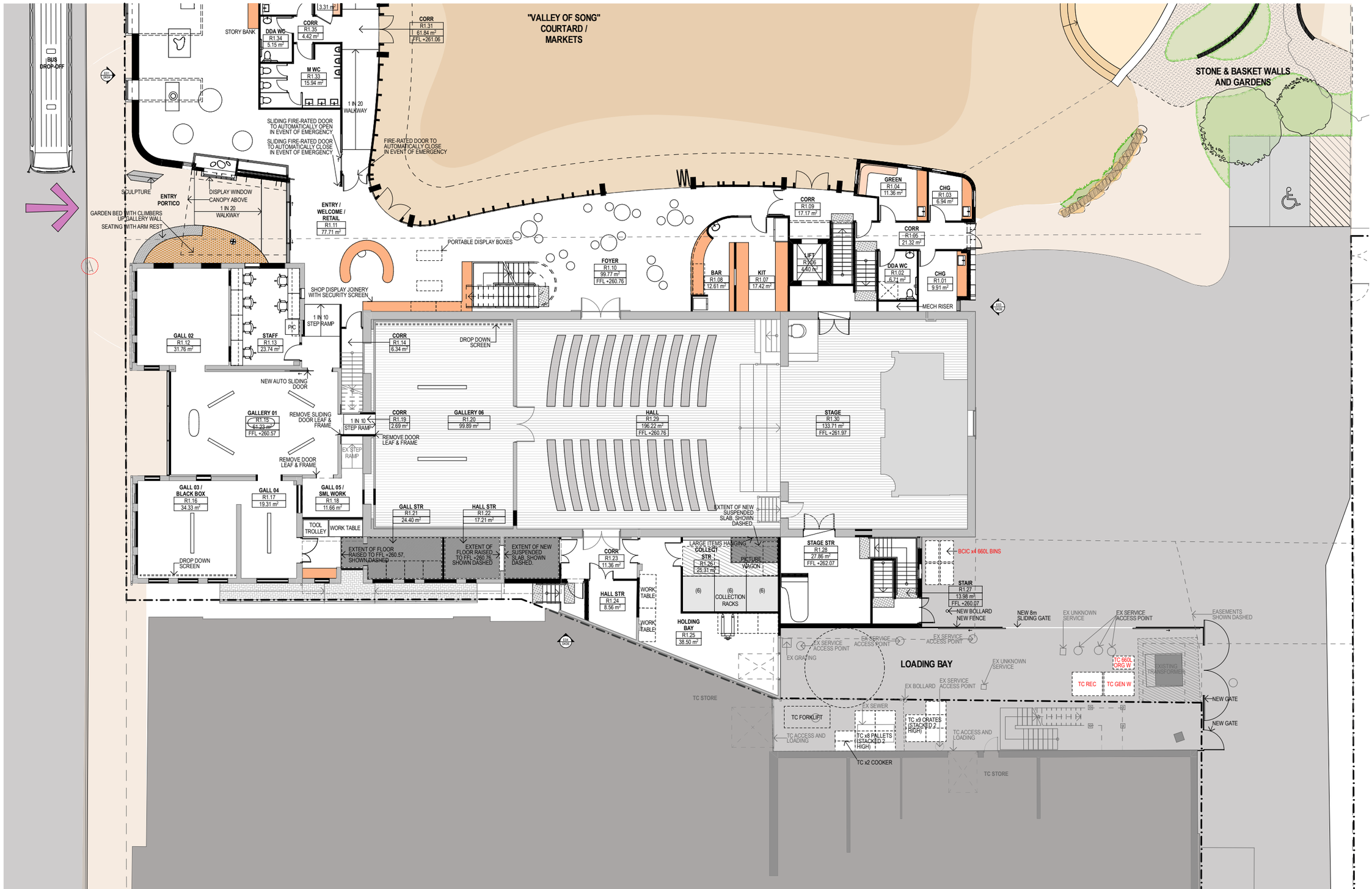
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BAROSSA CREATIVE INDUSTRIES CENTRE
Ngadjuri Country
3 Basedow Road, Tanunda SA

GROUND FLOOR PLAN 1:100A
Scale 1:100 @ A1
Meters @ 1:100

Drawing By: **BK/ML**
Checked By: **SP**
Project No/Drawing No.: **18559 - SK03**
Date: **2/4/2025**
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Revision: **DD16**



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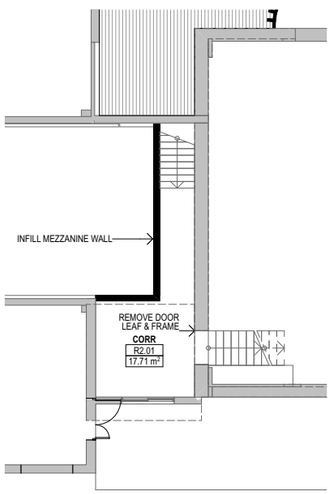
BAROSSA CREATIVE INDUSTRIES CENTRE

Ngadjuri Country
3 Basedow Road, Tanunda SA

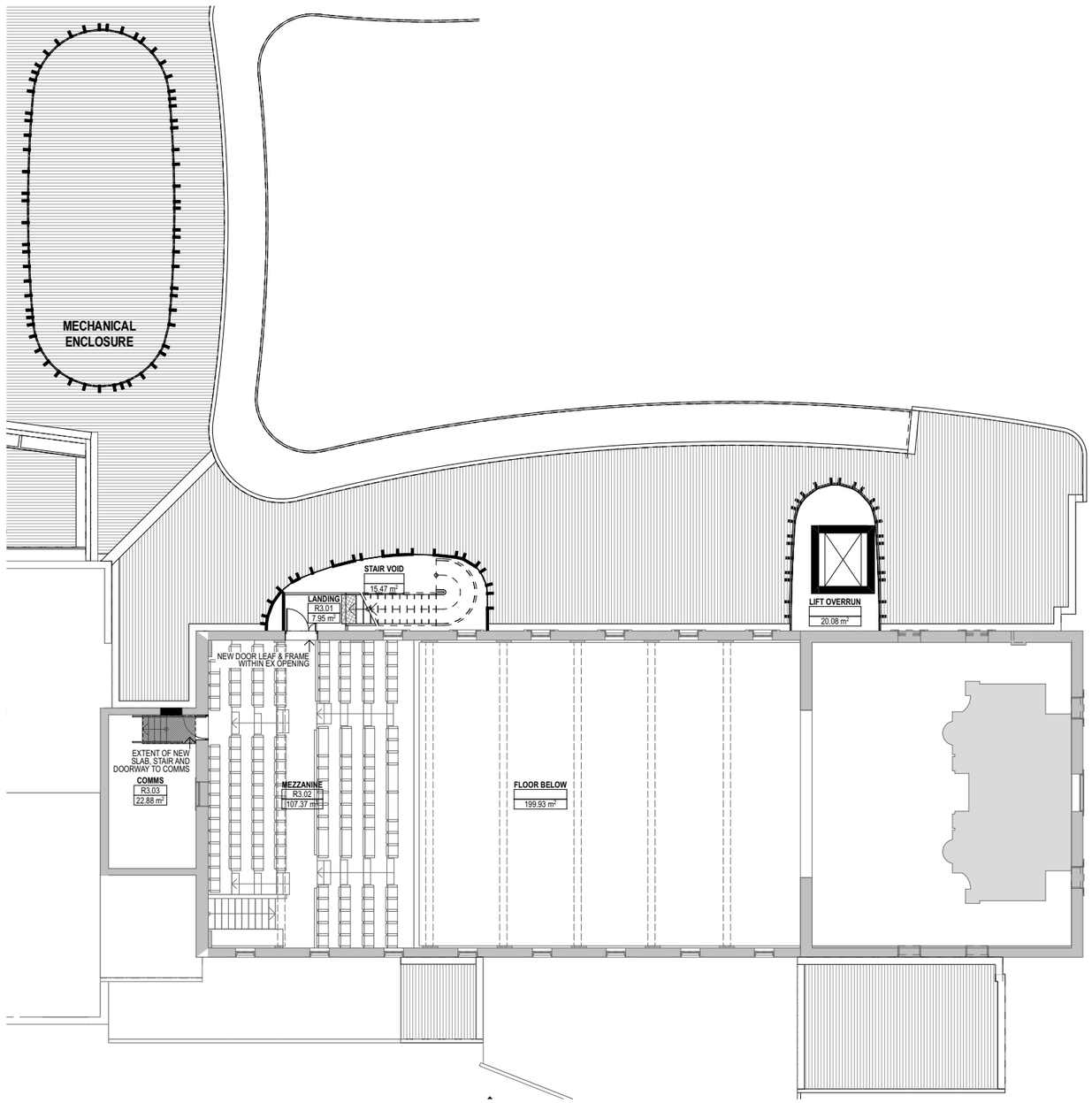
GROUND FLOOR PLAN 1:100B

Scale 1:100 @ A1

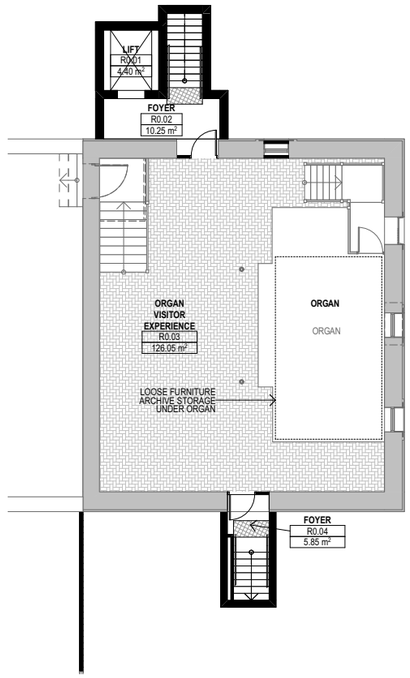
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Checked By: **SP** **NOT FOR CONSTRUCTION**
Project No/Drawing No.: **18559 - SK04** Revision: **DD17**



GALLERY MEZZANINE PLAN - 1:100
1:100



PERFORMANCE MEZZANINE PLAN - 1:100
1:100



LOWER LEVEL FLOOR PLAN - 1:100
1:100

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165 MacKinnon Parade, North Adelaide SA 5006
tel: 08 8239 9000 fax 08 8239 9099

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BAROSSA CREATIVE INDUSTRIES CENTRE
Ngadjuri Country
3 Basedow Road, Tanunda SA

LOWER & UPPER LEVEL FLOOR PLANS 1:100

Scale 1:100 @ A1

Meters @ 1:100

Drawing By: **BK/ML**
Checked By: **SP**
Project No/Drawing No.: **18559 - SK05**
Date: **2/4/2025**
NOT FOR CONSTRUCTION
Revision: **DD15**

DEBATE REPORT

7.4 Development and Community Services

7.4.3 DRAFT PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) (MISCELLANEOUS) (NO 2) AMENDMENT REGULATIONS 2025

Author: Manager Development Services
25/25368

PURPOSE

To seek the endorsement of a submission to the Department for Housing and Urban Development in relation to the draft *Planning, Development and Infrastructure (General)(Miscellaneous)(No 2) Amendment Regulations 2025.*

RECOMMENDATION

That Council:

(1) Authorise the draft submission to the Department for Housing and Urban Development in relation to the draft *Planning, Development and Infrastructure (General)(Miscellaneous)(No 2) Amendment Regulations 2025*, contained in Attachment 1.

(2) Authorises the Chief Executive Officer, or delegate, to make minor technical or typographical amendments to the submission.

REPORT

Background
The Housing Roadmap and the Expert Panel for the Planning System Implementation Review make a number of recommendations for improvements to the South Australian planning system. In order to implement the recommendations, changes to South Australia's general planning regulations are proposed.

Introduction
The draft *Planning, Development and Infrastructure (General)(Miscellaneous)(No 2) Amendment Regulations 2025* (**Amendment Regulations**) proposes amendments to the *Planning Development and Infrastructure (General) Regulations 2017* which were released for consultation on 11 March 2025. The proposed changes include:

- Making local council the authority for assessing minor variations;
- Providing that land divisions meet relevant design standards, they do not require council consent for vesting of public land;
- Increasing the timeframe to assess complex applications and gather information to assist decision-making;
- Ensuring planning consent decisions can only be made by accredited planning professionals;

- Clarification that under certain conditions, planning and land division consent can be issued over an allotment that is yet to be created;
- Giving landowners easier access to documentation relevant to their property through local council;
- Providing both public and private schools equal exemptions for performing tree maintenance works;
- Excluding electric vehicle charging stations from the definition of 'development'.

Council received written correspondence in relation to the proposed draft amendments as per the letter contained in Attachment 2. Copy of the Amendment Regulations is contained in Attachment 3. Additional resources have also been provided which include:

- Draft complexity criteria, contained in Attachment 4;
- Summary table containing list of the amendments and why they are proposed, contained in Attachment 5.

Discussion
There are a number of significant amendments proposed under the Amendment Regulations. While some of the proposed amendments are supported, there are concerns with a number of the proposed amendments. The draft submission contained in Attachment 1 highlights the following concerns:

Amendment of Regulation 3A – vesting of land

Proposed clause 3(1) removes the requirement that Council must consent to the vesting of land arising from a division of land, where an applicable design standard applies.

The guidance material in Attachment 5 suggests this proposal will benefit people by ensuring that the land division process is not delayed through negotiations over the vesting of land that is in accordance with a design standard.

It is noted there is no evidence shown of how the current process of vesting land has slowed the provision of housing as experience is that typically this is not a reason for delay of land division clearance and thus provision of housing.

The fundamental concerns with this proposal are that:

- Councils will have no discretion to refuse vesting of land or infrastructure such as in circumstances where the infrastructure is inferior or poorly constructed or the land has defects;
- It is unclear how these changes will practically work given context of the existing legislative requirement that council consents to the vesting of land pursuant to Section 223LH of the *Real Property Act 1886;*
- The contents of the design standard are yet to be understood, and it is unclear how the design standard will be written to define the acceptable principles upon which land can be vested.

This regulation is not supported and poses significant risks for Council.

Amendment of Regulation 22 – Power of accredited professionals to issue Planning and Land Division Consent for deemed to satisfy land divisions

This proposal will support private accredited professional surveyors in being able to issue Planning and Land Division Consent for deemed-to-satisfy land divisions. This proposal will extend the current power such that private accredited professionals can issue both consents.

The proposed regulation change introduces a new role for private accredited professionals to make decisions over infrastructure matters that are a critical component of assessments and this proposal risks of incomplete assessment outcomes, such as where there are necessary and specific stormwater discharge needs.

The current deemed-to-satisfy provisions under the Planning & Design Code do not presently define the critical land division consent requirements that must be met by a land division in order to receive a land division consent.

It is therefore suggested this power should be restricted to accredited professionals working in local government. Alternatively, greater deemed-to-satisfy requirements are necessary to address critical components of land division applying both under Section 102 of the Act and the Planning & Design Code.

Regulation 53 – time within which decision must be made

Changes to Regulation 53 are proposed to reduce the timeframe for land division where 10 or less allotments are proposed from 60 to 30 business days. An additional 3 business days is also proposed to enable verification of 'complex' applications and a further 5 business days for assessment of 'complex' applications. In addition, where verification is completed in advance of the statutory timeframe, the surplus time will be added to the timeframe for assessment, or where the verification timeframe is exceeded, the additional time taken will be subtracted from the assessment.

While some of these changes are positive, the main concern is that:

- The reduction in timeframe for simpler land divisions is based upon an arbitrary figure of 10 allotments and which does not acknowledge the complexity of many land divisions involving fewer allotments but where there are inherent site complexities arising from slope, stormwater or infrastructure issues;

- The additional time for 'complex' applications is less than that recommended by the Expert Panel for the Planning System Implementation Review. The recommended time of 10 additional days for assessment of complex development applications should be adopted.

Regulation 85B

This proposed regulation states that "*The development of any land proposed to be held as open space within the relevant division must be approved by, and developed to the satisfaction of, the relevant authority*".

It is recommended this clause be amended to refer to Council rather than the Relevant Authority. It is appropriate that this power sits with local governments, given their ongoing role in maintaining open space for the community.

Summary and Conclusion
A draft submission is prepared in relation to the Amendment Regulations which are open for consultation until 22 April 2025. Council is requested to endorse the draft submission as outlined in Attachment 1.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1	Draft Planning Development and Infrastructure (General)(Miscellaneous)(No 2) Amendment Regulations 2025 - Submission ⇩
Attachment 2	Advice from Department for Housing and Urban Development - Draft amendments to General Regulations ⇩
Attachment 3	Draft Planning Development and Infrastructure - General-Miscellaneous- Amendment Regulations 2025 for comment ⇩
Attachment 4	Draft – Verification complexity criteria - for discussion ⇩
Attachment 5	Summary of Amendments - Draft Amendment Regulations - Planning Development and Infrastructure General Regulations 2017 ⇩

Supporting references
Proposed amendments to SA's planning regulations | YourSAy

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Corporate Plan

CS15 Land Use and Development - Assessment of development applications for construction, alteration or demolition of buildings, and the division of land and changes in land use.

Legislative Requirements
Planning, Development & Infrastructure Act 2016
Planning, Development and Infrastructure (General) Regulations 2017
Planning, Development and Infrastructure (General) (Miscellaneous) (No 2) Amendment Regulations 2025

RISK MANAGEMENT CONSIDERATIONS

These statements are qualitative in nature and designed to provide an indication of Council's general position when deciding to take or retain risk in pursuit of its objectives.

1. SERVICE DELIVERY
Refers to the delivery of services to the community, which includes the systems and physical assets that enable provision of these services, including structures (such as roads, buildings and facilities) as well as IT infrastructure, plant, vehicles & other equipment.

The **Amendment Regulations** will provide additional time for staff to assess development applications where defined as a complex application, however, where verification is not completed within the timeframe, the additional time taken to complete will be subtracted from the statutory

timeframe for assessment. Land divisions will also be halved in terms of timeframes from 60 to 30 business days where proposing creation of 10 or less allotments without creation of a public road.

2. SUSTAINABILITY & ENVIRONMENT

Relates to measures to preserve, protect and minimise impact on the natural environment, including sacred and indigenous lands, flora, fauna, heritage, water, waste, hazardous materials and pollution.

Nil

3. FINANCIAL

Refers to planning and control of Council's budget to align with the sustainable achievement of the desired outcomes articulated in its Community Plan.

The principal concern with the proposed **Amendment Regulations** is the removal of the requirement that Council must consent to the vesting of land.

The **Amendment Regulations** also pose significant risk of inferior or poorly constructed infrastructure that may be vested with councils. Communities may be burdened with rectification costs arising from substandard work. These concerns are outlined in the draft submission.

4. PEOPLE

Relates to recruitment, retention, wellbeing and safety of employees and volunteers and engagement and management of contractors as well as the wellbeing and safety of the community.

Nil

5. REPUTATION

Relates to policy, decisions, actions and circumstances that may cause Council to lose credibility with the community, ratepayers, key stakeholders, other levels of government and its own employees and contractors.

Reputational risks may arise in respect to situations where inferior or poorly constructed infrastructure are vested with councils and where communities are burdened with rectification costs.

COMMUNITY ENGAGEMENT

Stakeholders are provided with opportunity to make submissions as part of the consultation process which concludes on 22 April 2025.

Reference:

15 April 2025

Planning and Land Use Services
Department for Housing and Urban Development
GPO Box 1815
ADELAIDE SA 5000

By email: plansasubmissions@sa.gov.au

Dear Sir/Madam,

Draft Planning, Development and Infrastructure (General) (Miscellaneous) (No 2) Amendment Regulations 2025

Thank you for providing opportunity to make comment in respect to the draft *Planning, Development and Infrastructure (General) (Miscellaneous) (No 2) Amendment Regulations 2025* (the Amendment Regulations).

The Barossa Council (Council) acknowledges the broad number of proposed regulation changes, many of which are considered to be positive. These include:

- Making local council the authority for assessing minor variations;
- Enabling councils to maintain trees in a timely manner;
- Ensuring planning consent decisions can only be made by accredited planning professionals;
- Clarifying that under certain conditions, planning and land division consent can be issued over an allotment yet to be created;
- Giving landowners easier access to documentation relevant to their property through local council;
- Excluding electric vehicle charging stations from the definition of 'development'.

While these positive changes are acknowledged, Council expresses concerns in relation to some of the proposed amendments and these are described in further detail under headings below:

Regulation 3A – Vesting of land

Proposed clause 3(1) removes the requirement that Council must consent to the vesting of land arising from a division of land, where an applicable design standard applies.

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DRAFT

The guidance material prepared by DHUD suggests this proposal will benefit people by ensuring the land division process is not delayed through negotiations over the vesting of land that is in accordance with a design standard.

It is noted there is no evidence shown of how the current process of vesting land has slowed the provision of housing as our experience is that typically this is not a reason for delay of land division clearance and thus provision of housing.

Council expresses concerns with this aspect of the amendment because:

- Council will have no discretion to refuse vesting of land or infrastructure such as in circumstance where the infrastructure is inferior or poorly constructed or where the land has defects. This poses significant risks for councils and communities may be burdened with rectification costs arising from substandard work.
- It is unclear how these changes will practically work given the context of the existing legislative requirement that council consents to vesting of land pursuant to Section 223LH of the *Real Property Act 1886*.
- The contents of the design standard are yet to be understood. As such it is unclear how the design standard will be written to define the acceptable principles upon which land can be vested to safeguard against the vesting of land that is subject to substandard work or where land has defects.

Regulations 22 – Power of accredited professionals to issue Planning and Land Division Consent for deemed to satisfy land divisions

This proposal will support private accredited professional surveyors in being able to issue Planning and Land Division Consent for deemed-to-satisfy land divisions. This proposal will extend the current power such that private accredited professionals can issue both consents.

The proposed regulation change introduces a new role for private accredited professionals to make decisions over infrastructure matters that are a critical component of land division assessments and this proposal introduces risks of incomplete assessment outcomes such as where there are necessary and specific stormwater discharge needs that are not properly considered or addressed.

The current deemed-to-satisfy provisions under the Planning & Design Code do not presently define the critical land division consent requirements adequately that must be met by a land division in order to receive a land division consent.

It is suggested this power should be restricted to accredited professionals working in local government. Alternatively, greater deemed-to-satisfy requirements are necessary to address critical components of land division applying both under Section 102 of the Act and the Planning & Design Code.

Regulation 53 – Time within which decision must be made

While some of the proposed changes to Regulation 53 are positive, the main concerns are that:

- The reduction in timeframe for simpler land divisions is based upon an arbitrary figure of 10 allotments and does not acknowledge the complexity of many land divisions involving fewer allotments but where there are inherent site complexities such as arising from slope, stormwater or infrastructure issues;

- The additional time for 'complex' applications is less than that recommended by the Expert Panel for the Planning System Implementation Review. The recommended time of 10 additional days for assessment of 'complex' development applications is recommended.

Regulation 85B

This proposed regulation states that "*The development of any land proposed to be held as open space within the relevant division must be approved by, and developed to the satisfaction of, the relevant authority*".

It is recommended this clause be amended to refer to Council rather than the Relevant Authority. It is appropriate that this power sits with local council, given the councils ongoing role in maintaining open space for the community.

I thank you again for the opportunity to make comment in respect to the Amendment Regulations.

Should you wish to discuss this matter further, please contact Aaron Curtis, Manager – Development Services, acurtis@barossa.sa.gov.au or 8563 8492.

Yours faithfully

Martin McCarthy
Chief Executive Officer

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Government of South Australia
Department for Housing and Urban Development

Planning & Land Use Services
Level 10
83 Pirie Street
Adelaide SA 5000
GPO Box 1815
Adelaide SA 5001
Tel 08 7133 2804

22877958

11 March 2025

Mr Martin McCarthy
Chief Executive Officer
The Barossa Council

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

Dear Mr McCarthy

The South Australian Government has drafted the Planning, Development and Infrastructure (General) (Miscellaneous) (No 2) Amendment Regulations 2025 (Amendment Regulations), which propose several amendments to the current *Planning, Development and Infrastructure (General) Regulations 2017*.

The changes are required to implement the Government's Housing Roadmap, recommendations of the Expert Panel for the Planning System Implementation Review's Final Report, and technical administrative changes.

We have identified that the Amendment Regulations may impact your business and are interested in hearing your suggestions or comments on the proposed changes.

To summarise, the proposed key amendments would:

- make local council the relevant authority for assessing minor variations (except where the State Planning Commission granted original development approval)
- enable local council to maintain trees more frequently
- ensure that land divisions that meet relevant design standards do not require council consent for vesting of public land
- increase the time to assess complex* applications and gather information to assist decision making
- ensure that only planning professionals can issue planning consent
- clarify that under certain conditions, planning and land division consent can be issued over an allotment that is yet to be created
- give landowners easier access to documentation relevant to their property through local council
- provide both public and private schools equal exemptions for performing tree maintenance works
- exclude electric vehicle charging stations from the definition of 'development' (subject to exceptions).

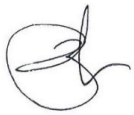
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I have enclosed a copy of the Amendment Regulations, a summary of the proposed amendments, and draft complexity criteria (for discussion) for your information.

Please provide any comments or feedback on the Amendment Regulations via email to PlanSASubmissions@sa.gov.au or by taking our survey on the YourSAy website by 22 April 2025.

Yours sincerely



Sally Smith
DEPUTY CHIEF EXECUTIVE
DEPARTMENT FOR HOUSING AND URBAN DEVELOPMENT

Enc *Planning, Development and Infrastructure (General) (Miscellaneous) (No 2) Amendment Regulations 2025*
Summary of Amendments
Draft – Verification Complexity Criteria - For Discussion

* See enclosed 'Draft – Verification Complexity Criteria - For Discussion' for commentary on determining if a development application is complex

OFFICIAL

Draft for comment

South Australia

Planning, Development and Infrastructure (General) (Miscellaneous) Amendment Regulations 2025

under the *Planning, Development and Infrastructure Act 2016*

Contents

Part 1—Preliminary

1 Short title
2 Commencement

Part 2—Amendment of *Planning, Development and Infrastructure (General) Regulations 2017*

3 Amendment of regulation 3A—Application of Act (section 8)
4 Amendment of regulation 3F—Regulated and significant trees
5 Amendment of regulation 22—Prescribed scheme (section 93)
6 Amendment of regulation 25—Accredited professionals (section 97)
7 Insertion of regulation 26B
26B Code assessed development—conditions and exceptions
8 Amendment of regulation 29—Application to relevant authority
9 Amendment of regulation 31—Verification of application
10 Amendment of regulation 33—Application and further information
11 Amendment of regulation 53—Time within which decision must be made (section 125(1))
12 Amendment of regulation 61—Certificate of independent technical expert in certain cases
13 Amendment of regulation 65—Variation of authorisation (section 128)
14 Amendment of regulation 80—Prescribed requirements
15 Insertion of regulations 85A and 85B
85A Division of proposed allotments
85B Open space
16 Amendment of regulation 93—Notifications during building work
17 Insertion of regulation 116A
116A Access to documents
18 Amendment of Schedule 3—Additions to definition of development
12 Division of proposed allotments
19 Amendment of Schedule 4—Exclusions from definition of development—general
20 Amendment of Schedule 8—Plans
21 Amendment of Schedule 9—Referrals
22 Amendment of Schedule 13—State agency development exempt from approval
23 Insertion of Schedule 18

Schedule 18—Map of designated area (regulation 3A)

1 Blakes Crossing
2 Blakes Grove
3 20 Acres at Andrews Farm
4 Playford and Lakeside at Andrews Farm
5 Eyre at Penfield
6 Playford Alive

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Planning, Development and Infrastructure (General) (Miscellaneous) Amendment Regulations 2025*.

2—Commencement

These regulations come into operation on .

Part 2—Amendment of *Planning, Development and Infrastructure (General) Regulations 2017*

3—Amendment of regulation 3A—Application of Act (section 8)

(1) Regulation 3A—after subregulation (1) insert:

(1a) In accordance with section 8(2) of the Act, sections 102(1)(c)(iv) and 198(1)(c), (1)(e) and (3) of the Act do not apply in respect of development that constitutes a proposed division of land in circumstances in which a design standard prepared for the purposes of section 102(1)(c)(ii) of the Act applies.

(2) Regulation 3A—after subregulation (3) insert:

(3a) In accordance with section 8(2) of the Act, sections 213, 214 and 215 of the Act do not apply to circumstances in which there has been a contravention consisting of a failure to comply with a condition relating to the provision of recycled water that is imposed under the Act in relation to a development authorisation issued for a development within a designated area.

(3) Regulation 3A(5)—after the definition of ***ancillary accommodation*** insert:

designated area means a shaded area bounded by a bold black line in a map set out in Schedule 18;

4—Amendment of regulation 3F—Regulated and significant trees

Regulation 3F(6)(c)—delete subparagraph (c) and substitute:

(c) that is—

(i) in the case of a tree on land owned by, or under the care, control and management of, a council—undertaken by or on behalf of the council at any time; or

(ii) in any other case—undertaken at least 5 years after pruning of a kind referred to in this subregulation was last undertaken in relation to the tree,

5—Amendment of regulation 22—Prescribed scheme (section 93)

Regulation 22(1)(d)—after "consent" insert:

and consent under section 102(1)(c) or (d) of the Act

6—Amendment of regulation 25—Accredited professionals (section 97)

Regulation 25(2)—delete subregulation (2) and substitute:

(2) For the purposes of section 97 of the Act, and subject to these regulations, an Accredited professional—building level 1 may act as a relevant authority for the purposes of giving building consent in relation to any class of development.

7—Insertion of regulation 26B

After regulation 26A insert:

26B—Code assessed development—conditions and exceptions

(1) In accordance with section 106(4) of the Act, a planning consent under section 106 is subject to the exception that subsection (1) of that section does not apply to a development that is inconsistent with a design standard that is relevant to development of that kind.

(2) In accordance with section 107(7) of the Act, a planning consent under section 107 is subject to a condition that the development that is the subject of the consent complies with any design standard that is relevant to development of that kind.

8—Amendment of regulation 29—Application to relevant authority

Regulation 29—after subregulation (4) insert:

(5) The appropriate fee for the purposes of section 119(1)(d) of the Act is the fee identified as the base amount in respect of an application for consent under Part 7 of the Act in a fee notice made for the purposes of the Act.

9—Amendment of regulation 31—Verification of application

(1) Regulation 31(1)—after paragraph (a) insert:

(ab) determine the complexity of the application in accordance with any criteria published by the Chief Executive on the SA planning portal for the purposes of this paragraph that relates to development of a kind proposed in the application; and

(2) Regulation 31(1)(d)(ii)—delete "the prescribed" and substitute:

any remaining prescribed

(3) Regulation 31(2)(a)—delete "5" and substitute:

8

(4) Regulation 31(2)(b)—after "to the application" insert:

within 8 business days after receiving the application

10—Amendment of regulation 33—Application and further information

Regulation 33(5)—delete subregulation (5) and substitute:

(5) For the purposes of section 119(5)(d) of the Act, the period of—

(a) in the case of an application that has been determined to be complex under regulation 31(1)(ab)—15 business days from the day on which notice has been provided under regulation 31(1); or

(b) in any other case—10 business days from the day on which notice has been provided under regulation 31(1),

or, if a later day, the day on which the appropriate fees have been paid by the applicant, is prescribed.

11—Amendment of regulation 53—Time within which decision must be made (section 125(1))

(1) Regulation 53(1)—after paragraph (b) insert:

(ba) if the application proposes to divide land under section 102(1)(c) or (d) of the Act and—

(i) the proposed development involves the division of land into 10 allotments or less; and

(ii) does not involve the creation of a public road,

30 business days;

(2) Regulation 53(1)—before paragraph (f) insert:

(ea) if paragraph (b) applies and the application has been determined to be complex by the relevant authority under regulation 31(1)(ab), **an additional period of 5 business days** must be added to the period that applies under paragraph (b); and

(3) Regulation 53(1)—after paragraph (ja) insert:

(jb) if paragraph (ca) applies and the development that is the subject of the application for outline consent is being assessed against a proposed amendment to the Planning and Design Code, an additional period equal to the time taken for the proposed amendment to be adopted by the Minister must be added to the period that applies under paragraph (ca); and

(4) Regulation 53—after subregulation (4) insert:

(4a) In addition, if an application was verified under regulation 31—

(a) in less than the number of days prescribed for verification under regulation 31—an additional period equivalent to the remaining days prescribed for verification under that regulation must be added to the period prescribed in subregulation (1); or

(b) in more than the number of days prescribed for verification under regulation 31—a period equivalent to the days by which the period prescribed for verification under that regulation was exceeded is subtracted from the period prescribed in subregulation (1).

12—Amendment of regulation 61—Certificate of independent technical expert in certain cases

(1) Regulation 61(1)(a)—delete "of Volume 1, or Part 2.1 of Volume 2," and substitute:

or Part H1

(2) Regulation 61(1)(b)—delete "of Volume 1"

(3) Regulation 61(1)(c)—delete "of Volume 1, or Part 2.6 of Volume 2," and substitute:

or Part H6

13—Amendment of regulation 65—Variation of authorisation (section 128)

Regulation 65—after subregulation (3) insert:

(3a) For the purposes of subregulation (1), if a person requests a minor variation to a planning consent previously given by an accredited professional in respect of a development within the area of a council, the relevant authority is an assessment manager appointed for an assessment panel appointed by the council.

14—Amendment of regulation 80—Prescribed requirements

Regulation 80—after its present contents (now to be designated as subregulation (1)) insert:

(2) Except as otherwise provided, the requirements set out in this Division only apply in circumstances in which a design standard prepared for the purposes of section 102(1)(c)(ii) of the Act does not apply.

15—Insertion of regulations 85A and 85B

After regulation 85 insert:

85A—Division of proposed allotments

For the purposes of a division of land referred to in Schedule 3 clause 12, a certificate of title must have been issued in respect of the land that is proposed to be divided.

85B—Open space

(1) The development of any land proposed to be held as open space within the relevant division must be approved by, and developed to the satisfaction of, the relevant authority.

(2) The requirement in subregulation (1) applies regardless of whether a design standard prepared for the purposes of section 102(1)(c)(ii) of the Act applies.

16—Amendment of regulation 93—Notifications during building work

Regulation 93—after subregulation (4) insert:

(4a) This regulation only applies to building work that constitutes development for the purposes of the Act.

17—Insertion of regulation 116A

Before regulation 117 insert:

116A—Access to documents

(1) Subject to subregulation (2), an owner of land may inspect at the office of the council for the area in which the land is situated, or obtain from the council a copy of, any plans, drawings, specifications or other documents or information retained on the SA planning portal in relation to an application for a development authorisation under section 102 of the Act in respect of development on the land.

(2) The council is not required to make available any plans, drawings, specifications or other documents or information referred to in subregulation (1) for inspection or copying under subregulation (1) if to do so would—

(a) in the opinion of the council, unreasonably jeopardise the present or future security of a building; or

(b) involve an infringement of copyright in matter contained in a document; or

(c) constitute a breach of any other law.

(3) The council is not permitted to charge a fee for the inspection of documents or information under this regulation, but may charge a reasonable fee for providing copies of documents or information, unless the Minister sets a fee for that purpose by fee notice made for the purposes of this Act.

18—Amendment of Schedule 3—Additions to definition of development

Schedule 3—after clause 11 insert:

12—Division of proposed allotments

The division of land that is subject to a development application that proposes to create an allotment comprising the land where—

(a) that application has not been finally determined; or

(b) —

(i) a development authorisation has been issued in respect of that application; and

(ii) the development authorisation is operative; and

(iii) a certificate of title has not been issued in respect of the land.

19—Amendment of Schedule 4—Exclusions from definition of development—general

(1) Schedule 4, clause 18(1)—after paragraph (d) insert:

(da) the tree is on land on which a school, within the meaning of the *Education and Early Childhood Services (Registration and Standards) Act 2011*, is located or is proposed to be built; or

(2) Schedule 4—after clause 21 insert:

22—Electric vehicle charging stations

The construction, alteration, repair or maintenance of an electric vehicle charging station, other than—

(a) in respect of a local heritage place; or

(b) on adjacent land to a State heritage place or local heritage place; or

(c) in an area that is underground or covered.

20—Amendment of Schedule 8—Plans

Schedule 8, clause 7(3)(a)(iii)—delete subparagraph (iii)

21—Amendment of Schedule 9—Referrals

(1) Schedule 9, clause 3, table, Part A, item 8, column relating to "**Period**"—delete "30" and substitute:

20

(2) Schedule 9, clause 3, table, Part A, item 11, column relating to "**Period**"—delete "20" and substitute:

30

22—Amendment of Schedule 13—State agency development exempt from approval

(1) Schedule 13, clause 2(1)(w)(i)—delete subparagraph (i)

(2) Schedule 13, clause 5(b)(viii)(A)—delete subsubparagraph (A)

23—Insertion of Schedule 18

After Schedule 17 insert:

Schedule 18—Map of designated area (regulation 3A)

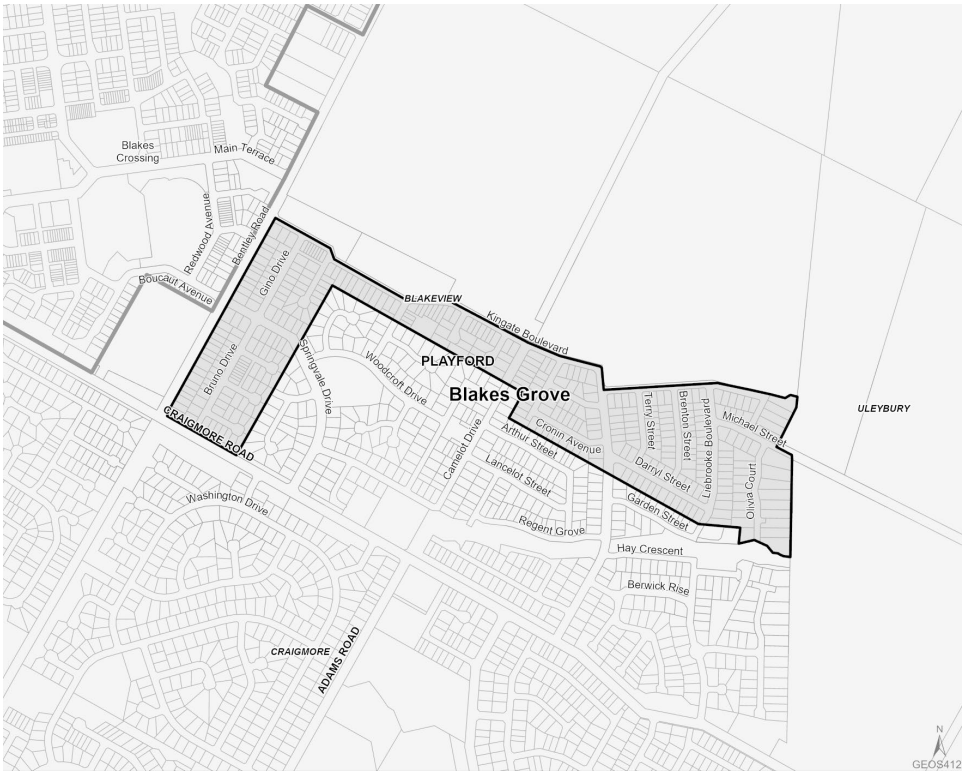
1—Blakes Crossing



Note—

The shaded area bounded by the bold black line in this map shows the designated area referred to as "Blakes Crossing".

2—Blakes Grove



Note—

The shaded area bounded by the bold black line in this map shows the designated area referred to as "Blakes Grove".

3—20 Acres at Andrews Farm



Note—

The shaded area bounded by the bold black line in this map shows the designated area referred to as "20 Acres at Andrews Farm".

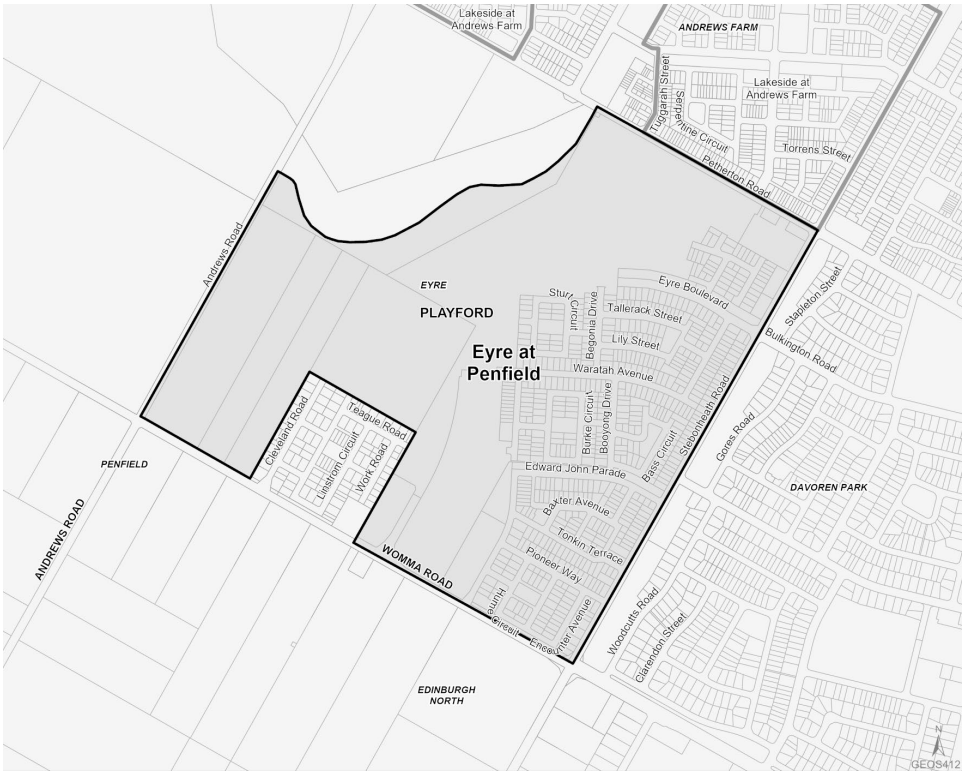
4—Playford and Lakeside at Andrews Farm



Note—

The shaded areas bounded by the bold black lines in this map show the designated areas referred to as "Playford" and "Lakeside at Andrews Farm".

5—Eyre at Penfield



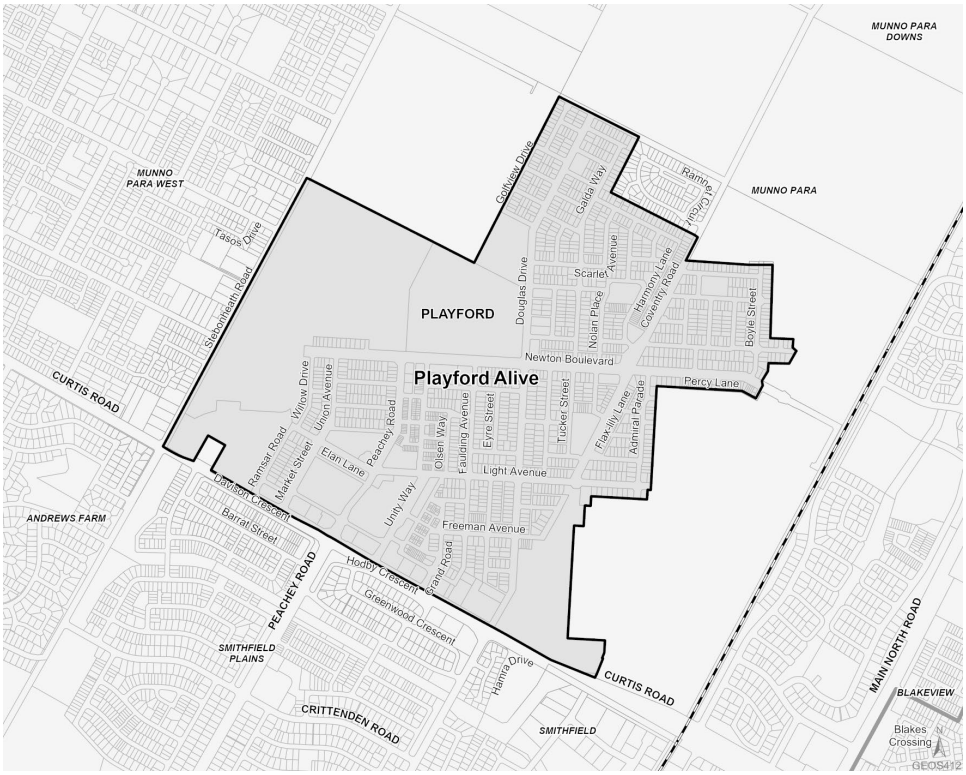
Note—

The shaded area bounded by the bold black line in this map shows the designated area referred to as "Eyre at Penfield".

Draft

Planning, Development and Infrastructure (General) (Miscellaneous) Amendment Regulations 2025
Amendment of *Planning, Development and Infrastructure (General) Regulations 2017*—Part 2

6—Playford Alive



Note—

The shaded area bounded by the bold black line in this map shows the designated area referred to as "Playford Alive".

Editorial note—

As required by section 10AA(2) of the *Legislative Instruments Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on

No of 2025

DRAFT – VERIFICATION COMPLEXITY CRITERIA - FOR DISCUSSION

The following provides draft criteria (for discussion) that could be used to determine if a development application is 'complex', in connection with proposed Amendment #9(1) – proposed Regulation 31(1)(ab):

> **9—Amendment of regulation 31—Verification of application**
>
> (1) Regulation 31(1)—after paragraph (a) insert:
>
> (ab) determine the complexity of the application in accordance with any criteria published by the Chief Executive on the SA planning portal for the purposes of this paragraph that relates to development of a kind proposed in the application; and

PART 1 - EXCLUSIONS

Development applications of the following types are excluded from the Complex Applications Table in Part 2 (and therefore cannot be considered 'complex'):

- An application that is Accepted, Deemed to Satisfy or Impact Assessed pathway
- A Performance Assessed application which involves either public notification or a referral under s.122 (noting such applications already have an extended assessment timeframe)
- Dwelling or residential flat building undertaken by:
  (a) the South Australian Housing Trust either individually or jointly with other persons or bodies or (b) a provider registered under the Community Housing National Law participating in a program relating to the renewal of housing endorsed by the South Australian Housing Trust.
- Temporary accommodation in an area affected by bushfire or flood
- An application that has a single element only, for any of the following (where associated with an existing dwelling or a dwelling that has an existing authorisation):
  - ancillary accommodation
  - carport
  - dwelling addition
  - deck
  - verandah
  - garage
  - outbuilding
  - fence
  - retaining wall
- Detached dwelling/s, semi-detached dwelling/s or row dwelling/s in any of the following zones:
  - Master Planned Neighbourhood Zone
  - Master Planned Renewal Zone
  - Master Planned Township Zone

DRAFT

PART 2 - Complex Applications Table

Complex applications by land use An application for planning consent involving **ONE** of the following, is deemed to be complex:	**Complex applications due to a combination of factors** An application for planning consent involving a combination of **THREE OR MORE** of any of the following, is deemed to be complex:
• a residential flat, student accommodation, or tourist accommodation building of 10 or more stories in height • land division comprising 50 or more allotments • a shop or bulky goods outlet with a gross leasable floor area of 1000m^2 or more • tourist accommodation comprising more than 4 buildings or providing accommodation for more than 15 guests • warehouse involving the construction of a building with a floor area of 1000m^2 or more • educational facility • function venue • caravan and tourist park • special industry • hotel • place of worship • residential park • retirement facility • a service trade premises building greater than 300 square metres or has an area for sale, rental or display of greater than 500 square metres • stock sales yard	• a residential flat building including 4 or more dwellings • 3 or more group dwellings • development of 3 storeys or more in height • the division of land which creates 6 or more additional allotments • the division of land that creates a public road • a community title land division involving a common driveway servicing 3 or more dwellings • a general or light industry • office building greater than 2 storeys or greater than 250 square metres • the development of a building for a shop or shops greater than 250 square metres • tree damaging activity • student accommodation • tourist accommodation • development where the site does not have connection to a sewer or communal wastewater management system • development which proposes a new or amended driveway crossover to a public road • involves a local heritage place or a site adjacent a local heritage place • involves the removal of native vegetation within the Native Vegetation Overlay, but which does not require a referral to the Native Vegetation Council • any class of development/activity listed in Part 9.1 (EPA referrals) but which does not meet the relevant threshold or other criteria to require a referral to the EPA • is located within any of the following zones in the Planning and Design Code: ○ Adelaide Parklands Zone ○ Conservation Zone ○ Commonwealth Facilities Zone ○ Community Facilities Zone ○ Established Neighbourhood Zone ○ Hills Neighbourhood Zone ○ Open Space Zone ○ Productive Rural Landscape Zone ○ Recreation Zone ○ Resource Extraction Zone ○ Rural Aquaculture Zone ○ Rural Horticulture Zone ○ Rural Intensive Enterprise Zone ○ Strategic Employment Zone ○ Strategic Innovation Zone • is located within any of the following Overlays in the Planning and Design Code: ○ Character Area Overlay ○ Character Preservation District Area Overlay ○ Coastal Flooding Overlay ○ Defence Aviation Area Overlay ○ Gateway Overlay ○ Hazards (Acid Sulfate Soils) Overlay ○ Any Hazards Bushfire Risk Overlay ○ Hazards (Flooding) Overlay ○ Hazards (Flooding - General) Overlay ○ Heritage Adjacency Overlay (local heritage only) ○ Historic Area Overlay ○ Interface Management Overlay ○ Local Heritage Place Overlay ○ Mount Lofty Ranges Water Supply Catchment (Areas 1 or 2) Overlays ○ Scenic Quality Overlay ○ Significant Interface Management Overlay ○ Significant Landscape Protection Overlay ○ Water Resources Overlay

Summary Table – for Consultation:

Planning, Development and Infrastructure (General) (Miscellaneous) (No 2) Amendment Regulations 2025

amending: *Planning, Development and Infrastructure (General) Regulations 2017*

Cl.#	What the change is?	Why is it happening?	How will it benefit people?
3	Amendment of regulation 3A. Clause 3(1) Removes the requirement that Council must consent to the vesting of relevant property arising from a division of land, where an applicable design standard applies. Clause 3(2) and 3(3) ensures that properties within the designated area (Playford Alive) are excluded from offence provisions for failing to comply with a condition on that land requiring recycled water to be connected.	3(1) ensures that where a design standard applies: • land for public infrastructure automatically vests with Council; • a prescribed contribution for the Open Space Contribution Scheme is required (rather than vesting of open space). 3(2) and 3(3) address a situation where condition on certain land in Playford alive required connection to recycled water, but connection program was discontinued. This change removes the inadvertent potential of home-owners breaching the condition and committing an offence.	3(1) will ensure that the land division process is not delayed through negotiations over the vesting of land that is in accord with a design standard. 3(2) and 3(3) ensures that homeowners in Playford Alive designated areas are not inadvertently in breach of a condition of development approval.
4	Amendment of regulation 3F—Regulated and significant trees. Allow local councils to undertake 'tree damaging activity' for regulated and significant trees more frequently than only once every 5 years, providing remaining criteria met.	It is recognised that local council is required to perform tree damaging activity more frequently than once per 5 years, to properly maintain the trees on council land.	Removing the 5 year limit will allow councils to undertake work as required to maintain all trees in public locations – particularly where they pose a risk to pedestrians, traffic or structures.
5	Amendment of regulation 22—Prescribed scheme (section 93) Allow private accredited professional surveyors to issue planning and land division consent for deemed-to-satisfy land divisions.	Accredited professional surveyors can already issue planning consent for deemed-to-satisfy land division. This extends current power, will be able to issue both consents.	Provide further flexibility for deemed-to-satisfy land division.

Cl.#	**What the change is?**	**Why is it happening?**	**How will it benefit people?**
6	Amendment of regulation 25—Accredited professionals (section 97). Removes ability for building professionals to issue planning consent.	Change reflects recommendation of Expert Panel, to align the issuing of consents by Accredited Professionals with their associated professions, consistent with their professional skills and qualifications.	Ensures planning decisions can only be made by accredited planning professionals.
7	Insertion of regulation 26B. For development assessed under ss 106 & 107, relevant authority must consider any relevant design standard under s 69 (complies with/not inconsistent with design standard)	Consequential change related to clause 3(1) - requiring land division applications to be assessed against any relevant design standard.	Ensures that a relevant design standard must be taken into account in the assessment of land division applications.
8	Amendment of regulation 29—Application to relevant authority. Sets the 'appropriate fee' for the purposes of s 119(1)(d), locking the Code in at the time of payment of lodgement fee. Change also ensures applications cannot be lodged in the system without payment of lodgement fee.	Required for the proper operation of the SA Planning Portal, and to give certainty to users as to the relevant version of the Code that applies to an application.	Creates more certainty for applicants and removes potential for disputes over the version of the Code applying to applications.
9	Amendment of regulation 31—verification of application. Sets the following revised requirements for verifying an application: • 9(1) – verify the 'complexity' of an application by considering it against the criteria published by the Chief Executive on the SA Planning Portal. • 9(2) – confirm any remaining prescribed fees required to be paid at that point. • 9(3) – increases timeframe for verification to 8 business days.	Increases time for complex applications before Deemed Consent may be issued. Note – 9(2) is a technical change related to the amendment of reg 29.	Will provide councils with additional time for the assessment of complex applications.

Cl.#	**What the change is?**	**Why is it happening?**	**How will it benefit people?**
	• 9(4) – timeframe restarts where application is moved from one relevant authority to another – (… repeat the steps) 'within 8 business days after receiving the application'.		
10	Amendment of regulation 33—Application and further information For application determined as being 'complex', increase period in which a request for information may be made to 15 business days (from 10 business days).	Related to amendment of reg 31 for complex applications. Where an application is determined to be complex it provides the relevant authority with further time to request further information.	Facilitates better decision making in complex assessments.
11	Amendment of regulation 53—Time within which decision must be made (section 125(1)) • 11(1) – time frame reduced from 60 to 30 business days for issuing of planning consent for a land division proposing creation of 10 or less allotments, without creation of public road. • 11(2) – provide additional 5 business days for application determined to be 'complex'. • 11(3) – technical change to ensure applications for outline consent being assessed against a proposed Code amendment have time added to the assessment clock to reflect the time taken for a decision to be made on the amendment. • 11(4) – For application verified under r 31 in less or more days than prescribed, equivalent is added or subtracted to the period prescribed in r 53(1) (being the	11(1) and (2) - more accurately reflects the time required to assess land division applications based on their complexity. 11(3) – technical change. 11(4) – ensures that if the prescribed verification time is exceeded, or alternatively the verification is achieved in less time than that prescribed, then the time for the relevant authority to assess an application is reduced or increased to achieve the equivalent total time.	Will ensure basic land divisions are assessed more quickly. Taking account of the time taken to verify an application treats the verification and assessment as a total time frame giving more certainty to applicants.

Cl.#	**What the change is?**	**Why is it happening?**	**How will it benefit people?**
	time period within which the relevant authority should deal with application under Part 7 of the Act).		
12	Amendment of regulation 61—Certificate of independent technical expert in certain cases. Updating references to the Building Code.	Updates identified as being required.	Technical change.
13	Amendment of regulation 65—Variation of authorisation (section 128) Excluding development approval granted by Commission, council to be relevant authority for assessing minor variation (regardless of who the relevant authority was originally).	Minor variations to a planning consent once Development Approval has been issued should only be assessed by the relevant council.	Ensures that all minor variations are reviewed / assessed by the relevant council assessment manager.
14	Amendment of regulation 80 – Prescribed requirements. Ensures that where a design standard applies, that it prevails over existing land division requirements in regulations 80-85.	Amendment required to facilitate the use of design standards envisaged in clause 3(1) above.	Uniform design standards intended to create certainty for developers and council, and negate delays currently experienced in the development of new land.
15	Insertion of regulation 85A and 85B. 85A – clarifies that the Commission cannot issue its land division certificate until the land being divided has a certificate of title.	For broadacre land divisions there are often 'super lots' created that are then sought to be further divided into saleable residential allotments. To allow this to occur the regulation change ensures that planning and land division consent is able to be issued over an allotment not yet created (subject to the condition that the Commission cannot issue a certificate under s138 of the Act for the subsequent divisions into residential lots until a certificate has been issued / title issued for the parent / super lot.	Allows current industry practices to continue and ensures new residential lots cannot have titles issued until titles are issued for the parent lot.

Cl.#	**What the change is?**	**Why is it happening?**	**How will it benefit people?**
	85B – where land in a division is proposed to be held as open space, it must be approved by, and developed to the satisfaction of, the relevant authority.	Notwithstanding the changes above regarding the Open Space Contribution Scheme, or any design standard applying to the division of land, it is still necessary that any development of open space meets the requirements of the relevant authority.	This enables the relevant authority to continue ensuring that the proper provisions of open space are provided for.
16	Amendment of regulation 93—Notifications during building work. Clarifies that requirements regarding inspections of building work only applies to building work that constitutes 'development' for the purposes of the Act.	Technical change for clarity.	Provide clarity and certainty for the development industry.
17	Insertion of regulation 116A Allows councils to provide plans to landowners, even when the landowner was not the one who lodged the development application.	Addresses current concern as to whether Council can provide landowner with copy of documents previously lodged with them, by someone other than the current landowner.	Allows landowners to have access to relevant documentation regarding their property.
18	Amendment of Schedule 3—Additions to definition of development. Allow applications for the division of land into further allotments to be made and assessed prior to the title being issued for the parent allotment.	Technical change related to new regulation 85A ensuring that division of land over an allotment not yet created is development.	Increased efficiency in the progression of broadacre land division leading to faster delivery of new residential land supply.
19	Amendment of Schedule 4—Exclusions from definition of development—general. • 19(1) – Tree damaging exemption now for both public and private schools. • 19(2) – Electric Vehicle charging stations excluded from definition, other than – State heritage place or local	• 19(1) includes private schools into exemption currently only applying to state schools, to allow the same ability to manage regulated and significant trees. • 19(2) provides certainty as to when development approval is required for the installation of Electric Vehicle charging stations.	All schools now provided the same ability to effectively manage, particularly for life safety reasons, regulated and significant trees on their land. Added certainty for landowners wishing to install Electric Vehicle charging stations impacting heritage sites.

Cl.#	**What the change is?**	**Why is it happening?**	**How will it benefit people?**
	heritage place, or adjacent land; or in an area that is underground or covered.		
20	Amendment of Schedule 8—Plans. Remove the need for applications for the division of land to be accompanied by advice as to where new permanent survey marks are to be located, as this is not known at time of application (occurring instead as part of the land division assessment process)	Technical change, to better reflect the actual land division process.	Increased ease of use of the planning system.
21	Amendment of Schedule 9—Referrals. • 21(1) – Change time frame for referral of development applications within the Tunnel Protection Overlay from 30 days to 20 days. • 21(2) – amend referral timeframe for Native Vegetation Council to 30 business days, so referral response can be coordinated with SA Country Fire Service.	• Technical change to better reflect the time required for these referrals made.	Improving efficiency where time was in excess of actual requirements, whilst providing additional time where needed (facilitate correct decision making, with all required information).
22	Amendment of Schedule 13— removes specific exemption of tree damaging activity to regulated and significant trees that existed only for public schools (as State agency).	Administrative change linked to clause 19 – no longer required, as now not development for either private or state school.	Removes a regulation no longer required as it is now addressed through the amendment to Schedule 4
23	Insertion of Schedule 18. Insertion of Map, referred to in Cl 3(3) for definition of '*designated area*'.	Required for geographic limitation of the amendments in clause 3(2), as provided for in clause 3(3).	Ensures that exemption is geographically limited to protect against unintended application.

COVER SHEET

CONFIDENTIAL REPORT

15 April 2025

Council Meeting

8.1 Office of the Mayor and CEO

8.1.1 CONCORDIA POLICIES

There is strong public interest in enabling members of the public to observe Council's transparent and informed decision-making. This helps to ensure accountability, maintain transparency of public expenditure, facilitate public participation, assist public awareness and allow for the scrutiny of information. Attendance at a Council meeting is one means of satisfying this interest. The public will only be excluded from a Council meeting when the need for confidentiality pursuant to Section 90(2) of the Act outweighs the public interest of open decision-making.

In this matter, the reasons that receipt, consideration or discussion of the information or matter in a meeting open to the public would be contrary to the public interest are that it includes references to and informed by confidential information and processes subject to deed of non disclosure with a Minister.

On balance, the above reason which supports the need for confidentiality pursuant to Section 90(2) of the Act outweighs the factors in favour of the public interest of open decision-making.

RECOMMENDATION
That Council:

(1) Under the provisions of Section 90(2) of the *Local Government Act 1999*, make an order that the public be excluded from the meeting with the exception of the Chief Executive Officer, Director Corporate Services, Strategy and Innovation, Director Development and Community Services, Director

Infrastructure and Environmental Services and the Minute Secretary, in order to consider in confidence a report relating to being information that must be considered in confidence pursuant to:

Section 90(3)(j) of the *Local Government Act 1999*:

information the disclosure of which-

(i) would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of the council, or a person engaged by the council); and

(ii) would, on balance, be contrary to the public interest;

(2) Accordingly, on this basis, Council is satisfied that public interest in conducting meetings in a place open to the public has been outweighed by the need to keep the information and discussion confidential in order that Includes references to and informed by confidential information and processes subject to deed of non disclosure with a Minister.

COVER SHEET

CONFIDENTIAL REPORT

15 April 2025

Council Meeting

8.1 Office of the Mayor and CEO Report

8.1.2 <u>18A ELIZABETH STREET DRAINAGE EASEMENT AND SERVICE LEVEL - PRETRIAL CONFERENCE REPORT</u>

There is strong public interest in enabling members of the public to observe Council's transparent and informed decision-making. This helps to ensure accountability, maintain transparency of public expenditure, facilitate public participation, assist public awareness and allow for the scrutiny of information. Attendance at a Council meeting is one means of satisfying this interest. The public will only be excluded from a Council meeting when the need for confidentiality pursuant to Section 90(2) of the Act outweighs the public interest of open decision-making.

In this matter, the reasons that receipt, consideration or discussion of the information or matter in a meeting open to the public would be contrary to the public interest are that a notice of a claim of nuisance has been made and preliminary litigation actions are now underway.

On balance, the above reason which supports the need for confidentiality pursuant to Section 90(2) of the Act outweighs the factors in favour of the public interest of open decision-making.

RECOMMENDATION
That Council:

(1) Under the provisions of Section 90(2) of the *Local Government Act 1999*, make an order that the public be excluded from the meeting with the exception of the Chief Executive Officer, Director Corporate Services, Strategy and

Innovation, Director Development and Community Services, Director Infrastructure and Environmental Services and the Minute Secretary, in order to consider in confidence a report relating to being information that must be considered in confidence pursuant to:

Section 90(3)(i) of the *Local Government Act 1999:*

information relating to actual litigation, or litigation that the council or council committee believes on reasonable grounds will take place, involving the council or an employee of the council;

(2) Accordingly, on this basis, Council is satisfied that public interest in conducting meetings in a place open to the public has been outweighed by the need to keep the information and discussion confidential in order that a notice of a claim of nuisance has been made and preliminary litigation actions are now underway.

COVER SHEET

CONFIDENTIAL REPORT

15 April 2025

Council Meeting

8.2 Corporate Services, Strategy and Innovation

8.2.1 SALE OF LAND FOR NON-PAYMENT OF COUNCIL RATES

There is strong public interest in enabling members of the public to observe Council's transparent and informed decision-making. This helps to ensure accountability, maintain transparency of public expenditure, facilitate public participation, assist public awareness and allow for the scrutiny of information. Attendance at a Council meeting is one means of satisfying this interest. The public will only be excluded from a Council meeting when the need for confidentiality pursuant to Section 90(2) of the Act outweighs the public interest of open decision-making.

In this matter, the reasons that receipt, consideration or discussion of the information or matter in a meeting open to the public would be contrary to the public interest are that it would result in unreasonable disclosure of the personal affairs of the people who own the properties included in the report

On balance, the above reason which supports the need for confidentiality pursuant to Section 90(2) of the Act outweighs the factors in favour of the public interest of open decision-making.

RECOMMENDATION
That Council:

(1) Under the provisions of Section 90(2) of the *Local Government Act 1999*, make an order that the public be excluded from the meeting with the exception of the Chief Executive Officer, Deputy CEO and Director Corporate Services, Strategy and Innovation, Director Development and Community Services,

Director Infrastructure and Environmental Services, Manager Financial Services and the Minute Secretary, in order to consider in confidence a report relating to being information that must be considered in confidence pursuant to:

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);

(2) Accordingly, on this basis, Council is satisfied that public interest in conducting meetings in a place open to the public has been outweighed by the need to keep the information and discussion confidential in order that Would result in unreasonable disclosure of the personal affairs of the people who own the properties included in the report

COVER SHEET

CONFIDENTIAL REPORT

15 April 2025

Council Meeting

8.2 Corporate Services, Strategy and Innovation

8.2.2 TENDER- CARAVAN PARK MANAGEMENT SERVICES - T0254/2025

There is strong public interest in enabling members of the public to observe Council's transparent and informed decision-making. This helps to ensure accountability, maintain transparency of public expenditure, facilitate public participation, assist public awareness and allow for the scrutiny of information. Attendance at a Council meeting is one means of satisfying this interest. The public will only be excluded from a Council meeting when the need for confidentiality pursuant to Section 90(2) of the Act outweighs the public interest of open decision-making.

In this matter, the reasons that receipt, consideration or discussion of the information or matter in a meeting open to the public would be contrary to the public interest are that the disclosure would unreasonably expose commercial in confidence information provided by tenderers through the tender process for the Tender – Caravan Park Management Services and the Council report, attachments and associated documents.

On balance, the above reason which supports the need for confidentiality pursuant to Section 90(2) of the Act outweighs the factors in favour of the public interest of open decision-making.

RECOMMENDATION
That Council:

(1) Under the provisions of Section 90(2) of the *Local Government Act 1999*, make an order that the public be excluded from the meeting with the exception of the Chief Executive Officer, Director Corporate Services, Strategy and Innovation, Director Development and Community Services, Director Infrastructure and Environmental Services and the Minute Secretary, in order to consider in confidence a report relating to being information that must be considered in confidence pursuant to:

Section 90(3)(k) of the *Local Government Act 1999:*

tenders for the supply of goods, the provision of services or the carrying out of works;

(2) Accordingly, on this basis, Council is satisfied that public interest in conducting meetings in a place open to the public has been outweighed by the need to keep the information and discussion confidential in order that the disclosure would unreasonably expose commercial in confidence information provided by tenderers through the tender process for the Tender – Caravan Park Management Services and the Council report, attachments and associated documents.