



# Notice of Meeting

## Alexandrina Council Ordinary Meeting

**In accordance with sections 83 and 84 of the *Local Government Act 1999*, notice is hereby given that the next meeting of Council will be held in the *Alexandrina Council Community Chambers "Wal Yuntu Warrin"*, 11 Cadell Street, Goolwa on Monday, 16 January 2023 commencing at 5:30 PM.**

A recording of the Council meeting will be placed on [www.alexandrina.sa.gov.au](http://www.alexandrina.sa.gov.au) as soon as practicable following the meeting.

**Nigel Morris**  
Chief Executive Officer

12 January 2023



# Agenda for the Alexandrina Council Ordinary Meeting Monday, 16 January 2023

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## 1. Opening of Meeting

An audio recording of this meeting will be made for minute-taking purposes and will last the length of the open meeting. The audio file will be available on the Council website after the draft Minutes have been circulated.

### **Present**

### **Apologies / Leave of Absence**

### **In Attendance**

### **Gallery**

### **Acknowledgement of Traditional Owners**

The Alexandrina Council and its communities acknowledge the Ngarrindjeri people as the traditional custodians of the lands and waters of our Council District.

### **Local Government Prayer**

Almighty God, we humbly beseech thee to grant thy blessing upon the works of this Council, guide us in our deliberations for the advancement and the true welfare of the people of this district.

### **Declarations of Interest**

If a Council Member has an interest in a matter before the Council, they are asked to disclose the interest to Council and provide full and accurate details of the relevant interest. Members are reminded to declare their interest before each item.

### **Confirmation of Minutes**

Minutes of the Alexandrina Council meeting held on 19 December 2022.

### **Recommendation**

**That the Minutes of Alexandrina Council meeting held on 19 December 2022 be received as a true and correct record.**

## 2. Adjourned Debate

Nil

## 3. Presentations / Deputations

### 3.1. Heritage Tourism

Ms Bronwyn Lewis to make a deputation regarding Heritage Tourism.

### 3.2. Project using Waste Matter as a Circular Economy and Housing Infrastructure Initiative

Ms Bronwyn Lewis to make a deputation regarding a project using waste matter as a circular economy and housing infrastructure initiative.

### 3.3. Storm Disaster Group, Middleton

Ms Rose Kentish on behalf of the Storm Disaster Group, Middleton to make a deputation regarding the flood event on 12 November 2022 in Middleton.

## 4. Petitions

### 4.1. Petition - Middleton Flood Event - 12 November 2022

Responsible Officer: Nigel Morris (Chief Executive Officer)

Report Author: Nigel Morris (Chief Executive Officer)

#### Recommendation

1. That Council receive the petition.
2. That the Chief Executive Officer organise a meeting in Middleton with all parties involved (Council, community, and participating emergency agencies) in the flood event at Middleton on 12 November 2022.

#### Purpose

A petition has been received from various ratepayers requesting a meeting be convened in Middleton to address their concerns following the flood event at Middleton on 12 November 2022. The petition contains 19 entries.

The *Local Government (Procedures at Meetings) Regulations 2013* (Regulations) and Council's Code of Practice - Council meeting Procedures (Meeting Code), detail requirements that petitions must meet to be considered valid.

Having assessed the content of the petition against the requirements it appears:

- The petition does not have a head petitioner (or organisation)
- Some entries do not include full names and/or address and signatures

The petition (in full) is presented at Attachment 1 for Council's information and consideration.

#### Attachments

Attachment 1 - Petition - Middleton Flood Event

Attachment 1 - Petition - Middleton Flood

To Ceo, Mayor, Alexandria Council

The following flood affected rate payers ask you to convene a meeting in Middleton, asap, to address the concerns & hear from those of us affected by the largest natural disaster on the Southern Fleurieu in living Memory, Nov 12, 2022

<u>Name</u>	<u>Address</u>	<u>Phn Nb</u>
DEREK JONES	PADMAN CR MIDDLETON	0418104865
SHARON SCHUTZ	PADMAN CR MIDDLETON	0448 040 996
FED MATTHEWS	6 William St MIDDLETON	0408208898
Tom Vincent	4A William St Middleton	0427909919.
Anna Vincent	4a William St Middleton	0427543636.
Michelle Jones	18 Seaview Ave	0447545499.
Cash Vincent	80 Ocean Rd Middleton SA.	0416057178
Andrew Vincent	"	0414507178
Jess Openshaw	80 Padman Crescent	0425967777
JOHN TAYLOR	13 GOOLWA RD	0412746007
ROSE KENTISH	29 MILL TCE MIDDLETON 5213	0419040670
Sam Hamish	29 Mill Tce, Middleton	0417040670.
Karen Salisbury	5 Goolwa Rd, Middleton	0405818677.

to CEO, Mayor, Alexandria Council:

The following flood affected ratepayers ask you to convene a meeting in Middleton asap to address the concerns & hear from those of us affected by the largest natural disaster on the Southern Fluvium in living memory Nov 12, 2022.

Name

Address

Phn No

PETER & HEATHER  
HEWITSON

27 Mill Tee  
Middleton

~~0422~~  
0422124503

Emma Hart

6 Mill Tee  
Middleton

0408886498

Paul Hart

Stray Ryckoff  
Trevor Scott

4 mill tee  
Middleton

0412171398  
0418836859



Notes  
Cont.

- Middleton Also needs a Zebra crossing as the traffic flow is too dangerous to cross the road.

Bridge: NOTE PEOPLE ARE DUCKING THRU  
A SIDE FENCE & WALKING UNDER BRIDGE

STEPS TO BEACH: SUMMER obv. peak time  
perhaps could off been filled  
up with sand to stabilise  
as people are still walking &  
ALSO maybe should prioritise  
amenities for public ~~at~~  
holiday time.

27 Mill Tce: We have been severely compromised by the storm and  
our creek boundary.

Our main concern for council is are you aware that there is  
approx. a 5 metre gap between our boundary fence and the  
Railway line at the creek junction that has been severely  
eroded and the council retaining wall has been completely  
taken by the storm as well as all of our retaining walls.

I phoned and spoke to Steam Ranger and they said that this  
5 metres of Land is Council of State can it please be  
assessed and repaired ASAP. we cannot replace our  
Retaining wall until this is done.

Peter Heather Hewitson 0422124503

Also the creek is now approx 3 times as deep as it has  
ever been and maybe 3 x as wide. what happens to  
fixing this? also the Foot Bridge

NOTES:

Dam - did it burst?  
- over flow of Dam?  
- Dam approval?

Creek - severe erosion from water flow  
= compromised tree/roots, structural impact  
- Creek diversion approval?

Future / Preventative action by council

Transparency ?? (By Tracy)

(Large) Signs in Mill Ice - No Beach Access  
- NO THROUGH ROAD

Bridge - Strategic / Future.

- train line being used as bridge, not in action  
Because <sup>Foot</sup> Bridge is out of action we have to walk bins  
to the main Rd.  
- bins to be collected in street  
not walked to main road

\* Sealed Road

even before the storm the rubbish truck doesn't come into the Cul de Sac

- issues with lack of <sup>storm</sup> water drainage. houses now being inundated with water from sealed road  
↓ PTO.

## 5. Questions with Notice

### 5.1. Cr Craig Maidment - Transport Options

Responsible Officer: Nigel Morris (Chief Executive Officer)

Report Author: Matt Atkinson (Acting General Manager Growth)

#### Prior Resolutions

Nil

#### Information

At the Council Meeting held on 19 December 2022 the following question from Cr Craig Maidment was taken on notice.

#### Question

*'Alexandrina Council supports financially the transport of residents to medical and other appointments, as well as operating a Community Bus for shopping and Hayborough Pool visits, in partnership with the City of Victor Harbor through the Southern Communities Transport Scheme, at what cost?*

*What financial assistance and options are available to Alexandrina residents outside of the Southern communities of Goolwa, Port Elliot, Middleton and Victor Harbor?'*

#### Answer

Alexandrina Council provides additional funding for two State and Federally funded Community Passenger Networks that service our region:

- South Coast Transport Scheme (SCoTS) \$75,000; and
- Hills Community Transport (HCT) \$14,000.

Each of these networks is supported by an executive committee, including Council staff who ensure that appropriate transport services can be provided in accordance with expressed community need.

The Strathalbyn area is serviced by the HCT. HCT is a partnership between the Mount Barker District Council and Alexandrina Council with the aim of maximising regional resources to provide community transport across the Adelaide Hills region. Residents are eligible if they do not have any other transport options. Assistance can be provided for appointments (eg medical) and social activities (eg shopping).

Further information on Hills Community Transport (HCT) which encompasses the Strathalbyn area can be found at:

<https://www.mountbarker.sa.gov.au/community/seniorsdisabilitycarers/hillscommunitytransporthttps://www.mountbarker.sa.gov.au/community/seniorsdisabilitycarers/hillscommunitytransport>

Other transport options in Strathalbyn would be available via a My Aged Care program referral eg Red Cross. Residents would directly access these transport arrangements via their My Aged Care service provider – this is a Federal Government program.

Council also provided a submission to the Select Committee on Public and Active Transport, dated 26 August 2022. A copy of this submission is provided at Attachment 1. This submission outlines the challenges associated with the provision of public transport throughout our region and provides some context and background to the information presented above.

#### Attachments

Attachment 1 - Submission to the Select Committee on Public and Active Transport



26 August 2022

Select Committee on Public and Active Transport  
Legislative Council of South Australia

Attention: Ms Emma Johnston  
Secretary to the Committee,  
GPO Box 572,  
ADELAIDE SA 5001  
Via email: [sctransport@parliament.sa.gov.au](mailto:sctransport@parliament.sa.gov.au)

Dear Ms Johnston and Select Committee members

Thank you for the opportunity to contribute to the Inquiry from the perspective of our regional community at Alexandrina Council. We would welcome a wide choice of transport options and improved connectivity around our townships, between our villages, across the region and to Adelaide. We believe increased transport options are essential from an economic development, employment, community development and wellbeing perspective.

#### **Community views**

Alexandrina Council conducted extensive consultation to inform the development of its A2040 Community Strategic Plan. This highlighted that community connections, liveability and a green future were the overall priorities of our community. All three of these aspirations could be progressed with improved public transport services and active transport infrastructure investments.

The A2040 Plan includes the following Actions relevant to public transport:

*1.4 Advocate for a rethink of transport planning to focus on needs identification for improving accessibility, social inclusion and wellbeing*

*3.4 Advocate for multiple modes of public transport that connect communities to Adelaide and across our region*

Active transport also contributes to liveability, environmental sustainability and community connection. Active transport relates to urban planning, public realm and social infrastructure that supports walkability, accessible places and reduced car dependence, such as these A2040 Actions:

**Alexandrina Council**  
11 Cadell Street (PO Box 21) Goolwa SA 5214  
ABN 20 785 405 351

(08) 8555 7000  
[alex@alexandrina.sa.gov.au](mailto:alex@alexandrina.sa.gov.au)  
[alexandrina.sa.gov.au](http://alexandrina.sa.gov.au)





*1.3 Design and locate community infrastructure to ensure safe, inclusive and convenient access for communities and individuals*

*2.3 Encourage community participation and partnerships with key stakeholders for greater involvement in sustainability issues and promote the adoption of a sustainable lifestyle*

Furthermore, other community consultation we conducted for the Disability Access and Inclusion Plan, Community Wellbeing Advisory Forum and township-based Village Conversations have all confirmed the high importance of public and active transport for our residents.

The content of this letter and the Attachment on the terms of the Inquiry have been informed by what we have heard from our communities about their priorities during the last 3 years.

The context for public and active transport in Alexandrina Council

For the purposes of discussing transport needs, there are there are two sub-regions in our LGA:

- Fleurieu south coast townships of Port Elliot, Middleton, Goolwa/Hindmarsh Island and including the adjacent town of Victor Harbor. In 2022 there were 28,000 resident in this coastal area. This is also a major tourism destination for South Australia. The current level of public transport services is insufficient for both the residents and visitors.
- Strathalbyn is a fast growing town which services a surrounding rural area and many smaller towns. This population of around 10,000 is seeking a transport network that connects smaller towns to Strathalbyn, and also to the larger regional centre of Mount Barker.

Services and infrastructure investment, including public transport, is required to support the recent and predicted population growth in our region. Alexandrina is part of a growing peri-urban region that in many aspects is treated by State government as part of Adelaide when planning for settlements. The 30-Year Plan for Greater Adelaide (2010) incorporated this Council area into Greater Adelaide, set a population target of an additional 22,000 people in the Fleurieu Peninsula and designated a large urban growth area in Goolwa North. Since the 30-Year Plan came into effect, the resident population of the Council area has increased 21%. Alexandrina's population growth rate of 11.1% placed it 7th in the state for LGA growth 2016 – 2021. This is even without the Goolwa North growth area being commenced.

The ABS has released an updated 2021 Estimated Residential Population of 29,257 for Alexandrina Council, which is higher than the State government forecast of 28,462 and Council's forecast of 28,010 for 2021. This means that population growth in the Alexandrina Council is occurring faster than Council and State government modelling had predicted. The State Government's current population projections have Alexandrina Council's population increasing to over 32,500 by 2031. Along with growth in the adjacent LGAs of Mount Barker District Council and City of Victor Harbor, there is a rapid increase in the population in this



peri-urban region, which is directly related to the State Government's planning for the Greater Adelaide region.

Demographic factors are another important factor in our community's need for improved public and active transport. Alexandrina Council has an unusually high proportion of older residents and people with fixed incomes due to retirement. 33% of the resident population are aged 65 years or older, compared to 20% for South Australia and 17% for Australia. These residents are particularly vulnerable to the rising costs associated with private vehicle transport and the risks and impacts of becoming isolated if there is not safe and reliable transport options available which meets their needs. Affordable, frequent and safe public and community transport for local journeys, as well as travel to nearby towns and larger centres in order to access services, is critical for our residents to stay independent, socially connected and in good health in their senior years.

Alexandrina's teens and young people are a smaller proportion of our population. Just 14% are aged 10 – 24 years. For this group, however, the lack of public and active transport options has a significant effect as they may not be able to drive, or have access to a car. Public transport in the region does not meet the transport needs of our young people for participation in sport, recreation, social activities, tertiary education and for their first jobs. The lack of public transport services on the weekends and evenings is one of the most frequently heard concerns for this group, and they also have requested more public transport services during school holiday periods. A recent survey conducted by school students at a local high school showed strong interest in improving public transport in the region, with 70% of 105 respondents indicating they would use a Fleurieu bus service if there were more services on weekends and in holiday periods.

#### Multiple benefits from public and active transport

Using public transport services usually involves active travel as part of the journey, at least from the bus/train to the final destination. Living an active life through walking and cycling would have many benefits for our residents, including improved wellbeing, mental health and social connections, reduced impact of preventable and chronic disease on quality of life, maintaining independence in later years, saving money, and reducing the environmental impacts from the use of private vehicles.

Alexandrina Council would like to encourage more active lifestyles for both residents and visitors. We note that many State government plans and strategies acknowledge the importance of physical activity, and that walking has the highest participation rate for all physical activity. Council encourages the Select Panel to consider if there is adequate funding provided for public transport services and the local public infrastructure that would maximise walking and cycling (for both transport and exercise). Increased investment by State and Federal government in active transport and public transport would likely generate savings from the health burden associated with chronic diseases and physical inactivity.

Council has recently conducted public consultation on a Climate Change Policy. Feedback received from the community on the draft Policy included the need to increase bike and



walking paths as one of the climate change mitigation strategies. Transport is the source of 46% of all of Alexandrina's carbon emissions.

Alexandrina's residents are highly dependent upon cars to get around. More than a third (35%) of Alexandrina households own two cars and 23% own 3 or more vehicles (ABS, Census 2021). To reduce emissions, we need to shift towards replacing current internal combustion vehicles with low emissions and EVs and explore opportunities to replace short trips with walking and cycling. Increased opportunities for use of public transport for work, education, accessing services and other journeys would also reduce emissions.

### **Travel data**

Alexandrina Council has a growing population that has strong connections to Adelaide for work, services and education. It is difficult to find good quality and freely available data about our communities travel patterns. The exception is the Census data on travel to work. The 2016 Census showed that 22% of working residents are employed in the Adelaide Metropolitan area, and 22% work in adjacent or nearby regional Councils. For the vast majority of the resident workforce, private vehicle is the dominant method of travel to work: 70% travelled to work by car. This is similar to the rate for Greater Adelaide and SA (70.5%), but higher than the Australia wide average of 66.1%.

The 2016 Census also showed that for the majority of Alexandrina's workers, there is not a viable public transport option for their journey to work. Just 1.3% of all resident workers travelled to work by public transport. This is much lower than 8.6% for Greater Adelaide, 7% across SA and 11.4% Australia-wide.

Just under half of our working residents (46%) work within the Alexandrina Council area, and some are able to use active travel for their work journey. 3.6% walked to work (higher than in Greater Adelaide 2.2%, SA 2.8% and Australia 3.5%), but just .6% cycled to work (compared to 1.1% for Greater Adelaide, 1% of both SA and Australia). Note: the travel to work data has not yet been released for the 2021 Census.

### **Barriers and challenges**

There are many challenges in regional areas regarding the availability and frequency of public transport services, the costs of constructing new cycling and pedestrian infrastructure, cultural factors in travel behaviour and costs of services. These contribute to high levels of private vehicle use. In many parts of our District, there are no options for longer trips than use of private cars as there is very little public or community transport, no Uber services and sometimes no private taxi services either. This creates transport disadvantage that compound other indicators of disadvantage such as health, employment/income, social isolation and disability.

Council can attract grant funding for pedestrian and cycling infrastructure where it is strategically significant e.g., a regional tourism project such as a shared trail, or a major streetscape upgrade as Council is undertaking in Strathalbyn. However, the provision of most pedestrian and cycling infrastructure is not suitable for highly competitive grant funding





rounds and must be resourced by Council from limited rates income, along with all other new public infrastructure, asset renewal and regular maintenance.

A comprehensive study of public transport was undertaken in this region, the Adelaide Hills and Fleurieu Peninsula Regional Public Transport Study (Regional Development Australia 2019). I commend this to the Committee. Our submission does not reproduce the recommendations in that expert report, but complements it with Council and local community perspectives.

The attached table includes some more specific comments on the topics of the Inquiry, where they are relevant the Alexandrina Council and its communities. In summary, the following emerge as priority issues regarding Public and Active Transport:

- Equity for the Fleurieu region communities - access, cost of fares and service levels;
- Network connectivity across the region, and to Adelaide and back;
- Very significant parts of the Council that are gaps in the network - towns with no access at all to public transport, or private alternatives to the private car use (Uber, taxi);
- There are new and innovative models for transport services that we are keen to see trialled and tested in the region;
- Funding for the infrastructure that will support more walking and cycling.

I appreciate the opportunity to share our Council and communities' perspective on these matters relating to the Select Committee inquiry. Should you require further discussion or information with regard to our submission, please contact Ms Penny Worland, Social and Infrastructure Planning Coordinator

Yours Sincerely,

**Nigel Morris**  
Chief Executive Officer

Detailed comments on the terms of the Inquiry into Public and Active Transport

Availability and quality of public transport	Alexandrina Council response
<p>1. Infrastructure and services (including regional areas)</p>	<ul style="list-style-type: none"> <li>• Public transport is important for our residents to access services, education, social connection, as well as travel for employment. Population growth, demographic factors and distance between towns, make improving public transport a high priority for our communities</li> <li>• Public transport improvements would also contribute to economic development. Langhorne Creek, one of South Australia's most popular wine regions has no private or public transport options available to provide a safe and affordable way for visitors to enjoy the region. Our region's tourism destinations could also be enjoyed by a wider range of people if there were public transport services.</li> <li>• Alexandrina is currently a highly car-dependent area, with very low use of public transport. This reflects that the available transport services do not meet the needs of our community.</li> <li>• When consulting with the community, Council frequently hears community views regarding need for a service, increased public transport services, more services on weekends, increased diversity of routes, more services between towns in the Council area and better connections to larger centres.</li> <li>• Residents have requested 'trips for purpose' – routes to destinations driven by community interest rather than a standard timetable that is primarily designed to transport people to and from Adelaide. E.g. a Saturday service to the Farmers Market, a service to Colonnades for shopping, or a 'community bus' which can transport older people to local activities.</li> <li>• Despite the proximity of our Council to metropolitan Adelaide, there are small towns in our Council area that are severely disadvantaged in terms of transport services. They are not serviced by public buses, nor private services (taxi and uber), and are in a Community Passenger Network service gap area as well. They may be located 20 km from the nearest large town and yet there is no transport option apart from the private vehicle. This includes the townships of Ashbourne, Clayton Bay, Milang, Langhorne Creek, Finniss and Woodchester. Residents in Strathalbyn and surrounding townships particularly want a better public transport service to Adelaide via Mount Barker. Residents of the Fleurieu south coast townships want a better public transport service to Adelaide via Seaford.</li> <li>• There is also demand for connecting Goolwa to Mount Barker, as there are a wider range of services in that growing Regional Centre.</li> <li>• Park n Ride facilities located in the Council area (e.g. Mount Compass, Strathalbyn) combined with more frequent services and express bus services could encourage greater use of public transport to Adelaide.</li> <li>• There has been a recent review of bus services prior to tendering for services in the region but so far as we are aware, no increase of funding.</li> </ul>

<p>2. Impact of fares and frequency</p>	<ul style="list-style-type: none"> <li>• There are many parts of the District which have low frequency of services, and there are gaps in public transport services to some of our smaller towns.</li> <li>• There are considerable costs associated with being outside Metropolitan fare zone for public transport. Our community wants to see integration of the Metro and Country ticketing services, or for the metro ticketing boundary to be extended to include this region.</li> <li>• The cost of public transport has a high impact on young people, who have made presentations to our regional transport group requesting a universal ticketing system.</li> <li>• Older residents have commented that it seems unfair that travel is free for Seniors in the Metro ticket area, but not in Country ticket areas.</li> <li>• Transport costs associated with accessing medical and health services can be very high, because many services are not available in the region and community members have to travel to Adelaide. For older residents with My Aged Care packages, these can take a significant portion of available financial resources from the package.</li> <li>• There can be very long waits for unwell people who need to travel to and from health services by existing public transport and taxis</li> <li>• Medical transport services do not extend to families of the person who is ill. There are additional costs associated with travel to visit family in Adelaide's hospitals.</li> </ul>
<p>3. Efficacy and impacts of on-demand public transport</p>	<ul style="list-style-type: none"> <li>• There is significant interest in on-demand an innovative service models in our region.</li> <li>• Alexandrina Council would be willing to trial some innovative approaches to address public transport gaps, especially for the smaller towns in the region and for cross-regional connections. State Government funding support for these trials would be very welcome.</li> <li>• Innovative service models like Keoride which have been successful in Mount Barker and the Barossa could be expanded into the Fleurieu. A 'roaming bus service' is another idea we have heard that could be worth exploring: The bus travels through towns on a route i.e. Clayton Bay - Milang - Langhorne Creek - Strathalbyn - Clayton Bay stopping in the middle of the town however, people can also 'dial a ride' should they need to be collected from their front door. A roaming service would then dovetail into a service from Strathalbyn to Mt Barker in this example.</li> <li>• Victor Harbor has Dial-a-Ride bus service but this doesn't extend as far as Goolwa/ Hindmarsh Island. Victor Harbor Council contribute around \$40,000 p.a. towards this service. After initial challenges with uptake the service now has challenges with timetabling its service. Adjustments to this similar to the roaming bus option may address issues with how the service is currently operation that affect its uptake.</li> <li>• There is evidence that addressing transport gaps and needs in the Alexandrina Council area would support better outcomes from other State government funded programs such as Community Connections.</li> </ul>
<p>4. Re-activation of passenger and freight rail lines in regional South Australia</p>	<ul style="list-style-type: none"> <li>• We are aware of community interest in re-establishing passenger rail into the region, including to Mount Barker and into the Alexandrina Council area. Note there is an existing rail line connecting Goolwa to Mount Barker via Strathalbyn. The viability of such a service would need investigation.</li> </ul>

<p><b>The role of government in enabling and encouraging active transport</b></p>	<p><b>Alexandrina Council response</b></p>
<p>1. Measures to enable more participation</p>	<ul style="list-style-type: none"> <li>• We have strong evidence of community support for opportunities for more active travel. The Encounter Bikeway which connects the towns of Goolwa, Middleton, Port Elliot and Victor Harbor is very popular with both local residents and holiday visitors.</li> <li>• Council would welcome additional funding opportunities to increase the trail network in the District, and to establish additional shared trails, cycling and pedestrian infrastructure. There is strong interest in developing a cycling trail in the Langhorne Creek wine region. There are also disused rail corridors which may be suitable for rail trail projects, if grant funding was available.</li> <li>• Our communities frequently tell Council that they want their villages and neighbourhoods to be walkable.</li> <li>• The quality and design of the public realm and infrastructure such as footpaths, lighting, street furniture, surface materials, trees/shade and landscaping can impact on participation in walking, especially by older residents and people with disability.</li> <li>• The quality and availability of connected, sign-posted and safe cycling routes, along with bike racks and other end of journey infrastructure can impact on participation in cycling.</li> <li>• Establishing a walking and cycling culture requires many of these to be improved and provided to assist people to overcome barriers to participation.</li> <li>• The communities' changing needs and expectations regarding the quality of the public realm have implications for Council's capital and ongoing operational budgets. Council is currently investing in a significant public realm upgrade to the streetscapes of Strathalbyn, which will encourage more walking for short journeys. Most of our townships would benefit from streetscape upgrades to meet current design standards, improve the aesthetics and provide safer pedestrian environments. The high cost of these types of projects, however, means that Council relies on State and Federal grant funding in order to deliver them.</li> <li>• Universal design in the public realm, and built environment generally, is critical for ensuring that there are accessible environments for all. Over 28% of Alexandrina's residents have a disability, and universal design benefits them as well as other older residents, people with injuries and parents with pushers and small children etc. Universal Design guidelines that are suited to Local Government practice and resourcing capacity, would support the development of more walkable streetscapes and more active travel.</li> </ul>
<p>2. Effect on community health and wellbeing</p>	<ul style="list-style-type: none"> <li>• Being able to choose active travel for short journeys has been shown to be very positive for physical activity and overall health and wellbeing. Keeping physically active is very important to positive aging. Independent mobility is very important for the healthy development of children and teens.</li> <li>• Urban planning has an important role in creating healthy neighbourhoods, with connected active transport routes and having the destinations that people want to walk and cycle to in their local area. Shops, parks, cafes, schools, childcare, sport and recreation facilities and other services all require sufficient population to be locally available. The</li> </ul>

	SA planning system needs to highly value and support the creation of healthy neighbourhoods, with local destinations, attractive streetscapes and connected active transport routes, through both policy and practice.
3. Effect on climate change mitigation	<ul style="list-style-type: none"> <li>• Transport generates 46% of Alexandrina’s emissions.</li> <li>• Our community has provided feedback on the value of active transport for short journeys, and the potential for positive impact on emissions.</li> <li>• A combination of active transport, public transport and more electric vehicles would contribute to reducing the transport-related carbon emissions in our region.</li> </ul>
4. Measures to improve safety for pedestrians and cyclists	<ul style="list-style-type: none"> <li>• Safety and traffic speed is a key concern, especially for Alexandrina’s families.</li> <li>• We consistently hear that traffic around schools remains a problem and where there are fears for children’s safety, families will continue to choose cars for the journey to school rather than encourage walking and cycling.</li> <li>• Slower traffic speeds on residential streets (such as 30km zones) have been effective in encouraging active transport in cities. This could be explored in country towns as well as Adelaide suburbs. It is likely that slower speed environments would particularly encourage more children to walk and cycle to school, and older residents to walk and cycle for shopping, social activities and accessing local services.</li> </ul>
<b>Use of e-scooter and potential opportunities for expansion or further regulation</b>	<b>Alexandrina Council Response</b>
	<ul style="list-style-type: none"> <li>• E-scooters are untested in the Alexandrina Council environment.</li> <li>• There may be benefits, especially for tourists.</li> <li>• There are likely to be safety concerns for older residents and people with disability regarding sharing footpaths with e-scooters.</li> <li>• Shared bike schemes, including e-bikes, could be valuable in regional settings, and perhaps have less risks than e-scooters.</li> </ul>
<b>Any related matters</b>	<b>Alexandrina Council Response</b>
	<ul style="list-style-type: none"> <li>• Medical transport is a significant issue given the age profile of our Council area. There are long wait times for the transport services due to high demand.</li> <li>• We have heard of examples of older and vulnerable residents left stranded due to there being no public transport or taxi service available. The fear of this happening can prevent this cohort from going out, and will increase their isolation.</li> </ul>

	<ul style="list-style-type: none"> <li>• There are gaps in the coverage of the Council area in Community Passenger Network (CPN) services which impact vulnerable residents of Clayton Bay, Milang, Langhorne Creek and Ashbourne. Neither of the two CPN's operating across this region cover these towns.</li> <li>• As a result in the interaction between State and Federal program funding, there is another significant problem with Community Passenger Network services. The CPN is funded to provide medical and social transport. Due to demand, the two CPN's located in our region primarily provide affordable medical transport, both to the metropolitan area and local health services. Alexandrina Council contributes significant funds to these networks that are managed by City of Victor Harbor and Mount Barker District Council, with all transport provided by volunteer drivers. Without volunteer drivers and added funding from Council, the service would not meet the demand for medical services from the community and would not be affordable. Recent changes to South Australian Home and Community Care (HACC) have resulted in DHS ceasing HACC. To respond to the gap created in removing funding for social support programs and transport for people under 65 years and transport disadvantaged people, DHS created Connecting Communities and assumed the CPN would service the local social transport needs of people under 65yrs, with no added funding. This is not possible, however, due to the need to prioritise people's medical care.</li> <li>• Carpooling programs and apps can be good for establishing a network of people with similar travel needs. To date this approach has been focussed more on commuter transport than other types of journeys. There may be a model that facilitates mutual self-help for transport needs. Models may be available from other locations that could be trialled in SA.</li> <li>• The boundary areas for operating Uber and private taxi services have been an issue for Strathalbyn, Langhorne Creek and surrounding towns. Council wrote to the Minister for Infrastructure and Transport, The Hon Cory Wingard regarding this and other transport issues in October 2021.</li> <li>• Council would like to see better information systems which make it easier to find available transport options. More promotion, better technological integration, improved connections and easy to find information may assist with increasing public transport use. Ideally this could be a system that Councils can link to via their websites.</li> </ul>
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## 5.2. Cr Sue Miller - Council support for non-Council owned Community Halls and Recreation Grounds

Responsible Officer: Nigel Morris (Chief Executive Officer)

Report Author: Matt Atkinson (Acting General Manager Growth)

### Prior Resolutions

Nil

### Information

The following questions from Cr Sue Miller were taken on notice.

### Question

1. *'Further to resolution ACM221753 of 19 December 2022 Council meeting, can Administration please advise the support provided annually by Council, either financial or in-kind, to the following nine (9) non-Council owned Community Halls?*

- *Ashbourne Memorial Hall*
- *Belvidere Soldiers Memorial Hall*
- *Langhorne Creek Soldiers Memorial Hall*
- *Woodchester Richardson Hall*
- *Hope Forest - Dingabledinga Memorial Hall*
- *Mount Compass RSL Hall*
- *Tooperang War Memoria Hall*
- *Yundi War Memorial Hall*
- *Finniss Hall*

2. *Can Administration please provide a list of community-owned ovals and/or sporting or recreation facilities within the Alexandrina Council area, who manages them, and any in-kind or financial support provided annually to each?'*

### Answer

1. Council has provided either financial or in-kind, to the following nine (9) non-Council owned Community Halls (from 1 July 2021 to 30 June 2022) as detailed below.

- Ashbourne Memorial Hall - \$1,000 (Community Donation)
- Belvidere Soldiers Memorial Hall - \$1,000 (Non-Council Owned Hall Contribution Public Liability Insurance Costs)
- Langhorne Creek Soldiers Memorial Hall - \$1,879.72 (Non-Council Owned Hall Contribution \$1,000, 90% Contribution to SA Water Bills \$769.72, Hall Hire \$110.00)
- Woodchester Richardson Hall - \$1,000 (Annual Hall Contribution Public Liability Insurance Costs)
- Hope Forest - Dingabledinga Memorial Hall - \$1,000 (Non-Council Owned Halls Contribution)
- Mount Compass RSL Hall (Mt Compass War Memorial Community Centre) - \$2,875.80 (Annual Hall Contribution Public Liability Costs \$1,000, Hall Hire \$1475.80, Community Donation \$400)

- Tooperang War Memoria Hall - \$1,427 (Annual Hall Contribution Public Liability Insurance Costs, Catering for Meeting \$427)
- Yundi War Memorial Hall - Nil (We have paid them a Non-Council Owned Hall Contribution this financial year \$1000)
- Finniss Hall \$1000 (Annual Hall Contribution Public Liability Insurance Costs)

Lakes Plain Hall also received \$1,000 as a Community Donation in the current financial year.

In addition, Langhorne Creek Soldiers Memorial Hall received a Community Grant of \$3,000 for painting.

2. *Can Administration please provide a list of community-owned ovals and/or sporting or recreation facilities within the Alexandrina Council area, who manages them, and any in-kind or financial support provided annually to each?*

- Langhorne Creek Oval - Langhorne Creek Memorial Park Inc. - \$250 (Venue hire for Village Conversation)
- Mt Compass Oval (main oval – we own Burgess oval on the side street) - Mount Compass War Memorial Community Centre Inc. - \$5,775 (Oval Contribution)
- Ashbourne Oval - Ashbourne War Memorial Centre Inc. - \$1000 (Community Donation)
- Strathalbyn Polo and Recreation grounds - Owner contact - Stuart Platt - No Council funding (\$10,000 - Regional Sports Funding)

## **Attachments**

Nil



### 5.3. Cr Sue Miller - Zoning of Land, Langhorne Creek

Responsible Officer: Nigel Morris (Chief Executive Officer)

Report Author: Matt Atkinson (Acting General Manager Growth)

#### Prior Resolutions

Nil

#### Information

The following questions from Cr Sue Miller were taken on notice.

#### Question

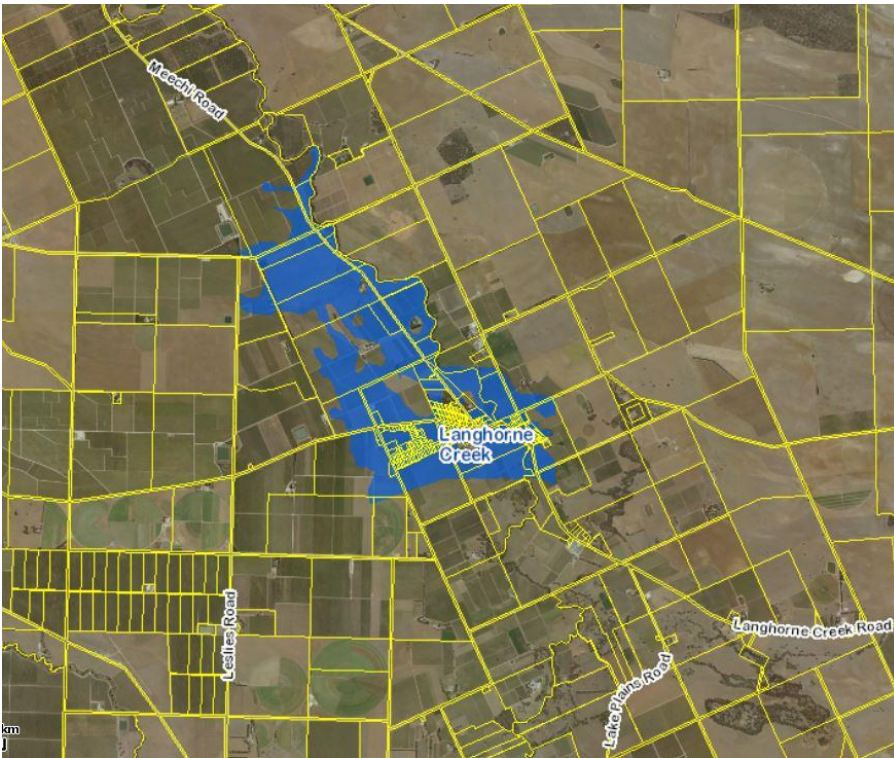
1. *'If land is located within an Environment and Food Production Area (EFPA) and notwithstanding this is a State Government policy and the creation of additional allotments for residential purposes (including rural living or lifestyle allotments) in EFPAs is prohibited, and advice from council administration is that no exceptions to this Policy have been provided since it was initiated with the Planning Development and Infrastructure Act 2016, what would be the process to seek to create additional allotments for residential purposes (including rural living or lifestyle allotments) in an EFPA area?'*
2. *Can you please provide a map indicating where the "flood affected areas" are in and around Langhorne Creek?*
3. *When looking at the South Australian Property and Planning Atlas ([sappa.plan.sa.gov.au](http://sappa.plan.sa.gov.au)) the land upon which the Langhorne Creek oval, clubrooms, bowling club and tennis courts are located appears to be zoned for residential allotments – what would be the process to have these allotments transferred to another parcel of land in order to allow for the expansion of residential or tourist accommodation in or around Langhorne Creek without adversely impacting the existing Langhorne Creek Memorial Park Inc. facilities?'*

#### Answer

The State Government undertakes periodic reviews of the Environment and Food Production Area (EFPA) boundaries to ensure that valuable rural land remains reserved for primary production or environmental purposes. Following the establishment of the EFPA with the Planning Development and Infrastructure (PDI) Act 2016, the EFPA was reviewed during 2021-22. However, the focus of this initial review was on anomalies between the recently established Planning and Design Code and former Development Plan policy. The State Government did not consider any requests for areas to be removed from the EFPA (we are aware of several requests by landowners within the Council area that sought to have their land (or portions of their land) removed from the EFPA). The next review of the EFPA is not expected for a couple of years.

It is likely that the State Government will require significant justification to remove an area from the EFPA. Introducing a Code Amendment to seek the rezoning of such land may enable further investigations into the viability of land for primary production or environmental purposes. However, it is not known whether the Minister for Planning would allow a Council (or any other Designated Entity) to commence a Code Amendment within an area subject to the EFPA. This scenario is yet to occur under the new Planning system.

The image below illustrates the 1992 flood affected areas within Langhorne Creek. This map is sourced from Council's GIS system and is used as a guide when assessing Development Applications lodged under the *PDI Act*. When Development Applications are lodged within the highlighted area, Council's administration usually requests that an updated flood report be provided to assist with the assessment.



*Figure 1 - 1992 flood overlay - Langhorne Creek*

The land occupied by the Langhorne Creek Memorial Oval and surrounds is located on a large number of residential scaled allotments, see the image below.



*Figure 2 - Langhorne Creek Memorial Park allotment overlay (SAPPA)*

While the Langhorne Creek Memorial Park has a number of residential sized allotments over it, the land is mostly located within the Rural Horticulture Zone (excluding the tennis/netball courts, which are located within the Settlement Zone). More importantly, the allotments contained within the Memorial Park are also within the Limited Dwelling Overlay, which lists the construction of a dwelling as a Restricted form of development (not anticipated and can only be assessed by the State Commission Assessment Panel). This provides protection for the Memorial Park from the encroachment of residential development.

Boundary realignments are possible in these circumstances, but only where the allotments are moved to adjacent land and where the adjacent land allows for residential development (i.e., the Settlement Zone). Additional allotments outside of the Settlement Zone (even those resulting from a boundary realignment) would be Restricted development as a result of the EFPA.

## Attachments

Nil

## **5.4. Cr Sue Miller - Submission to Select Committee on Public and Active Transport, and Commonwealth Home Support Program**

Responsible Officer: Nigel Morris (Chief Executive Officer)

Report Author: Matt Atkinson (Acting General Manager Growth)

### **Prior Resolutions**

Nil

### **Information**

The following questions from Cr Sue Miller were taken on notice.

### **Question**

*'Further to Councillor Maidment's question without notice at 19 December 2022 council meeting:*

- 1. Please outline Alexandrina Council's past and/or present involvement with the Commonwealth Home Support Program; and*
- 2. Has there been any advice or response following Alexandrina Council's 26 August 2022 submission to the Legislative Council's Select Committee on Public and Active Transport?'*

### **Answer**

Alexandrina Council previously received Federal Government funding for the Commonwealth Home Support Program (CHSP). Council transitioned from the delivery of the CHSP over a two-year period, this included transitioning services and clients to Resthaven Community Services.

Further information with regards to withdrawing from the CHSP is documented in the Council Report - Community Wellbeing Future Directions, Monday 18 November 2019, provided as Attachment 1.

There has not been any further response regarding the submission on the Legislative Council's Select Committee on Public and Active Transport.

### **Attachments**

Attachment 1 - Council Report - Community Wellbeing Future Directions - Monday 18 November 2019

Released from confidentiality on 27 July 2020  
Under delegation to the Chief Executive Officer  
Pursuant to Section 91 (9)(c) of the Local Government Act

Alexandrina Council

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14.4 Confidential - Community Wellbeing Future Directions

Pursuant to section 90(2) of the Local Government Act 1999, the Council orders that all members of the public be excluded, with the exception of the Chief Executive Officer, General Managers, Minute Taker and the officer responsible for the report on the basis that it will receive and consider Item 14.4 Confidential – Community Wellbeing Future Directions.

The Council is satisfied, pursuant to section 90(3)(a) of the Act, that the information to be received, discussed or considered in relation to this Agenda Item is:

- (3)(a) Information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);

The Council is satisfied that the principle that the meeting should be conducted in a place open to the public has been outweighed in the circumstances as it involves discussion that may have future implications for partners, funders, staff and/or clients of some wellbeing programs.

File Ref: 9.24.003

Responsible Officer: Kathy Hayter (General Manager Wellbeing)

Report Author: Linda Scholz (Manager Community Wellbeing)

Strategic Plan Impact:

**ACTIVATE** Contributes to Alexandrina as a vibrant community where the health and wellbeing of the community are key drivers of decision making.

**PARTICIPATE** Realigning core business to promote access and inclusion across our region.

**THRIVE** Nil.

**INNOVATE** Provides opportunity to realign long-standing programs and services with community need.

**Report Objective**

To seek the imprimatur of Council to progress towards a new Community Wellbeing portfolio of programs and services, including the staged withdrawal from some of Council's long-standing programs, services and partnerships.

### Executive Summary

Alexandrina Council is a critical component in the community development landscape. Council has the opportunity to re-imagine its programs and services to better meet the needs of community, and to transition to a new model in a staged and appropriately managed manner.

A range of external factors that have influenced community services (primarily a dynamic State and Commonwealth funding environment) are subject to significant change and this has catalysed a timely review of Council's community wellbeing programs and services.

As a result of the review, it is recommended that Council's community wellbeing programs and services are re-imagined to achieve; inclusive and effective services and programs that are equitable, accessible and promote social connectedness across our community and communities.

The new Community Wellbeing model includes a staged withdrawal from the Fleurieu Region Community Advisory Committee (FRCSAC) and the programs associated with Commonwealth Home Support Program (CHSP) and South Australian Home and Community Care (SA HACC).

### Recommendation

1. That Council notes the intent of Administration to reshape the Community Wellbeing portfolio of programs and services over the next 19 months (between now and June 2021).

AND

2. That Council withdraws from the Fleurieu Region Community Advisory Committee (FRCSAC), effective 30 June 2020, and authorises Administration to liaise with FRCSAC stakeholders to achieve an orderly transition with due consideration to contractual obligations and the sensitive management of staff and clients.

AND

3. That Council withdraws from the delivery of programs and services under the South Australian Home and Community Care (SA HACC) program, effective 30 June 2020, and authorises Administration to liaise with SA HACC stakeholders to achieve an orderly transition with due consideration to contractual obligations and the sensitive management of staff and clients.

AND

4. That Council withdraws from the Commonwealth Home Support Program (CHSP), effective 30 June 2021, and authorises Administration to liaise with CHSP stakeholders to achieve an orderly transition with due consideration to contractual obligations and the sensitive management of staff and clients.

AND

5. That Council does not enter into the provision of services under the National Disability Insurance Scheme at this time.

AND

6. That Council approve an additional \$20,000 operating expenditure in 2019-20 to assist in an orderly transition and that the 2019-20 Annual Business Plan and Budgets and Long Term Financial Plan be updated to reflect this.

AND

7. That having considered agenda item 14.4 Confidential - Community Wellbeing Future Directions in confidence under section 90(2) and 90(3)(a) of the Local Government Act 1999, the Council, pursuant to section 91(7) and (9) of the Local Government Act 1999, orders that:

- 7.1 The minutes, audio recording and report of the Council meeting held on 18 November 2019 in relation to Agenda Item 14.4 Confidential - Community Wellbeing Future Directions, are to remain confidential and will not be available for public inspection until after 30 June 2021, on the basis that the disclosure of the information would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).

- 7.2 That this order be reviewed at least once every 12 months.

8. That pursuant to section 91(9)(c) of the Local Government Act 1999, the Council delegates to the Chief Executive Officer the power to revoke, in whole or in part, the order made in paragraph 7 of this resolution at anytime.

#### Context

Whilst it is neither appropriate nor desirable for Council to deliver all community programs, it does have an important role to play in community development – that may be in the delivery of programs where there are gaps in the market, facilitation of partnerships, or representing the Alexandrina community at large; the latter being especially relevant in the development and implementation of regional strategy and advocacy.

That Alexandrina Council has an ageing population is undeniable and that Council cannot leave its community without needed services is inarguable. The Australian Government is currently establishing new rules and arrangements for where responsibility vests for the funding and control of aged care services. By 2020 these reforms and the philosophies underpinning the reforms will mean that councils will no longer automatically be service providers in this space, but rather, will be one of many services providers in a competitive, open market.

The changing environment necessitates a staged development and transition to the new Community Wellbeing portfolio to align with community needs and organisational priorities, by:

- understanding community needs, values and expectations;
- understanding the community wellbeing sector and contextualise internal and external influences;
- understanding other service providers, and conversely gaps in service provision;
- articulating Council's role in community development; and
- enabling informed, evidence-based decision making.

Broadly speaking, key streams of the reimagined Community Wellbeing portfolio will consist of:

- *Access and Inclusion* - including aged care and disability programs;
- *Engagement and Participation* - mainstream public programs;
- *Partnerships* - acknowledging a growing role for service providers such as community centres; and
- *Places and Spaces* - acknowledging the desire for enhanced activation and social planning across our public spaces and infrastructure.

A confluence of timing means that a number of Community Wellbeing programs are simultaneously under review, including Alexandrina's' participation in long-standing programs, FRCSAC, CHSP and SA HACC. Some of the decisions before us are multi-dimensional and affect partners, funders, staff, clients and community. Proactive planning, communications and implementation will enable a respectful and sensitive transition to a new service model.

In addition to the very tangible changes in funding models driving change in the aged care and disability sectors, the delivery of best practice in community development has advanced significantly since Alexandrina's programs were last rigorously reviewed. It is inherently important that civic spaces are inclusive and activated.

A broad base of research demonstrates that inclusive rather than exclusive programming delivers wellbeing dividends for community. It is therefore both reasonable and desirable to see our libraries become truly community-centric spaces, becoming multi-use, multi-disciplinary spaces with the underpinning for, with and by philosophy.

### **General Analysis**

The final Community Wellbeing strategy will be informed by broader consultation undertaken as part of the Community Strategic Plan (CSP) consultation process currently underway. The result will be a consolidated Community Wellbeing Strategy completed in line with Phase 4 of the CSP timeline (Aug-Nov 2020). However, in the meantime, we have the opportunity to shape our community programs and services, in response to the current research and acknowledging the time imperatives associated with some of the key funding drivers.

For the most part, Council's current community programs have been in place for at least two decades. These programs, Alexandrina's role in their delivery, the return on investment and alignment with community needs, have not been tested for many years.



As a consequence, Council's programs, by osmosis, have been directed primarily by external influences rather than responding to an evidence base of community need.

Council's community programs have, over time, become heavily weighted toward aged care services, largely due to a focus on augmenting State and Commonwealth funding support rather than developing a more holistic and equitable portfolio of community programs. This is despite there being a raft of private sector service providers willing and able to provide these services.

Approximately 85% of Community Wellbeing staff time is currently committed to aged care programs and service delivery. The workforce structure has evolved around the HACC and CHSP funding, so there is minimal dedicated human resource to support broader community development practice, or to action outcomes documented in Council's Community Strategic Plan.

In order for Council to work with community and partners (such as community centres) to define new models of collaboration that are responsive to community need, engaging, and socially inclusive, it is incumbent the Council commence the process now. This entails Council making decisions on the future of the following programs:

- *Fleurieu Region Community Advisory Committee* – partnership with City of Victor Harbor and Yankalilla Council;
- *Commonwealth Home Support Program* - for people aged over 65 years. Funded by the Australian Government, this program helps senior Australians access entry-level support services to live independently and safely at home; and
- *South Australian Home and Community Care* – jointly funded by State and Commonwealth Government, this program provides support and maintenance for older people (or some younger people with disabilities) to support living independently at home.

*Fleurieu Region Community Services Advisory Committee (FRCSAC)*

Alexandrina pays the City of Victor Harbor an annual contribution of \$138,300 for the delivery of a range of 'regional' programs under the auspices of the Fleurieu Region Community Services Advisory Committee. Yankalilla Council is also party to the FRCSAC agreement.

FRCSAC Program	Alexandrina	Victor	Yankalilla
Caring Neighbourhood Project	\$ 7,500	\$ 27,000	\$ -
Fleurieu Families	\$29,400	\$ 26,500	\$ 9,500
Youth Development Officer	\$56,600	\$ 75,500	\$ -
Positive Ageing Project	\$ 4,000	\$ 4,000	\$ 2,000
Star Club	\$ 38,800	\$ 38,800	\$ 5,200
FRCSAC Executive Support	\$ 2,000		\$ 1,000
	<b>\$ 138,300</b>	<b>\$ 171,800</b>	<b>\$ 17,700</b>

**Table 1:** 2019-2020 Council Funding Allocations to FRCSAC. Note, some of these programs are supported by additional State and Commonwealth Government funding.

In place for some twenty years, clearly there has been significant change to demographic profiles and community development practice and methodology over this time. In short, many factors have been considered in reviewing the FRCSAC program, including:

- alignment with Council and community aspirations;
- geographic location and spread of services delivered via FRCSAC (access and equity);
- value for money (for Council and for the Alexandrina region community);
- program relevance and Alexandrina's ability to best meet and respond to the needs of our community; and
- workforce planning, management and integration.

In summary, reallocating funding that is currently contributed to FRCSAC will enable Alexandrina to better service all of community and address the diverse needs we have across our region. The FRCSAC program, as a result of geographical alignment with CVH and other funding remits, does focus primarily on the coastal areas of the southern Fleurieu. It will also enable Alexandrina to directly manage all staff and operational funding associated with local government community programs in the region and will allow staff to establish and nurture internal and external relationships.

Having reviewed the programs run under the FRCSAC arrangement, and noting the exceptions listed above, it is recommended that Alexandrina withdraw from the partnership, effective 30 June 2020. This is not to say that there will not be opportunities for collaboration with CVH or other Fleurieu councils, however, this will be assessed on a case-by-case basis rather than subject to expectation of ongoing funding. Whilst the operational aspects are clear cut, we will need to be cognisant of ensuring representation in regionally relevant initiatives, such as regional public health. The changing broader wellbeing landscape may well offer opportunities for ongoing collaboration as we all transition to new delivery models.

Note, at this stage, the Southern Community Transport Scheme (SCoTS) will be unaffected, although we will look to review the efficacy of this service with partners. Alexandrina Council has multiple transport partnerships (Hills Community Transport and SCoTS) and the management and funding models of these will also need to be reviewed in light of the Commonwealth aged care reforms.

Acknowledging the importance of the collaboration with CVH, and a desire for transparency, Administration advised the FRCSAC committee at the May 2019 FRCSAC meeting that Alexandrina was reviewing its community wellbeing programs, including FRCSAC, and that a financial contribution from Alexandrina would not be guaranteed beyond 30 June 2020. In good faith, Alexandrina staff also undertook to provide CVH with as much notice as possible of its final decision, ideally by December 2019. This will give CVH six months' formal notice of Alexandrina's intention, and provide sufficient time for CVH (and other councils) to reassess their own funding and staffing arrangements in readiness for 1 July 2020 (should Alexandrina decide to withdraw from FRCSAC).

*Commonwealth Home Support Program (CHSP) and Home and Community Care (HACC)*

Alexandrina Council's Community Connect Program is funded (in part) under the Commonwealth Home Support Programme (CHSP) (for people aged over 65 years) and

by the state-administered South Australian Home and Community Care Program (SA HACC) (for people aged under 65 years). Both programs are designed to provide basic services to enable people to live independently for as long as is appropriate. Alexandrina Council is one of several CHSP and SA HACC service providers active across the region providing a broad range of flexible low level services to promote community independence and to assist people to live independently in the community.

Currently, State and Commonwealth governments are considering a raft of aged and disability reforms, borne primarily from three Productivity Commission Reports: a 2004 report on the operation of the Disability Discrimination Act, a 2011 report on the National Disability Insurance Scheme; and, a 2011 report, Caring for Older Australians.

In addition to a review of compliance against standard legal considerations, such as competitive neutrality of competition policy, one of the key principles underpinning the reform is the move away from the 'block funding' model (through which Council currently receives funding), to a 'packaged care' funding model paid directly to the client to enable choice and control. In essence, the client has the choice of purchasing services from a range of providers who can provide part or all of their needs.

All current providers of CHSP and SA HACC have a degree of certainty until 1 July 2020. The programme architecture and commissioning model that the Commonwealth will implement following this date is not known. At this stage existing funding regimes have only been extended until June 2020 for HACC and June 2022 for CHSP (noting the level of funding for CHSP will likely change after July 2020) after which there are forecast to be significant change, notably with the end of 'block funding' certainty for providers. A shift away from block funding will introduce a significant level of financial and commercial risk for Council. .

The challenge for Alexandrina Council (and all South Australian councils who are still delivering these services) is to navigate a range of mitigating factors that will progressively come into play over the next two to five years. Alexandrina Council is able, under the terms of its agreement with the Commonwealth and the State, to provide notice of its intention to terminate its contracts to deliver CHSP and SA HACC Services on behalf of the Commonwealth and State.

Such a move would require a substantial transition plan to ensure relevant service providers are active in the region, to ensure current HACC and CHSP clients are carefully and sensitively moved to alternate service providers, that Council considers its role in 'filling any gaps', and that workforce planning is appropriately managed. In making any decision to exit from HACC/CHSP programs, Council will need to commit to supporting an effective transition process for clients and staff.

It is appropriate that Council makes an informed and proactive decision in relation to HACC/CHSP programs before the funding regime changes and Council is forced into reaction without the time to plan for transition of services, clients or staff. Broadly the staged implementation acknowledges:

- the likely funding changes to Commonwealth and State income streams, and the need for Council to transition its clients to alternate service providers;

- liaising and collaborating with key stakeholders, such as community centres, to determine what new delivery models might look like (i.e. in some cases, Council as facilitator rather than deliverer); and,
- the need for adequate resources to address community needs as a result of changing programs (e.g. social infrastructure planning); and,
- the varying contractual arrangements of current staff, and managing any transition appropriately.

#### *National Disability Inclusion Scheme (NDIS)*

Adding further complexity to the community health and wellbeing sector is the ongoing implementation of the National Disability Insurance Scheme. The rollout of the National Disability Inclusion Scheme commenced in South Australia in 2016, and significantly changed the disability services environment for the local communities, including people with a disability, their carers and families, service providers and workers, community organisations and of course local government. Councils throughout South Australia (and Australia more broadly) have been grappling with the multitude of decisions that impact on 'doing what is best' for their communities. Alexandrina Council has yet to formally adopt a position in relation to whether or not it will provide NDIS-related services, and it seems that across the local government sector, there is no consistent approach.

Some three years into the delivery of NDIS, there is now a raft of literature, qualitative and quantitative research and case studies available to guide decision-making. In effect, the principles of reform that apply to both the disability and the aged care sectors make it very challenging for local government to continue to provide services. Some of the key reform principles include:

- Consumer directed care – move towards individual 'packaged funding' for clients, rather than the 'block funding' model, providing clients with the ability to choose service providers in a mix-and-match scenario;
- Competition policy – with a renewed focus on competition policy to drive economic growth and efficiency in service delivery, local government services will face open market competition to attract 'transient' clients. With the removal of security that comes with block funding, the 'monopoly' market will no longer exist and consumer choice will drive competition;
- Competitive neutrality – local government must remove any inherent advantage gained through public ownership and ratepayer subsidy in order to compete fairly and transparently in the open market;
- Efficiencies – "economies of scale, broader service offering and lower unit cost to deliver services" will benefit larger scale organisations who offer these services as core business;

As the NDIS roll-out progresses and other changes occur (including an increase in new service providers operating in the region), the size and scale of Alexandrina's service will decrease, further increasing unit costs of delivery and placing pressure on Council's budget.

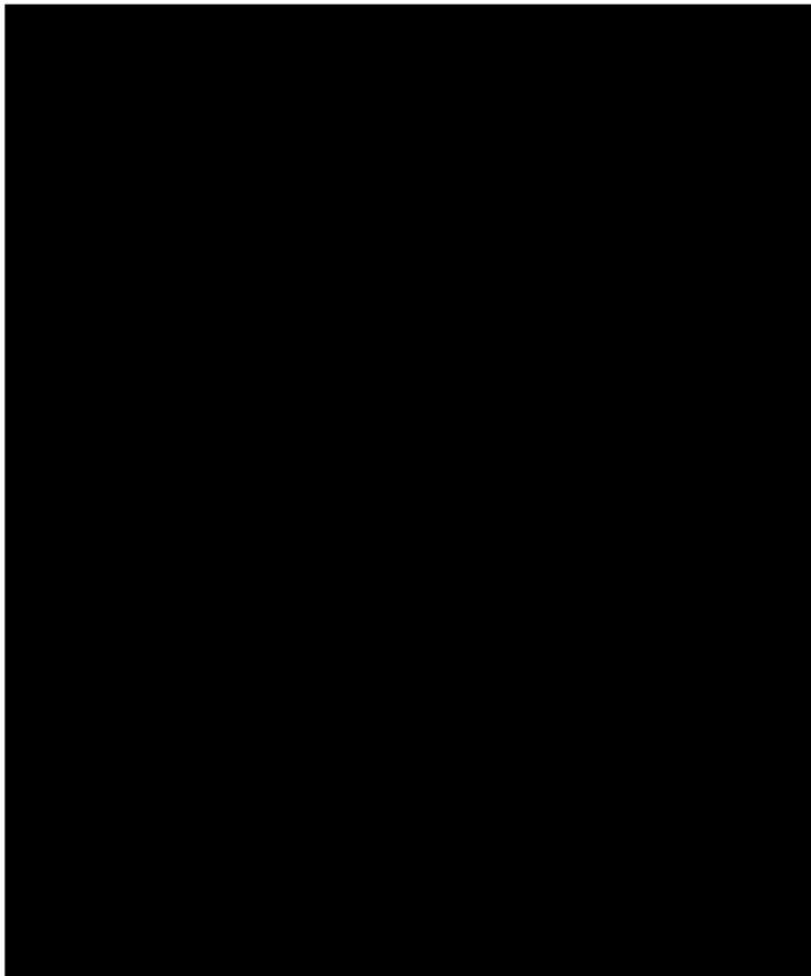
In summary, the uncertainty, financial and governance risk, and private sector alternatives has, for the most part, seen councils decline to participate in delivery of

NDIS-related services, and increasingly remove themselves from HACC and CHSP programs. Difficulties with the introduction of the NDIS system, the unstable architecture of reform, and the financial risk for Council contribute to the rationale for recommending Alexandrina Council does not become a registered service provider at this stage.

#### **Comparative Analysis**

Councils across Australia are considering the desirability and viability of delivering aged- and disability- related programs under the new funding and open market regime. There is a diversity of circumstance driving the decisions of individual councils, including: community need, availability of service providers and critical mass (i.e. population, and therefore potential number of clients, who may access fee-paying services provided by Council).

In the Alexandrina region, we know there are multiple providers delivering the same services as Council. The following table indicates service providers in the Alexandrina region already duplicating the key (aged-related) services offered by Council:





Additionally, a recently conducted survey of service providers and partners in our region has revealed a myriad of community services and service providers active in the Alexandrina region. The survey has revealed duplication in some areas and conversely, gaps in other areas of service provision (e.g. emergency housing, community/public transport).

### Financial and Economic Implications

#### *Fleurieu Region Community Services Advisory Committee (FRCSAC)*

Council currently contributes \$138,300 per annum to FRCSAC. It is intended that from 2020-21 this money will be reinvested in the Alexandrina community. It is acknowledged that at least one of the FRCSAC programs - Star Club - is subject to State Government funding agreement, and it may be necessary for Alexandrina to remain party to this agreement until its conclusion at 30 June 2021. This will be subject to negotiation with relevant stakeholders (if Council's imprimatur to proceed is received).

Table 2 (below) highlights the funding - a total of \$95,500 - that is proposed to be re-allocated from FRCSAC to the Community Wellbeing department from 2020-21 to support the transition out of the CHSP and HACC programs. From 2021-22 (conclusion of transition period), funds will be redirected to support Alexandrina-based community programs.

FRCSAC Program	Alexandrina CURENT contribution 2019-20	Alexandrina PROPOSED contribution 2020-21	To be REINVESTED in Alexandrina 2020-21
Caring Neighbourhood Project	\$ 7,500		\$ 7,500
Fleurieu Families	\$ 29,400		\$ 29,400
Youth Development Officer	\$ 56,600		\$ 56,600
* Positive Ageing Project	\$ 4,000	\$ 4,000	
**Star Club	\$ 38,800	\$ 38,800	
FRCSAC Executive Support	\$ 2,000		\$ 2,000
	<b>\$ 138,300</b>	<b>\$ 42,800</b>	<b>\$ 95,500</b>

**Table 2:** Proposed 2020-2021 FRCSAC funds to be reinvested in Alexandrina's Community Wellbeing for delivery of alternate programming and services.

\* It is proposed that Council continues to contribute \$4,000 to the Positive Ageing Project (subject to Commonwealth funding continuing) as this supports transition activities.

\*\* The Star Club agreement also includes State Government support, and hence Alexandrina may need to remain party to this program until June 2021. To be negotiated.

*Commonwealth Home Support Program (CHSP) and Home and Community Care (HACC)*

Council receives \$70,000 from the State Government for the delivery of HACC-related services. However, the State has advised that this funding will cease at 30 June 2020 (at this stage). Hence, the recommendation to undertake a staged withdrawal between now and 30 June 2020.

Council receives \$324,000 from the Commonwealth for the provision of CHSP related programs and services. The Commonwealth has advised that this funding stream will cease as at 30 June 2022, and that there is no guarantee that current levels of funding will be maintained after June 2020. It is likely that between July 2020 and June 2022 funding will decrease. The recommendation is for Council to transition out of this program by 30 June 2021.

In total, Council received \$394,580 in 2019-20 through CHSP and SA HACC funding. Additionally, Council invest \$466,000 in the delivery of CHSP and HACC programs and services. Council currently has 668 clients directly access CHSP and HACC services and programs. At a very simplified level, this equates to an average cost per client of almost \$1,300 per annum to deliver these services. This figure should be treated with a degree of caution as it represents an average cost per client, but there are several idiosyncrasies that have been generalised to calculate this figure (e.g. different clients utilise different levels of service, but for simplicity, this has been averaged out).

Note, in 2019-20 Council will receive an additional \$65,000 in income associated with aged services via a variety of small grants and fee-paying (non-package) clients who participate in Council programs. This additional \$65,000 income comes from a range of services for a range of (mostly aged-related) programs. However, as the attribution of these funds is more complex, for simplicity, this amount has been excluded from the aggregated figure above.

Whilst the external funds will decrease as Council withdraws from delivery of these services, we will 'regain' the FRCSAC funds and the current Council contribution of \$466,000 to be reinvested in community wellbeing programs (if Council endorses the recommendations herein). The Community Wellbeing team will also look to augment base funding by applying for different grants and partnerships to support a broader diversity of programs and initiatives (i.e. which will include, but not be limited to, 'mainstream' aged-related services and programs).

The transition period will be a difficult time for many clients, and additional resource will be required to sensitively manage the transition of Council's existing clients to new service providers. The appointment of a person to this role will be critical to the effectiveness of the transition. Reporting to the Manager Community Wellbeing, the Transition Coordinator will undertake stakeholder consultation; ensure required service providers are within the Alexandrina region; support the transition of clients to alternate

service providers; and provide advice to community organisations as they too will likely face similar decisions and possible transitions in to, and out of, services.

A full-time transition coordinator for the period 1 March 2020 – 30 June 2021 is estimated to cost in the vicinity of \$120,000. It is proposed to offset the transition cost by reinvesting the \$95,000 FRCSAC funds into this position for 2020-21. However, we seek Council's support for an additional \$20,000 to support the commencement of this position as soon as possible, preferably by 1 March 2020.

The impact of a \$20,000 increase in operating expenditure in the 2019-20 budget is as follows:

- Increase Council's operating Deficit by \$20,000 to \$315,000;
- Council's Operating Deficit Ratio remains at 1%;
- Council's Net Financial Liabilities remains at 83%; and
- Have no effect on Council's Asset Sustainability Ratio.

It is expected there will be no net impact to Council's financial position in the Long Term Financial Plan as a result of the transition. The loss of grant income will be offset with an equal reduction in program costs.

There may be a necessity for the Community Wellbeing team to invest in training and/or re-training of some staff (e.g. to provide increased digital literacy support for community), and this will be a consideration in developing the 2020-21 Community Wellbeing budget.

If, at the conclusion of the current lease (August 2021), the Community Hub relocates into the library space, there will be an additional \$55,000 in savings that can potentially be reallocated for community support, programs and services. The reallocation of the lease fee will also be considered as part of 2020-21 budget process.

### **Risk Management**

The risk to Council of adopting the recommendations is considered moderate, predominantly because it is a shift away from long-standing programs affecting multiple staff, partners, funders and clients. It is also acknowledged that this portfolio operates within a complex, changing environment that is subject to multiple external influences over which it has little or no control. The risk of doing nothing and waiting until change is forced upon us is considered to be much higher – for Council and for our community.

Not only will Council face the risk associated with having community members without appropriate levels of support, but Council may also be forced into underwriting the financial risk to deliver services for which there is no guarantee of uptake by clients. As the aged/disability sector moves from block funding to individual package funding, the financial risk to Council increases as Council will be forced into underwriting the resource required to compete in open market delivery.

By making these decisions now, we have the opportunity to design and implement a carefully managed transition program that supports clients to move to new service providers, considers the wellbeing of staff, and allows appropriate notice period to funding partners. Planning and staged implementation will mitigate risk.



14.4 Confidential - Community Wellbeing Future Directions

ACM19393 Moved Cr Farrier seconded Cr Lewis:

Pursuant to section 90(2) of the Local Government Act 1999, the Council orders that all members of the public be excluded, with the exception of the Chief Executive Officer, General Managers, Minute Taker and the officer responsible for the report on the basis that it will receive and consider Item 14.4 Confidential – Community Wellbeing Future Directions.

The Council is satisfied, pursuant to section 90(3)(a) of the Act, that the information to be received, discussed or considered in relation to this Agenda Item is:

- (3)(a) Information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);

The Council is satisfied that the principle that the meeting should be conducted in a place open to the public has been outweighed in the circumstances as it involves discussion that may have future implications for partners, funders, staff and/or clients of some wellbeing programs.

CARRIED UNANIMOUSLY

ACM19394 Moved Cr Carter seconded Cr Gardner:

1. That Council notes the intent of Administration to reshape the Community Wellbeing portfolio of programs and services over the next 19 months (between now and June 2021).

AND

2. That Council withdraws from the Fleurieu Region Community Advisory Committee (FRCSAC), effective 30 June 2020, and authorises Administration to liaise with FRCSAC stakeholders to achieve an orderly transition with due consideration to contractual obligations and the sensitive management of staff and clients.

AND

3. That Council withdraws from the delivery of programs and services under the South Australian Home and Community Care (SA HACC) program, effective 30 June 2020, and authorises Administration to liaise with SA HACC stakeholders to achieve an orderly transition with due consideration to contractual obligations and the sensitive management of staff and clients.

AND

4. That Council withdraws from the Commonwealth Home Support Program (CHSP), effective 30 June 2021, and authorises Administration to liaise with CHSP stakeholders to achieve an orderly transition with due consideration to contractual obligations and the sensitive management of staff and clients.

AND

5. That Council does not enter into the provision of services under the National Disability Insurance Scheme at this time.

AND

6. That Council approve an additional \$20,000 operating expenditure in 2019-20 to assist in an orderly transition and that the 2019-20 Annual Business Plan and Budgets and Long Term Financial Plan be updated to reflect this.

AND

7. That having considered agenda item 14.4 Confidential - Community Wellbeing Future Directions in confidence under section 90(2) and 90(3)(a) of the Local Government Act 1999, the Council, pursuant to section 91(7) and (9) of the Local Government Act 1999, orders that:

7.1 The minutes, audio recording and report of the Council meeting held on 18 November 2019 in relation to Agenda Item 14.4 Confidential - Community Wellbeing Future Directions, are to remain confidential and will not be available for public inspection until after 30 June 2021, on the basis that the disclosure of the information would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).

7.2 That this order be reviewed at least once every 12 months.

8. That pursuant to section 91(9)(c) of the Local Government Act 1999, the Council delegates to the Chief Executive Officer the power to revoke, in whole or in part, the order made in paragraph 7 of this resolution at anytime.

CARRIED UNANIMOUSLY

## 5.5. Cr Sue Miller - Open Space Grant Program - Pocket Parks

Responsible Officer: Nigel Morris (Chief Executive Officer)

Report Author: Matt Atkinson (Acting General Manager Growth)

### Prior Resolutions

Nil

### Information

The following questions from Cr Sue Miller were taken on notice.

### Question

1. *'Is Council's administration aware of the Open Space Grant Program available on the Plan SA website that:*

- a. has as its purpose to support and enhance the state's liveability and sustainability; and*
- b. was re-focused in 2022 to assist councils with purchasing land for development of pocket parks*
- c. is currently open for applications and will run for ten weeks until 12PM Friday, 17 February 2023?*

*More information is available via Open Space Grant Program - The Office for Design and Architecture SA ([odasa.sa.gov.au](http://odasa.sa.gov.au))*

2. *Given:*

- a. the demographics of those residing in the Willyaroo area of Strathalbyn, and that many residents walk or ride bicycles into Strathalbyn for school, employment and recreational activities; and*
- b. through the Grant Program, Councils may apply for funding towards land purchases for the future creation of pocket parks (parcels of open space with a primary purpose to provide passive recreation and respite opportunities) and the advice that Councils should consider strategic land purchases that could support pocket park opportunities such as:*

- Community gardens*
- Parks*
- Reserves*
- Social spaces*
- Trails, corridors, and strategic open space linkages*

*can consideration be given to acquiring land through this Grant Program to provide a safe walking trail connecting Willyaroo to Strathalbyn?*

3. *If not a trail from Willyaroo to Strathalbyn, are there any other potential projects or sites the administration is aware of that could be considered as candidates for an application to this Open Space Grant program?'*

### Answer

Council received written notification of the 'Open Space Grant Program - Land Purchase for Pocket Parks' from the Office of Design and Architecture SA (ODASA) and the Department for Trade and Investment (DTI) on 13 December 2022. The notice advised Council of the program, its criteria and the date range for applications. A copy of the guidelines for the Open Space Grant Program is provided in **Attachment 1**.

The criteria for accessing these grant funds are onerous and would be very difficult to achieve prior to the 17 February 2023 closing date (even if progressed at the time of notification in early December). For example, to qualify for the grant funding, Councils must -

- match the funds (currently unbudgeted)
- identify available private land and negotiate a sale price (to be accompanied by a current market valuation prepared by a Certified Practising Valuer)
- provide a concept plan or detailed design for the development of the Pocket Park and
- provide a submission that addresses all of the assessment criteria for the Grant Program.

This Grant Program is made available annually (it is funded by the State making 10% of moneys collected via the Planning and Development Fund available to Councils each year) and is better suited to Councils that have identified and budgeted land purchases for open space during the relevant period. Councils have their own Open Space Fund that is sourced through large scale land divisions (more than 20 allotments), where the developers elect to pay into the Open Space Fund in lieu of providing the required open space with their development. This fund helps to offset Council contributions through rates and can be used in combination with the Open Space Grant Program to provide Councils with maximum value for money.

Council's Village Conversations and the associated forthcoming Village Innovation Plans and township Masterplans will help to identify and prioritise where Council needs to allocate open space. The outcome of these plans will assist Council to scope and fund projects that would qualify for partial funding under future rounds of this Program.

The provision of a linear park or trail between Willyaroo and Strathalbyn would have merit and would likely qualify for this Program. If this project is deemed to be a priority following the creation of the Strathalbyn township (and surrounds) Master Plan, then it can be appropriately scoped, and funding sought at that time.

## **Attachments**

Attachment 1 - Open Space Grant Program Guidelines 2022-23



# Open Space Grant Program

## Land Purchase for Pocket Parks

Guidelines | Published December 2022 | Version 1

OFFICE FOR  
DESIGN+  
ARCHITECTURE SA



Government of South Australia  
Department for Trade  
and Investment





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Open Space Grant Program - Land Purchase for Pocket Parks Guidelines





Taamanti Nurlurni Artwork by Paul Munaitya Herzich  
Felixstow Reserve, City of Norwood Payneham & St Peters  
Credit to Aspect Studios and Oxigen  
Photo by Dan Schultz

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Open Space Grant Program - Land Purchase for Pocket Parks Guidelines



# Acknowledgement of Country

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The Office for Design and Architecture SA would like to acknowledge Kurna Miyurna as the Traditional Custodians of the Adelaide Plains region where our office is located.

We pay our respect to Kurna Elders - past, present and emerging.

We would also like to acknowledge the Traditional Custodians of the lands and waters across South Australia and recognise their ongoing spiritual connection to Country.

## **Artwork by Paul Munaitya Herzich, Kurna/Ngarrindjeri Landscape Architect**

Felixstow Reserve showcases rich cultural history of Kurna Miyurna (people) as the Traditional Custodians of the Adelaide plains on which the City of Norwood Payneham & St Peters is located. The local waterways, landforms, features and living things continue to be significant to Kurna Miyurna today. Kurna seasonal activities and dreaming stories connect to the Karrowirra Pari/ River Torrens (red gum-forest river) and to Marriyarta Pari/ Fourth Creek (east-country river), which originates in the Mount Lofty Ranges above Morialta Conservation Park and ends its journey at this reserve. Located throughout the reserve, five Kurna cultural markers provide an insight into Kurna beliefs, traditions and culture.

### **Taamanti Nurlurni**

The ibis, taamanti nurlurni (beak has become curved), is a sacred bird to the Kurna Miyurna. The glossy ibis is identified in the story of Tjilbruki, a creation ancestor. The Tjilbruki story teaches people the lore, relationships and how to read the land.



Jetty Road Stage 1 Project, City of Holdfast Bay  
Photo by City of Holdfast Bay



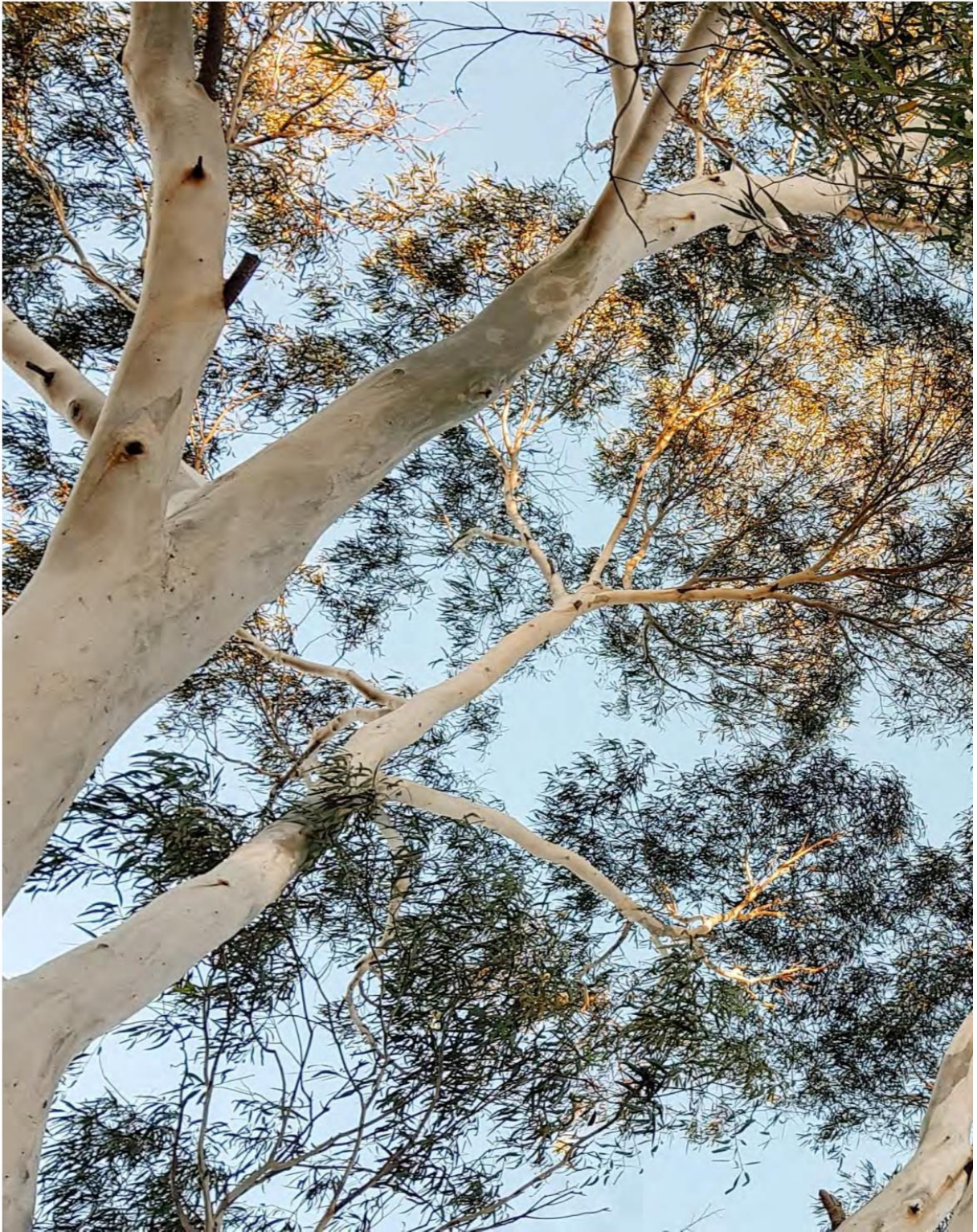
Open Space Grant Program - Land Purchase for Pocket Parks Guidelines  
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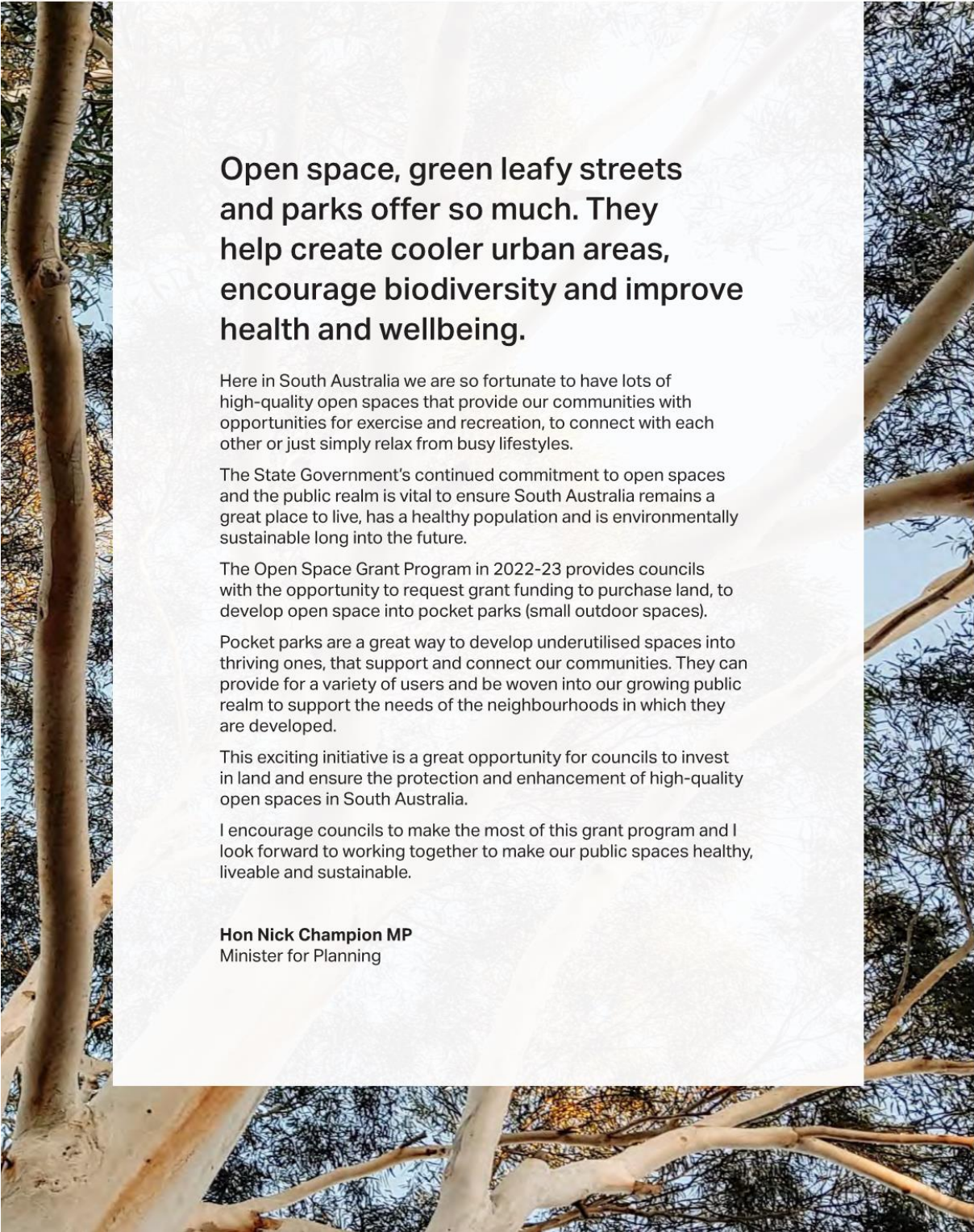
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## Open space, green leafy streets and parks offer so much. They help create cooler urban areas, encourage biodiversity and improve health and wellbeing.

Here in South Australia we are so fortunate to have lots of high-quality open spaces that provide our communities with opportunities for exercise and recreation, to connect with each other or just simply relax from busy lifestyles.

The State Government's continued commitment to open spaces and the public realm is vital to ensure South Australia remains a great place to live, has a healthy population and is environmentally sustainable long into the future.

The Open Space Grant Program in 2022-23 provides councils with the opportunity to request grant funding to purchase land, to develop open space into pocket parks (small outdoor spaces).

Pocket parks are a great way to develop underutilised spaces into thriving ones, that support and connect our communities. They can provide for a variety of users and be woven into our growing public realm to support the needs of the neighbourhoods in which they are developed.

This exciting initiative is a great opportunity for councils to invest in land and ensure the protection and enhancement of high-quality open spaces in South Australia.

I encourage councils to make the most of this grant program and I look forward to working together to make our public spaces healthy, liveable and sustainable.

**Hon Nick Champion MP**  
Minister for Planning





Narnu Wirra/Prospect Gardens Redevelopment, City of Prospect  
Photo by Kay Cann

# Planning and Development Fund

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## What is it?

The Planning and Development Fund (the Fund) operates under the *Planning, Development and Infrastructure Act 2016* (the Act) and provides the means for open space and public realm investment across South Australia.

Money paid into the Fund is derived from monetary payments in lieu of open space requirements for development involving the division of land into 20 or fewer allotments and also for strata and community titles. The Fund is expended in line with provisions within the Act and is administered by the Office for Design and Architecture SA within the Department for Trade and Investment.

The Fund allows the South Australian Government to adopt a state-wide approach to strategically implement open space and public realm projects in an objective manner. While supporting the Minister for Planning (the Minister) to acquire, manage and develop land for open space, the Fund provides grant funding opportunities for local government through the Open Space Grant Program (the Grant Program).



# Open Space Grant Program

## Land Purchase for Pocket Parks

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Access to quality public open space continues to be important to ensure South Australia remains liveable, healthy and sustainable, particularly in the context of increasing residential infill in existing neighbourhoods.

In 2022-23 the Grant program will invest in open space, by offering 10 per cent of the contributions from the Planning and Development Fund to councils to apply to buy land to create pocket parks.

### Purpose of the Grant Program

The purpose of the Grant Program is to support the purchase of land to create pocket parks that will:

- ✔ Facilitate the integrated delivery of quality public open space particularly in areas of growth and renewal
- ✔ Provide a diverse range of high-quality public open spaces that offer a range of active and passive uses
- ✔ Improve the way our places function, making them more sustainable, more accessible, safer and healthier
- ✔ Promote urban greening and climate change resilience
- ✔ Create an interconnected network of high-quality green spaces that join destinations, public transport and growth areas

### Project Types

Through the Grant Program, councils may apply for funding toward **land purchases only** to support pocket park projects.

#### What is a pocket park?

Pocket parks are parcels of open space most often located in urban areas with a primary purpose to provide passive recreation and respite opportunities. Pocket parks should be multi-use activated spaces and aim to include features and amenities to support the same benefits offered by larger parks and reserves.

Land purchases that support pocket park opportunities could include:

- ✔ community gardens
- ✔ parks
- ✔ reserves
- ✔ social places
- ✔ trails, corridors and strategic open space linkages

Applications will need to demonstrate how the land purchase will provide a significant increase in community benefit than what is currently existing.

Applications should also demonstrate that the proposed pocket park will commence construction within 12 months of council acquiring the site.



# Objectives of the Grant Program

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Improve the conservation, enhancement and enjoyment of public open spaces to provide communities access to quality green public open space for positive health and wellbeing outcomes



Provide a range of unstructured recreation opportunities compatible with the surrounding environment



Support innovative engagement processes and creative design outcomes to create unique, well-designed and sustainable public spaces



Create or revitalise public spaces that are important to the social, cultural and economic life of the community



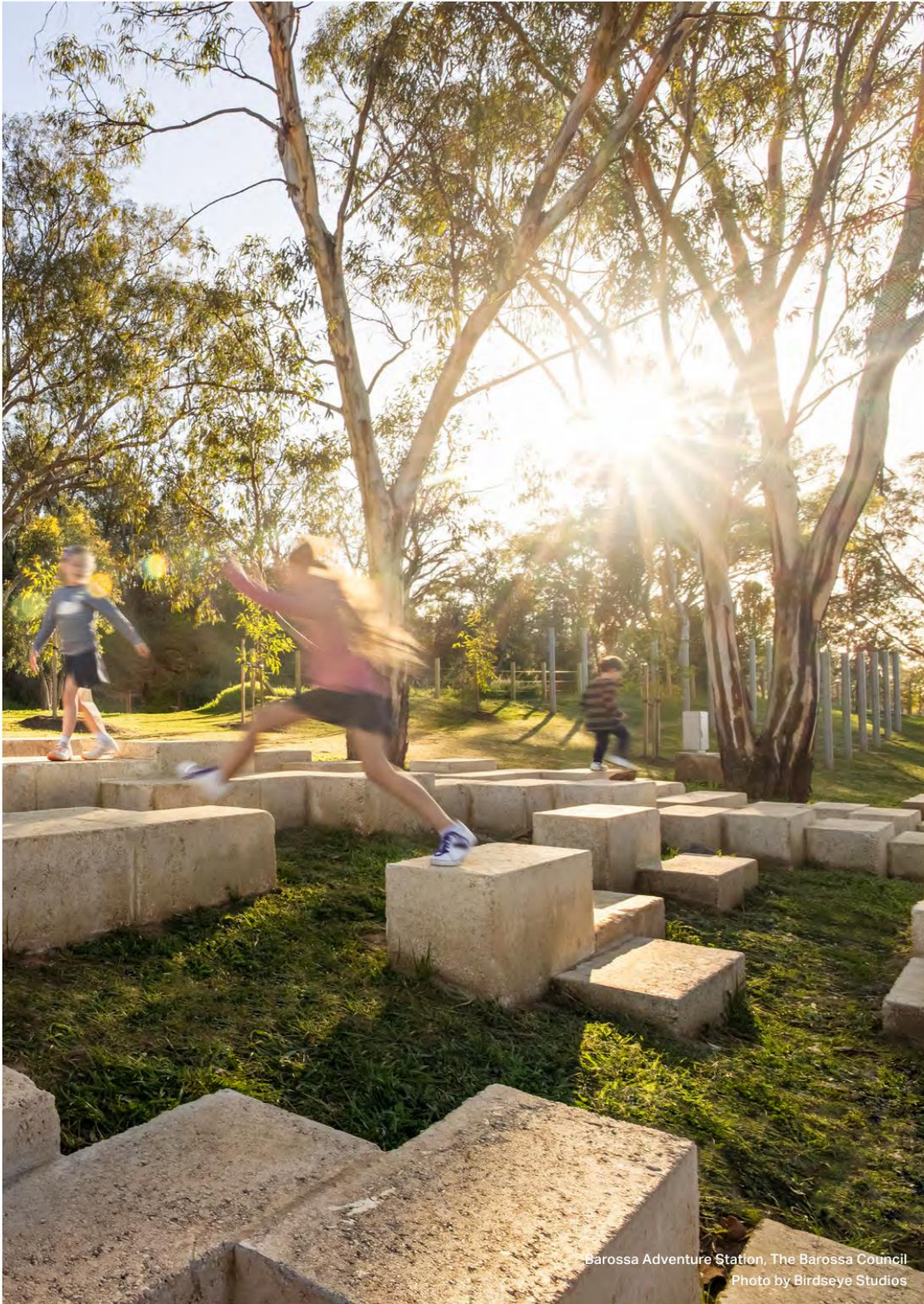


**Pocket parks offer a variety of user experiences that provide similar social, environmental and health benefits of larger open spaces but are unique in that they can be woven into the urban fabric. They play a vital role in creating active and inviting spaces that complement the surrounding neighbourhoods.**

**Kirsteen Mackay**

South Australian Government Architect  
Director, Office for Design and Architecture SA





Barossa Adventure Station, The Barossa Council  
Photo by Birdseye Studios

# Grant Conditions and Responsibilities

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To accept and receive a grant funding offer for the purchase of land, councils must enter into a Grant Deed with the Minister. Approved land purchases for pocket parks must be carried out as described in the application and Grant Deed, with any variances at the Minister's discretion.

Councils that are successful in receiving funding under the Grant Program will be required to submit bimonthly progress reports to the satisfaction of the Minister. This report should detail key expenditures and activities associated with the land purchase. Councils may also be required to submit such other reports or information regarding the application of the grant, as requested by the Minister.

After completion of the project and within 30 days of the end of the funding period, councils must submit a final acquittal report, including suitable evidence of the land acquisition, a summary of expenditure and supporting materials. Any unallocated funding at the end of the specified funding period or upon project completion, must be repaid in accordance with the conditions of the Grant Deed.

The Open Space Team may contact council upon the completion of their pocket park project and request photographs, media opportunities or other supporting information.

## Things to Consider Before Applying

- ✔ Council must consider the [eligibility criteria](#)
- ✔ Council contribution to the project must be able to match the request for grant funding
- ✔ Council will need to enter into a Grant Deed and Land Management Agreement with the Minister
- ✔ Bimonthly progress reports are required until the land purchase is complete
- ✔ Acquittals must be submitted within 30 days following the Grant Deed expiry
- ✔ Other reports may be required as requested by the Minister
- ✔ Any variances to the Grant Deed must be requested in a formal letter and emailed to the Open Space Team, no fewer than six weeks before the Grant Deed expiry
- ✔ Project Manager contact details must be up to date and accessible throughout the life of the project
- ✔ Grant contribution toward the project must be acknowledged in any publications or media





Wigley Reserve Playspace, City of Holdfast Bay  
Photo by David Sievers

# Eligibility Criteria

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The 2022-23 Grant Program is open to local government and organisations representing out of council areas within South Australia. The following eligibility criteria is focused on land purchases for pocket parks.

## Eligible Requests

Councils must ensure their application meets the eligibility criteria, which includes:

- Land purchases that support the creation of new pocket parks or expansion of existing open space
- The total area of land should be approximately 2,000sqm when purchasing one or more new parcels
- The total area of land can exceed 2,000sqm when purchasing to expand and adjoin to existing open space under council ownership
- Land must be purchased within 12 months of receiving grant funding
- Council's contribution to the land purchase must be able to match the request for grant funding (see [Project Contributions](#) for further information)
- Land purchase requests should reflect the appropriate market value of the land
- Councils must provide conceptual designs that demonstrate the intent of a pocket park that can commence construction within 12 months of land acquisition
- Land purchases must result in free access to public land (no fee or charge levied to use the space or ongoing exclusive use by particular groups)
- Councils may submit multiple applications in the same grant round
- Councils must not have any outstanding reports under previous funding agreements

## Ineligible Requests

The following types of requests for grant funding are ineligible. Applications requesting the following will not be considered:

- Fees for design or construction of the pocket park
- Land purchases that do not support a pocket park, such as proposed organised sporting facilities, commercial operations, transport infrastructure or utility operations
- Land purchases that do not provide sufficient public access, such as a landlocked parcel
- Council administration or project management costs associated with negotiation or purchase of the land
- Retrospective land purchases







# Project Contributions

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## Grant Contribution

The 2022-23 Grant Program supports grant funding requests for land purchases only. There is no minimum or maximum grant funding amount that a council can apply for.

Councils may submit multiple applications for land purchase requests, however the ability to match the request for grant funding must be considered.

While an application may meet the [assessment criteria](#), grant funding is not guaranteed, and successful land purchases may not receive funding to the full amount requested in the application.

## Council Contribution

Council's contribution is the direct investment toward the land purchase. Council's contribution must be able to match or be greater than the grant request.

## Other Contribution

While not compulsory, councils should investigate and embrace other external funding opportunities and seek alliances with organisations sharing the same objectives to supplement the total land purchase cost.

The other contributions can consist of grant funding from community groups, other State and Federal Government funding programs, or joint funding opportunities with other councils to achieve regional priorities.

Other contributions do not contribute to council's matched funding for the land purchase.



# Preparing a Project Target Table

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A table of activities and outcomes contributing to the proposed land purchase cost must be provided as an attachment to the application.

When submitting your application online, please download the Project Target Table template and refer to the example shown on the following page to separate funding into the relevant columns, including:

- Grant Contribution
- Council Contribution
- Other Contribution

When preparing your Project Target Table, please also refer to the [eligibility criteria](#) in this document.

## Things to Remember

- ✓ The Grant Program will only support funding requests for land purchases
- ✓ All figures are exclusive of GST
- ✓ Careful consideration should be given to the eligibility criteria
- ✓ The Project Target Table should not include retrospective works or activities
- ✓ The Project Target Table should not include council administration costs or project management costs
- ✓ The Project Target Table can include land purchase fees such as legal costs, transfer fees and stamp duty if included in the council contribution column
- ✓ The Open Space Team may request changes to the Project Target Table should further information be required

# Project Target Table Example

2022-23 OPEN SPACE GRANT PROGRAM		PROJECT TARGET TABLE			22-23/001	
LAND PURCHASE					METRO/REGIONAL	
COUNCIL NAME	Council Name					
PROJECT NAME	1 Greenspace Drive, Adelaide					
<p><i>Each activity should be broken down into relevant target outcomes, where a brief description of the activity is aligned with a monetary amount. The example below can be adapted to suit each application. When finalising, ensure appropriate totals are calculated correctly using formulas and amounts are rounded to the nearest dollar. All amounts on this form are exclusive of GST.</i></p>						
LAND PURCHASE	ACTIVITY	TARGET OUTCOMES (brief description of activity)	GRANT CONTRIBUTION	COUNCIL CONTRIBUTION	OTHER CONTRIBUTION	COST TOTAL
	Land purchase	Purchase of Land (Market Value) 1 Greenspace Drive, Adelaide	\$ 313,500	\$ 286,500	\$ -	\$ 600,000
	Administrative Fees	Legal costs, transfer fees and stamp duty	\$ -	\$ 27,000	\$ -	\$ 27,000
	<b>TOTAL</b>		<b>\$ 313,500</b>	<b>\$ 313,500</b>	<b>\$ -</b>	<b>\$ 627,000</b>
<b>TOTAL PROJECT COST</b>			<b>\$ 313,500</b>	<b>\$ 313,500</b>	<b>\$ -</b>	<b>\$ 627,000</b>
<p><i>All amounts are GST exclusive</i></p> <p style="text-align: center;"> <span style="color: red;">↑</span> The 2022-23 Grant Program supports funding for the land purchase activity only  <span style="color: red;">↑</span> Councils contribution must match or be greater than the request for grant funding         </p>						

Note, the Project Target Table above has been provided as an example only. This Project Target Table is provided as a downloadable template in the online application form.



# Application Process

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An online application form must be completed online using the SmartyGrants website within the announced timeframe, with all relevant sections and supporting material included within the application, not sent by email. A summary of relevant application material has been provided below.

## Land Purchases for Pocket Parks

- ✓ Location map, clearly identifying the project site and labeling surroundings
- ✓ Photos of existing site conditions and connections
- ✓ Current market valuation (by a Certified Practising Valuer)
- ✓ Legal description of property and current Certificate of Title
- ✓ Project Target Table
- ✓ Description of Pocket Park Project, which may also include:
  - ✓ concept plan or detailed design
  - ✓ benchmark imagery/visualisations

## Lodgement of Applications

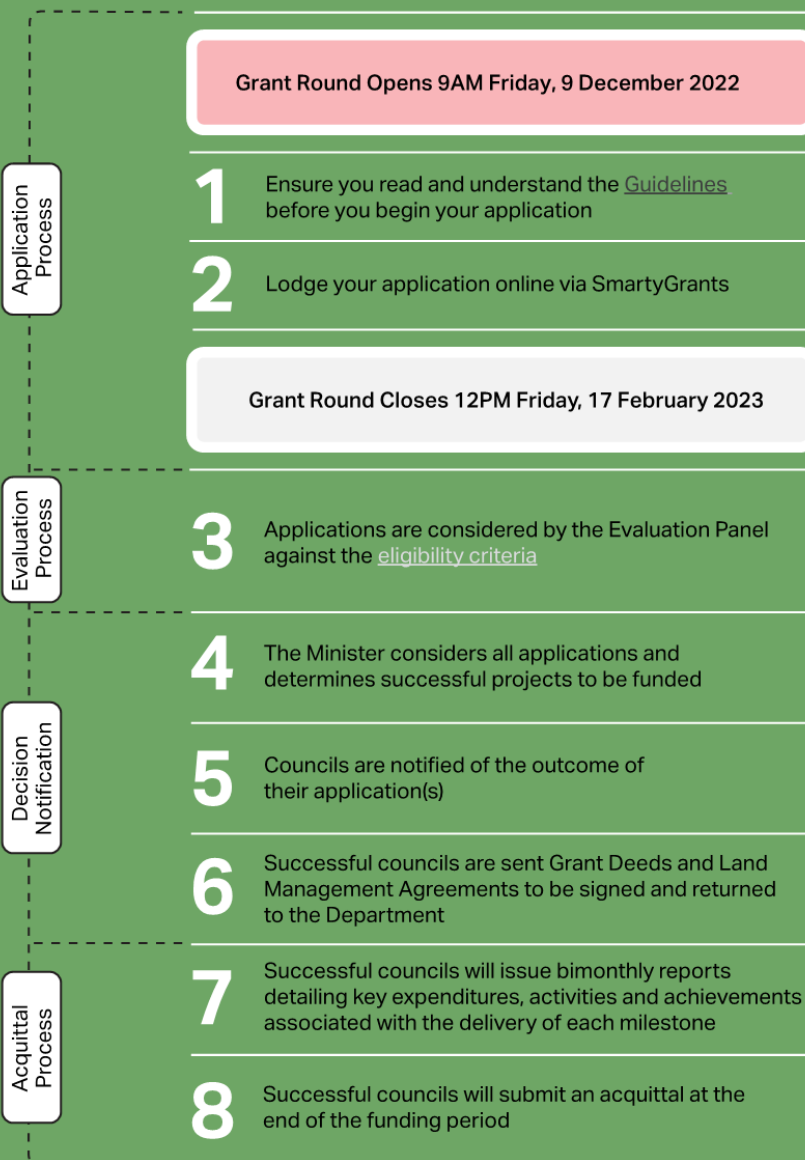
Please note that the Open Space Team may request further information to be included in the application.

Applications for the 2022-23 Open Space Grant Program will open at **9AM Friday, 9 December 2022** and close at **12PM Friday, 17 February 2023**. All applications and supporting documents must be received prior to the closing time within the online application form. Please note, successful grants are also managed through the SmartyGrants website, which is free for councils to use.

At any time throughout the grant round, councils can access the application form and view the status of any submissions.

Councils will be notified of the outcome of their application after the Minister has considered all proposals. Please note a funding decision may not be made until March 2023.

# Grant Program Timeline





# Assessment Criteria

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All applications will be evaluated by an Evaluation Panel appointed by the Minister. The following assessment criteria will be considered and all eligible applications presented to the Minister for a final decision. Councils should demonstrate how the proposed project will achieve the following outcomes with respect to the purchase of land and the pocket park to follow.

- ✓ Access to high-quality open space
- ✓ Provides open space and neighbourhood connectivity
  - ✓ Provides connections to other paths, trails, streetscapes etc.
  - ✓ Improves connections to support and encourage wider use of the public open space and its surrounds
- ✓ Demonstrates strategic alignment
  - ✓ Demonstrates support in areas of growth and renewal or areas of low open space provision or quality
  - ✓ Demonstrates the strategic significance of the site location
  - ✓ Demonstrates alignment with local government planning strategies
  - ✓ Demonstrates alignment with relevant State and Federal Government strategic priorities
- ✓ Creates or revitalises public spaces
- ✓ Promotes unstructured recreation and activity
- ✓ Demonstrates innovative and creative design processes to achieve outcomes
- ✓ Improves accessibility and safety
  - ✓ Responds to community issues and improves the safety of public open spaces
  - ✓ Increases useability and functionality for a wide cross section of the community
- ✓ Promotes urban greening and climate change resilience
  - ✓ Provides access to quality green public spaces
  - ✓ Improves sustainability
- ✓ Demonstrates community support and consultation
  - ✓ Demonstrates strong levels of support from the community and Traditional Owners (if applicable)







# Frequently Asked Questions

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## Q1

### **Can council apply for grant funding for development projects (beyond pocket parks)?**

No, the 2022-23 Grant Program supports grant funding requests toward the purchase of land only.

## Q2

### **Can council apply for grant funding for construction of the pocket park, if included within the land purchase application?**

No, the 2022-23 Grant Program supports grant funding requests toward the purchase of land only. Any capital costs associated with the construction of a pocket park will need to be managed by council. Councils should not assume that further State Government funding would be provided.

## Q3

### **What land purchases are deemed ineligible and would not be considered in the program?**

Please refer to the [eligibility criteria](#) of the Grant Program Guidelines for a list of ineligible requests.

## Q4

### **Can council nominate one or more potential sites within the same suburb, with the intention to purchase only one site should it become available?**

Yes, it is possible to nominate one or more potential sites with similar features and within the same suburb. Applications should provide as much information as possible for each potential site

Each site and the market value should be clearly identified in the Project Target Table. Council should request grant funding for the site that has the maximum market value. If a site with a lower market value is purchased, council will need to return the remaining grant funding.

If none of the nominated land parcels can be acquired within 12 months, the grant funding will need to be returned by council.

## Q5

### **If council experiences cost overruns associated with the land purchase, can additional grant funding be requested to cover this?**

No, any cost overruns are the responsibility of the council.

## Q6

### **When can council submit the acquittal form?**

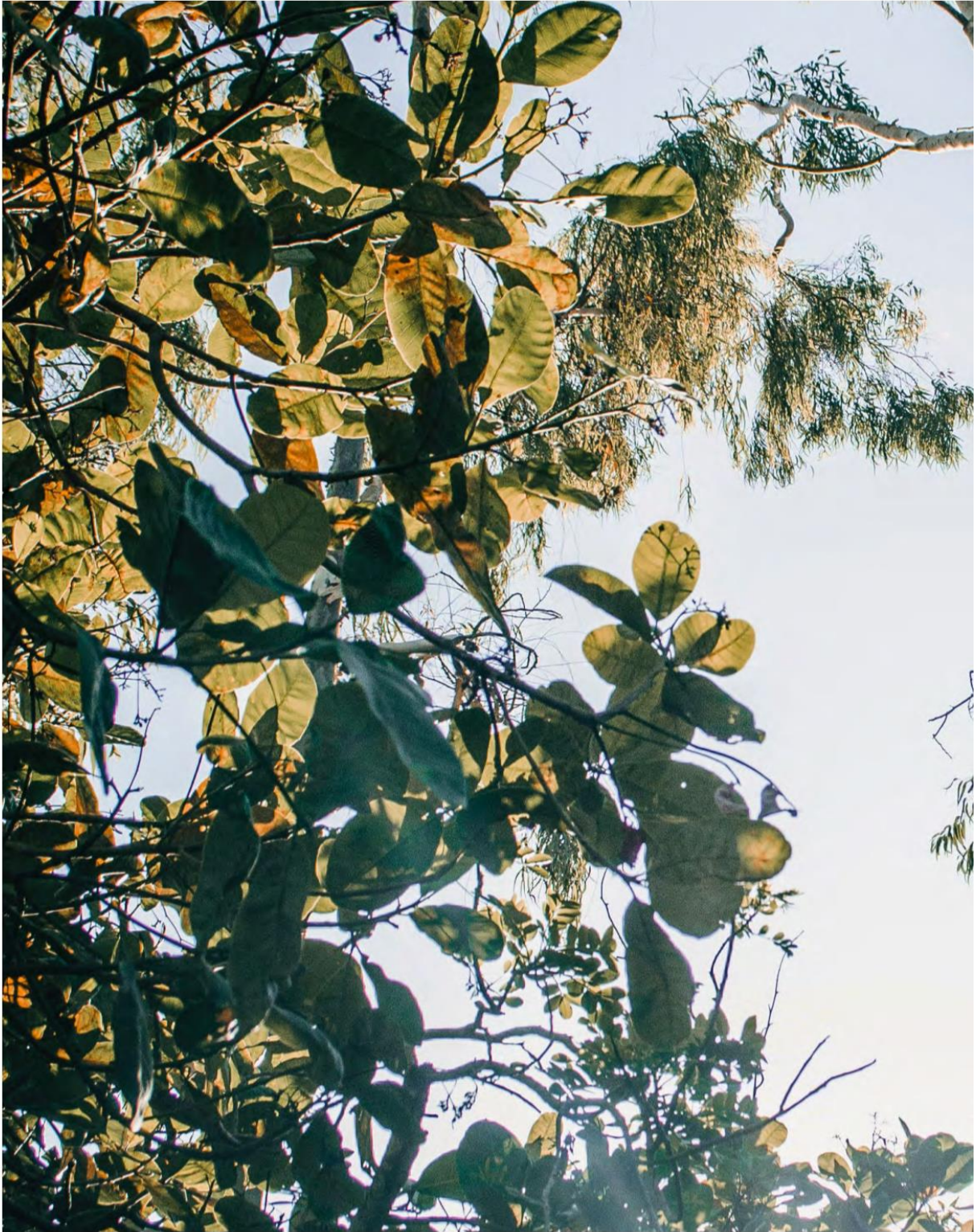
After the land transfer is complete and settlement has occurred, council must notify the Open Space Team so an acquittal form can be issued for completing.

## Q7

### **How does council apply for an extension of time to complete the land purchase?**

If council becomes aware that the agreed timeframe, budget or project deliverables cannot be met, the Open Space Team must be notified in writing, no fewer than six weeks before the specified funding period is due to end. Council will need to provide reasons for the delay, budget implications or variation to agreed scope, including a proposed solution and revised timeframe to complete the land purchase. All requests to vary Grant Deeds and Land Management Agreements will be at the Department's discretion and councils must not assume their request will be approved.





# Contact Us

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To discuss your proposal or for further information, please contact the Open Space Team at the Office for Design and Architecture SA.



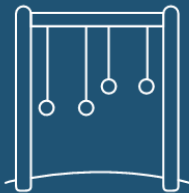
Call us  
(08) 8402 1852



Write to us  
[OpenSpace@sa.gov.au](mailto:OpenSpace@sa.gov.au)

Please note, if you are viewing a printed version of this document you will need to refer to the online version to access hyperlinks to external sources.





## 5.6. Cr Sue Miller - Council support for Gymnasiums in Strathalbyn

Responsible Officer: Nigel Morris (Chief Executive Officer)

Report Author: Matt Atkinson (Acting General Manager Growth)

### Prior Resolutions

Nil

### Information

The following questions from Cr Sue Miller were taken on notice.

### Question

*'Further to the submission I made as a parent and ratepayer dated 2 July 2020 in response to consultation on Council's 2020/21 ABP and Budget I ask the following questions:*

1. *Is the current Council executive team aware of the following?*
  - a. *that the single court gymnasium at the R-6 campus of Eastern Fleurieu School, Strathalbyn was built in 1981 for approximately \$149,000, and several parties made capital contributions towards the total cost, approximately:*
    - Minister for Education 44.29%*
    - Strathalbyn Council 6.71%*
    - Primary School Council 13.42%*
    - High School Council 10.06%*
    - Basketball Association 20.13%*
    - Public Donations 5.39%*
  - b. *a Joint Use Agreement (JUA) was in place between 3 parties at the time – Minister for Education, EFS School and Strathalbyn Basketball Association (the school had exclusive use during school hours until 5pm each weekday, and the Basketball Association had exclusive use on weekends and by negotiation during school holidays)*
  - c. *in 2011 Alexandrina Council ceased being a party to the JUA.*
2. *Given there is no public gymnasium in Strathalbyn, can Council administration please advise:*
  - a. *what contributions (financial or in-kind) Council has made since 2011, when Council ceased being a party to the JUA referred to a 1b, to maintenance of the single court gymnasium building owned by Department for Education located at the Strathalbyn R-6 campus of Eastern Fleurieu School, East Terrace, Strathalbyn?*
  - b. *what contributions if any (financial or in-kind) Council has made in the past, or currently makes, to the gymnasium located on the grounds of Tyndale Christian School on East Terrace, Strathalbyn?*
3. *Notwithstanding the Lot 10 Langhorne Creek Road, Strathalbyn actions in recent times, what other advocacy has Alexandrina Council undertaken in the past to support a community indoor sports facility in Strathalbyn?'*

### Answer

Council's Administration are currently researching the background to these matters, and it is anticipated that a response will be provided with the February 2023 Council Agenda.

## Attachments

Nil

## 5.7. Cr Sue Miller - Lot 5 Hampden Way, Strathalbyn - Next Steps

Responsible Officer: Nigel Morris (Chief Executive Officer)

Report Author: Matt Atkinson (Acting General Manager Growth)

### Prior Resolutions

Nil

### Information

The following questions from Cr Sue Miller were taken on notice.

### Question

1. *'If the Lot 5 Hampden Way, Strathalbyn Code Amendment is refused by the Minister for Planning and therefore does not proceed, can council officers please provide examples of what development could potentially occur in future on the subject land?'*
2. *'What are the next steps following closing of submissions, and what is the time frame for decision making by the Minister for Planning?'*
3. *'Has any community feedback received by the proponent been shared with Council, as was indicated would occur during consideration of this subject matter at 19 December 2022 council meeting?'*

### Answer

1. If the Lot 5 Hampden Way, Strathalbyn Code Amendment is refused by the Minister for Planning, any future development of the subject land would be assessed against the current Hills Neighbourhood Zoning. The Hills Neighbourhood Zone primarily encourages residential development but does allow for small-scale non-residential development, evidenced by the consulting rooms, pharmacy and gym that are currently approved and under construction on the land. However, it should be noted that the Fleurieu Regional Assessment Panel (FRAP) has recently refused a further application for a non-residential development in this area, as in their view adding any further non-residential development would exceed the small-scale test in the policy. They have advised that a Code Amendment should be sought before further non-residential development is allowed.
2. The diagram below illustrates the process for a Code Amendment and the next steps following the public consultation process. There is no statutory timeframe to complete the Code Amendment, but it is unlikely to be finalised for several months.

#### CODE AMENDMENT PROCESS

The Code Amendment process includes a number of steps which must be undertaken before any changes to zoning or policy can be implemented. Broadly, the process involves:



Figure 1 - Code Amendment process (source: Attorney-General's Department)

3. The proponent's consultants have provided their latest feedback that the time of agenda creation that has been included in the related Council report later in the Agenda. If there is any additional feedback received that has not been included in the Council report, staff will provide a further verbal update on the latest submission numbers during the later report consideration.

### **Attachments**

Nil



## **5.8. Cr Lou Nicholson - Pedestrian Walkthroughs at Middleton - status update**

Responsible Officer: Nigel Morris (Chief Executive Officer)

Report Author: Lee Graham (Manager Projects and Design)

### **Prior Resolutions**

Nil

### **Information**

The following question from Cr Lou Nicholson was taken on notice.

### **Question**

*'Can Administration provide an update on the progress of installing pedestrian walkthroughs at Middleton?'*

### **Answer**

Council has incurred costs of \$16,523 to complete designs for three crossings on Goolwa Road, Middleton. The completed designs have been returned to the Department for Infrastructure and Transport (DIT) as the crossings would be on their road asset.

Our last correspondence was received on the 4 January 2023 where DIT confirmed that the crossings were "still under our radar" and they would inform us when they were in a position to move forward with the crossings. Therefore, to date State Government have not committed to fund the project.

Council has offered assistance in project managing the installation process in an effort to get their commitment to proceed.

Administration will continue to advocate for the funding of the crossings.

### **Attachments**

Nil

## **5.9. Cr Lou Nicholson - Speed Limits and Recreational use of our local Waterways**

Responsible Officer: Nigel Morris (Chief Executive Officer)

Report Author: Andy Baker (General Manager Infrastructure)

### **Prior Resolutions**

Nil

### **Information**

The following question from Lou Nicholson was taken on notice.

### **Question**

*'Can the Chamber be updated on the progress of Alexandrina Council lobbying of State Government to introduce improved speed limits and recreational use of our local waterways?'*

### **Answer**

Council continues to advocate with the State Government for improved speed limits on our waterways to ensure safety on the water and greater protection of riverside infrastructure including Marinas.

The Mayor and CEO have supported the call from Community Members to the Minister of Transport raising concerns on the wake created by large planing, semiplaning and wake-board vessels and how this impact marinas. Wake from these vessels will damage our fixed infrastructure (fixed jetties, retaining walls, landscaping, pumps etc) and cause excessive riverbank erosion as well as damage vessels moored to our infrastructure (many of which are historic timber vessels).

Mayor Keith Parkes met onsite at Goolwa Wharf with State Government representatives, 11 January 2022 to discuss concerns and further discussions will follow.

### **Attachments**

Nil

## **5.10. Cr Lou Nicholson - Council's position on Public Recycling Bins**

Responsible Officer: Nigel Morris (Chief Executive Officer)

Report Author: Andy Baker (General Manager Infrastructure)

### **Prior Resolutions**

Nil

### **Information**

The following question from Cr Lou Nicholson was taken on notice.

### **Question**

*'What is Council's position on the use of public recycling bins throughout Alexandrina?'*

### **Answer**

Previous investigations by Council on the use of public recycling bins has identified a number of barriers to success. There has been a plethora of precedents in this space from Alexandrina and other Councils that categorically show that public recycling bins are contaminated resulting in material going to landfill. This creates an outcome that is more expensive and with a net negative environmental impact.

The impacts of collection would holistically increase costs and impact environment more than impacts of public litter bin (PLB) recycling going to landfill. Nevertheless, this may be acceptable if other indirect benefits are deemed more important and worth the negative impacts.

With 10c disposal recycling undertaken by community groups, it has been identified that in recent times there has been a possible improvement in people's behaviour when not-for-profit groups were highly visible, and the recycling vessel was transparent. The assumption here being that members of the community that are likely to contaminate, are less likely to do so when this activity is clearly visible. There is currently a community led project at Horseshoe Bay further investigating this type of public recycling.

Council's A2040 Strategic Plan states the aspiration of "Green Alexandrina" that the region "is climate-ready, a place where nature is valued and resources are managed sustainably and creatively to support a new economy". Additional recycling including that of public litter bins should continue to be investigated.

Administration will monitor the trail that started in August 2022 by City of Adelaide to help with our learning to see what Alexandrina can achieve and will continue to work with Fleurieu Regional Waste Authority on a solution.



**City of Adelaide**

30,379 followers

8h · 🌐

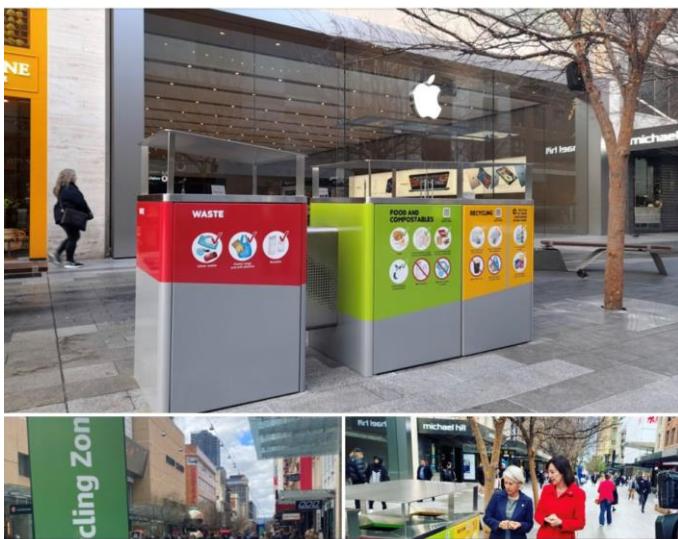


**Rundle Mall** is turning green! Today Lord Mayor Sandy Verschoor and Environment Minister Susan Close launched Australia's largest green bin trial in a retail precinct.

For the first time, designated green organic bins for food scraps and compostable materials have been introduced to Rundle Mall to reduce the amount of waste sent to landfill and recover more resources.

Find out more about the new Food Waste and Compostables Recycling Zone here: <https://fal.cn/3rtG1>

The 12-month trial is in partnership with **Green Industries SA** and **Adelaide Economic Development Agency**.



## Attachments

Nil

## 5.11. Cr Lou Nicholson - Installation of Bike Racks, Middleton - status update

Responsible Officer: Nigel Morris (Chief Executive Officer)

Report Author: Andy Baker (General Manager Infrastructure)

### Prior Resolutions

Meeting Date	Agenda Item Number	Report Title	Resolution Number
16 May 2022	5.3	Cr Lewis - Bicycle Racks in Middleton	ACM221486

### Information

The following question from Cr Lou Nicholson was taken on notice.

### Question

*'Can Administration please provide an update on the negotiations with Mill House and IGA in Middleton regarding the installation of bike racks?'*

### Answer

Investigations and engagement with businesses and elected members were completed in July 2022. A letter was sent to all businesses and relevant council members as per attachment 1.

### Attachments

Attachment 1 - Stakeholder engagement outcome

## Attachment 1 - Stakeholder engagement outcomes

### Asset Admin

---

**From:** Asset Admin  
**Sent:** Thursday, 7 July 2022 10:14 AM  
**To:** Bronwyn Lewis; Michael Scott . ASM OAM .  
**Subject:** E202217407 - 14.3.001 - Middleton bike rack locations

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Councillors Lewis and Scott,

On 8 May 2022 Cr Lewis raised the motion:

*That Council administration work with the owners of Mill House Medical Centre to allocate a space for a bike rack for patients to use while seeing their health providers.*

*That Council administration also scope sites for a bike rack near the Middleton store and the Middleton Bakery to allow other local businesses the opportunity to provide this service.*

A representative of Council's Administration visited the Mill House Medical Centre, IGA and the Pharmacy, and Home Grain Bakery and met with managers / staff to identify spaces for potential bike rack installation. The results are outlined in the letter below.

#### **Mill House Medical Centre**

Staff from the medical centre expressed that their preference is to install bike racks on the concrete area under their veranda. The space is 7.5m long and 2.1m wide. The proposed location does not interfere with building access or parking.





Preferred location for bike racks at Mill House Medical Centre.

**IGA & Pharmacy**

The managers/operators of the IGA and the Pharmacy emphasised that the undercover area is not available as it is the outdoor dining area. Council suggested consideration to the vacant space next to the first angled car park. It is approximately 2.2m wide and 4.4m long. Orientation of bike racks to be considered to avoid conflict with car doors opening.





Removal of old bike racks that were hit by a vehicle, and suggested location for new bike racks outside IGA.

**Home Grain Bakery**

Bakery staff indicated that the paved area in the north-eastern corner is not currently utilised and could be appropriate. It is approximately 4.4m by 4m in a triangular shape and does not interfere with the footpath.



Proposed location for bike racks at Home Grain Bakery.

The Administration will advise each business of the proposed locations contained in this letter, for their perusal. This addresses the motion on notice raised. If you have any further queries do not hesitate to contact the Assets Team.

Your sincerely,



## Asset Admin

---

**From:** Asset Admin  
**Sent:** Thursday, 7 July 2022 10:40 AM  
**To:** [REDACTED]  
**Subject:** E202217411 - 14.3.001 - Middleton bike rack location - Mill House Medical Centre

Dear Practice Management / Owner,

On 8 May 2022 Cr Lewis raised the motion:

*That Council administration work with the owners of Mill House Medical Centre to allocate a space for a bike rack for patients to use while seeing their health providers.*

*That Council administration also scope sites for a bike rack near the Middleton store and the Middleton Bakery to allow other local businesses the opportunity to provide this service.*

A representative of Council's Administration visited the Mill House Medical Centre in early June and met with staff to identify spaces for potential bike rack installation.

Staff indicated at the time that their preference is to install bike racks on the concrete area under the veranda. The space is 7.5m long and 2.1m wide. The proposed location does not interfere with building access or parking.





*Preferred location for bike racks at Mill House Medical Centre.*

Council has no objections to the proposed location for bike rack installation.

Please note that this request involves provision of advice only as per the motion on notice. It is the property owner's choice to purchase and install bike racks at their own cost.

Thank you for your interest in the matter.

Yours sincerely,

**Adona Cervantes**

On behalf of

Projects and Assets Administration Officer  
Alexandrina Council

Phone: (08) 8555 7000  
Fax: (08) 8555 3603  
Email: [Adona.Cervantes@alexandrina.sa.gov.au](mailto:Adona.Cervantes@alexandrina.sa.gov.au)  
Website: [www.alexandrina.sa.gov.au](http://www.alexandrina.sa.gov.au)  
Consultation: [mysay.alexandrina.sa.gov.au](http://mysay.alexandrina.sa.gov.au)



PO Box 21 | 11 Cadell Street GOOLWA SA 5214

**DRAFT Annual Business Plan & Budget 2022/23**

Have your say by completing a submission by 5pm 17 June 2022 on Council's website at [mysay.alexandrina.sa.gov.au](http://mysay.alexandrina.sa.gov.au)

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## Asset Admin

---

**From:** Asset Admin  
**Sent:** Thursday, 7 July 2022 10:53 AM  
**To:** [REDACTED]  
**Subject:** E202217413 - 14.3.001 - Middleton bike rack locations - IGA & Pharmacy

Dear Management / Owners of the IGA and the Pharmacy,

On 8 May 2022 Cr Lewis raised the motion:

*That Council administration work with the owners of Mill House Medical Centre to allocate a space for a bike rack for patients to use while seeing their health providers.*

*That Council administration also scope sites for a bike rack near the Middleton store and the Middleton Bakery to allow other local businesses the opportunity to provide this service.*

A representative of Council's Administration visited the IGA and the Pharmacy in early June and met with staff to identify spaces for potential bike rack installation.

The managers/operators of the IGA and the Pharmacy emphasised that the undercover area is not available as it is the outdoor dining area. Council suggested consideration to the vacant space next to the first angled car park. It is approximately 2.2m wide and 4.4m long. Orientation of bike racks to be considered to avoid conflict with car doors opening.





Removal of old bike racks that were hit by a vehicle, and suggested location for new bike racks outside IGA.

Council has no objections to the proposed location for bike rack installation.

Please note that this request involves provision of advice only as per the motion on notice. It is the property owner's choice to purchase and install bike racks at their own cost.

Thank you for your interest in the matter.

Yours sincerely,

**Adona Cervantes**

On behalf of

Projects and Assets Administration Officer  
Alexandrina Council

Phone: (08) 8555 7000  
 Fax: (08) 8555 3603  
 Email: [Adona.Cervantes@alexandrina.sa.gov.au](mailto:Adona.Cervantes@alexandrina.sa.gov.au)  
 Website: [www.alexandrina.sa.gov.au](http://www.alexandrina.sa.gov.au)  
 Consultation: [mysay.alexandrina.sa.gov.au](http://mysay.alexandrina.sa.gov.au)



PO Box 21 | 11 Cadell Street GOOLWA SA 5214

## DRAFT Annual Business Plan & Budget 2022/23

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## Asset Admin

---

**From:** Asset Admin  
**Sent:** Thursday, 7 July 2022 11:01 AM  
**To:** [REDACTED]  
**Subject:** E202217415 - 14.3.001 - Middleton bike rack location - Home Grain Bakery

Dear Management / Owners of the Home Grain Bakery,

On 8 May 2022 Cr Lewis raised the motion:

*That Council administration work with the owners of Mill House Medical Centre to allocate a space for a bike rack for patients to use while seeing their health providers.*

*That Council administration also scope sites for a bike rack near the Middleton store and the Middleton Bakery to allow other local businesses the opportunity to provide this service.*

A representative of Council's Administration visited the Home Grain Bakery in early June and met with staff to identify spaces for potential bike rack installation.

Bakery staff indicated that the paved area in the north-eastern corner is not currently utilised and could be appropriate. It is approximately 4.4m by 4m in a triangular shape and does not interfere with the footpath.



*Proposed location for bike racks at Home Grain Bakery.*

Council has no objections to the proposed location for bike rack installation.

Please note that this request involves provision of advice only as per the motion on notice. It is the property owner's choice to purchase and install bike racks at their own cost.

## **5.12. Cr Lou Nicholson - Upgrade to Toilets and installation of Outdoor Showers, Horseshoe Bay**

Responsible Officer: Nigel Morris (Chief Executive Officer)

Report Author: Lee Graham (Manager Projects and Design)

### **Prior Resolutions**

Nil

### **Information**

The following question from Cr Lou Nicholson was taken on notice.

### **Question**

*'Can Administration please provide an update on the schedule for upgrade to toilets and installation of outdoor showers at Horseshoe Bay?'*

### **Answer**

The tender for the refurbishment of the toilets closes at the end of January 2023, with evaluation and Contract award to follow in February. We anticipate works commencing in April for completion before 30 June 2023.

### **Attachments**

Nil

### **5.13. Cr Lou Nicholson - Australian Local Government Women's Association SA Representative**

Responsible Officer: Nigel Morris (Chief Executive Officer)

Report Author: Nigel Morris (Chief Executive Officer)

#### **Prior Resolutions**

Nil

#### **Information**

The following question from Lou Nicholson was taken on notice.

#### **Question**

*'Does Alexandrina Council have an Australian Local Government Women's Association (ALGWA) SA Representative?'*

#### **Answer**

There are currently three ordinary committee member casual vacancies on the ALGWA.

Committee members are nominated and elected by other financial members for Management Committee positions.

Committee members are volunteers and are elected as individuals, not as Council members (although as a courtesy ALGWA use councillor titles)

At present, no Councillor of Alexandrina Council is a ALGWA SA committee member.

#### **Attachments**

Nil

## 5.14. Cr Craig Maidment - Strathalbyn Swimming Pool - extension of Season

Responsible Officer: Nigel Morris (Chief Executive Officer)

Report Author: Matt Atkinson (Acting General Manager Growth)

### Prior Resolutions

Meeting Date	Agenda Item Number	Report Title	Resolution Number
19 April 2021	Item 6.1	Petition - Possibility of Extending the Strathalbyn Community Swimming Pool	ACM21955
16 August 2021	Item 10.1	Response to Petition - Possibility of Extending the Strathalbyn Community Swimming Pool Season	ACM211124
20 June 2022	Item 10.7	Enclosing Strathalbyn Community Swimming Pool	ACM221550
15 August 2022	Item 7.6	Cr Maidment - Extension of Operating Hours / Season at the Strathalbyn Swimming Pool	ACM221625

### Information

The following question from Cr Craig Maidment was taken on notice.

### Question

*'It is almost two years since Council received a Deputation and Petition to have the Strathalbyn Pool open for an extended season. So when are we likely to see the outstanding resolutions of Council enacted?'*

*If the answer to this question is to do nothing, then what would be the reasoning so that the petitioners can be respectfully afforded an answer?'*

*Given that this subject was to have been a discussion point at the first Quarterly Budget Review of 2022/23.*

*I have been told that there has been no communication to date toward the Petitioners nor the Deputies.'*

### Answer

Council at its meeting held on 15 August 2022 resolved:

- 1. That the extension of the season and operating hours for the Strathalbyn Swimming Pool be given serious consideration at the next Quarterly Budget Review.*
- 2. That the petitioners of 19 April 2021 be given a definitive answer to their request "We the undersigned, hereby petition the Mayor and Elected Members of Alexandrina Council to consider extending the Strathalbyn Community Swimming Pool season to ten months per year."*

Administration sent an email to the Strathalbyn Swimming Pool Petitioners (head petitioners) on 9 September 2022 (E202240735) advising them of the outcome of Council meeting of 15 August 2022.

Consideration of additional operating hours for the Strathalbyn Swimming Pool will be considered in accordance with the resolution at the next Quarterly Budget Review.



It is noted that the 1st quarter budget review occurred during caretaker period as a "business as usual" report and therefore it was not appropriate for Council Members to consider providing additional services during the caretaker period.

**Attachments**

Nil

## **5.15. Cr Craig Maidment - Food and Garden Organics (FOGO) Service, Ashbourne**

Responsible Officer: Nigel Morris (Chief Executive Officer)

Report Author: Andy Baker (General Manager Infrastructure)

### **Prior Resolutions**

Nil

### **Information**

The following question from Cr Craig Maidment was taken on notice.

### **Question**

*'Can the 64 permanent residences in the Ashbourne prescribed Area have a Food and Garden Organics (FOGO) Service?'*

### **Answer**

The initial implementation of Green Organics was undertaken around 2007/08.

When the Green Organics service was first implemented Council decided not to extend this service to the smaller towns due to costs and efficiency.

The intention was to allow urban properties within large townships an option to dispose their garden waste. It was felt that rural properties have the land size and ability to compost, mulch, dispose of, feed chickens etc.

Since this time rural townships have expanded and the costs of disposing waste to landfill has increased.

In 2012/13 Council endorsed expanding the service to include the townships of Clayton Bay, Milang, Langhorne Creek and Mount Compass.

A report was presented to Council meeting on 5 December 2016 that described the cost estimates and benefits of expanding green waste collection services.

The report was in response to a petition from residents on Hindmarsh Island requesting additional waste services.

Ashbourne and Woodchester were included in this report and grouped with the Currency Creek and Finnis areas to increase the number of residents and thereby improve operational efficiency.

Despite this grouping, the collection cost per bin was still approximately 250% above the regional average cost.

It was calculated that to provide a green waste collection service to these 90 properties there would be an increased operational cost of \$20,000 per annum.

The elected members at the time opted not to extend green waste services to include these townships. The merits of servicing the community and the benefits of green waste collection were well understood, however the cost-benefit analysis for the service extension was a driving factor behind the decision not to support the expansion.

Given this report was presented in 2016, costs would have increased now.

In addition, since this time, the service has changed and is now known as FOGO (Food Organic Garden Organic), capturing both food waste and garden/ green organic waste. (Previously it only captured garden organics).

In March 2020, FRWA presented at a Council Briefing with Elected Members.

The presentation covered various waste matters and included costs for FOGO extension to Ashbourne.

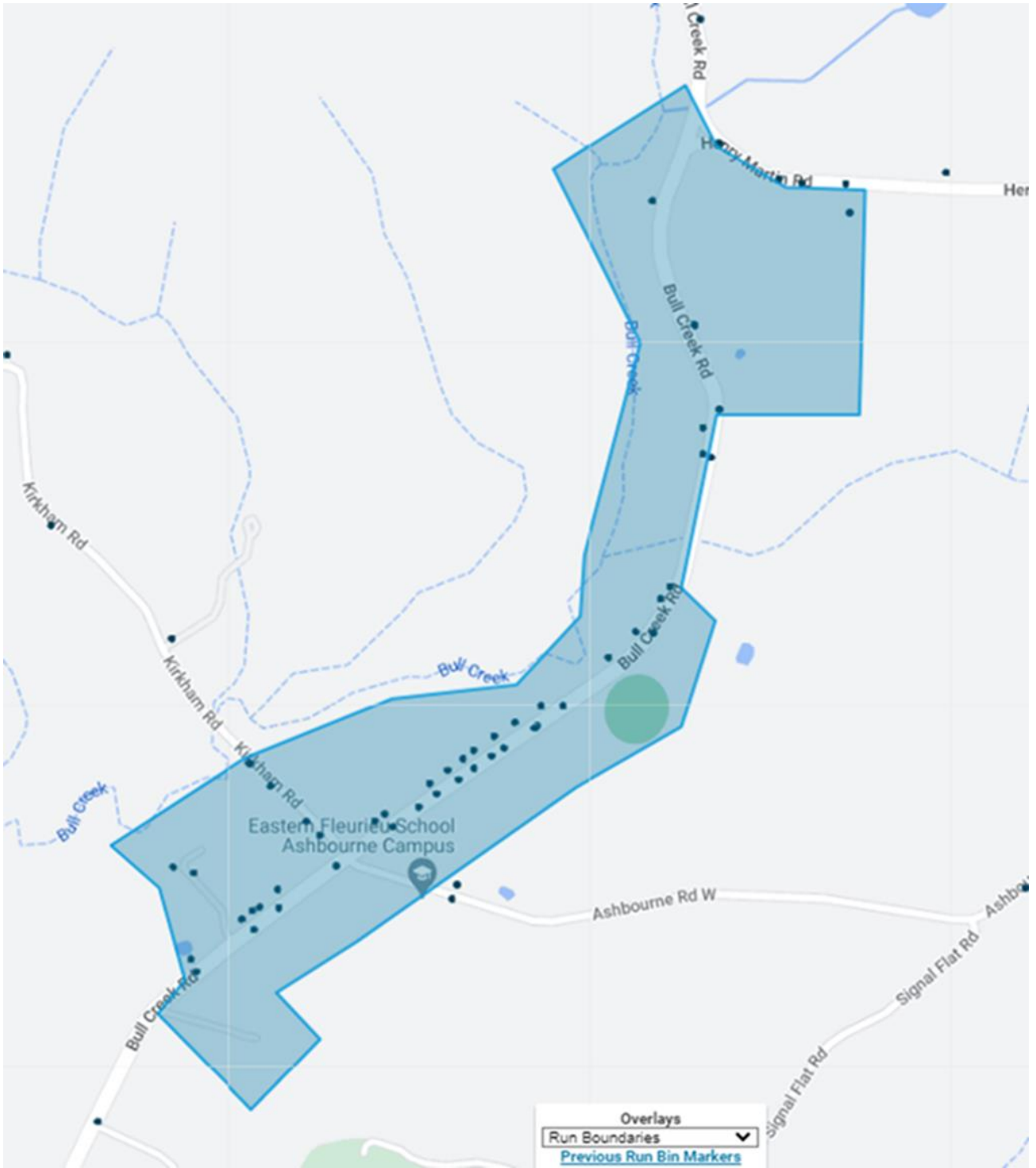
Again, these costs would be different now and more expensive. FRWA would need to re-quote if council wants to provide FOGO to Ashbourne.

More recently – in September/October 2022 Council following a motion on notice extended the service on Hindmarsh Island to include properties that were not previously included on Hindmarsh Island, being: Sugars Beach, Mundoo Channel Drive, Goolwa Channel, Chappel Road and Mills Road – this is in addition to the Coorong Quays area and the other ‘residential’ properties that were already receiving this service.

The Fleurieu Regional Waste Authority (FRWA) Executive Officer (Simon Grenfell) will be attending an upcoming Council Member briefing that will include FOGO Green Waste Services including current costings to expand the service and then it is recommended that council can consider this as part of their budget for 2023/24. This way Ashbourne is not dealt with in isolation and Council can determine an overall position.

As an initial guide, to service the 64 allotments in the area mapped below would be:

- Implementation (Bins, caddies and roll out): \$4,077 (one off amount)
- Collection and Disposal per annum: \$9,582 (recurring cost)



Additional costs for similar townships would need to be determined.

### Attachments

Nil

## 6. Questions without Notice

Council Members may ask Questions without Notice.

## 7. Notice of Motions

### 7.1. Cr Sue Miller - Lot 10 Langhorne Creek Road, Strathalbyn - Business Case

Responsible Officer: Nigel Morris (Chief Executive Officer)

Report Author: Matt Atkinson (Acting General Manager Growth)

#### Prior Resolutions

Meeting Date	Agenda Item Number	Report Title	Resolution Number
19 December 2022	Item 5.1	Questions With Notice - Cr Miller - Lot 10 Langhorne Creek Road, Strathalbyn	N/A
15 August 2022	Item 2.1	Adjourned Debate - Update On the Lot 10 Langhorne Creek Road, Strathalbyn Master Plan Project	ACM221590
4 July 2022	Item 11.2	Annual Business Plan, Budget Adoption and Rate Declaration for the 2022/23 Financial Year	ACM201578
18 July 2022	Item 8.3	Update on the Lot 10 Langhorne Creek Road, Strathalbyn Master Plan Project	ACM221590
20 June 2022	Item 3.3	Question With Notice - Cr Maidment - Lot 10 Langhorne Creek Road, Strathalbyn	N/A
20 September 2021	Item 9.7	Review of Lot 10 Langhorne Creek Road, Strathalbyn Concept Plan	ACM211152
21 June 2021	Item 5.1	Notice of Motion - Cr Coomans - Lot 10 Langhorne Creek Road, Strathalbyn	ACM211027
19 April 2021	Item 2.2	Adjourned Debate - Lot 10 Langhorne Creek Road, Strathalbyn (Confidential)	ACM21948
15 March 2021	Item 5.1	Notice of Motion - Cr Maidment - Lot 10 Langhorne Creek Road, Strathalbyn	ACM21902
15 February 2021	Item 2.2	Adjourned Debate - Lot 10 Langhorne Creek Road, Strathalbyn (Confidential)	ACM21866
19 October 2020	Item 14.1	Lot 10 Langhorne Creek Road, Strathalbyn - Confidential	ACM20749

## Motion

Given the responses to my questions on notice at the 19 December 2022 council meeting:

Moved Cr Sue Miller

That Council request the Chief Executive Officer to prepare a report for Council's March 2023 meeting that considers:

1. Rescinding Council's decision of 4 July 2022 to allocate \$100,000 in the current year 2022/23 Annual Business Plan (ABP) and budget for scoping of works to provide services (sewer, water, electricity) to Lot 10 Langhorne Creek Road, Strathalbyn;
2. Retaining and reallocating this \$100,000 in the 2022/23 ABP and budget to the preparation of a comprehensive business case that gives consideration to needs analysis, community consultation, cost and budget, staging, management models, funding, community benefit, economic benefit, wellbeing benefit, opportunity risk management, depreciation and maintenance costs, useful life costs and financial 10-year forecasts;
3. Note that the business case, if prepared, will in effect be a strategic reference document that gives an analysis of recreational and sporting facilities currently available (and potential future demand for these) in Strathalbyn and surrounds, so as to:
  - a. inform and give confidence to decision making regarding the future use of Lot 10; and
  - b. be a document that individual sporting or recreation groups can reference when applying for grant funding.
4. Within 7 days write to the project steering group members to keep them informed and invite their feedback on this proposed approach.

## Reason

Cr Sue Miller:

1. *The Lot 10 project is not a new initiative; it has been the subject of Council decision making between 2011 and 2017. The North Ward communities have been very patient, given Council obtained the land decades ago for a future recreation ground. For an overview go to: <https://www.alexandrina.sa.gov.au/live/projects/major-projects/lot-10-langhorne-creek-road,-strathalbyn>*
2. *Recent History:*
  - a. *19 October 2020, 15 February 2021, 19 April 2021, 21 June 2021 – agenda items.*
  - b. *20 September 2021 Council resolved to engage a consultant to assist in preparing a revised concept plan for Lot 10 at an estimated cost of \$20,000, and to establish a steering group comprised of representatives from the interested groups to assist in the development of a revised concept plan for Lot 10.*
  - c. *17 October 2021 Strathalbyn and District Basketball Association revealed \$8.5m plans for a new, much larger indoor sports centre at Lot 10, seeking grant funding.*
  - d. *27 April 2022 - public consultation sessions on the Lot 10 concept plans held.*
  - e. *14 June 2022 I made a verbal and written submission about Lot 10 during consultation on the draft Annual Business Plan and Budget 2022/23.*
  - f. *20 June 2022 Council briefing session re concept plans; Cr Maidment's question on notice.*
  - g. *4 July 2022 following public consultation on this year's ABP and budget, Council resolved (minute ACM201578) that the \$880k originally included in the draft ABP would be spread over 2 years, with year 1 \$100k for 2022/23 and \$780k in 2023/24.*
  - h. *15 August 2022 Council resolved to include the Strathalbyn Harness Racing Club (SHRC) as a Project Steering Group Member, after SHRC initially not expressing interest in joining the Group when it was established.*

- i. 28 November 2022 council meeting Cr Oliver and I both asked questions without notice regarding this project – Cr Oliver’s related to funding spent to date, being \$10,000 by SHRC back in 2014, Council’s \$20,000 for concept plans last financial year, and the current budgeted amount of \$100,000 (currently unspent).*
- j. 19 December 2022 I asked questions on notice regarding status, and Council endorsed a Terms of Reference for the Lot 10 Project Steering Group.*
- 3. Lot 10 is an intergenerational and intragenerational project. It has appeal for many diverse user groups, young and old, right now and into the future, and will attract investment in the North Ward. It has great potential to maximize community outcomes and build on the social equity and financial equity, not to mention council administrative equity, already associated with Lot 10. It is my view this project will be an enabler for our community rather than constraining it, as is currently the situation when it comes to recreational and community facilities across the North Ward.*
- 4. This purpose built, contemporary recreational and community infrastructure will be a catalyst for the North Ward, with passive open space and high visual amenity. It is an ideal location for incorporating a dog park. It will drive property values and investment. Lot 10 will help develop the North Ward’s local economy and support our broader Alexandrina Council and Fleurieu economy.*
- 5. In my experience, a requirement of grant funding applications is a business case that considers needs analysis, community consultation, cost and budget, staging, management models, funding, community benefit, economic benefit, wellbeing benefit, opportunity risk management, depreciation and maintenance costs, useful life costs and financial 10-year forecasts.*
- 6. The logical next step, and what is missing, is a definitive, broader analysis of sporting and recreational needs in Strathalbyn and surrounds. The business case is an essential, strategic document that articulates and analyses the WHY, WHAT, HOW and WHEN. Without it, this project remains at risk, as does the \$780k proposed for 2023/24. A business case can be prepared regardless of SHRC involvement.'*

## **Officer Comments**

The preparation of a business case to support the establishment of the Lot 10 Langhorne Creek Road recreation precinct would provide important information and data that will support and inform the viability and timing for community groups to relocate to the site. A well-informed business case will be an important document for all potential tenants of the land if they are seeking grant funding to support their new facilities.

The reallocation of budget funds from infrastructure access investigations to the preparation of a business case can be accommodated. It is feasible and achievable to have a business case prepared in the current financial year.

It is likely that the preparation of a business case for the Lot 10 Langhorne Creek Road recreation precinct would not cost as much as the infrastructure investigations, so there will likely be some savings in this financial year. However, the infrastructure investigations will need to be undertaken during the 2023-24 financial year and will need to be included with the 2023-24 budget.

Council's Administration supports the proposed consultation with the Lot 10 Steering Group members and, if the motion is passed, will report back to Council at the March 2023 meeting with feedback from the Steering Group and some more refined costings for a business case, in accordance with this Motion.

## **Attachments**

Nil

## **7.2. Cr Lou Nicholson - Australian Local Government Women's Association - International Women's Day Event 2023 themed: 'Cracking the Code - innovations as a gender issue'**

Responsible Officer: Nigel Morris (Chief Executive Officer)

Report Author: Cr Lou Nicholson

### **Prior Resolutions**

Nil

### **Motion**

#### **Moved Cr Lou Nicholson**

- 1. That Council support the local 2023 International Women's Day dinner by giving their imprimatur alongside City of Victor Harbor and District Council of Yankalilla.**
- 2. That Council supports the function by a donation of \$500.00 to help with fixed costs.**
- 3. That Council support a number of high school students to attend to a maximum of \$300.00.**
- 4. That Council support an International Men's Day function in November 2023 (International Men's Day is on 19 November), by giving their imprimatur and support in the same manner as is adopted for the March International Women's Day event to ensure equity for men as this was promised in 2022.**

### **Reason**

*Cr Lou Nicholson*

*'On 27 March 2020 Alexandrina Council, City Victor Harbor and Yankalilla Council supported the first Regional Forum and International Women's Day event – which despite Covid restrictions was attended by 120 people including four of our current Elected members.*

*Last year, the event was at Strathalbyn Football Club and held on 8 March (a Tuesday night). Over 96 people attended and again, Alexandrina Council along with Mount Barker Council endorsed the event, sponsored students and fixed costs.*

*This year support is being sought from City of Victor Harbor, District Council of Yankalilla and Alexandrina Council. Venues are currently being explored as higher numbers of attendees are expected and three guest speakers have been asked, along with the Federal Member for Mayo.*

*The pencilled in date is the 25th March as the Lord Mayor of Adelaide, Dr Jane Lomax- Smith is unavailable prior. The other two speakers are specialists in innovation, one bringing a surprise 'robot' to the event.*

*Re: Student Sponsorship the public will be asked to support students and at both the previous events were very generous (including Alexandrina Staff member Elizabeth Williams sponsoring both years and Penny Worland sponsoring in 2022), so while asking for support it may not be needed.*

*The fixed costs for the event (Welcome to Country, Room hire, linen, staff) will not be added to the dinner which is being charged for at cost. This also gives Council the opportunity to support our local businesses and producers.*

*Should Council decide to sponsor young people again, they will only be charged for the students for the number agreed (if not covered by private sponsorship) and will be billed by ALGWA after the event.*

*Any profits made on the night will go to ALGWA SA to support educating women to stand for Council.*

*Alexandrina Council is a member of ALGWA SA.'*



**Officer Comments**

Nil

**Attachments**

Nil

### **7.3. Cr Lou Nicholson - Reserve Cleaning for peak season periods across Alexandrina Council**

Responsible Officer: Nigel Morris (Chief Executive Officer)

Report Author: Andy Baker (General Manager Infrastructure)

#### **Prior Resolutions**

Nil

#### **Motion**

##### **Moved Cr Lou Nicholson**

- 1. That Council administration request, from the Fleurieu Regional Waste Authority, an annual cost estimate and recommended format for Reserve Cleaning throughout the peak season periods across the Alexandrina Council region, including locations, frequency, times and dates.**
- 2. That Council request this information to be provided in time for consideration in the upcoming budget.**

#### **Reason**

##### *Cr Lou Nicholson*

*'Alexandrina Council is home to a number of popular tourist areas including Horseshoe Bay, Goolwa Beach, Middleton and river front reserves and boat ramps. Throughout the peak summer season and long weekends, rubbish management at some of these locations requires additional resources.*

*Reserve cleaning is additional to daily bin collection. It involves a FRWA staff member with a utility vehicle attending on site, picking up rubbish, rotating bins and ensuring location is of sufficient and safe condition for the public.*

*The community of Port Elliot have experienced significant frustration and despair at the state of Horseshoe Bay over the recent Christmas and New Year period. Whilst many bins in the car park remain empty, patrons pile rubbish next to over-flowing bins on the grassed area creating unsightly and unhygienic conditions along with risks to the environment. Unfortunately, the issue is more heavily related to behaviours than resources as patrons are not walking to find an empty bin in the carpark.*

*Currently, local residents are dedicating their own time to rotating the Council bins at Horseshoe Bay and putting overflowing litter into the empty bins.*

*Specific strategies for Horseshoe Bay need to be considered as it does have unique geographical constraints. The Port Elliot Town & Foreshore Improvement Association (PETFIA) have offered their February meeting as an opportunity to discuss forward initiatives between stakeholders including community, our CEO, council staff, elected members, local businesses and FRWA. A number of ideas and suggestions are already in circulation, and I'd like to acknowledge the work done recently by Cr Coomans, our CEO and FRWA in providing recycling/donation bins to PETFIA for community management – albeit a work in progress.*

*Until then, this motion seeks to gain information for this Council in regards to general peak season rubbish management across our whole region. The issue of peak season rubbish management is not necessarily isolated to Horseshoe Bay.*

*Tourism is a significant economic driver for Alexandrina, but our locals come first. We must implement responsible rubbish management to ensure our local communities, along with tourists, are able to enjoy suitable amenity and hygiene throughout the peak tourist dates. Alexandrina rate-payers delivered a strong message during the 2022 council election that they want basic council services delivered as a priority in the budget, before other spending is considered.*

*As our rubbish management authority, FRWA will have knowledge of the locations and dates across Alexandrina that attract the most complaints. This motion seeks to gain the appropriate information from FRWA for Council to consider how best to proceed in ensuring reliable, adequate rubbish collection across our whole council area through peak tourist dates.'*

**Officer Comments**

A stakeholder meeting with council members, Council and FRWA staff and Port Elliot Town & Foreshore Association members has been arranged to discuss the matter

**Attachments**

Nil

## 8. Administration Reports

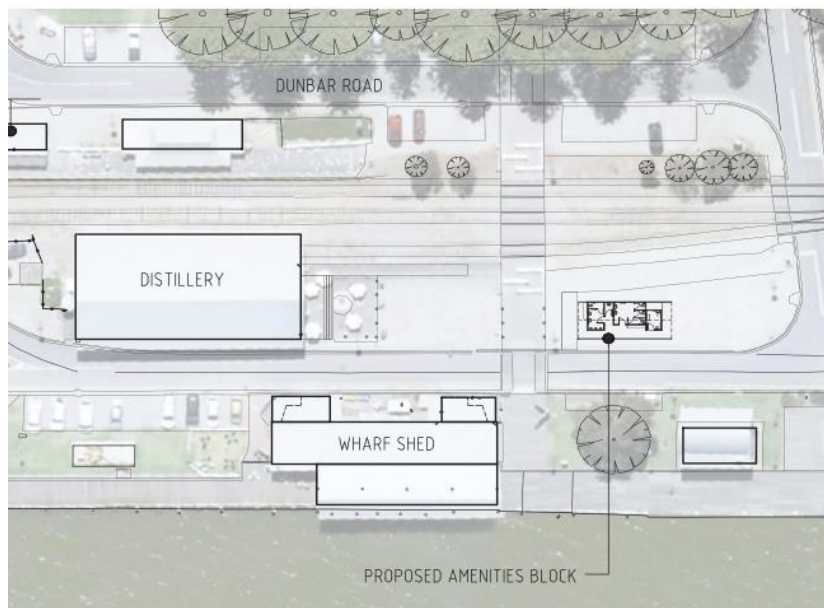
### 8.1. Goolwa Wharf Precinct Revitalisation Project

Responsible Officer: Nigel Morris (Chief Executive Officer)

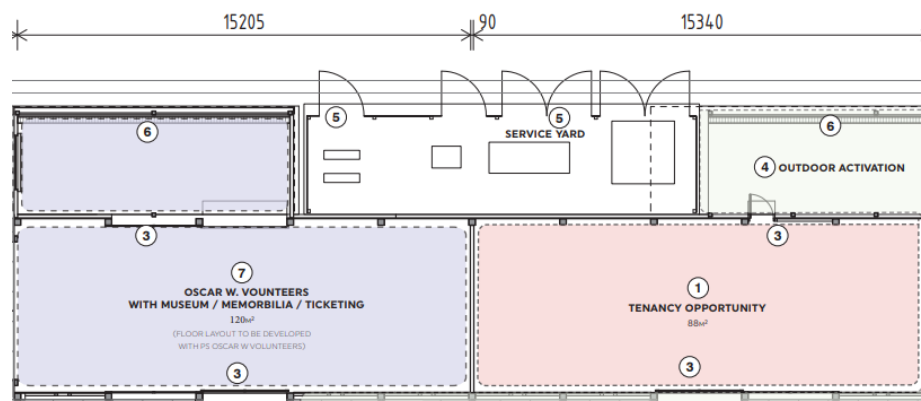
Report Author: Nigel Morris (Chief Executive Officer)

#### Recommendation

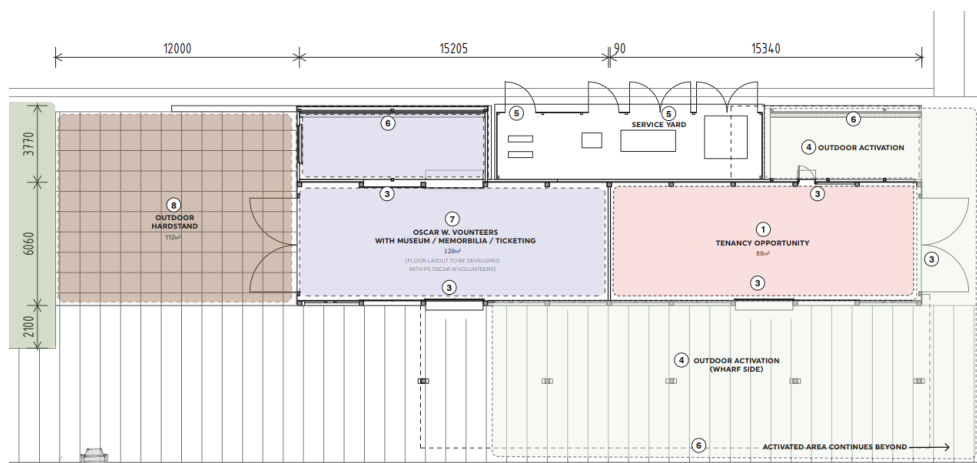
1. That the Goolwa Wharf Revitalisation Project Plans be updated to have the toilet facilities (Proposed Amenities Block) external to the Wharf Shed as indicated in the below diagram:



2. That the Option D plan also be updated to include:
  - a. Glazing to south-west wall of wharf shed (Oscar W maintenance area)
  - b. Wharf Shed Fit-out costs for Oscar W tenancy
  - c. Extension of painting to all of Signal Point
  - d. Delivery of Wharf Shed as defined under option B (full internal lining & insulated and glazing to front, back and sides)
  - e. An extra 5 car parks at Amelia Park
3. That the internal allocation of the space within the Wharf Shed be provided as follow (Commercial = 88m<sup>2</sup>, Oscar W = 120m<sup>2</sup>):



With additional external allocation as indicated below (and provided in Attachment 2):



4. That Council commit to proceeding with Option D (enhanced) of the Goolwa Wharf Revitalisation Project for \$14,550,000 with the following funding structure:

Description	Council Contribution Committed	External Funding Committed	Total Project Cost
Option D - Enhanced	\$9,550,000	\$5,000,000	\$14,550,000
	(66%)	(34%)	(100%)

5. That the Budget and Long Term Financial Plan adjustments required to the accommodate the revised project budget of \$14,550,000 be made at the 2022/23 Mid Year Budget Review.
6. That in the preparation of the 2023/24 Annual Business Plan and Budget that Administration present to Council and the Community additional options to reduce Council’s debt.
7. That the Mayor and Chief Executive Officer be delegated to negotiate and sign all associated contracts within the revised budget of \$14,550,000 noting that further discussions will occur on the methodology to reconstruct the Wharf deck and Wharf shed.
8. That the Mayor and Chief Executive Officer be authorised to negotiate and sign an early works contract of up to \$2,750,000 (out of the \$14,550,000 revised budget) to allow the head contractor to immediately proceed to:
- Purchase and organise delivery of the required Wharf Deck Timber
  - Commence the Signal Point Works including:
    - Roof repairs (roof sheet replacement and structural repairs)
    - Heating/cooling system
    - Electrical augmentation (new supply, new switch board, cabling, etc)
    - Applicable overheads and profit
9. That the external consultant’s report (tabled at the Council meeting) to provide an updated assessment regarding the financial implications of progressing the Project be included in the minutes of the meeting.

10. That the Wharf Barrel Shed be relocated during the period of displacement from the Wharf Shed to Signal Point under current lease arrangements.
11. That consideration of the Option B plan for the Goolwa Wharf Revitalisation Project be subject to discussions in the draft 2023/24 Annual Business Plan and Budget process.
12. That the extension request from the owners of the Wharf Barrel Shed be subject to a future report to Council.

#### Prior Resolutions

Meeting Date	Agenda Item Number	Report Title	Resolution Number
7 March 2022	2.1	Adjourned Debate - Cr Farrier - Goolwa Wharf Precinct revitalisation - Concept Plan Revision	ACM221338
7 March 2022	3.1	Goolwa Wharf Precinct Revitalisation Project – Options	ACM221399
18 July 2022	7.1	Notice of Motion – Cr Carter – Goolwa Wharf/Oscar W	ACM221585 ACM221586

#### Community Strategic Plan Impact

<b>LIVEABLE</b>	<b>Distinctive townships, places, spaces, and transport networks that support active lifestyles vibrant cultures and productive enterprise</b>
<b>GREEN</b>	Climate ready, a place where nature is valued, and resources are managed sustainably and creatively to support a new economy
<b>CONNECTED</b>	Created for, with and by the community. We are safe, healthy and all enjoying accessible infrastructure and services
<b>ENABLED</b>	Recognised as a trusted leader, known for our forward-thinking approach, can-do attitude, and operational excellence

#### Report Objective

For Council to consider

- the location of toilet facilities on the Goolwa Wharf frontage
- the allocation of space within the Goolwa Wharf Shed between the Oscar W and the commercial tenant
- to allocate the revised budget to the Goolwa Wharf Precinct Revitalisation Project
- to authorise the negotiation and signing of the head contract for the Goolwa Wharf Precinct Revitalisation Project
- to authorise the negotiation and signing of an early works contract to allow the ordering of required materials and the commencement of the Signal Point Works to meet tight timeframe for funding commitments
- the relocation of the Wharf Barrel Shed to Signal Point during Wharf Construction

## **Executive Summary**

Due to the size of the report and the number of photos and illustrations required for Council to make a decision on the Goolwa Wharf Precinct Revitalisation Project a separate report has been provided in Attachment 1.

The report needs to be read in full.

## **Context**

Nil

## **General Analysis**

Nil

## **Comparative Analysis**

Nil

## **Financial and Economic Implications**

Nil

## **Risk Management**

Nil

## **Conclusion**

Nil

## **Attachments**

Attachment 1 - Goolwa Wharf Precinct Revitalisation Project Report

Attachment 2 - Space Allocation of the Goolwa Wharf Shed

Attachment 3 - Option D - Enhanced Plan

## Goolwa Wharf Precinct Revitalisation Project

### Background

At the 7 March 2022 a Special Meeting was held to consider options for the Goolwa Wharf Revitalisation Project. The agenda and attachments for this meeting provide a complete background on the project.

The Council agenda from this meeting is found at the following link:

[Council-Special-Agenda-7-March-2022.pdf \(alexandrina.sa.gov.au\)](#)

The attachments (containing 547 pages) to this meeting are found at the following link:

[Attach-31-FINAL-GWP-Master-Plan-Options-Report-March-2022.pdf \(alexandrina.sa.gov.au\)](#)

This report will not duplicate the contents of the 7 March 2022 Special Meeting but details what happened at the March meeting and provides an update following the meeting.

The 7 March 2022 Council meeting first considered an Adjourned Debate of a Motion on Notice from the 24 January 2022 Council meeting – “Cr Farrier - Goolwa Wharf Precinct Revitalisation - Concept Plan Revision” and resolved:

**ACM221338 That Administration revise the Goolwa Wharf Precinct Revitalisation – Concept Plan Revision to:**

- 1. Retain Jaralde Park as a marketplace and park with a lawn surface.**
- 2. Provide Hector's with car parking directly adjacent to the venue.**
- 3. That Administration enters into a meaningful round table discussion with the Friends of the PS Oscar W, The Wharf Barrel Shed, Council and all other interested parties to come to a mutually agreed outcome, with meetings minutes and reported back to the chamber for Council resolution following community consultation.**
- 4. That Administration immediately begin the reconstruction of the Goolwa Wharf structure, together with Signal Point's roof and air conditioning.**
- 5. That Council holds discussions with the Goolwa Wharf precinct leaseholders in regards to recovery of costs.**



## **In response to the resolution ACM221338 following the March 2022 meeting:**

The Concept Plan was updated to include:

- Retain Jaralde Park as a marketplace and park with a lawn surface
- Provision for Hector's with car parking directly adjacent to the venue

### **Roundtable discussion with Stakeholders**

A roundtable discussion was held with the Friends of the PS Oscar W and the Wharf Barrel Shed, 28 July 2022. A representative from the Fleurieu Distillery was also invited but unable to attend.

A summary of the meeting is as following:

- Both parties stated they wanted more space and were passionate about the Wharf Shed.
- Discussion was held on the internal housing of the toilets within the Wharf Shed
- Discussion was held with both parties indicating a preference for the north end of the Wharf Shed.
- A discussion on the use of Signal Point to highlight the River and Wooden Boat history and provide for a workshop environment along with Council able to provide offsite storage facilities for Oscar W if required.
- The architects provided three sample layouts for Oscar W that illustrated space allocation as follows:
  - Interpretative Centre
  - Workshop
  - Meeting/Staff Room
  - Archives (including use of mezzanine floor)
  - Ticket/Sales
- Both parties wanted to be allocated space and then continue to work on internal layouts.

Reconstruction of the Goolwa Wharf Structure and Signal Point's Roof and air-conditioner required the appointment of a contractor and budget allocation and Administration continued to work towards achieving this.

Goolwa Wharf precinct leaseholders acknowledged that during reconstruction there would be loss of income. Any contributions towards cost recovery could be achieved in the setting of market rents when rent reviews are conducted.

At the 7 March 2022 Special Meeting, Council considered report 3.1 – “Goolwa Wharf Precinct Revitalisation Project – Options”:

The report presented 4 options A,B,C and D for the Wharf Upgrade as per below:

Project Scope Item	Option A	Option B	Option C	Option D
Asset Renewal – Wharf, Wharf Shed and Signal Point Gallery Roof	✓	✓	✓	✓
New Heating/Cooling System to Signal Point Gallery	✓	✓	✓	✓
New Amenities and Kitchen Area in Wharf Shed (removal of existing external Toilets)	✓	✓	✓	✓
Wi-Fi Expansion	✓	✓	✓	✓
CCTV (Improve Security & Safety)	✓	✓	✓	✓
Way-finding Signage	✓	✓	✓	✓
Solar Panel System on Free Standing Shelter (rear of Signal Point Gallery)	✓	✓	✓	✓
Entrance Canopy to Signal Point Gallery	✓	✓	✓	✓
Formalisation of Rail Corridor (fencing and mazes)	✓	✓	✓	✓
Car Park at Porter Street	✓	✓	✓	✓
Car Park at Amelia Park	✓	✓	✓	✓
Car Park adjacent Hectors on Wharf Business	-	✓	✓	✓
Car Park at Jaralde Park	✓	-	-	-
Lighting for Pedestrians and Cars (Smart Poles)	✓	✓	✓	-
Markets operate in Jaralde Park or Waterfront	✓	✓	✓	-
Continuous Water Front Open Space & Activation	✓	✓	✓	-
Creation of Shared Zone (pedestrian and cyclist priority, with essential vehicle access and accessible parks)	✓	✓	✓	-
Enhanced Amenity, Public Realm, Pathways and Connectivity	✓	✓	✓	-
Creation of Plaza Areas and Open Space (to support outdoor dining, picnicking, community events)	✓	✓	✓	-
Enhanced Forecourt area to Signal Point Gallery	✓	✓	✓	-
Retail/Hospitably Business Opportunities in Wharf Shed (North Side)	✓	✓	✓	-
Retail/Hospitably Business Opportunities in Wharf Shed (South Side)	✓	✓	-	-
Purpose built, dedicated new facility for the Friends of the Oscar W (including relocation of boat to south end)	✓	✓	-	-
Maintain Friends of the Oscar W at Wharf Shed (South Side)	-	-	✓	✓

Council in considering the options resolved:

**ACM221399 Moved Cr Rebbeck seconded Cr Stewart**

**That Council:**

- 1. Receives and notes the Goolwa Wharf Revitalisation Project Master Plan Options Report as Attachment A to Report Item 3.1.**
- 2. Adopts the following option as the formal Master Plan for the Goolwa Wharf Precinct.**

**Option B Plus Sub-Option B1**

**Approves Master Plan Option B as the preferred option for the Goolwa Wharf Revitalisation Project for a total of \$15,460,000 and amends its Long Term Financial Plan to reflect this, including additional capital expenditure of \$7,960,000 and operational expenditure of \$361,000 (interest and depreciation), offset by additional grant income of \$5,970,000, subject to co-contribution funding from the State and Commonwealth Governments to fund its delivery.**

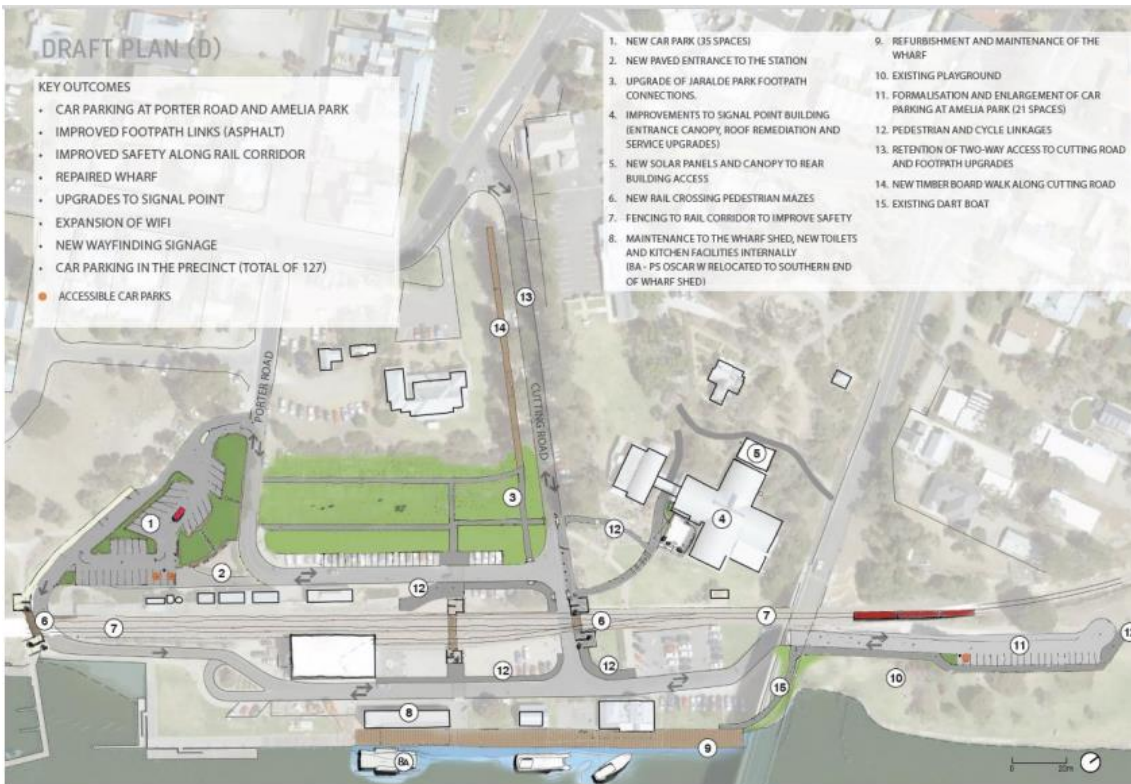
**With the option to include car parking adjacent the Hectors on the Wharf business as referenced at Section 6.4.2.3 to Attachment 1.**

**Approves proceeding with the next phase of stakeholder engagement to inform key stakeholders of the preferred Option and work together to refine the final detail.**

**Notes that further information on Element 9 of the Plan and the use and space allocation within the Wharf Shed will be presented to a future meeting of Council.**

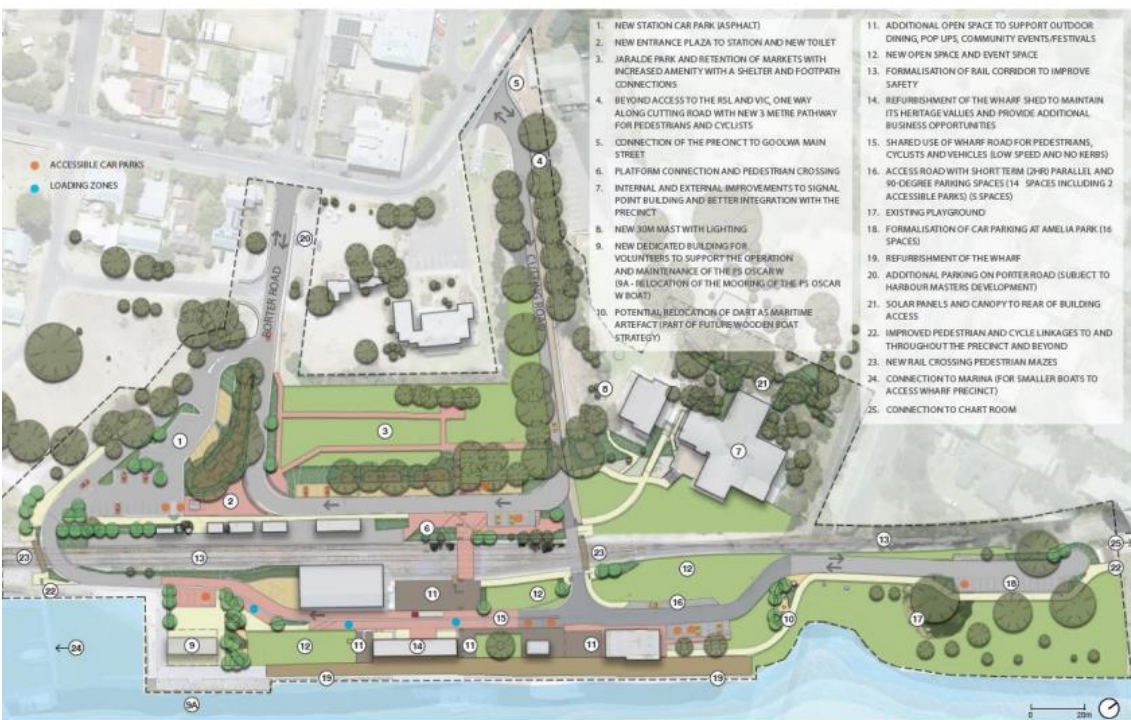
- 3. Approves the scope of works as described in Option D as Stage 1 of the approved Master Plan, and notes that the base scope, is now valued at \$10,200,000 and amends its Long Term Financial Plan to reflect this, including additional capital expenditure of \$2,700,000 and operational expenditure of \$138,000 (interest and depreciation), offset by additional grant income of \$1,350,000, subject to co-contribution funding from the State and Commonwealth Governments to fund its delivery. The timing of future Stages will be presented for consideration as part of a future Council report.**

The plan for Option D following the March 2022 Council meeting is illustrated below:



The plan for Option B following the March 2022 Council meeting is illustrated below:

**ENDORSED PLAN (B) MODIFIED**



At the time of the 7 March 2022 Council report, Council had previously allocated \$2,500,000 to the Wharf Project and had received \$5,000,000 in external funding to fully fund a \$7,500,000 project as detailed in the following table:

Source	Fund	Amount	Percentage
<b>Council</b>		\$2,500,000	33%
<b>State Government</b>	Regional Growth Fund	\$1,250,000	17%
<b>Federal Government</b>	Better Regions Fund (Round 4)	\$3,750,000	50%
<b>Total</b>		<b>\$7,500,000</b>	<b>100%</b>

The requirements on the receipt of grant funding are discussed later in this report.

The 7 March 2022 Council resolution acknowledged additional funding requirements as follows:

Description	Council Contribution Committed	External Funding Committed	Seeking External Funding	Total Project Cost
<b>Option D</b> is costed at \$10,200,000 and is subject to Council adding an additional \$1,350,000 to the already committed \$2,500,000 (subject to receiving an additional \$1,350,000 externally)	\$3,850,000 (38%)	\$5,000,000 (49%)	\$1,350,000 (13%)	<b>\$10,200,000</b> <b>(100%)</b>
<b>Option B</b> is costed at \$15,460,000 and requires Council to contribute an extra \$1,990,000 to the already committed \$2,500,000 and is subject to receiving an additional \$5,970,000 being received in external funding.	\$4,490,000 (29%)	\$5,000,000 (32%)	\$5,970,000 (39%)	<b>\$15,460,000</b> <b>(100%)</b>

Following the 7 March 2022 Council meeting, Administration continued to seek external funding as per the resolution, however with the change of both State and Federal Governments funding opportunities were not made available and at this point no additional external funding has been provided.

The resolution provided the ability to commence Option D and if funding became available continue on complete Option B.

An update on the financials is provided later in the report.

**The requirements of the \$5,000,000 Grant Funding already received**

The business case submitted for grant funding is included within the link to the 7 March 2022 attachments. The resulting grants for both State and Federal Governments require the following milestones to be achieved:

**Performance Milestones:**

Performance Milestones	Achievement Dates
<p>1. Evidence to the satisfaction of the Treasurer that the Grantee has completed the upgrade of the Signal Point Regional Art and Cultural Centre for the Project, including</p> <ul style="list-style-type: none"> <li>a. Installation of air conditioning;</li> <li>b. Replacement of the existing roof sheets and remediation to the existing roof support structure;</li> <li>c. Development of a new entrance canopy and access ramp;</li> <li>d. Landscaping; and</li> <li>e. Solar Panels mounted on a free-standing canopy to rear of the Signal Point Gallery.</li> </ul>	<p>31 August 2023</p>
<p>2. Evidence to the satisfaction of the Treasurer that the Grantee has completed the Repair of the Goolwa Wharf and Shed for the Project, including:</p> <ul style="list-style-type: none"> <li>a. Asset renewal works to the heritage Wharf Shed building including new roof and wall</li> </ul>	<p>30 November 2023</p>
<ul style="list-style-type: none"> <li>b. Two (2) separate new kitchen facilities and new amenities located within the Wharf Shed for public use; and</li> <li>c. Asset renewal works to the heritage Wharf including rebuilding of the existing wharf, replacement of wharf decking and substructure.</li> </ul>	

<p>3. Evidence to the satisfaction of the Treasurer that the Grantee has completed the shared paths and open space activation for the Project, including:</p> <ul style="list-style-type: none"> <li>a. Installation of footpaths, shared paths and pram ramps (asphalt finish to approximately 500 meters and rubble finish to approximately 100m) approximately 400 metres;</li> <li>b. Sealing of existing gravel carparks (Amelia Park and Porter Street). Maintaining existing Precinct car parks);</li> <li>c. Landscaping; Installation of a boardwalk structure (southern side of Cutting Road)</li> <li>d. Rail corridor fencing and provision of new rail pedestrian crossings; and</li> <li>e. Provision for lighting improvements within the Wharf Precinct.</li> </ul>	<p>31 January 2024</p>
<p>4. Evidence to the satisfaction of the Treasurer that the Project is complete, and that the Grantee has completed the activation of precinct way finding and free Wi-Fi for the Project, including:</p> <ul style="list-style-type: none"> <li>a. Installation of new directional and wayfinding signage across the Wharf Precinct, and new entry statement signage;</li> <li>b. Free public Wi-Fi to service the Wharf Precinct area; and</li> <li>c. New CCTV security system (closed circuit television security system).</li> </ul>	<p>31 March 2024</p>

### Signal Point Experience Centre Grant

In addition to grant funding received, to complement and add value to the existing Goolwa Wharf Precinct Revitalisation project scope, and recognising the need to secure additional funding, a business case was developed to create a compelling experience within the Signal Point building, providing a mixed use experience celebrating the waterfront precinct and region's rich culture and deep history.

In May 2021, Council was successful in securing additional funding of \$980,000 through the Federal Government's Department for Water, Agriculture and Environment, Murray Darling Basin Economic Development Grant Program to create an immersive, storytelling experience based at Signal Point.

This initiative builds on the Goolwa Wharf Precinct Revitalisation Project and provides a central reference point for information pertaining to the Precinct. The project is described in more detail later in the report but in order to meet the grant funding milestone requirements must be officially launched by May 2023. In order to complete the Experience Centre, the Signal Point Roof must be replaced first and the funding from this comes from the grant funding received for the revitalisation project.

## The Location of the Oscar W and Commercial Tenancy

The 7 March 2022 Council resolutions determined the following in regard to the location of Oscar W and the Commercial Tenancy.

### Under Option B

The plan B initially proposed that a new purpose built shed be constructed for the Oscar W Volunteers and that the Paddle Steamer be located in the front of the shed. This is illustrated in the Option B plan at position 9 for the shed and 9A for the Paddle Steamer.



An artist impression of the new purpose built shed is provided as follows:





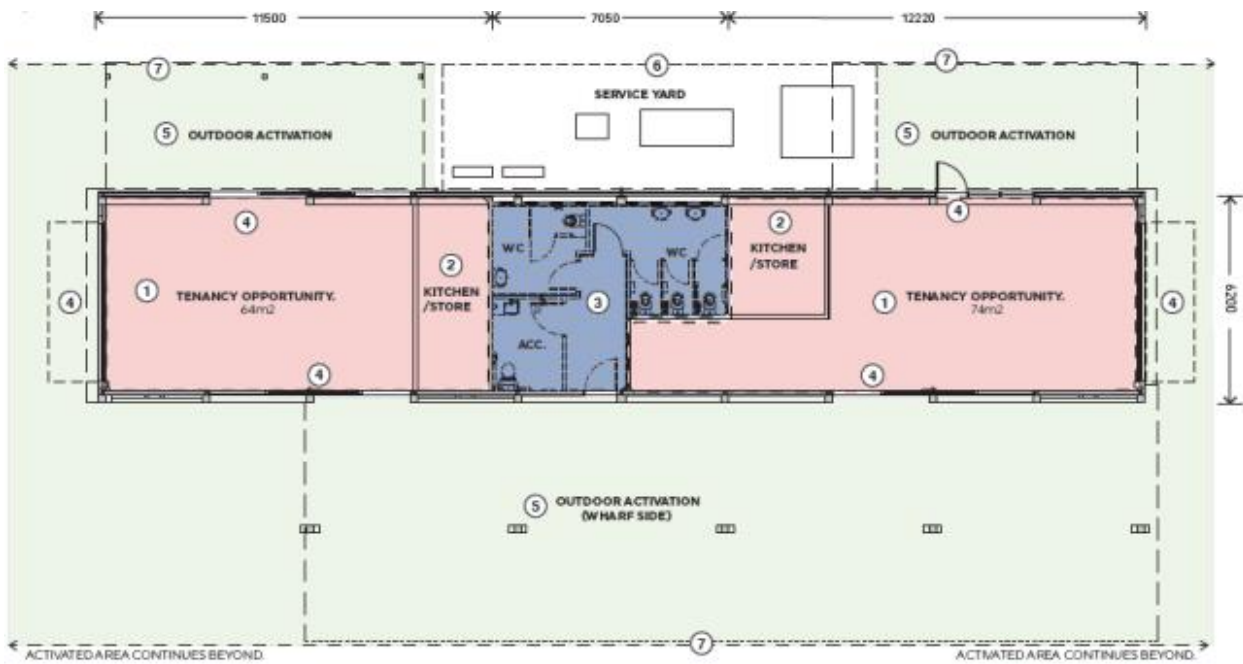
To give perspective of where the steamer would be parked this photo illustrates the Challenger in position:



The photo shows the distance between the Challenger in location and the Oscar W in the current location:



The relocation of the Oscar W under option B provided the opportunity to have two commercial tenancies in the Wharf Shed as illustrated below:



**Under Option D**

The plan D provided for Oscar W to move to the south side of the shed and the commercial tenancy to move to the north side of the shed as illustrated below (similar to the two commercial tenancy layout):

The plan:

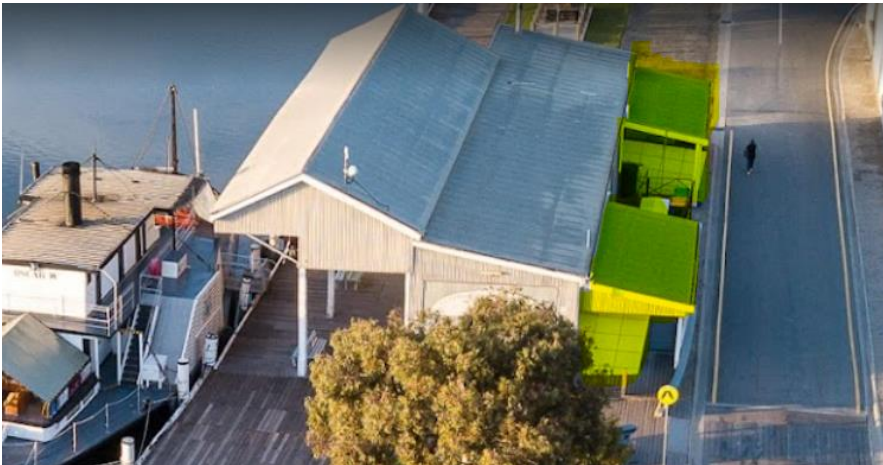


## The toilets within the shed

Under both options D and B the toilets were located within the Wharf Shed, the reasons behind this included:

- The current toilets at the rear of the shed are currently non-compliant and need to be replaced.
- By moving inside the rear of the shed could be activated so that visitors to the Wharf would immediately see activity from the rear and draw them to the Shed.
- The toilets needed be central to the Oscar W space, the commercial tenancy and the Distillery.
- An external toilet to the shed would obstruct views to the river and become a focal point
- Entry and exit to the toilets could be accessed from the Wharf front avoiding the need to use the rear roadway to access.

The current toilets are highlighted in yellow in the below photo:



The following illustrates how the removal of the toilets at the back opens up opportunities for activation at the rear of the Shed. At present you need to get to the front of the shed to see if the facilities are open and what activity is happening:



3D PERSPECTIVE VIEW 02

## Oscar W to go to the South Side of the Shed

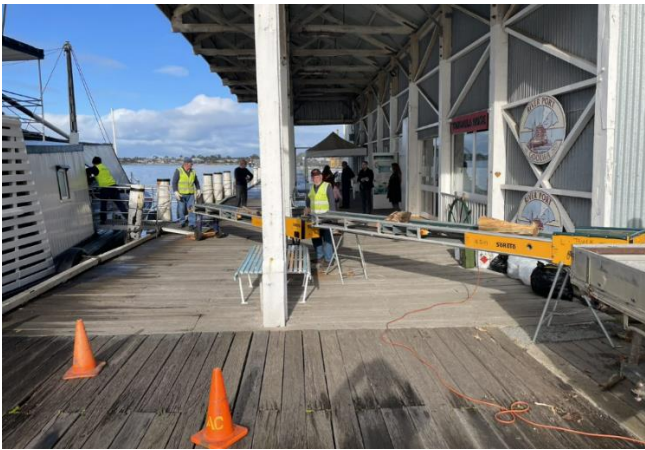
Council resolved at the 7 March 2022 meeting that under option D the Oscar W facilities moved to the South Side of the shed, reasons behind this included:

- The North Side of the Wharf Shed provides greater protection from the weather including the cold winds
  - The hero of the Oscar W is the actual boat, visitors will also visit the facilities within the Shed.
  - Current visitors to the current commercial tenant are there for the facilities within the Shed and adjoining outdoor areas.
  - The current commercial tenant is open 7 days a week
  - The Oscar W is run by Council Volunteers and currently advertises that cruises are available on selected dates per month.
    - The Goolwa Riverboat Centre is generally open on Wednesdays and on cruise days. It is however acknowledged that the volunteers have the intention of increasing the number of open days per month.
  - The North Side frontage is completely under roof (the South Side is not) which is more suitable for outdoor dining.
- Currently the Oscar W volunteers need to perform work on the boat on the Wharf, this includes loading of the wood (pictured below). Moving to the South side will reduce the need to walk past the work to get to the commercial tenancy.
  - Under the Option D plan an Outdoor Hardstand is used adjacent to the Shed to avoid foot traffic going through a work area.
  - The Hardstand does not have a structure on it allowing a better view to the river from the current Fleurieu Distillery
- The moving of the boat to the South side of the Shed assists with placing a distance between the Oscar W and Spirit of the Coorong to avoid any mishaps.

Concerns have been raised on:

- The reduction of the current space allocation to the Riverboat Centre (This will be discussed later in the report)
- The fact that the South Side is not completely under roof (this will be shown in an upcoming photo) there is concern that queues to the Riverboat Centre will not be protected from the weather.
  - The current commercial lease tenant has confirmed that they welcome the queues to be lined up in front of their premises for the Riverboat Centre should weather protection be required and this can be written into any future lease.
- The moving of the boat to the South end of the Wharf Shed may make it less visible to visitors approaching from the Steamranger Train or Goolwa
  - A part of both options D and B is the providing of wayfinding signage, this will include directing towards Oscar W
  - The Signal Point Experience Centre (discussed later in the report) will be directing visitors to the Oscar W.
  - At the 9 January 2023 Council members were able to view from many points around the wharf area and see for themselves the effect of moving the boat from the north of the shed to the south.

The current task of loading of the wood is performed with a conveyer belt at the front of the shed as illustrated below:



A picture of the Shed as taken from the water is illustrated below. This highlights that the south side of the shed is not fully undercover and that the Fleurieu Distillery window has the potential to be blocked by any structures used adjacent to the South Side Shed.



An example of the current outdoor area for the Wharf Barrel Shed that impacts the Distillery view but needed to protect patrons from the elements:



**Removal of the option for a purpose built shed for Oscar W.**

Following extensive feedback from the “Friends of Oscar W” and the Community that the Oscar W should stay in the Heritage Wharf Shed the following Motion on Notice was resolved at the 18 July 2022 Council meeting:

**7. NOTICE OF MOTIONS**

**7.1 Cr Carter - Goolwa Wharf / Oscar W**

**ACM221585 Moved Cr Carter seconded Cr Farrier**

- 1. That regardless if additional funding is achieved for the Goolwa Wharf, that under both plans B and D:
  - a. That at the completion of the Goolwa Wharf renovation that the Paddle Steamer ‘Oscar W’ remain adjacent to the Wharf Shed.**
  - b. That the volunteer’s facilities to support and service the Oscar W be located within the Wharf Shed in accordance with plan D.****

**CARRIED**

And:

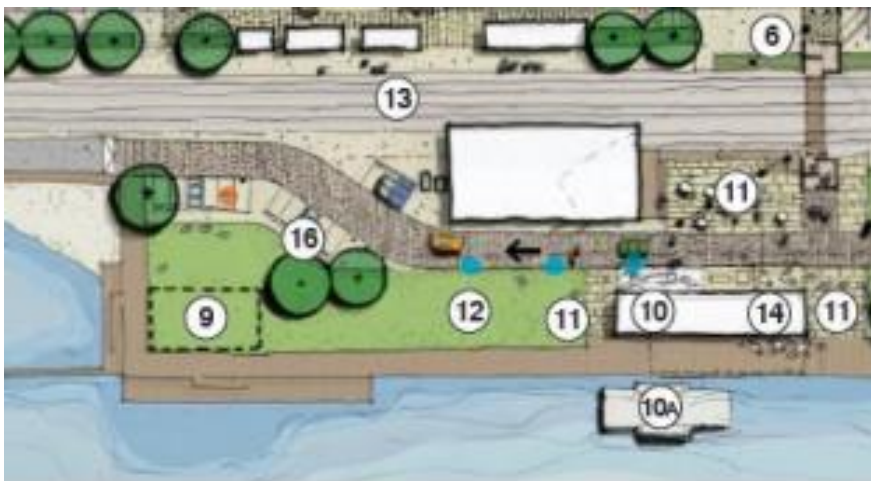
**ACM221587 Moved Cr Carter seconded Cr Farrier**

- 2. That the Goolwa Wharf Master Plan Option B be updated to illustrate that the plan currently showing the new dedicated building for volunteers to support the operation and maintenance of the Paddle Steamer Oscar W be changed to a commercial space made available for commercial tenancies to build at their cost.**

**CARRIED**

Therefore, regardless of funding received Oscar W would remain in the Shed, but on the South Side as detailed in the Option D plan.

The only difference between Option B and Option C presented at the March 2022 Council meeting was that Option B had the purpose build Oscar W shed and Option C did not. Therefore, Option C is now often referred to as the ultimate plan that we are working towards.



9. FUTURE DEVELOPMENT OPPORTUNITY  
10. RETENTION OF OSCAR W VOLUNTEERS AND SCREEN TO NEW SERVICE YARD (10A PS OSCAR W RELOCATED TO SOUTHERN END OF WHARF SHED)

## The petitions that referred to the Oscar W location

The 18 July 2022 Motion on Notice removing to purpose built shed further south on the Wharf assisted in addressing (to an extent) the previous raised concerns of petitions received

### Petition 1

At the 15 November 2021 Council meeting a petition containing a total of 442 signatures

#### **Petition to Alexandrina Council according to the consultation/feedback provision of the Goolwa Wharf Precinct Draft Plan.**

The Principle Petitioner is;

**"Friends of the Oscar W" volunteer group,**

**PO Box 527 Goolwa SA 5214.**

The attached petition of 22<sup>sex</sup> pages with approx. 442<sup>sex</sup> signatures has been submitted to Alexandrina Council in person on the 22<sup>nd</sup> of October 2021 by the President and one other representative of the Principle Petitioner.

The petition highlights the community objection to the proposal in the Draft Plan to move the Oscar W from it's traditional location (adjacent to the heritage wharf shed) to a completely unsuitable location further south along the Goolwa wharf.

**The petitioners request that the Oscar W remain in the current position on the wharf.**

The petition also demonstrates the communities desire for the entire heritage shed now mainly occupied by the Oscar W to be entirely allocated to the Oscar W volunteers for activities related to the operation and maintenance of the vessel as well as possible future development of "museum/interpretive/education" space.

**The petitioners request that the Oscar W volunteer group become the sole tenant of the heritage wharf shed.**

Signed 22/10/2021,

President of the "Friends of the Oscar W"

George Kaiser



Committee member representative

Kevin Cross.



Information Management  
22 OCT 2021

34

The July 2022 resolved motion kept the boat adjacent to the Wharf Shed while noting move from the traditional northern location of the Shed. The reasons behind this were detailed earlier in the report.

The petition also called for the Oscar W to occupy the whole Wharf Shed. As detailed earlier in this report Council received \$5,000,000 in external funding towards the Goolwa Wharf Revitalisation Project. This was based upon a business case submitted for the grant funding.

The Business Case detailed the intention for the Wharf Shed to be shared between a commercial tenancy and volunteers.

The Project Activities detailed the Upgrade of the Goolwa Wharf Shed to support and grow volunteer and private sector operations as follows:

### 1.3. Project Activities

The proposed \$7.5 million investment in the following activities will contribute to the region's reach, reputation and build on its tourism market share as South Australia's highest visited region.

1. **Upgrade of Goolwa Wharf Shed and Wharf** – includes new wharf decking, external and internal improvement to the Goolwa Wharf Shed to support and grow volunteer and private sector operations
2. **Signal Point Regional Art and Cultural Centre** – roof renewal, solar panel system, air conditioning and improved accessibility providing a significantly enhanced art gallery, event space and curated indigenous and early settler exhibitions
3. **Open air function space, shared paths, communal public areas and car park extension** - open space for large public festivals and events, off road shared paths for safe pedestrian and bike access and improved access for large vehicles, touring buses, caravans and trailers
4. **Wayfinding and Wi-Fi** – to meet visitor demands and expectations for high quality and smart technology at destination places

Additional investment in tourism-related infrastructure is critical to realise economic benefits, enhance visitor experiences and increase visitor numbers to the Alexandrina region.

The Business Case highlighted in an illustration (difficult to read below) “Renewal and Reimbursement of Wharf Shed to accommodate Wine Bar and Volunteers”



The Social Benefits to the Community in the Business Case included:

- *A much better space to visit with increased potential local spend for the business community. More visits to the area are likely to attract more business which will lead to more vibrancy and jobs.*
- *Provide employment opportunities for people in our community*

The submitted budget in the Business Case stated:

#### *Renewal and refurbishment of Wharf Shed to accommodate Wine Bar and Volunteers*

The two tenancies in the Wharf Shed were recognised by the funding body in the Milestones provided earlier where it was stated:

*Two (2) separate new kitchen facilities and new amenities located within the Wharf Shed for public use;*



Therefore the \$5,000,000 grant funding has been provided with the expectation of two tenancies in the Wharf Shed.

It is the intention of Administration to run an activation workshop with Elected Members to highlight how various spaces complement each other, for example heading to Oscar W Riverboat Centre will draw attention to the commercial tenant and vice versa.

#### Signal Point Experience Centre (SPEC)

The above Petition provided one of the reasons behind requiring the “*entire heritage shed*” was to allow for “*possible future development of museum/interpretative centre/education space*”

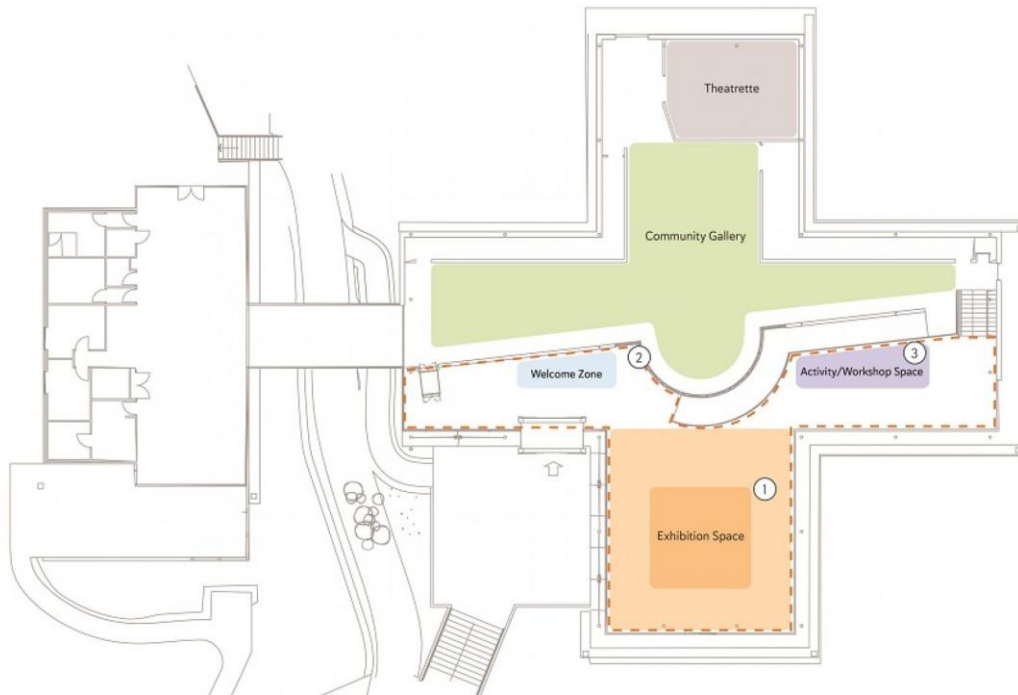
In May 2023 Council is on schedule to go live with the Signal Point Experience Centre. More information on the project can be found at the following link:

<https://www.alexandrina.sa.gov.au/live/projects/major-projects/goolwa-wharf-precinct/signal-point-experience-centre>

The Signal Point Experience Centre project funded by a \$980,000 grant (detailed earlier) includes a fit out of the lower ground floor with a contemporary, story-telling exhibition that explores the history of the Goolwa Wharf precinct, including Ngarrindjeri connection to place, riverboat history and trade and the importance of the river system and preservation for future generations.

The riverboat history and trade story telling will provide for an introduction to the Oscar W and provide the ability to provide interactive interpretative material and education spaces. The layout on the next page highlights that Signal Point will provide an exhibition space, an activity/workshop space and a theater. These spaces will assist in showcasing Oscar W and other riverboat histories.

The layout of Signal Point providing exhibition, activity/workshop and theatre spaces:



The interactive display that will provide for riverboat content noting that this experience is more digital content but to physically touch visitors will be encouraged to visit the Riverboat Centre in the Wharf Shed. What we have learnt during the setup of Signal Point is that to get repeat visitors your content will need to be different at every visit. Therefore, the Friends of Oscar W will be encouraged to not try and have everything that they want to show on display at one time but to constantly change the Riverboat Centre. Council will be able to assist with offsite storage if required.



## Petition 2

At the Ordinary Meeting held 20 December 2021, Council considered a petition from Ms Patricia Williamson containing 1056 signatures, the covering page of the petition presenting the request is below:

## PETITION TO ALEXANDRINA COUNCIL

### PETITION COVER PAGE

To the Alexandrina Council



We the undersigned, petition the Council to :

- \* Retain Jaralde Park as a market place and park with lawn surface
- \* Keep the Oscar W in its current place on the wharf in front of the Heritage Shed
- \* Maintain the Heritage Shed for the use of the Oscar W volunteers
- \* Provide Hector's with car parking directly adjacent to the venue

For the following reasons inter alia:

- \* Jaralde Park is the only option for a successful, viable and safe market place with adequate wind protection
- \* Oscar W requires wharf access at the Heritage Shed for operation & the Riverboat Centre displays
- \* Hector's requires car parking with easy access for the public and mobility impaired patrons

The contact person for this petition is:

Name: Patricia Williamson

Address: 20 King George Street MANNUM SA 5238

Signature:

A handwritten signature in cursive script that reads "Patricia Williamson".

This petition was again tabled at the 19 September 2022 Council meeting confirming that of the 1056 signatures 784 signatures were valid.

In summary of the Council decisions in relation to the items raised in the petition:

- Council resolved to retain Jaradale Park as a market place and park with lawn surface;
- Council resolved to keep the Oscar W volunteers in the Wharf Shed and not build a purpose built facility but it is noted that it is currently resolved to move to the south side of the Wharf Shed and therefore not in its current place;
- Council resolved to keep the Oscar W adjacent to the south of Wharf Shed and not move to the purpose built facility away from the Wharf Shed; Oscar W continues wharf access at the Heritage Shed for operation and the Riverboat Centre displays.
- Council resolved to update the plans to provide Hector's with car parking directly adjacent to the venue.

### Petitions General

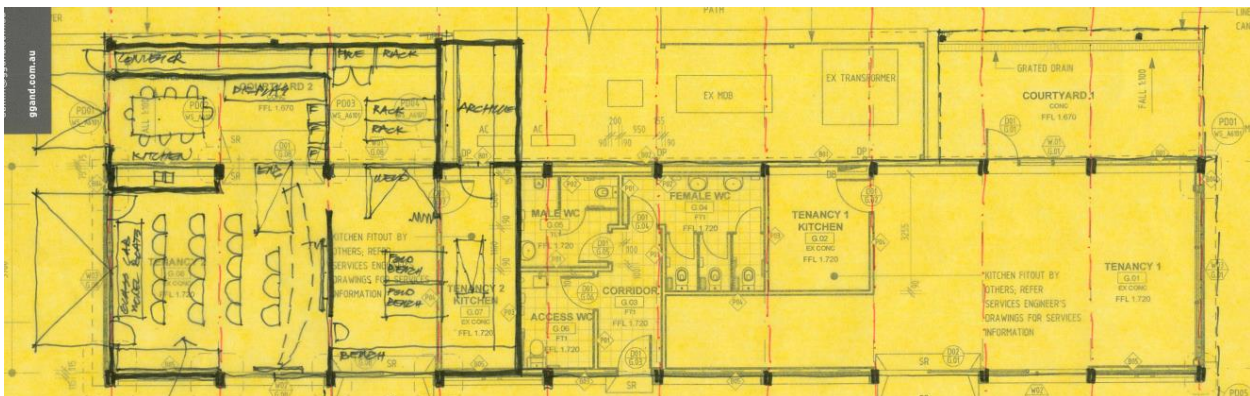
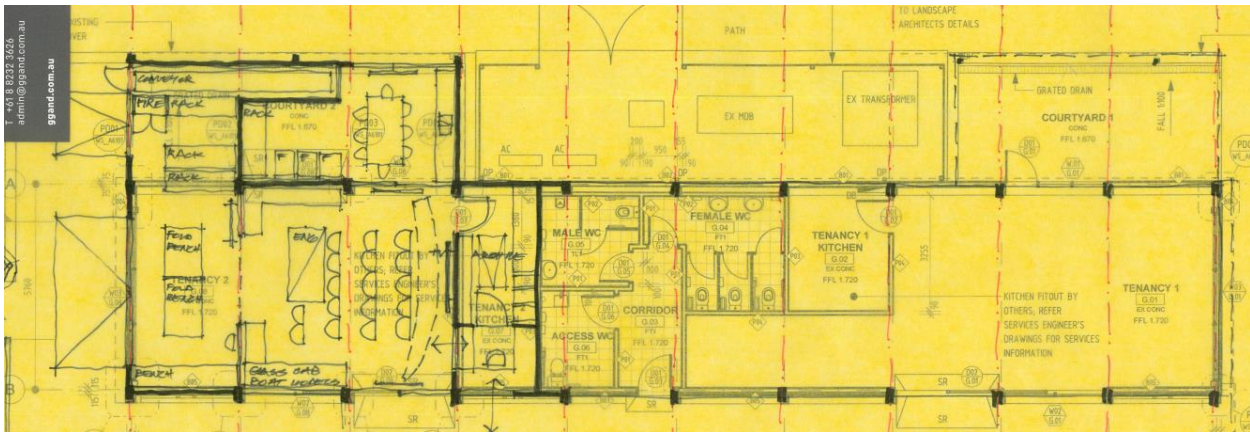
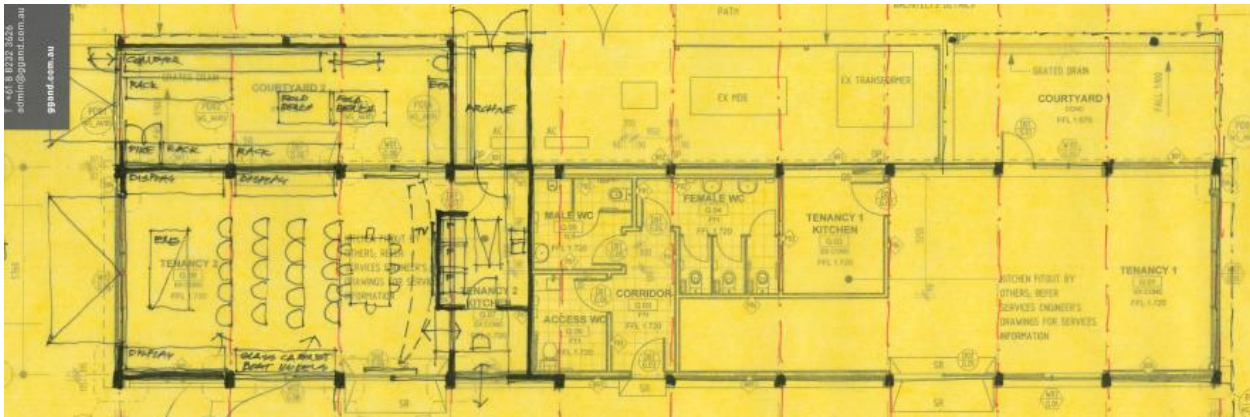
A petition is a request for action often signed by many people, it is not a voting mechanism as it only presents a count for one side. The Wharf Barrel Shed did not perform a petition of their own.

## Goolwa Wharf Shed Plans Following Stakeholder consultation.

The plans of the Wharf Shed as presented to the 7 March 2022 Council meeting and adopted were further consulted with both the Friends of Oscar W and the Wharf Barrel Shed following the meeting.

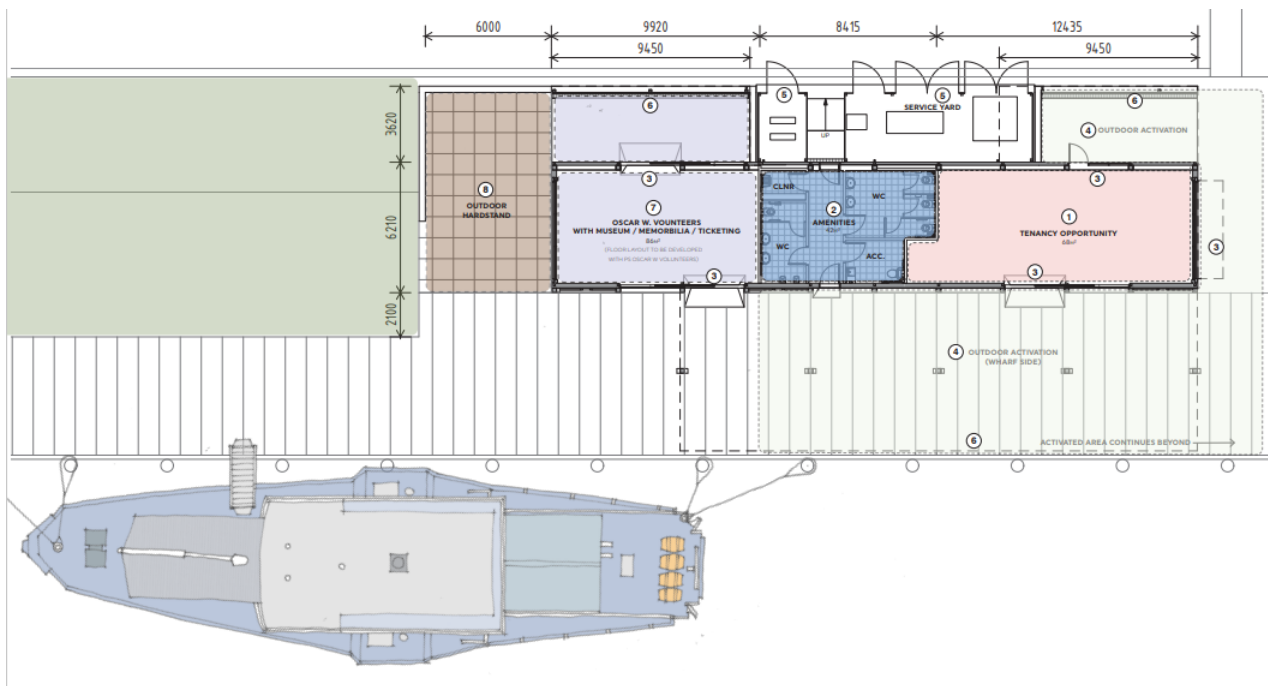
This included providing options for the internals of the Oscar W facilities noting that the internal layout for the commercial tenancy would ultimately be up to the tenant themselves to create.

Example layouts included:



Ultimately, consultation resulted in both parties acknowledging that more space was preferable and the Friends of Oscar W determining that the layout of the shed would not be determined until Council resolved the actual space allocation.

One change that was made to the Wharf Shed layout was the ability to access the toilets from the rear to provide greater accessibility to the rear Fleurieu Distillery as follows:



The following illustrates a rear perspective 3D views showing the ability to activate the rear by highlighting activity through the windows and outdoor dining:



3D PERSPECTIVE VIEW 01



3D PERSPECTIVE VIEW 02



3D PERSPECTIVE VIEW 03



3D PERSPECTIVE VIEW 04

## Difference in Shed under Option D and Option B/C

The following provides the Option B Shed from the side.



1. NEW GLAZING
2. RETAIN CANOPIES.
3. INCREASED ACCESS VIA SLIDING DOORS.
4. PANEL LIFT DOOR
5. CENTRAL WC ACCESS.
6. REPLACE CLADDING WITH NEW GALV. METAL SHEETING.
7. SCREEN TO SERVICE YARD.

IMAGE 2: MASTERPLAN 'C' WHARF SHED, BUILT FABRIC UPDATES FOR TENANCY (WHARF ROAD SIDE).

## Artist impression of Wharf Shed under option B



### Cost difference between Options D & B for Wharf Shed:

The difference in the cost of the Wharf Shed under Option B and Option D is \$545,000.

Note:

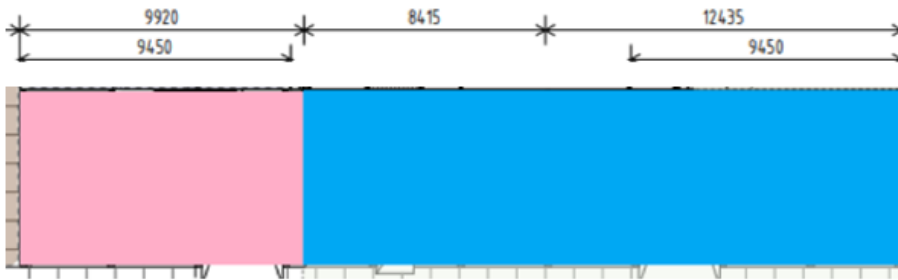
- Both costs are still predicated on toilets being removed from the wharf shed
- Option C is a fully insulated doubled skinned cladding system with additional glazing.
- Option D only remediates the existing wharf shed elements (timber and single sheet steel cladding) to the exact same configuration but include the additional Oscar area to the south-west and back glazing.
- Both options have new concrete footing system & slab and internal steel structural support frame.

**An alternative to the toilets being located within the Wharf Shed**

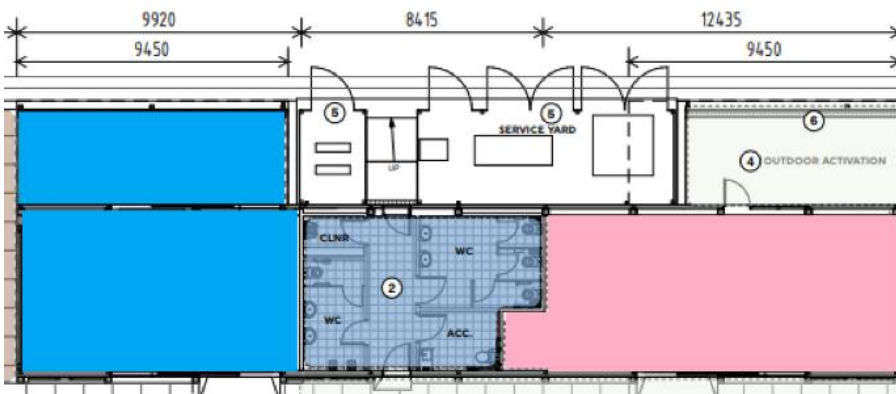
The reasons behind the location of the toilets within the Wharf Shed have been provided earlier in the report but throughout the consultation process with stakeholders have been questioned, this included the recent deputation from "Friends of the Oscar W" at the 19 December 2022 Council meeting.

An alternative approach has been investigated that will remove the toilets from the Wharf Shed and locate near the facility. This will create more space within the shed as illustrated below.

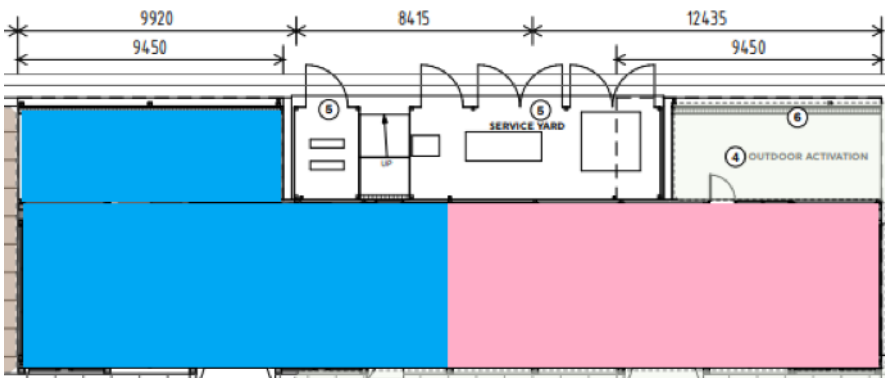
Current: The current space allocation within the shed is below with the pink representing the current Commercial tenant and the blue Oscar W. Commercial tenant = 52.8m<sup>2</sup>, Oscar W = 123m<sup>2</sup>



The following illustrated the internal allocation previously discussed with Stakeholders with side change and additional internal section to the Oscar W south side: Commercial tenant = 68m<sup>2</sup>, Oscar W = 86m<sup>2</sup>

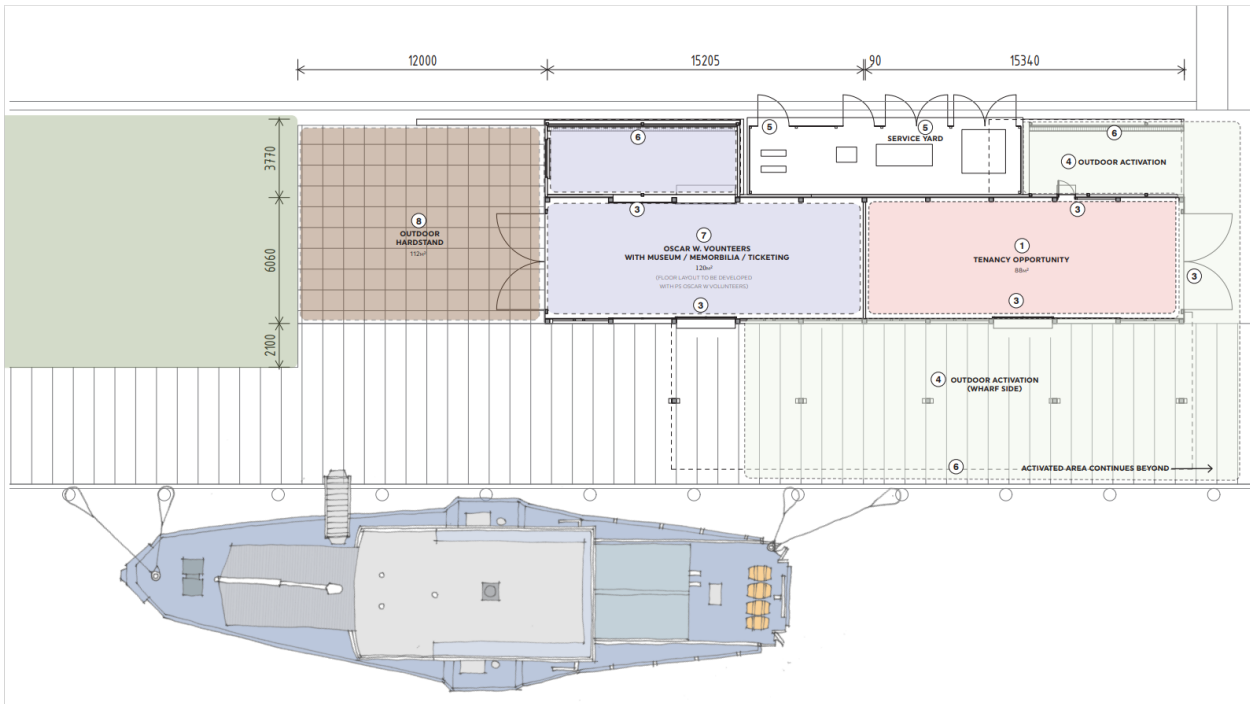


The following illustrates a proposed internal allocation without the toilets. Commercial = 88m<sup>2</sup>, Oscar W = 120m<sup>2</sup>





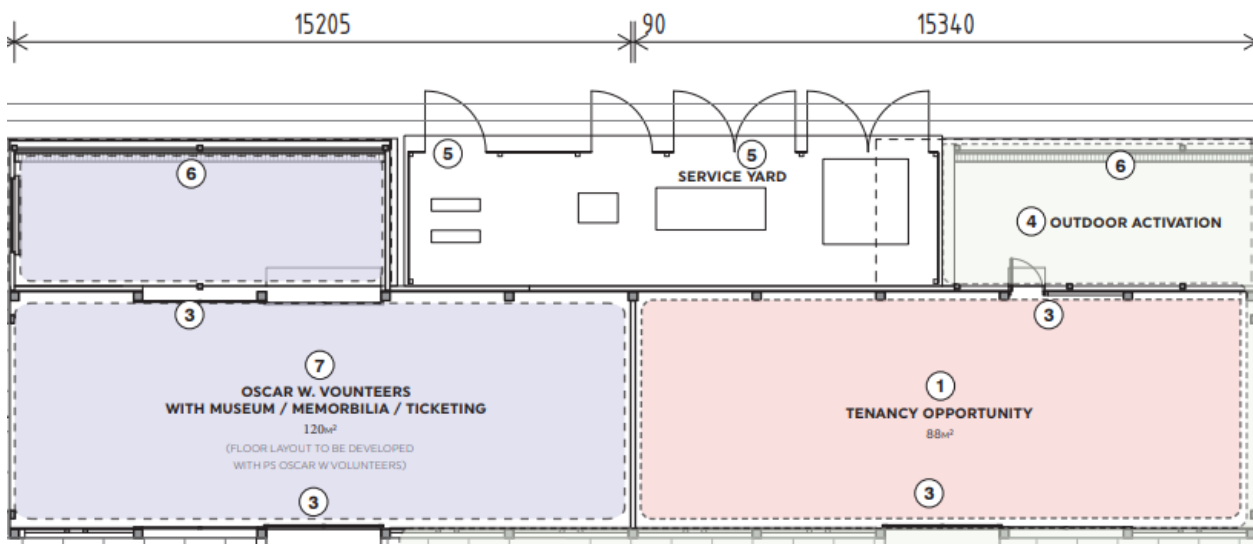
The following provides an updated plan showing the spaces (a larger copy is provided in Attachment 2):



This provides for internals of 120m<sup>2</sup> for the Oscar W and 88m<sup>2</sup> for the commercial tenancy (displayed larger below).

Previously the Shed had internals of “10 bays” with 7 going to the Oscar W of approximately 123m<sup>2</sup> and 3 bays to the commercial tenant at 52.8m<sup>2</sup>.

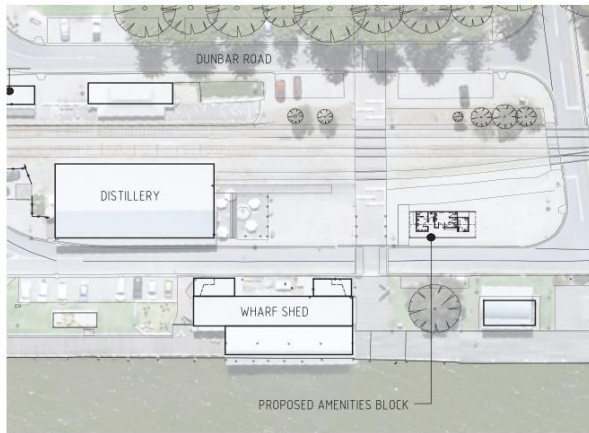
The Oscar W internals reduces by the previous approximately 123m<sup>2</sup> to 120m<sup>2</sup> but adds a 112m<sup>2</sup> hardstand for use and there will now be the Signal Point Experience Centre to further showcase the riverboat.



The removal of the toilets from the Wharf Shed was discussed with the current commercial tenants that stated that while onsite toilets are preferable in the interest of achieving more valuable space for both parties would be a good outcome. The Friends of Oscar W have previously indicated this is their preference. The proposed site for the external toilets is illustrated below (design to be finalised):

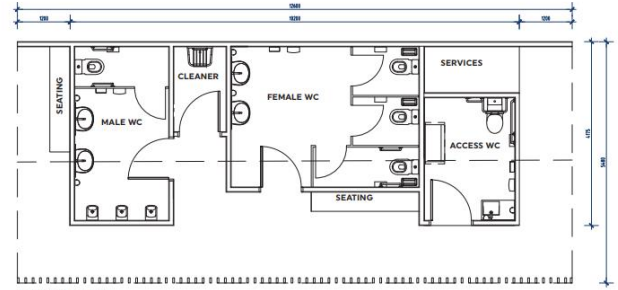
# GOOLWA WHARF PRECINCT

## AMENITIES BLOCK OPTION A



SITE PLAN

1. FORM AND PROPORTIONS REFERENCE PREDOMINANT GABLE ROOF FORM OF EXISTING HERITAGE BUILDINGS
2. PROPOSED ROOFING TO BE GALVANISED STEEL, POSSIBLY IN ALTERNATE PROFILE FROM CORRUGATED
3. WALL CLADDING PROPOSED AS SIMPLE FC SHEET
4. OPPORTUNITY FOR GRAPHICS / ART ON WALL FACING RAIL CORRIDOR
5. ACCESSIBLE FROM BOTH ENDS OF STRUCTURE
6. PROVISION FOR SEATING WITHIN STRUCTURE
7. WATERFRONT SIDE COULD BE SIMPLE VERANDAH, OR MORE ARCHITECTURAL 'COLONNADE'
8. OPPORTUNITY TO ADD ADDITIONAL ACCESS WCS TO END IF REQUIRED



FLOOR PLAN

To provide a guide on how it will sit on the landscape the following artists impressions are provided:



IMAGE 1 - AMENITIES BLOCK



IMAGE 2: VIEW LOOKING EAST WEST



IMAGE 3: VIEW LOOKING SOUTH



IMAGE 3: EXAMPLE CUSTOM 'SHELL' POTENTIAL FOR MODULAR AMENITIES BLOCKS

The net cost of moving to toilets from within the Wharf Shed to a purpose built facility is \$450,000 and discussed further in the report.

## The revised costings

In September 2022, Council announced that the Early Contractor Involvement (ECI) contract for the Goolwa Wharf Precinct Revitalisation Project has been awarded to Leed Engineering and Construction Pty Ltd.

Early contractor involvement (ECI) is a type of construction contract where the principal contractor is engaged at an early stage in a project to offer input into the design phase. It is in contrast to the design–bid–build model where the contractor is only brought onboard at the end of the design phase.

Following their appointment Leed and their sub-contractors performed detailed investigations into the project design and current state of the onsite materials that they would be working with including the main components of the Wharf and Wharf Shed.

The following High Risk Items were uncovered by detailed field investigations:

- Wharf Shed – greater extent of deterioration (at the base). Requires a supplementary independent steel support structure (internally) to support all of the existing timber and steel elements, as well as a new footing and slab system i.e. cannot rely on existing structure.
- Wharf – multiple obstructions under the wharf which would make it extremely challenging and high risk to install the inner row of new wharf piles.
- Wharf sea-wall (concrete strip) – cracked and undermined. To be reconstructed across the full length.
- Signal Point Roof greater extent of roof structure deterioration – requires additional remediation.
- Lead Paint at Wharf Shed and Signal Point – still quantifying extent

The following illustrates some of the findings:

Wharf Shed:





Seawall:



### **The proposed treatment for the Wharf Shed and Seawall**

#### **Wharf Shed Remediation:**

The (intrusive) field investigations conducted at the Wharf Shed as part of the ECI phase by the Contractor has revealed a level of deterioration at the base of the structure being far worse compared to that assessed and documented by the design engineers.

This means that the remediation of the Wharf Shed is unable to rely on the existing timber elements to take loads (due to their unknown material type, capacity, and level of deterioration) and the design engineers are not prepared to warrant the design for the existing structure.

On this basis, the Wharf Shed will require a supplementary independent steel (internal) structure to support all of the existing timber and steel elements, as well as a new footing and slab system.

In constructing the Wharf Shed (remediation), the Contractor has expressed significant safety concerns and risks with respect to an in-situ remediation approach, particularly given the inability to predict its stability and behaviour during any in-situ remediation process. On this basis (and safety being the key driver), the Contractor has recommended a dismantle and re-build approach as follows:

- the existing structure is carefully dismantled
- each existing element is remediated
- the new steel support structure and footing & slab system is constructed (integral with the new seawall – see explanation below)
- the timber structure is reconstructed to its exact same configuration.

#### **Wharf Upgrade (Reconstruction):**

The sub-wharf diving inspection and soil analyses undertaken adjacent the wharf has concluded 2 key areas of concern:

- The existing concrete seawall (existing concrete retaining wall between the wharf and land) is in very poor condition and will require replacing for the entire length – approx. 200m. This is an additional unforeseen cost to the project.

The construction of the new seawall is also complicated by the fact that it runs directly under the Wharf Shed and very close to 2 of the existing buildings – Spirit of the Coorong office and Hector’s on Wharf restaurant.

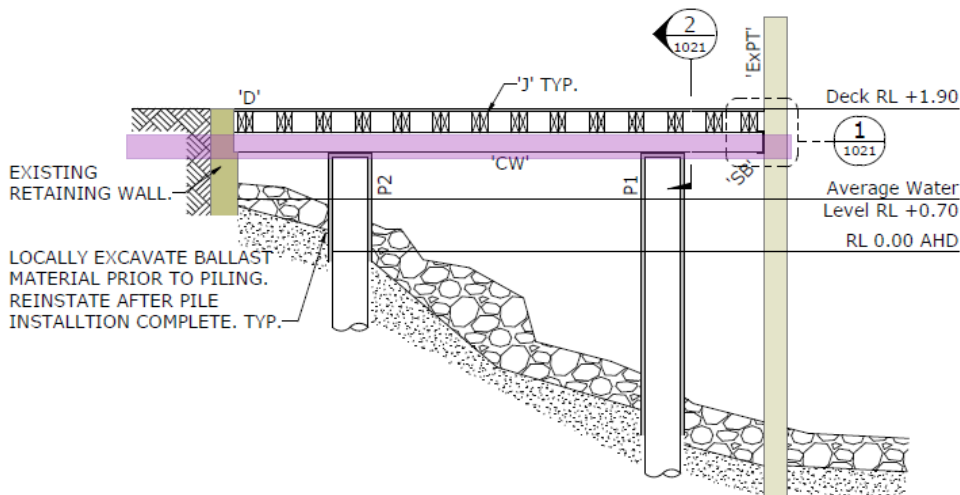
The proposed dismantle/rebuild of the wharf shed as referenced above will enable the seawall and wharf shed footing/slab to be constructed as an integrated system.

A special and careful construction approach will need to be adopted by the contractor to build the new seawall adjacent the Spirit of the Coorong office and Hector’s on Wharf buildings.

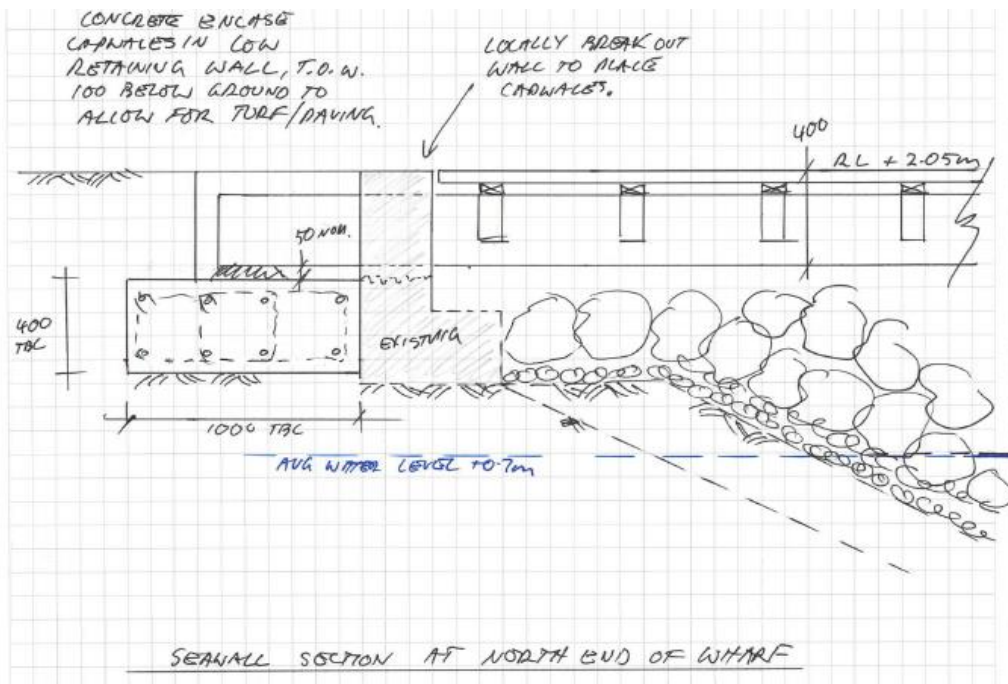
- The current design as shown in the first image below shows 2 rows of piles to support the wharf decking. Under the wharf, there are multiple obstructions such as old timber pylons, steel elements, and a large amount of varying size rock that would make it very challenging to install the inner row of new wharf piles - ‘P2’. This would have caused installation issues, delays to the works and result in significant increase in costs.

The project team has developed an alternative wharf structural solution that relies on a hybrid pile and land-based foundation system to support the wharf. This is shown in the second design image 2 below.

**Previous Design:**



**Proposed Design:**



**Signal Point Building – Roof**

The (intrusive) field investigations of the Signal Point Roof as part of the ECI phase by the Contractor has concluded that some areas require additional remediation; particularly those at the front of the building (with its greater exposure to water and wind), as compared to the areas to the rear of the building.

The revised costings following investigation, value management and negotiations is provided in the following table:

Description	Council Contribution Committed	External Funding Committed	Seeking External Funding	Total Project Cost
<b>Option D</b> previously estimated at \$10,200,000 is now priced at \$12,231,035	\$3,850,000 (31%)	\$5,000,000 (41%)	\$3,381,035 (28%)	<b>\$12,231,035</b> <b>(100%)</b>
<b>Option B</b> previously estimated at \$15,460,000 is now costed at \$18,834,760 (now without the purpose built Oscar W Shed (essentially option C))	\$4,490,000 (24%)	\$5,000,000 (26%)	\$9,344,760 (50%)	<b>\$18,834,760</b> <b>(100%)</b>

## Focus on option D and Asset Management requirements

This report is only going to focus on Option D as a decision is immediately required to allow the Wharf Wooden Deck Planks and Signal Point Roof to be ordered along with other project commencement activities.

Quotes for material purchases have been made but can only be confirmed if Council provide a commitment to fund the Option D project. The quoted price for the Wharf Deck Timber (to come from Queensland and available now) for example are only available until the 17 January 2023.

Council is no longer in a position to wait for additional funding. The \$5,000,000 in external funding was secured with timeframes for delivery, these timeframes have been previously extended, but the funding bodies have indicated that no further extensions will be provided. The Grant Funding Milestones previously provided now must be achieved and to do that the project needs to commence now.

It should also be noted that if Council was to wait until additional external funding is obtained before commencing the project there would be no guarantee that the funding would be obtained and if obtained by the time funding is available the project costs are likely to have significantly increased, possibly to an extent greater than funding received.

Therefore, in order to commit to funding Option D, Council will need to fund the shortfall from the project cost of \$12,231,035 and the \$5,000,000 external funding achieved as per the below table:

Description	Council Contribution Committed	External Funding Committed	Seeking External Funding	Total Project Cost
<b>Option D</b>	\$7,231,035 (59%)	\$5,000,000 (41%)	-	<b>\$12,231,035 (100%)</b>

## Council Member Briefing – 9 January 2023

The above was presented to the Council Member briefing, 9 January 2023, based upon discussions received at the meeting and in discussions with an external reviewer that has advised to add a contingency Administration has proposed the following additions to be considered under Option D:

Description	Cost
<b>As presented to the Briefing</b>	\$12,231,035
<b>Allocation of more space in the Wharf Shed by moving the toilets external</b>	\$450,000
<b>Glazing to south-west wall of wharf shed (Oscar W maintenance area)</b>	\$50,000
<b>Fit-out costs for Oscar W tenancy</b>	\$250,000
<b>Updated Lead paint treatment identified (primarily to Signal Point Building)</b>	\$200,000
<b>Extension of painting to all of Signal Point</b>	\$100,000
<b>Extra Cost to deliver the Wharf Shed as defined under option B (full internal lining &amp; insulated and glazing to front, back and sides)</b>	\$545,000
<b>Cost for an extra 5 car parks at Amelia</b>	\$30,000
<b>Sub-total</b>	\$13,856,035
<b>Project Contingency (risk allocation) – Based on 5%</b>	\$693,965
<b>Total</b>	<b>\$14,550,000</b>



This provides for a revised project costing share as follows:

Description	Council Contribution Committed	External Funding Committed	Seeking External Funding	Total Project Cost
<b>Option D – Enhanced</b>	\$9,550,000	\$5,000,000	-	<b>\$14,550,000</b>
	(66%)	(34%)		<b>(100%)</b>

### Option D – Enhanced Plan

A copy of the Option D Enhanced (including the external toilets) is provided in Attachment 3.

### Option D – An Asset renewal project

Council in the 2021/22 Annual Report reported \$495M (nearly half a billion dollars) of physical infrastructure assets and spent over \$6.7M to maintain, renew or replace them.

Poor asset management can lead to deteriorating or failing assets, reduced levels of service, higher council rates and an increased financial burden on future ratepayer generations. Council must spend on renewing or replacing existing assets else risk not keeping pace with their rate of deterioration, resulting in cumulative renewal gaps that grow each year.

The recent detailed investigations have highlighted the deterioration of the Wharf Precinct is greater than initially expected. Council must replace these assets to avoid future complications and additional costs.

Option D focuses on replacing assets when reviewing the replacement costs of Wharf Deck, Wharf Shed, Car Parks, Signal Point Roof, Signal Point Air-Conditioner and Electrical upgrades these make up the bulk of the \$14.55M project. These Asset Replacements projects would need to occur regardless of a Revitalisation project. Council is in an enhanced position to be in receipt of \$5,000,000 to assist with much needed Asset Replacement.

### Funding of Option D and changes required to Long Term Financial Plan

The 2022/23 adopted Long Term Financial Plan had previously contained the Option B project of \$15,600,000 with the assumption of a Council contribution of \$4,490,000, secured external funding of \$5,000,000 and seeking additional external funding of \$5,970,000.

The following major adjustments have been modelled into the Long Term Financial Plan of known changes to the Long Term Financial Plan to review the effect of adopting the recommended project:

Long Term Financial Plan Modifications to accommodate revised \$14.55M project and other known adjustments.

Description	Pre Project Adjustment	Post Project Adjustment	Net Change
<b>Reduction of Goolwa Wharf Revitalisation Project</b>	\$15,490,000	\$14,550,000	-\$940,000
<b>Removal of Grant Funding not obtained</b>	-\$5,970,000	\$0	+\$5,970,000
<b>Allocation of the \$710,000 Major Projects Contingency already in the Long Term Financial Plan to the Wharf Project in 2022/23</b>	\$710,000	\$0	-\$710,000
<b>Removal of \$1,350,000 from Sugars Beach in 2022/23 as project not proceeding as entered into Long Term Financial Plan</b>	\$1,350,000	\$0	-\$1,350,000
<b>Addition of \$500,000 to Sugars Beach Project in 2023/24</b>	\$0	\$500,000	+\$500,000
<b>Total adjustments</b>			<b>+\$3,470,000</b>

The following table illustrates the Long Term Financial Plan (LTFP) as adjusted for the September 2022 quarter budget review following adoption at the 7 November 2022 Council meeting:

Budget Review September 2022												
KEY FINANCIAL INDICATORS	2022 Actual	2023 Estimate	2024 Year 1	2025 Year 2	2026 Year 3	2027 Year 4	2028 Year 5	2029 Year 6	2030 Year 7	2031 Year 8	2032 Year 9	2033 Year 10
Operating Surplus / (Deficit) - \$'000	3,628	(1,190)	(601)	(498)	285	807	1,405	2,136	2,851	3,946	5,306	6,746
Operating Surplus / (Deficit) Ratio - %	7%	(2)%	(1)%	(1)%	0%	1%	2%	3%	4%	5%	7%	8%
Net Financial Liabilities - \$'000	22,637	34,344	53,158	51,624	49,612	49,229	48,053	45,505	41,375	34,342	25,555	14,378
Net Financial Liabilities Ratio - %	41%	64%	93%	86%	79%	75%	71%	64%	56%	44%	32%	17%
Interest Cover Ratio - %	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Asset Renewal Funding Ratio - %	84%	158%	154%	97%	97%	97%	97%	96%	96%	96%	91%	89%
Loan Borrowings	21,205	29,255	47,944	46,370	44,358	43,964	42,724	40,192	36,051	29,028	20,214	9,214

By making the high-level adjustments to the September 2022 LTFP loan borrowings by \$3,470,000 modelling has indicated that the Net Financial Liabilities remains within the recommended range.

It is noted these are high level adjustments, Council is about to enter the 2023/24 Annual Business Plan and Budget process. It is recommended that Council further explore other options to reduce Council's debt. This will include a series of workshops with Council Members to deep dive into the budget and the long term financial plan. Opportunities for the additional Capital Cost to be offset by permanent Specified Reductions/Deferrals of other Capital Expenditure will be presented to Council for consideration. This report presents figures prior to these potential adjustments as a starting point.

### Update to the Prudential Review

A Prudential Review on the Goolwa Wharf Precinct was presented at the March 2019 meeting of Council. Administration has contacted the independent external organisation that undertook the Prudential Review and asked them to undertake an updated assessment regarding the financial implications of progressing the Project against the requirements of Section 48 (2) (e) (f) (g). This advice is scheduled to be tabled at the 16 January 2023 Council meeting. This advice will include comment on the Long Term Financial Plan.

This approach consistent with legal advice obtained relating to the requirement to undertake a new prudential report

## **Option B considerations**

Option D primarily focuses on undertaking asset renewal works to the Wharf, Wharf Shed and Signal Point, with a low level of basic public realm upgrade. It does not meet the aspirations of 'activation', increasing tourism and economic benefits, and creating a vibrant and revitalised Precinct detailed in the Option B plan. It also does not respond to the objectives of the Roadmap to Revitalisation Goolwa Wharf Placemaking Strategy previously presented.

This report does not consider a position on the later transition from the Option D (\$15.5M) to the more expensive Option B. This will be considered as part of the 2023/24 Annual Business Plan and Budget cycle along with all other budget considerations. It is however noted that with the Long Term Financial Plan indicating a high net-liability, this project should not be considered without other serious adjustments.

The contract in place is designed to allow Option D to commence and a decision on going ahead with Option B needs to be made by June 2023 aligned to the next budget adoption.

## **Staging Approach to the Goolwa Wharf Project and relocation of Oscar W and current commercial tenant, Wharf Barrel Shed**

The staging approach of the project will be discussed in the next section of the report. The staging has been defined following a series of stakeholder meetings. An initial requirement will be the Wharf deck replacement with the contractors starting at the South end and making their North. During this period access to the Wharf Shed access will be taken away.

Administration is currently working with the "Friends of Oscar W" on relocation and the owners of the leasehold of Wharf Barrel Shed have requested the use of Signal Point to relocate during the period of Wharf Shed unavailability.

The timing of Wharf Deck replacement at the "Hector's on the Wharf" end will limit access to the café post April 2023. As Hector's is primarily of the Wharf access will still be able to be maintained, however the owners have indicated there may be possible closures.

## **Extension of the lease of Wharf Barrel Shed**

The owners of Wharf Barrel Shed have written to Council requesting an extension to the existing lease. This item will be subject to a future report to Council and requires a decision on the future space allocation in the Wharf Shed prior to consideration.

## The tight timetables

### The Goolwa Wharf Revitalisation Precinct Project Timetable

The completion of the grant funding component of the Revitalisation Project is required by 31 March 2024.

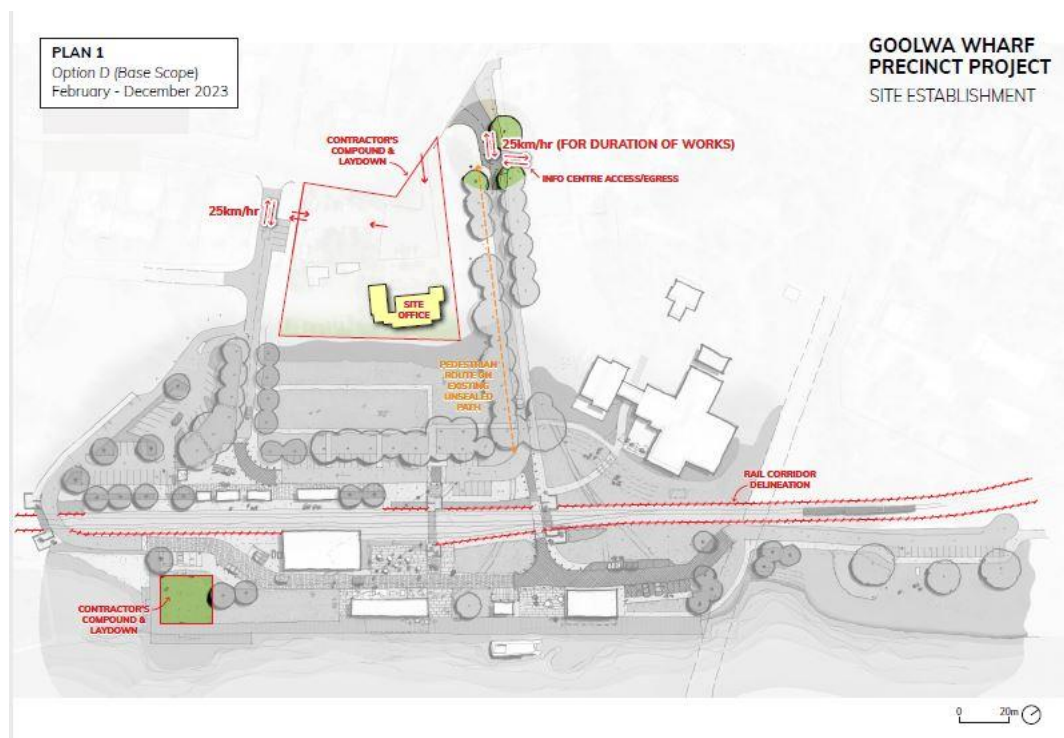
This is a hard deadline to receive the \$5,000,000 in committed grant funding. Previous discussions with Federal and State funding bodies are that there will be no further extensions.

To achieve this requires the project to be broken down into five plans.

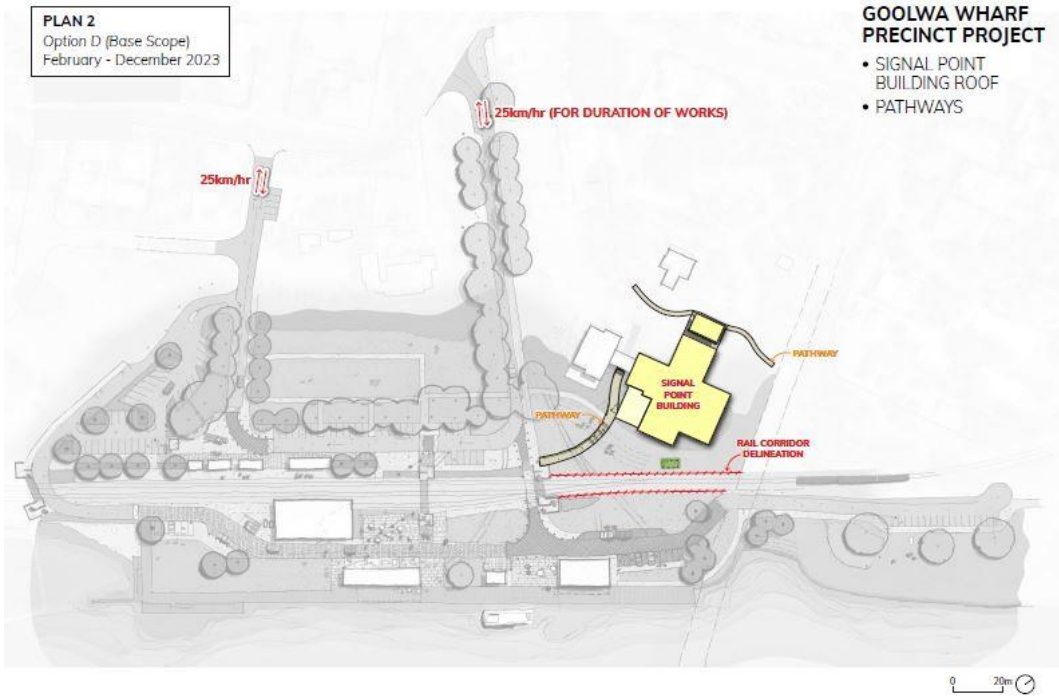
Plan 1 – Once a commitment is made to proceed with the project the Site establishment will be made, and the required materials will be ordered.

As previously discussed, a major component of the project is the ordering of required wharf deck timber – seasoned hardwood timber (air dried). The contractors have sourced the required timber and negotiated a price that has been held until 17 January 2022 (day after Council meeting).

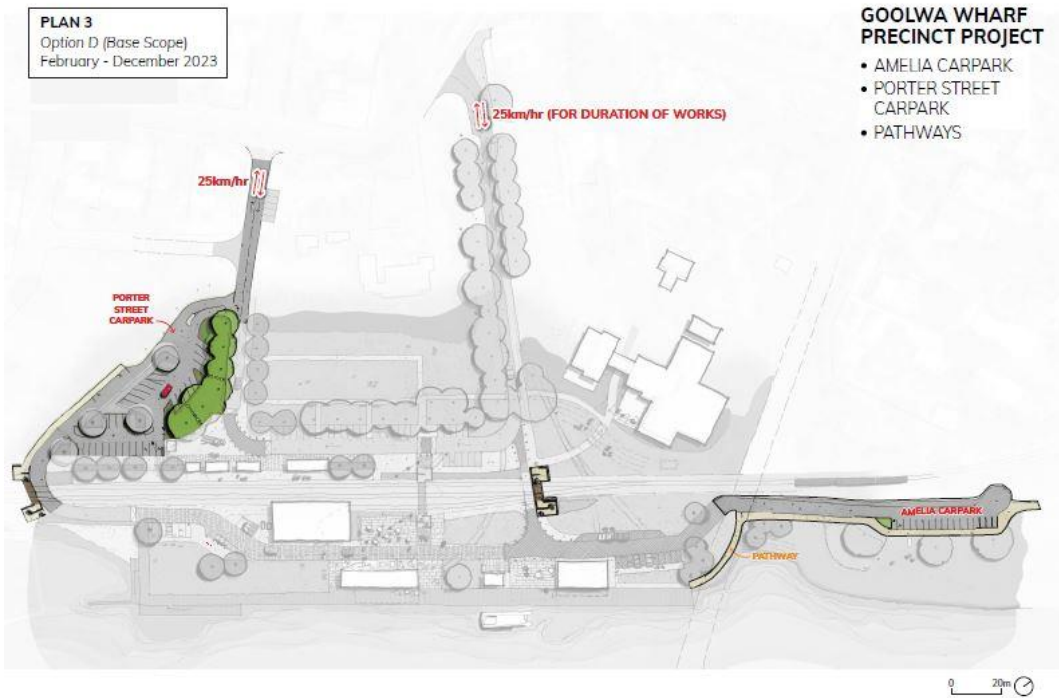
The roof components for Signal Point are another major material component that will also be immediately ordered.



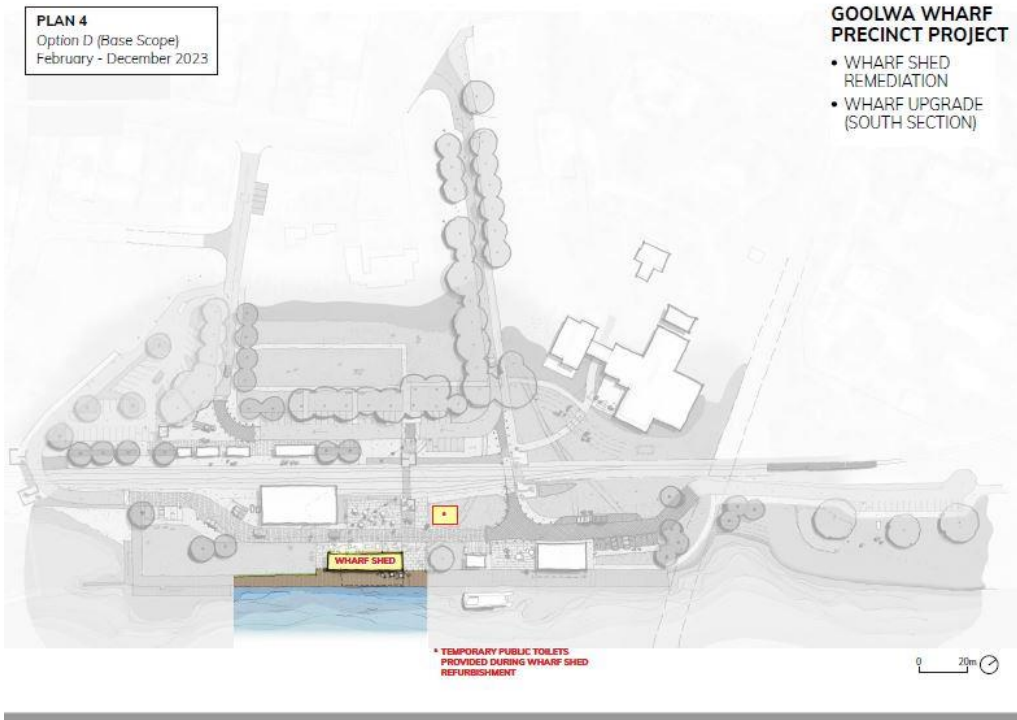
Plan 2 - When the materials for Signal Point is received work will commence on Signal Point.



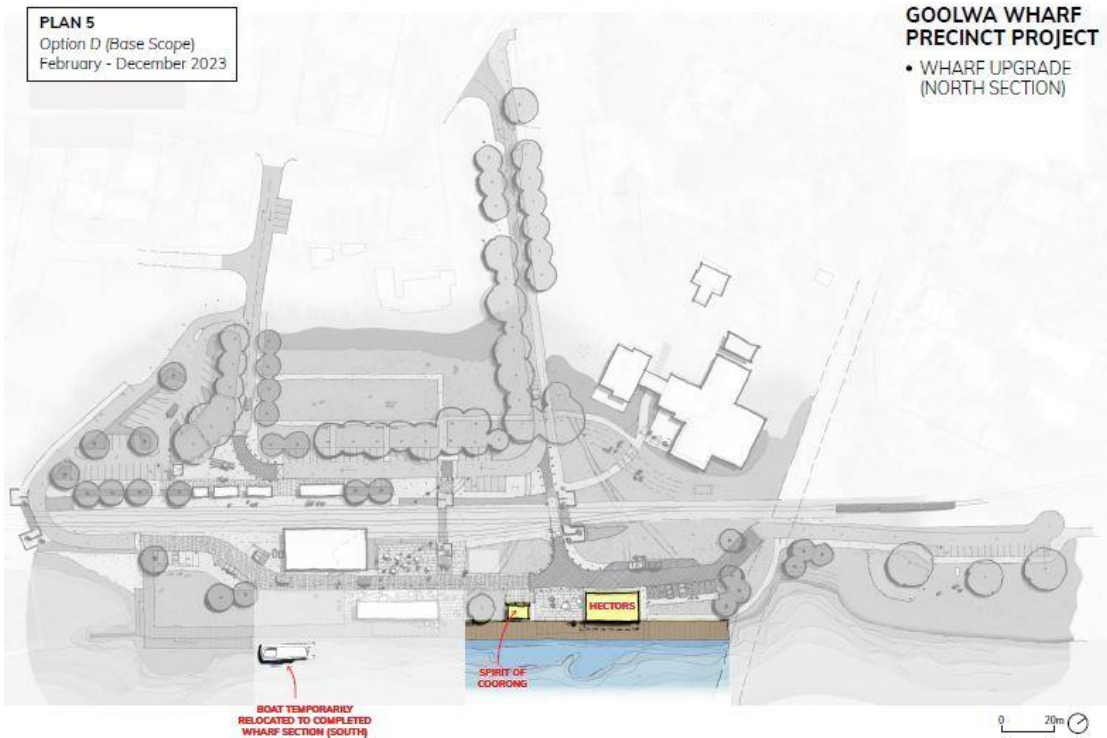
Plan 3 is work on the carparks and pathways:



Plan 4 is work on the Wharf Deck at the south end and construction of the new toilets. The deck needs to be replaced prior to the required machinery being able to be placed on the wharf deck to access the Wharf Shed to commence work.



Plan 5 – The north end of the deck is worked on

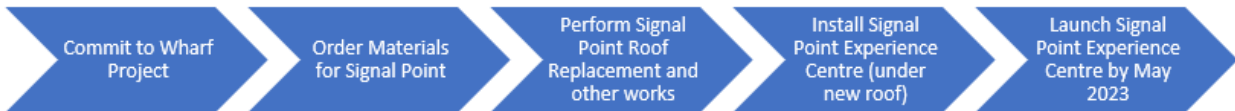


All plans need to be completed by March 2024.

## Signal Point Timetable

The official launch of the Signal Point Experience Centre is required by May 2023 to meet the \$980,000 grant funding received requirements.

- To complete this project the Signal Point Repairs (funded by the Revitalisation Project) must first be completed including:
  - Roof repairs (roof sheet replacement and structural repairs)
  - Heating/cooling system
  - Electrical augmentation (new supply, new switch board, cabling, etc)
- To make the May 2023 Council must commit funding to the revitalisation project in January 2023 to allow materials to be ordered ready for installation as detailed above.



## Conclusion

A project to upgrades to the Goolwa Wharf Precinct has been talked about for a number of years including in 2013 Council produced the ‘Goolwa Wharf Precinct and Surrounds – Traffic, Parking and Access Plan’

The timeline on the Project since 2019 is visually displayed below:



Unfortunately, over time, the costs to conduct such a project has dramatically increased to a point that this report is only considering performing the base project (Option D) with elements from the full Revitalisation project (Option B).

Over the past few months Council’s head contractor for the project has been performing an in-depth investigation into the Wharf Precinct Design, this has included test drilling into the seabed, divers investigating infrastructure underwater and testing on paint materials. Engineers have now devised a plan and quotes have been obtained for required materials. To repeat these investigations will take time. This positions Council and contractors to negotiate and sign a lump sum contract.

This report presents the figure of \$14,550,000 as the budget required (including a 5% Contingency) to go ahead and complete the Option D enhanced project with the assistance of \$5,000,000 in external grant funding.

Council in the consideration of the upcoming 2023/24 Annual Business Plan and Budget will then be presented opportunities to further offset this capital expenditure following a series of workshops with Council Members to provide them with an overall understanding of Council's Capital and Operating budgets.

The enhancements to the project ensure that the Wharf Shed is fully developed under option D as option B may never proceed and with contractors working on the Wharf Shed under D it is recommended that they complete the job without the need to revisit at a later date. This approach also ensures that the Wharf Project is revitalised from the rivers edge backwards.

The enhancements also add more carparking now and completes the repainting of Signal Point now without the need to revisit at a later date for the much needed maintenance requirements.

The two elements that Council members have raised concerns with the method proposed to replace the Wharf deck and the fixing of the Wharf Shed. To progress this, it is recommended that the Mayor and Chief Executive Officer be delegated to negotiate the head project contract to determine if an alternative cheaper method can be applied, this may be through the additional use of local contractors on some elements of the project.

Council has obtained \$5,000,000 external funding towards the project and Council has already spent approximately \$1,987,000 to get to this point of the process.

There are tight timeframes now required to deliver the project to achieve the \$5,000,000 in funding for the Wharf Precinct Project and \$980,000 for the Signal Point Experience Centre.

What this project has identified is that the assets in the Wharf Precinct are in desperate need of asset replacement, this includes the Wharf Deck, the Wharf Shed, Signal Point Roof and other much needed maintenance. This asset replacement will need to occur regardless of the Revitalisation Project.

If Council does not proceed with this project now, they are in danger of losing the grant funding that can contribute to the asset replacement that will need to occur anyway. Not proceeding with the project now may also result in increased costs at a later date as costs continue to rise.

An important part of this project is the space usage of the Wharf Shed, this report recommends the removal of the idea of putting the toilet facilities within the Wharf Shed to create additional space for both tenants and keeps the Oscar W and a commercial tenant in the Wharf Shed to ensure Council meets the requirements of the grant funding.

This report recommends a commitment to the Option D enhanced project to finally commence the journey for much needed enhancements to the Goolwa Wharf Precinct.

The recommendation to make the commitment is now to ensure materials can be ordered in time to reach deadlines to achieve funding commitments and to achieve the enhancements goals.

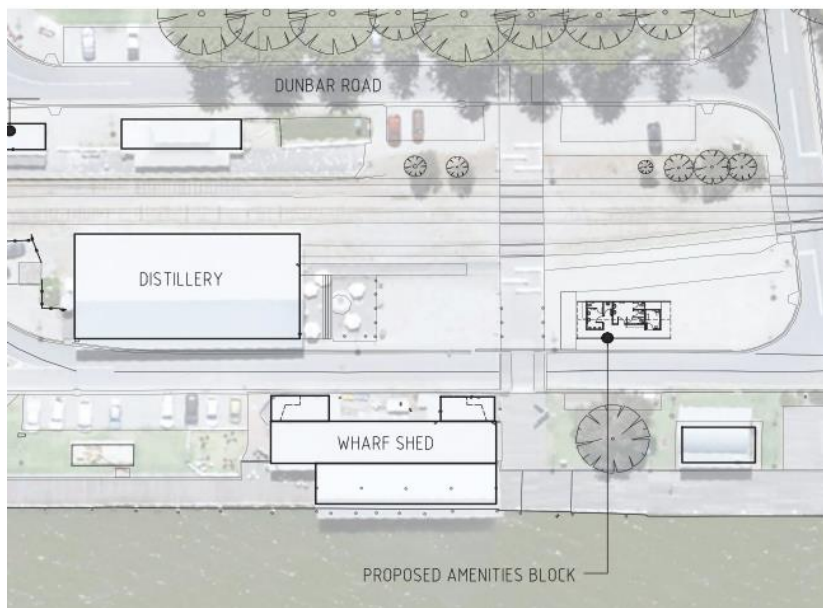
It is recommended that during the process of negotiating the head contract that the Mayor and Chief Executive Officer be authorised to negotiate and sign an early works contract to proceed to order the Wharf Timber Decking and commence the Signal Point Works.

Council is in a position to commence construction on the Goolwa Wharf Precinct Revitalisation Project.



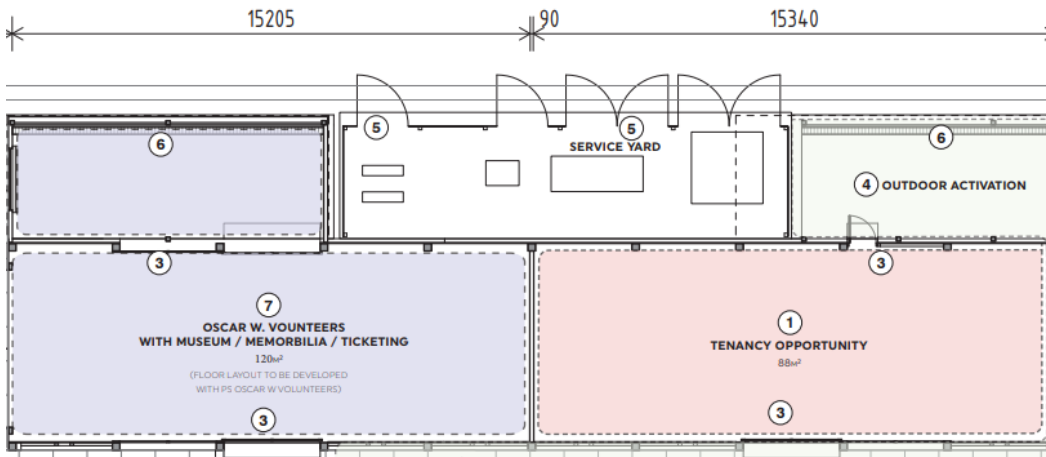
## Recommendations

1. That the Goolwa Wharf Revitalisation Project Plans be updated to have the toilet facilities (Proposed Amenities Block) external to the Wharf Shed as indicated in the below diagram:

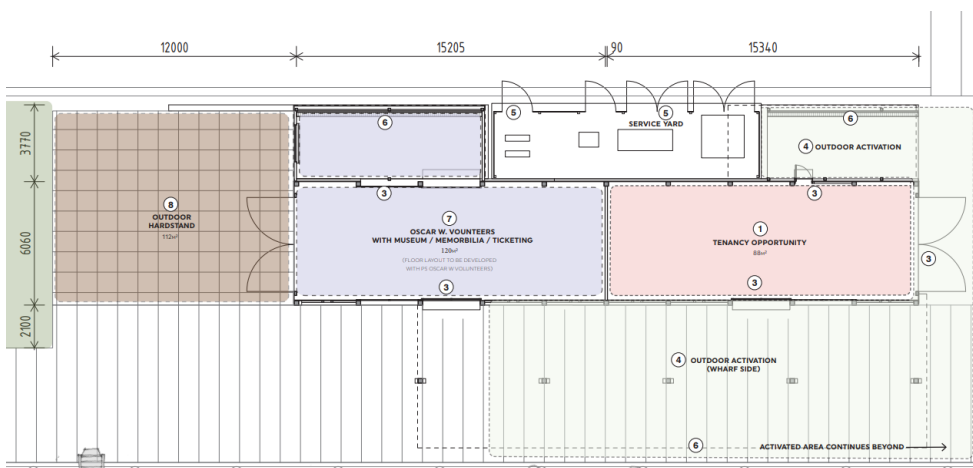


2. That the Option D plan also be updated to include:
  - a. Glazing to south-west wall of wharf shed (Oscar W maintenance area)
  - b. Wharf Shed Fit-out costs for Oscar W tenancy
  - c. Extension of painting to all of Signal Point
  - d. Delivery of Wharf Shed as defined under option B (full internal lining & insulated and glazing to front, back and sides)
  - e. An extra 5 car parks at Amelia Park

3. That the internal allocation of the space within the Wharf Shed be provided as follow (Commercial = 88m<sup>2</sup>, Oscar W = 120m<sup>2</sup>):



With additional external allocation as indicated below (and provided in Attachment 2):



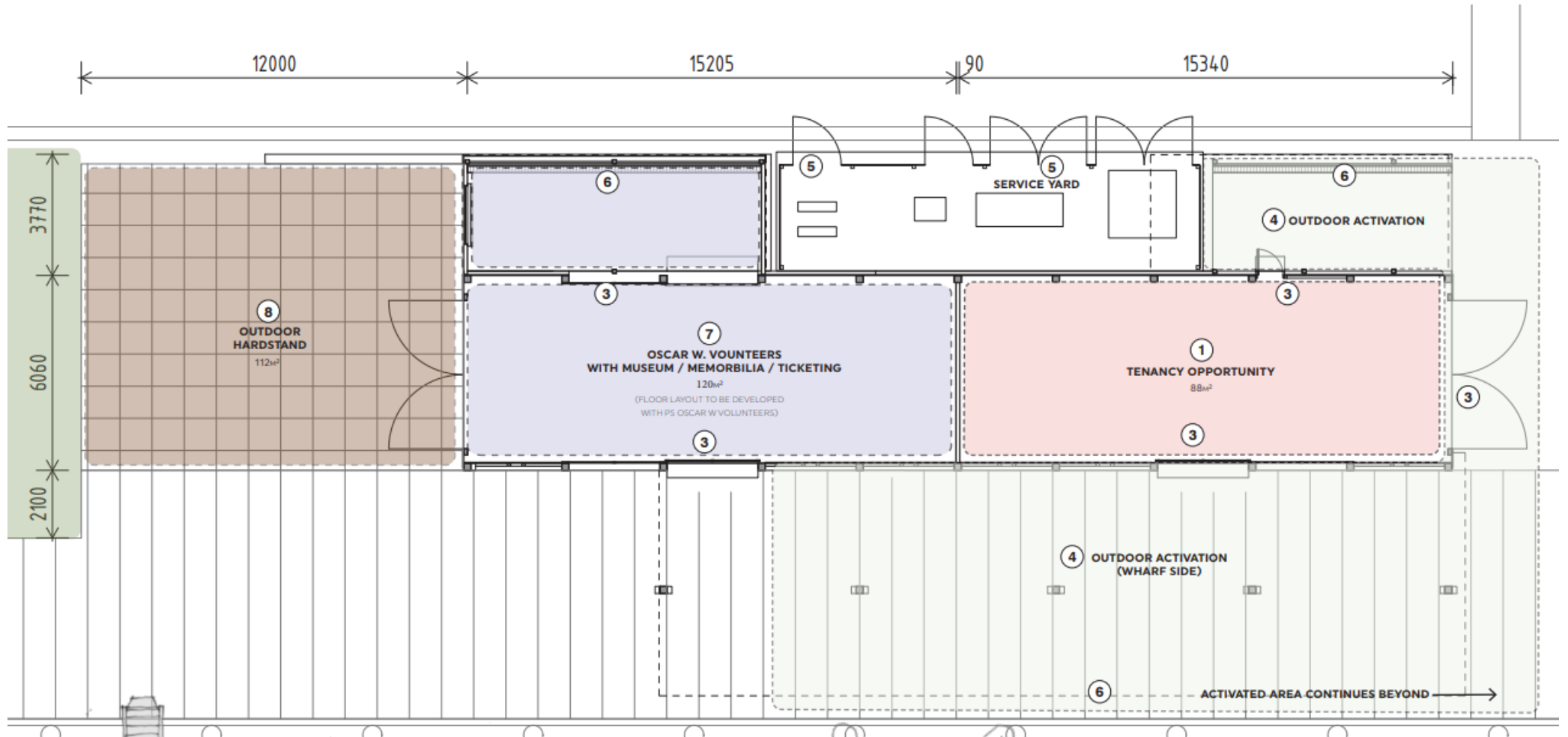
4. That Council commit to proceeding with Option D (enhanced) of the Goolwa Wharf Revitalisation Project for \$14,550,000 with the following funding structure:

Description	Council Contribution Committed	External Funding Committed	Total Project Cost
<b>Option D - Enhanced</b>	\$9,550,000	\$5,000,000	<b>\$14,550,000</b>
	(66%)	(34%)	<b>(100%)</b>

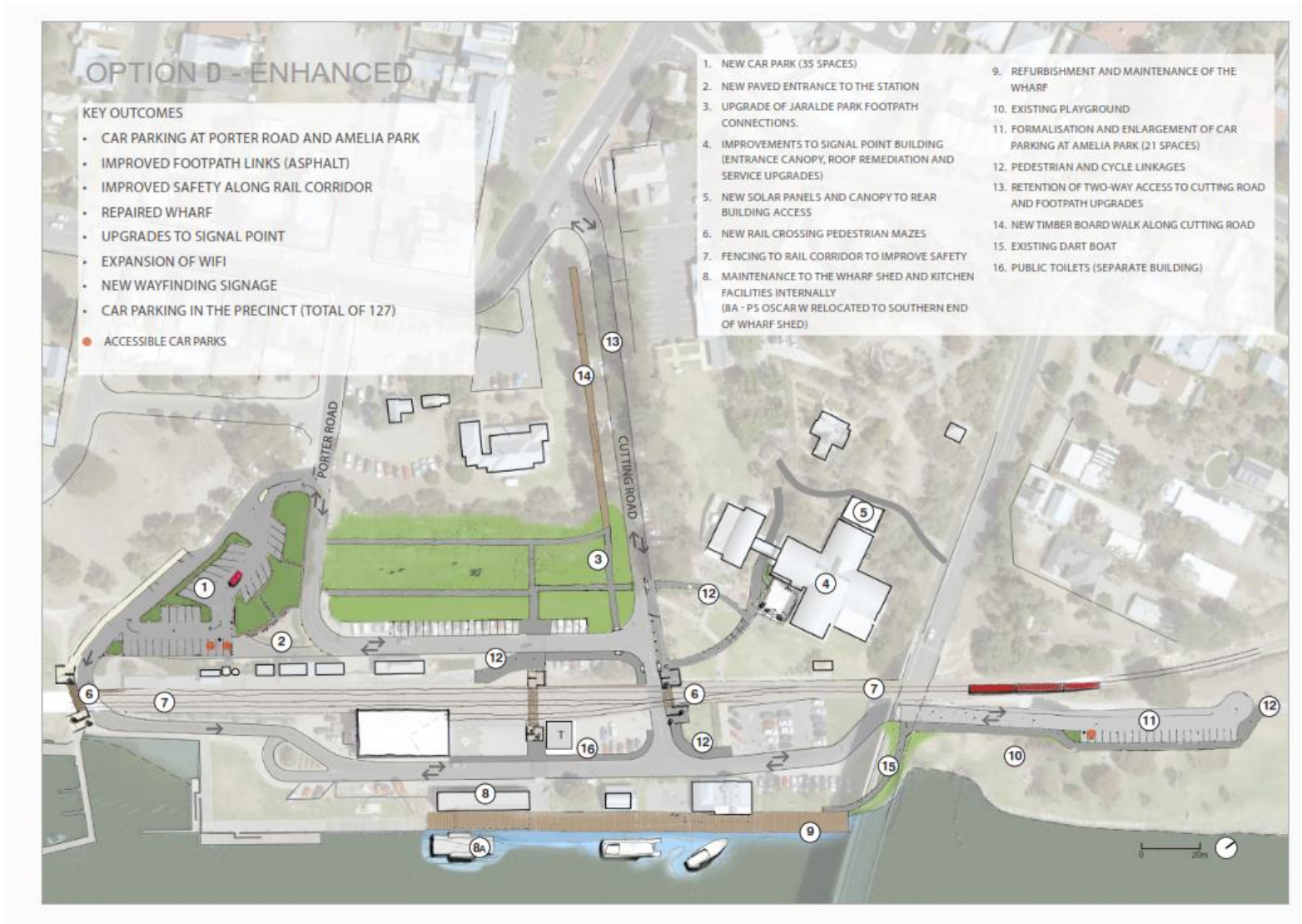
5. That the Budget and Long Term Financial Plan adjustments required to the accommodate the revised project budget of \$14,550,000 be made at the 2022/23 Mid-Year Budget Review.
6. That in the preparation of the 2023/24 Annual Business Plan and Budget that Administration present to Council and the Community additional options to reduce Council's debt.
7. That the Mayor and Chief Executive Officer be delegated to negotiate and sign all associated contracts within the revised budget of \$14,550,000 noting that further discussions will occur on the methodology to reconstruct the Wharf deck and Wharf shed.
8. That the Mayor and Chief Executive Officer be authorised to negotiate and sign an early works contract of up to \$2,750,000 (out of the \$14,550,000 revised budget) to allow the head contractor to immediately proceed to:
- Purchase and organise delivery of the required Wharf Deck Timber

- b. Commence the Signal Point Works including:
  - i. Roof repairs (roof sheet replacement and structural repairs)
  - ii. Heating/cooling system
  - iii. Electrical augmentation (new supply, new switch board, cabling, etc)
  - iv. Applicable overheads and profit
  
- 9. That the external consultant's report (tabled at the Council meeting) to provide an updated assessment regarding the financial implications of progressing the Project be included in the minutes of the meeting.
  
- 10. That the Wharf Barrel Shed be relocated during the period of displacement from the Wharf Shed to Signal Point under current lease arrangements.
  
- 11. That consideration of the Option B plan for the Goolwa Wharf Revitalisation Project be subject to discussions in the draft 2023/24 Annual Business Plan and Budget process.
  
- 12. That the extension request from the owners of the Wharf Barrel Shed be subject to a future report to Council.

## Attachment 2 - Space Allocation of the Goolwa Wharf Shed



## Attachment 3 - Option D - Enhanced Plan



## 8.2. Consultation on the Expert Panel's Review of the Planning System

Responsible Officer: Matt Atkinson (Acting General Manager Growth)

Report Author: Judith Urquhart (Strategic Development and Policy Planner)

### Recommendation

**That Council endorse the submission prepared as part of the consultation on the Expert Panel's Review of the Planning System.**

### Prior Resolutions

Nil

### Community Strategic Plan Impact

<b>LIVEABLE</b>	<b>Distinctive townships, places, spaces, and transport networks that support active lifestyles vibrant cultures and productive enterprise</b>
<b>GREEN</b>	Climate ready, a place where nature is valued, and resources are managed sustainably and creatively to support a new economy
<b>CONNECTED</b>	Created for, with and by the community. We are safe, healthy and all enjoying accessible infrastructure and services

### Report Objective

To seek Council's endorsement of the proposed submission in relation to the Expert Panel's Review of the Planning System.

### Executive Summary

The new Minister for Planning, the Hon. Nick Champion has commissioned a review of South Australia's planning system in response to community and industry groups' concerns. To this end an Expert Panel (the Panel) has been formed to conduct a review of the new system and consider where there is scope for improvement. The Panel has identified seven (7) key areas for improvement that it would seek to address but has emphasised that this will not limit the community and stakeholders from raising other matters of concern that fall outside this scope.

The review opened for public consultation in October 2022 and the deadline for submissions has been extended to 30 January 2023 for Councils. Administration has reviewed the structure and mechanics of the e-Planning portal, the content of the Planning and Design Code and the Planning, Development and Infrastructure Act 2016; and prepared a submission for Council's consideration.

### Context

In March 2021 a new planning system was introduced across South Australia. The key elements of the new system are:

- an electronic system - the SA Planning Portal
- a Planning and Design Code applicable to the whole state, replacing Council Development Plans
- a suite of zones, sub-zones, overlays and general planning policies (issue-based) which replaced individual Council zones and policy areas
- a new approach to development assessment
- a new approach to the public notification of certain Development Applications

- a Community Engagement Charter guiding community consultation relating to Code Amendments
- a new Code Amendment process replacing the previous Development Plan Amendment process, including the ability for "people with an interest in land" to submit code amendments
- a greater opportunity for Private Certifiers to approve certain developments

This new system was intended to simplify the system, speed up assessments and make the system more accessible to the community. However, a single state-wide system is necessarily complex, and in response to concerns raised by the community and industry groups, the new Minister for Planning, the Hon. Nick Champion commissioned an Expert Panel to review the system. The review is currently in the consultation phase and the Panel has invited submissions on any aspects of the new planning system.

## General Analysis

The Panel has identified a number of key areas for investigation and has released several discussion papers to help inform responses. It is noted that staff contributed to a submission by the Local Government Association. This submission (refer Attachment 2) is necessarily high level as it reflects the collective response of many member Councils.

Council's submission (detailed in Attachment 1) relates more to the day-to-day workings of the e-Planning Portal and the content Planning and Design Code, used on a daily basis by Planning and Building staff and members of the community lodging Development Applications. It also addresses the ability for private proponents to submit Code Amendments. With the two (2) submissions differing in their focus, a greater variety of issues will be addressed.

In summary, the following aspects of the planning system are identified as problematic:

## Development Assessment

1. Difficulties working with and navigating the ePlanning system
  - a. Document management
  - b. Complexity and difficulties for members of the public understanding and navigating the system as occasional users
  - c. Difficulties managing variations and staged consents
  - d. The verification necessary at the start of the process is very onerous
2. Fees - do not reflect the complexity and time needed for quality, effective assessment
3. Overlays
  - a. Problems with Overlays erroneously determining assessment pathways
  - b. Inadequacy of the Limited Dwelling Overlay to prevent inappropriate development at Langhorne Creek and Currency Creek
  - c. Flood Overlays - Lack of finesse in addressing remedies
  - d. Need for a Tree Canopy Overlay in Council's townships
  - e. Need to resolve contradictions between Native Vegetation Council advice and CFS advice
4. Timeframes
  - a. Timeframes are unrealistic and do not allow for quality decisions given existing resources
  - b. Requests for further information - the allocated 10 day period in which to request further information is unreasonable and quite inadequate, particularly for those applications on public notification where representations received draw attention to issues needing negotiation.

- c. Deemed consents - should a Council fail to issue a decision within the prescribed timeframe, the application is automatically approved
5. Public Notification
    - a. Lack of discretion in deciding which applications are notified - previous system allowed Planning staff to identify applications with potential for significant local impacts
    - b. Wider opportunities for public representations but much reduced appeal rights for third parties - creates a false sense of degree of influence for the community
    - c. System has resulted in too much domestic notification (previously considered minor) and lack of notification of proposals with potential for significant impacts
  6. Wastewater - lack of consideration of interface with Council's wastewater management system in unsewered areas and lack of understanding on the part of Private Certifiers of the implications of building on a site without access to a sewer system.

## **Policy and Strategy**

1. Lack of policy to guide and inform:
  - a. Boundary realignments, especially in rural areas
  - b. Design in visually sensitive rural areas
  - c. Climate responsive siting and design of habitable buildings
2. Lack of local policy/Concept Plans - need to reintroduce Concept Plans and relevant content to address local issues of importance/critical sites which cannot be addressed in a state-wide application of policy
3. Vagueness of policy, providing little guidance, for example particularly in relation to acceptable 'scale and/or intensity' of land uses in any given zone
4. Need for clarification around "value-adding" and tourist accommodation in rural areas
5. Private Proponent Code Amendments
  - a. Concerns regarding staff resourcing - these Code Amendments are lodged for Council comments with no warning or systematic approach
  - b. Concerns about the impartiality of a community consultation process run by a person with a commercial interest in the outcome
  - c. Concerns that the community will be disengaged/apathetic regarding lodging submissions to a private proponent rather than to Council
  - d. Council has no opportunity to gauge the community's views on a Code Amendment until the consultation period has closed. This means that Council, in forming its view on the appropriateness of the amendment does not have the benefit of the community's view.
  - e. Limited ability of Council to review or verify information/data provided in the Code Amendment
  - f. There is no grace period. A private Code Amendment can follow closely after a Council decision, endorsed by the Minister for Planning, which contradicts the aim of the private Code Amendment (as in the case of Lot 50 Hampden Way, Strathalbyn).
  - g. These Code Amendments undermine Council's long-established strategic planning processes; Council's role is reactionary rather than proactive. It is noted that since the inception of the new planning system, there have been more Private Code Amendments than State or Council-initiated Code Amendments.



## **Character and Heritage**

As part of the Expert Panel's review, the State Planning Commission has put forward a proposal to better preserve South Australia's valuable character streetscapes. Their recommendations are:

1. Elevate Character Areas to Historic Areas (where appropriate justification is provided) and,
2. Character Area Statement Updates

In both of these initiatives the Department of Planning will update heritage and character guidance material and support Councils in undertaking character and heritage Code Amendments. Both of these recommendations are welcomed and supported.

## **Comparative Analysis**

Nil

## **Financial and Economic Implications**

There are no financial or economic implications in adopting this recommendation.

## **Risk Management**

In accordance with Alexandrina Council's Risk Assessment Matrix, the risk of adopting this recommendation is considered low as it is only providing commentary on the existing planning system.

## **Conclusion**

Given the complexity of the new planning system, and current problems being experienced by planning practitioners and the public in using and navigating the Planning Portal and achieving sound planning decisions, it is important that Council make known its concerns to the Expert Panel. There are concerns about both the policy content of the Planning and Design Code that guides development, the mechanics of the online portal and the ability for private proponents to undertake Code Amendments and what this means for strategic planning across the State.

On a positive note, the Commission's intentions to assist in strengthening the protection of character and historic areas is welcome and fully supported. In addition, Council's administration fully supports the submission prepared by the Local Government Association in consultation with local Councils.

## **Attachments**

Attachment 1 - Submission to Expert Panel Review of the Planning System

Attachment 2 - LGA Submission to the Expert Panel - Planning System Implementation Review

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# Attachment 1 - Submission to the Expert Panel Review of the Planning System

John Stimson  
Chair, Expert Panel Review of the Planning System

By email: [DTI.PlanningReview@sa.gov.au](mailto:DTI.PlanningReview@sa.gov.au)

Dear Mr Stimson,

## Submission on the Expert Panel's Review of the Planning System

Thank you for the opportunity to lodge a submission on the review of the planning system. Council is encouraged by this comprehensive review as, whilst there are many sound and innovative elements in the system, there are also several problems, as yet unresolved. Council has also contributed to the Local Government Association's submission and supports its conclusions.

A detailed response is attached, but, in summary, outstanding concerns affecting Alexandrina Council's staff and community are as follows:

1. Difficulties working with and navigating the ePlanning system, particularly for occasional users in the community.
2. Difficulties managing certain elements of development assessment, particularly variations and staged consents.
3. Fees do not adequately reflect the time and resources required to ensure sound planning outcomes.
4. A number of problems with the application of Overlays, particularly the Limited Dwelling Overlay.
5. Timeframes are unrealistic particularly as they relate to requests for further information and "deemed consents"
6. The public notification is not achieving its goals. There needs to be more discretion for staff in notifying, and whilst there is wider notification in the community, there are fewer appeal rights. This is misleading the community.
7. A general vagueness of policy in the Code, and lack of policy relating to design in rural areas, boundary realignments in rural areas and climate-responsive siting and design.
8. Lack of policy relating to climate change mitigation including application of the Urban Tree Canopy Overlay and other passive design solutions that are not covered at the Building assessment stage.
9. Serious concerns regarding Private Proponent-led Code Amendments, including their adverse impact on orderly strategic planning, limited opportunity for review/verification of content, and their unpredictable impact on staff resources.

On a positive note, Council commends the intention of the Planning Commission to provide more support for Councils preparing/amending Character and Historic Area Overlays, and the upgrading of Character Areas to Historic Areas.

Should you wish to discuss Council's submission further, please do not hesitate to contact Kylie Weymouth, Acting Manager Strategic Development on 8555 7298 or email [kylie.weymouth@alexandrina.sa.gov.au](mailto:kylie.weymouth@alexandrina.sa.gov.au)

Yours sincerely

Keith Parkes  
Mayor, Alexandrina Council

**DEVELOPMENT ASSESSMENT**

<b>1.</b>	<b>Difficulties working with and navigating the ePlanning system</b>	
	Document management	Much communication with clients is by email but emails cannot be uploaded into the portal. Instead emails have to be saved as a PDF and then uploaded. This creates an unnecessary administrative workload.
	Complexity navigating the system	Whilst planning practitioners and associated admin staff using the system every day have become familiar with the complexities and mechanics of the portal, this is not the case for members of the public seeking to lodge an occasional development application. For the lay person the system is daunting and invariably leads to lengthy discussions with staff guiding clients through the process.
	Variations and staged consents	The system makes managing variations to applications and staged consents very difficult and confusing.
	Verification process	The verification necessary at the start of the process, before any fees are paid, is very onerous and demanding, and is in effect a quasi-planning assessment. Some applications remain awaiting mandatory documentation with no way of moving them on or cancelling them.

<b>2.</b>	<b>Fees</b>	Changes to the fee system whereby Councils no longer receive a lodgement fee has led to a significant negative impact for Councils. In addition, fees coming to Council in no way reflect the resources required to assess an application in the planning portal.
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<b>3.</b>	<b>Overlays</b>	
	Overlays and assessment pathways	In situations where a particular overlay only applies to part of a title (common in rural areas) a development application will trigger the calling up of all overlays applicable somewhere on the site even if the actual site of the development is not affected by the overlay. This has the potential to determine the incorrect assessment pathway.
	Limited Dwelling Overlay	This overlay had the intention of preventing dwellings being constructed in parts of Langhorne Creek and Currency Creek. The Performance Outcome however mentions only the avoidance of "undermining primary production". This rather blunt instrument does not acknowledge that, in the case of Langhorne Creek and Currency Creek there are numerous historic small allotments, not suitable for primary production, rendering the PO irrelevant. Recently a SCAP decision approved a Restricted dwelling application in the Limited Dwelling Overlay at Langhorne Creek as it (essentially) was not considered to offend the PO. This decision shows that the intent of the policy as it applies in Alexandrina is not being achieved, and also threatens long-standing policy in the "paper town" at Currency Creek.
	Flood Overlays	Needs to be more highly developed policy to address the possible impacts of flooding – building a certain height above identified flood levels may not be the best solution given local characteristics and impacts.

	Tree Canopy Overlay	Council proposes that the Tree Canopy Overlay apply to Alexandrina's townships. It is puzzling that it does not – issues of reducing heat and creating shade and habitat apply equally outside the metropolitan area. This overlay should also apply to the Master Planned Township and Neighbourhood suite of zones and should be relevant to non –residential zones such as industry and commercial zones where there are often swathes of barren land. It seems a big opportunity missed to not require urban greening on private land at the outset of a new development area or in areas with often large barren sites.
	Native Vegetation and Bushfire Risk Overlays	An effort should be made to resolve contradictory advice received from the Native Vegetation Council and the CFS. It is acknowledged that they have different agendas and seek different outcomes, but conflicting advice makes resolution of issues difficult for Council planners and applicants. Recommend that these referrals are sequenced or joined ie. the CFS needs to determine what clearance is required first then a vegetation clearance report needs to be sought to determine the level of clearance etc. Without this sequence an applicant may believe no clearance is required but a CFS inspection determines that clearance is necessary.

<b>4. Timeframes</b>		
	Requests for further information	The 10 day period for requesting further information is quite unreasonable and results in poor outcomes. It works for the most basic structures only. It is inflexible and takes no account of resources available in the Development Assessment team. Council is not averse to timeframes applying but suggests that the 10 day period apply to Accepted Development and Deemed to Satisfy Development only and that more reasonable time frames apply to other categories, particularly those on public notification. Applications on public notification often require additional information and/or clarification arising from representations; the inability to do this leads to possible conflict, poor planning outcomes and potentially more refusals.
	Deemed Consents	This aspect of the system is one of the most perplexing. It creates unreasonable pressures on DA staff, creating the potential to result in less than rigorous assessment and poor planning outcomes. Its inflexibility does not consider and respond to changing and often challenging staff resources. At very least it should apply only to Accepted and Deemed to Satisfy categories of development.

<b>5. Public notification</b>		
	Lack of discretion	The opportunity for staff to deem a proposal minor and therefore not subject to notification is welcome. However, there is no opportunity for planning staff to decide that a particular proposal should be notified based on local knowledge that there may well be adverse impacts.
	Wider notification/fewer appeal rights	Whilst the extent of notification has been increased, and the notice on the subject site has given greater exposure to notifications, this has created a false sense of influence in the community as third party appeal rights have been significantly reduced.
	System has targeted domestic proposals	There appear to be many more domestic applications undergoing public notification than previously whilst more substantial proposals are not being notified. 80% of items decided by the Fleurieu Regional Assessment Panel are dwellings.

6.	<b>Wastewater</b>	The current system has not adequately addressed issues which arise with proposals in unsewered areas. The interface with Council's wastewater management system has not been adequately considered, and many Private Certifiers have little awareness of the implications of development on an unsewered site.
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**POLICY AND STRATEGY**

<b>7. Lack of Policy</b>		
	Boundary realignments	This is a concern in rural areas where realignments have the potential for adverse outcomes for primary production and landscape quality. Excellent policy to guide proponents to the best outcomes was not carried over from Development Plans; current policy is simply too shallow to result in sound outcomes. Council is happy to provide this policy to the Expert Panel and/or PLUS for further consideration.
	Design in Rural Areas	<p>There is currently very little guidance for design in rural area and this is a critical issue in areas of high scenic quality. Existing policy focuses on minimising cut and fill, and "maintaining a pleasant rural character and amenity". This policy is vague and provides little sound guidance to proponents. Nowhere is "Character" articulated – this could be done in Character Statements, providing guidance to applicants.</p> <p>The need for non-reflective materials and finishes, substantial setbacks and siting below ridgelines applies only to large buildings but there is just as much potential for substantial dwellings to create a blot on the landscape.</p> <p>Nowhere does policy address local natural features such topography, creek lines and existing vegetation, nor design elements such as shading, articulation and roof lines, but rather relies on blunt instruments such as substantial setbacks. Large setbacks are not always possible on, historically small allotments and take no account of local geographic features.</p> <p>Previously developed policy has not been carried over but Council is happy to provide this policy to the Expert Panel and/or PLUS for further consideration</p>
	Lack of local policy	A great deal of local policy was lost in the transition to the new system. A relatively easy solution to this would be the re-introduction of Concept Plans to address local issues of importance in specific locations/critical sites which cannot be adequately addressed by the application of state-wide policy.
	Climate responsiveness	<p>There is a lack of policy addressing the siting and design of habitable buildings so as to minimise heating in summer and cooling in winter, and take advantage of local climatic conditions such as cooling breezes. Whilst this issue is addressed in the Building Code in a different way, it is arguably better addressed up front at the planning stage by way of policies dealing with siting, orientation of buildings and windows, articulation, shading, depth of covered verandahs on northern and western sides, fenestration and materials, remedies which may in the long run be less expensive than building rules solutions (ie triple glazed windows that have unfavourable orientation).</p> <p>See also comments about the application of the Urban Tree Canopy Overlay.</p>
	Vagueness of policy	Throughout the Code policy lacks definition and provides little guidance. Examples are references to "small-scale" in the <i>Local Activity Centre Zone</i> , with no reference to what constitutes "small-scale", and references in rural zones to "pleasant rural character" with no descriptions of what constitutes that character.

8.	<b>“Value-adding” and Tourist Accommodation in rural areas</b>	There is a lack of clarity around “value-adding” enterprises and tourist accommodation in rural areas, due in part to the rapidly changing tourism and visitor offerings in the hills and Fleurieu Peninsula. Language around these developments needs to be more rigorous as it is currently ambiguous and this leads to confusion and potentially poor planning outcomes.
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<b>9. Private Proponent Code Amendments</b>		
	Resourcing	This is currently a serious issue for Council in terms of resourcing, and in terms of Council’s long-standing strategic approach to planning policy. Private Proponents can lodge a Code Amendment with PlanSA at any time, and this action has immediate implications (unplanned) for Council staff who have to formulate an initial response. This is time-consuming, with frequently short deadlines to meet Council meeting dates, and removes resources from other on-going planning policy work identified by Council as having priority.
	Consultation	<ul style="list-style-type: none"> <li>▪ Concerns about the impartiality of a community consultation process run by a person with a commercial interest in the outcome.</li> <li>▪ Concerns that the community will be disengaged/apathetic regarding lodging submissions to a private proponent, who may be a local identity, rather than Council, with perceptions that as it is not being undertaken by Council, it is of no consequence.</li> <li>▪ Council has no opportunity to gauge the community’s view on a Code Amendment until the consultation period has closed. This means that Council (elected to represent the community) does not have the benefit of the community’s view in forming its stance on the appropriateness of the Code Amendment</li> </ul>
	Review/verification of content of documentation	There is very limited, if any, opportunity for Council staff to review and verify the content of a private code amendment. A good example of this is the Retail Study forming part of the Lot 5 Hampden Way Strathalbyn Code Amendment; there has been no opportunity to have this independently verified.
	Lack of grace period	Private Code Amendments can be lodged at any time. This is despite the fact the Minister for Planning may have made a recent decision which contradicts the objective of the proposed Code Amendment, as in the case of the current Lot 50 Hampden Way, Strathalbyn Code Amendment.
	Relationship to Council’s long-standing strategic planning process	<p>The long-standing process of strategic planning has been undermined by the ability of private proponents to undertake code amendments. Under the previous Planning &amp; Development Act 1990, Council, the Minister for Planning and private proponents (under very limited circumstances and with Council undertaking the amendment) had the ability to amend strategic planning policy. For the most part Council was in control of the process and could determine, according to demand and available resources, which policy should be changed, and how and when it should be changed. A good example is the re-zoning of Deferred Urban lands to a residential zone. Under current arrangements a private proponent can step in at any time and seek to change the zoning regardless of whether or not the proposal meets any local strategic documents or whether Council considers the time is right. A good example is the current proposal to rezone Deferred Urban land at Middleton.</p> <p>A preferred approach is one more akin to the previous, where it is possible for private proponents to instigate a Code Amendment, but with Council’s agreement, and with Council undertaking the process.</p>

<b>10 Heritage and Character</b>		
	Elevate Character Areas to Historic Overlays	Council supports this initiative to upgrade Character Areas to Historic Areas where there is adequate justification, and in fact is currently doing this for the township of Milang. The development by the Department of guidelines for this work is very welcome. It is worth noting

		that some Character Areas (though not in Alexandrina) are not historic in nature; the distinctive character is due to other design, siting or streetscape elements.
	Character Area Statements' upgrades	This initiative, and the support for Councils undertaking upgrades is strongly supported



The voice of local government.

## Expert Panel - Planning System Implementation Review

Submission

October 2022



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## Overview

The LGA is committed to State and local government working together towards an improved planning system for South Australia that delivers better outcomes for all users. Councils want to provide an excellent level of service to both the community and the development industry.

Implementation of the planning system and adoption of the Planning and Design Code (the Code) will only be successful through a close partnership and collaboration between the State Government and its agencies, and the local government sector.

Local government has always recognised that with any new system there would be teething issues and a period of adjustment for all users including councils, the community and industry. Local government understood that errors would be identified within the iterative process of developing the Code, and the eplanning system may not initially work as anticipated. As these things have indeed eventuated, councils have used their best endeavours to support and implement the system.

From the beginning of the reform process in 2014, through the development and implementation of legislation, the Code, and the eplanning system, the LGA has positively and proactively engaged with the various planning ministers, their departments, and the State Planning Commission (SPC). The LGA has supported local government through each reform phase, providing advocacy, advice and support

The LGA has provided over 40 submissions during the reform, development and implementation stages on the legislation, Code and eplanning system.

It is acknowledged that some of the system's shortcomings, particularly with the eplanning system are being addressed, and a large number of enhancements to the system have been made (396 as at 31 July 2022). However, the LGA and its members remain of the view that more work is required, in close collaboration with local government, to create a planning system that benefits all South Australians.

### **The LGA calls for the Expert Panel to consider changes to the current planning system in response to the following priorities:**

1. A well-informed community empowered to genuinely engage with the planning system.
2. A Planning and Design Code that encourages innovative policy.
3. Quality housing and urban design policy that is not considered as a cost add on, but as an essential part of an acceptable living environment.
4. Good design outcomes embedded in innovative, clear, and well-articulated policy within the Planning and Design Code.
5. Increased regulated and significant tree protection that recognises the importance of these trees and discourages removal through significant penalties.
6. A clearly defined role for Relevant Authorities within the planning system that is understood by the community.
7. Redirection of the financial burden of administering and implementing the planning system away from local governments and their communities.
8. Urgent resolution of inefficiencies in the eplanning system in collaboration with local government.

While it is recognised that planning policy outcomes may not be clearly seen or understood for two to three years, there are current concerns with the operation, efficiency and usability of the planning system. Our member councils have told us that they:

- Do not consider that South Australia has an effective, efficient and enabling planning system.
- Do not consider that the new planning system has enabled or provided improvements in planning outcomes in their respective LGAs.
- Do consider there are benefits in having a statewide Planning and Design Code.
- Consider there should be greater opportunity to provide for a more localised and nuanced policy to preserve and enhance local character.
- Consider the new planning system has simplified interactions but there is still a way to go in terms of understanding and usage of the system.

To assist the Expert Panel in its deliberations the LGA submission includes the following:

1. Documented LGA Position Statements on the Planning System.
2. Commentary on the original objectives of planning reform as expressed in the report by South Australia's Expert Panel on Planning Reform '*The Planning System We Want*' and the Panel's Vision and the 5 Guiding Principles established as a framework for reform.
3. Summary of LGA research into costs and resource implications associated with ongoing operations of the planning system.
4. Detailed comments in respect to the eplanning system.
5. Detailed comments in respect to the Planning and Design Code, and
6. Recommended amendments to the *Planning, Development and Infrastructure Act 2016*, associated Regulations and Practice Directions.

This submission has been supported through consultation with councils at both the elected member and staff level (CEO, planning and building practitioners and support staff), and developed with reference to a comprehensive survey with over 200 respondents.

## LGA Position Statements on the Planning System

### The Planning System

- The new planning system has resulted in a loss of community voices and local knowledge in its decision-making process.
- Developing a successful planning system depends on the State Government's commitment to ensure full participation of councils and communities in decision making. The State government should work with councils to maximise the local benefits of planning processes, strategies and policies.
- Local government should have a clear role as the primary authority for planning, and its role and responsibilities for statutory functions should be clearly defined within the legislation.
- Local autonomy is the best way to promote interest of communities and to ensure consistent and transparent planning activities. Planning decisions should be made locally.
- Local government acknowledges the benefits of an improved planning system and will continue to work closely with the State Government and its agencies on the implementation of the *Planning, Development and Infrastructure Act 2016*. Through positive collaboration and mutual respect, we can establish a planning system that is in the best interests of local communities.

### Funding the new Planning System

- Councils believe they should be the decision-making authority and consider that this role should be properly funded by fees and charges set at a cost recovery level. Local government opposes reforms that result in a more unfavourable financial position in relation to planning functions. Councils seek an enhanced role under the current system.
- Local government considers that the costs of the eplanning solution and the SA Planning Portal have been shifted inequitably onto councils and councils consider that the system is costing them more not less. These additional costs are required to be funded through council rates. A more equitable system would enable councils to cost recover from the applicant the cost of implementing the planning system.

### Education

- Planning and building staff shortages across the state have reached breaking point and needs urgent attention. South Australia is seeing increased residential growth, particularly on the outskirts of metropolitan Adelaide, and this increased demand has placed greater strain on council planning resources. The absence of university pathways for planning, surveying and valuation in our state means there is a deficit of qualified graduates to fill roles and meet demand. If economic growth is to occur, there needs to be sufficient resources to facilitate and sustain it. Bringing together state and local government, academia and industry is an important step to understand the issues and find a solution to meet the skills gap.
- Education is vital to achieving effective engagement in planning processes affecting communities. Councils can undertake and support local education, awareness and consultation

activities. The State Government and State Planning Commission also have responsibilities in educating and supporting the community and stakeholders around the planning system.

## Transparency

- The State Planning Commission should be independent of the State Government with only impartial representatives being members of the Commission and the committees it establishes. A person with contemporary local government understanding should be a continuing member of the Commission.

## Developer Contributions

- Infill development, green and brown fields development is putting pressure on existing council infrastructure. A mechanism should exist for councils to seek a development contribution to be charged against new development that require upgrade of local infrastructure to support the proper servicing of the intended development proposal. Developer contributions are a fair and viable means of raising revenue to improve local infrastructure and assets. The application and regulation of developer contributions to address pressures on existing infrastructure should be addressed in the Planning, Development and Infrastructure Act 2016.

## Infill Development

- Building sustainable densities is an important aspect to healthy and vibrant communities. The current policy on cumulative impacts of infill development should be reviewed and monitored with appropriate targets and controls established, and enhanced policy relating to infill development to address issues such as loss of character, carparking, the loss of private open space and the urban tree canopy.

## Heritage and Conservation

- Local government recognises the benefits of protecting our heritage while emphasising that classification of 'heritage' and 'conservation' status should be made locally and based on sound evidence. Local government does not support the implementation of policies that lack a sufficiently robust evidence base.

## Principles of Good Design

- Planning decisions should be made cognisant of good design principles and in the best interests of the local community. Further consideration of good design within the Planning and Design for all forms of development is required.

## Hazards

- Local government recognises its obligations to identify hazards in making planning decisions, and in applying hazard policies stringently unless suitable mitigation elements can be incorporated into proposed developments.
- There should be greater consideration within the Planning and Design Code for the effects of climate change.

## Areas of Cultural and Spiritual Values

- Protecting areas of cultural and spiritual value is a shared responsibility of all tiers of government and communities. Further work is required to include policies within the Planning and Design Code that consider non-European cultural and spiritual values.

## Urban Greening, Tree Planting and Offset Fund

- Local government understands that higher levels of natural plant life (trees and shrubs located in street verges, parks and on private properties) in local communities has many social and environmental benefits, particularly in urban communities.
- To achieve urban greening and the Tree Canopy Cover Target in the Greater Adelaide 30 Year Plan there is a need for increased urban greening on both public and private land and a consistent canopy cover established to both reduce the heat island effect arising from increased paved areas and mitigate the effects of climate change. This can only be achieved by increased greening and trees being planted on both public land (reserves, open space and streets) and private land. To reduce the heat island effect in the higher density infill areas there is a need to ensure that trees are planted on private land and green space is provided.
- The cost of paying into the Offset Fund in lieu of planting a tree should be commensurate with the full life cost of the tree.

## Planning and Development Fund

- Local government supports the Planning and Development Fund being used for the purpose it was established for:
  - i. To improve access to public open spaces and places, and
  - ii. To enable the planning, design and delivery of quality public space that is essential to healthy, liveable communities.
- The Planning and Development Fund should not be used for administrative purposes including the ongoing management of the online planning system, or public works or public policy that is not consistent with the aims and intent of the Planning and Development Fund which is to improve access to public open space, and to enable the planning, design and delivery of quality public space that is essential to healthy, liveable communities.

## PDI Act and Regulations

The following amendments to the *Planning, Development and Infrastructure Act 2016* (PDI Act) and associated regulations are recommended:

- Division 1, State Planning Commission, re-establish the Commission as a body independent from government. Amend s33 to provide for an independent Chief Executive Officer and amend s18 to ensure that a person with contemporary local government experience is an ongoing appointment on the State Planning Commission, based on the advice provided by the LGA.
- Amend s18(b) to clarify that the public sector member (ex-officio) is a non-voting member.
- S44 Community Engagement Charter, a comprehensive review of the operation and implementation of the Charter should be undertaken.
- Amend the regulated and significant tree legislation with the aim to protect regulated and significant trees, this would include expanding the definition, determine a value for trees and

include as a fee when a regulated or significant tree is to be removed and increased penalties for the illegal removal or damage to these trees.

- S56, Fees and Charges, the requirement for councils to pay the eplanning levy should be repealed.
- Sub- section 67 (4) and (5) should be repealed to ensure that planning policy is determined by proper planning principles through broad community consultation, rather than through a selective vote of property owners.
- S106.2 and Reg 54(1), Deemed to Satisfy (Minor variations), the ability of Private Certifiers to make minor variations to applications should be repealed or at the very least provide greater guidance and controls on what are minor variations.
- S121 (2) Design Review, a person undertaking specified forms of development should be required to undertake design review, rather than being a voluntary process.
- S125, Timeframes in which to make a decision, sub section 2 Deemed Consents should be repealed.
- Reg 125, Timeframes within which a decision must be made. More flexible time frames for complex applications that are not subject to public notification should be introduced.
- Public notification provision should be reviewed, with more targeted public notification provided and third-party appeal rights introduced for identified forms of performance assessed applications assessed by Assessment Panels and subject to public notification.
- S136, 137, regulation 3F and definitions relating to Regulated and Significant Trees. An independent review of the regulated and significant tree legislation should be undertaken with the aim to increase protection of regulated and significant trees, this would include expanding the definition. A value for trees should be determined and regulated and included as a fee when a regulated or significant tree is to be removed.
- Planning and Development Fund, amend s194 and 195 and regulation 119 to ensure that the fund is only used to improve access to public open spaces and places and enable the planning, design and delivery of quality public space that is essential to healthy, liveable communities.
- S197, Off-setting contributions, the operation and applicability of the Urban Tree Off Set Scheme should be reviewed and the contribution for not planting a tree under the Urban Tree Off Set Scheme to be substantially increased to provide an incentive to plant trees on private land and to enable councils to recover the cost of planning and maintaining the trees on public land.
- Include mechanisms by which developer contributions can be regulated and applied to address the pressures on existing local infrastructure.
- A comprehensive review of fees and charges should be undertaken with consideration being given to the lodgment fee currently being paid to the State government being paid to the council and consideration should be given to a verification and development approval fee.

More detailed amendments are included in Section 6 of this submission.

## Eplanning

It is recognised that the State government has worked with local government to address numerous concerns with the eplanning system. However, councils have told us that the eplanning system is not delivering on the 'promised' efficiencies and cost savings to councils and users of the system. Ninety eight (98%) percent of councils have identified that their costs have increased because of the implementation and actioning the new planning system.

Concerns remain with the operation, efficiency and usability of the Planning Portal, concerns highlighted with the planning portal include:

- inefficiencies the planning portal is causing within councils, particularly increased administration requirements and increased time verifying, assessing and determining basic applications. The consensus is that the enhancements being made are effectively 'tinkering' at the edges rather than addressing some of the fundamental shortcomings, the only substantive fix in 18 months being to public notification.
- as a result of the inefficiencies of the planning portal, timeframes for verification, assessment and building inspections as required by the PDI Act are proving difficult to achieve without councils having to allocate further time or resources;
- these inefficiencies are also resulting in reduced customer service outcomes as a result of the interface with the planning portal and communities understanding of the portal;
- reporting system and system indicators not enabling accurate data analysis or reporting to be provided to councils, this has implications for budgeting and resource provisions. There is also concerns with the veracity of the recently released Performance Indicators Report and how that might be interpreted; and.
- planning portal compliance with the provisions of the PDI Act. There are examples where timeframes or decision pathways are not consistent with the interpretation of the PDI Act.

As with the arterial road network and the health system, the eplanning system should be regarded by the State government as an essential and critical service which is funded through general revenue rather than being dependant on funding from external sources (eplanning levy and lodgement fees).

There is a need to work more closely with local government to address the concerns identified and to make the system more effective and less time consuming. To that end it is recommended that the State government enter into a service Level Agreement with the LGA that identifies a program of priority issues that require resolution.

## Planning and Design Code

The following recommendations are provided in respect to the Planning and Design Code:

- Include the ODASA Design Guidelines into the Planning and Design Code –Principles should be incorporated in the Planning and Design Code to ensure that Object 4 (d) and s59 of the Act are fully addressed and incorporated within the Code.
- Reintroduce detailed Desired Character Statements for zones to provide clarity in relation to outcomes sought.
- Enable councils the opportunity to include more localised policy within the Planning and Design Code to reflect local neighborhoods and local character.



- Undertake a comprehensive independent review of the benefits and impacts of infill development in inner metropolitan Adelaide and amend the D Code based on the findings.
- Provide greater policy consideration and detail for regional South Australia in the Code
- Engage with local government on the provisions of policy and design guidelines required to protect heritage and character areas.
- Ensure policy is well written and understood and the language used is not ambiguous and non-contradictory and enables clear outcomes.

Section 5 of this submission contains more detailed discussion on recommended changes to the Code.

## Planning Reform Objectives

Throughout the planning reform process, the LGA has had regard to the report by South Australia's initial Expert Panel on Planning Reform '*The Planning System We Want*', that Panel's Vision '*to ensure that South Australia has an effective, efficient and enabling planning system*', and the 5 Guiding Principles established by it as a framework for reform:

1. Partnerships and Participation
2. Integration and Coordination
3. Design and Place
4. Renewal and Resilience
5. Performance and Professionalism

It was in this broader reform context that the LGA developed 13 Planning Reform Objectives endorsed by the LGA Board.

As part of its submission on Phase 2 and Phase 3 of the Code the LGA provided the following table, which provided a summary of the relationship between the Expert Panel's Guiding Principles and the LGA Planning Reform Objectives, and the LGA's view at the time as to whether the Goal or Guiding Principles of the Expert Panel were being successfully achieved in the development of the draft Code.

The LGA has updated its comments following the full implementation of the Code in March 2021 (see below) and incorporated comments provided by our members from our recent survey.

Original Expert Panels Guiding Principles	LGA Original Planning Reform Objectives	What we have heard from our members
<p><b>Partnerships and Participation</b></p> <p>An easily understood planning system that establishes constructive engagement between users and decision-makers</p>	<p>Opportunities for public participation in the planning system are clear, with an emphasis on influencing outcomes at the strategic planning and policy development stages.</p> <p>Council Members have a high level of engagement and influence in the development of local planning policy, which is used to make objective decisions about development outcomes.</p>	<p><i>'The system is clunky, bureaucratic, unintuitive, inefficient, difficult to navigate.'</i></p> <p><i>'Portal is not user friendly. It has shifted responsibility away from local government.'</i></p> <p><i>'System difficult to navigate, takes more staff time, creates ratepayer dissatisfaction'</i></p> <p><i>'There are still flaws on the system and a lot of time wasted for what should be simple and straight forward applications. '</i></p> <p><i>'Most ratepayers are unaware that the planning system is on-line and so are not aware of the Portal for submitting applications or how to check the Code. A lot of developments proposed do not have a pathway and as such the document generated by the Code is too large for a member of the general public to work through'</i></p> <p><i>'The assessment time takes much longer, and the policy is cumbersome and difficult to interpret. The DA portal is rigid and does not allow for the path of applications to change as the assessment and further information is obtained. However, I will note there has been some enhancements to make this better but still needs a lot of</i></p>

Original Expert Panels Guiding Principles	LGA Original Planning Reform Objectives	What we have heard from our members
		<i>work. A lot more time is spent explaining the policy to customers as the cannot understand.'</i>
<p><b>Integration and Coordination</b></p> <p>A planning system that enables an integrated approach to both high-level priorities and local policy and decision delivery.</p>	<p>Local Government works with the State Government to develop and implement an overarching planning strategy and to ensure that all major state and local policy documents are consistent with the strategy and with each other.</p> <p>Planning policies and processes are underpinned by triple bottom line thinking, which balances the State's economic, environmental and social interests.</p> <p>Local Government has primary responsibility for developing and updating the local elements of planning policy and the assessment of local impacts of all development proposals.</p>	<p><i>'I see the benefits but there needs to be some opportunity for local area content and taking into consideration the communities needs and wants'</i></p> <p><i>'By consolidating the many development plans into one document, the system is easier to navigate and there is an improved level of consistency across LGAs'.</i></p> <p><i>'It has simply led to adopting a lowest common denominator approach to planning'.</i></p>
<p><b>Design and Place</b></p> <p>A planning system that supports the creation of places, townships and neighbourhoods that fit the needs of the people who live and work in them now and in the future.</p>	<p>The system promotes excellence in urban and built form which improves the health and wellbeing of communities. This is underpinned by decision makers having a high level of planning and design competency.</p>	<p><i>'The Code provisions are weak and/or too prescriptive and doesn't provide consistent high-quality design or built form outcomes.'</i></p> <p><i>'I think the consistent zoning across the state is a good move however there is a loss of locality specific planning policy. It is very generic and despite being the 'Design' Code I think that there has been a real dumbing down of good planning policy with respect to high quality design'</i></p> <p><i>'The Code provides very little sustainability or environmental features and does not address aspects such as urban heat island effects or climate change'.</i></p>
<p><b>Renewal and Resilience</b></p> <p>A planning system able to respond and adapt to current and future challenges through innovation and the implementation of sustainable practices.</p>	<p>Planning policy can be updated quickly and efficiently, with amendments that are not seriously at variance with the Planning Strategy taking no more than six months to be finalised from the date of lodgement</p>	<p><i>'It feels as if there has been a reduction in the level of understanding of the Planning system and policies by the general public'.</i></p> <p><i>'Going online has created significant improvement, timing and records management'</i></p> <p><i>'The portal works but is still buggy and requires improvement'</i></p> <p><i>'There is a fair way to go with mapping and interactivity'</i></p>

Original Expert Panels Guiding Principles	LGA Original Planning Reform Objectives	What we have heard from our members
<p><b>Performance and Professionalism</b></p> <p>A planning system that is consistent, transparent, navigable, efficient and adaptable, that supports clear-decision making and encourages and facilitates investment.</p>	<p>Policies and processes are clear and consistent, resulting in equity, fairness and certainty.</p> <p>The pathways to development are clear and uncomplicated, with the level of assessment required matched to the level of risk of impact associated with a development.</p> <p>The development assessment process is robust but is more efficient through the removal of red tape.</p> <p>The appeal and review process is timely and cost effective and compliance and procedural matters are principally resolved through a non-judicial process.</p> <p>Decision making at all stages of planning is transparent and decision makers are held accountable for their performance by introducing fair and reasonable performance measures</p> <p>There is accountability in the planning policy amendment process through the introduction of performance measures and transparency through the introduction of an online 'tracking' system.</p>	<p><i>'It has simplified 'easy' applications yet has imposed measures that negatively affect complex applications'</i></p> <p><i>'The loss of appeal rights limits involvement by members of the public and deemed consents put pressure on staff to make quick rather than better decisions.'</i></p> <p><i>'Online system creates efficiencies in lodgement and assessment, however effectiveness is undermined by limited policy, enabling planning system is compromised by increased consultation, but with no appeal rights which creates misleading levels of communication to the public.'</i></p> <p><i>'It is confusing for the general public to know who is responsible for planning assessments and it is confusing for many people to access the new planning system. Council Assessment Panels have gone from having to assess new development applications against 250 pages of guidelines in our council's Development Plan to having to assess applications against several thousand pages of criteria in the Planning and Design Code. Plus, we have lost much valuable detailed planning criteria which have been replaced with broad generic criteria which give little guidance to planning authorities and leave the door open to poorer quality development being approved. The new planning system has removed power from local communities and their local representatives.'</i></p> <p><i>'Portal is not user friendly. Shifted responsibility away from local government. It is not easy to fix errors.'</i></p> <p><i>'The digitalisation of the state planning system has brought many benefits for people wanting to undertake development and councils administering the Act.'</i></p> <p><i>'The process is longer, the clock rushes and forces poor decision making and added stresses from the applicant onto assessing officers, the portal is cumbersome to work with.'</i></p> <p><i>'The role of certifiers should be reviewed in particular the quality and correctness of their decision making. Also, despite an electronic system there are many steps where applicants don't have to use the portal and council becomes responsible for filling in the blanks.'</i></p> <p><i>'The new system does not have a hard copy of the plan and there are more than 5000 pages to navigate if printed out in its entirety. There is no digital democracy for all community members (particularly the general public) who are not able to navigate the online system. In fact, the system actively discourages them.'</i></p> <p><i>'It's more cumbersome, more time consuming, more expensive to administer, and it stripped fine-grained detail from desired character statements that mattered to locals'</i></p>

## Planning system costs and resourcing

Local government anticipated increased financial costs and resourcing implications during the period of transition from the old to new planning systems.

In 2018 the then Department of Planning, Transport and Infrastructure identified the following potential financial benefits and savings for local government with the introduction of the new planning system and eplanning system:

Potential financial benefits:

- Saving of \$50 per development application for each council (minimum)
- \$70 – 250K saving for each council per annum (supported by LGA report data)

Savings for councils across a range of areas:

- DPTI managed system maintenance
- DPTI managed system help and support
- Licensing
- Staff efficiency
- Legal costs

The LGA has sought advice from councils regarding the financial and resource impacts of the new planning system. Almost all councils reported increased ongoing costs or resourcing burden associated with the new planning system. Very few councils consider that the fees associated with the new system offset these additional costs.

The most frequently experienced source of additional costs and resource implications were planning consultants, legal costs, and administration costs relating to Section 7s. Many councils have identified the need for additional planning staff and the need to engage contractors to act as Assessment Manager.

Other sources of additional costs specified by councils include:

- Existing staff working longer hours to complete manual tasks required by the planning portal
- Cost of hardware and IT staff to support portal
- Payment to PlanSA to administer the portal
- Staff time on calls to PlanSA to fix issues with portal
- Staff time to communicate new system to the community
- Loss of income from fees
- Administration of concurrence checks

### ePlanning Levy

Section 56 of the PDI Act enables the Chief Executive of the Department of Trade and Investment with the approval of the Minister to impose fees and charges with respect to gaining access to, or obtaining information held and may require a council to contribute towards the cost of establishing or maintaining:

- a) the SA Planning Portal;
- b) the SA planning data base; and
- c) any online atlas and search facilities.

The eplanning levy was introduced during 2018/19 prior to the system becoming operational, following advocacy from the LGA, councils with low rates of development applications were not required to pay a

contribution, while for remaining councils in years 2018/19 and 2019/20 received a 50% discount on the contribution.

The full contribution became payable in 2020/21 and the contribution is based on the groupings shown in the table below:

Council	No. Councils	Contribution	
Group A Development values > \$100mil	19	\$59,100	\$1,122,900
Group B Development Values > \$50Mil & < \$100Mil	6	\$18,300	\$109,800
Group C Development Values > \$10Mil & < \$50Mil	25	\$6,100	\$152,500
Group D Development Values < \$10Mil	18	\$0	\$0

It is estimated that local government is required to pay \$1,385,000 annually towards the cost of maintaining the planning portal and data base. The determination on the Group is based on a three year rolling average on the development values, a council may therefore move up or down on an annual basis between categories. This can place some uncertainty during the budget setting process.

There is no sunset clause to this requirement in the PDI Act, and the contribution requirement has increased annually since inception.

To reduce the cost impacts of the new system, Section 56(2) of the PDI Act should be repealed to reduce the financial burden on local government. If this is not recommended, the Chief Executive of the Department of Trade and Investment should be required to enter into a Service Level Agreement with the LGA, that establishes an agreed project plan, priorities and pathways for the improvement of the eplanning system which are a priority for local government

The LGA recommends Section 56(2) of the PDI Act be repealed to reduce the financial burden on local government.

## Lodgement Fees

Under the previous Development Act the relevant authority (generally the council), received a \$80 lodgement fee for each development application lodged, this was in addition to the assessment fee. Under the PDI Act, the State Government now receives this lodgement fee which has increased to \$184 per application.

The State Planning Commission's Performance Indicator Snapshot for 2021-2022 indicates that over 40,000 applications were lodged in the period. The State Government would have received more than \$7.3M in lodgement fees. When combined with the eplanning levy councils are required to pay, the financial impact of these two charges is more than \$8.3M dollars annually to local government.

It is acknowledged that some application fees and compliance fees have increased, however the responses from local government suggests that these increases do not address the shortfalls as a result of the eplanning levy and loss of the lodgement fee in addition to the other costs associated with the new system.

Councils support their role as a local decision-making authority and consider that this role should be properly funded by fees and charges set at a cost recovery level. Local government opposes further reforms that result in a more unfavourable financial position in relation to planning functions.

The LGA has not undertaken a detailed analysis of the recently introduced fees and charges under the PDI Act and is currently seeking information from Planning and Land Use Services in relation to income received through the SA Planning Portal, to enable the LGA to undertake a Cost Impact Assessment. This information is not currently forthcoming. If the State government is not willing to provide this information to the LGA the State Government should undertake this review.

The LGA recommends that to in order to fairly and adequately resource the assessment of development applications:

1. Fees and charges should be based on a cost recovery approach,
2. The lodgement fee paid by applicants be paid to the relevant council and not the State Government, and
3. The State Government undertake a review of statutory fees and charges set under the PDI Act to ensure that the fee structure adequately reflects the costs to councils of administering the requirements of the Act

## ePlanning System

The eplanning platform introduced as part of the South Australian planning reforms sought to benefit the planning system by improving ease of use, efficiency, and consistency, and by centralising and simplifying the planning assessment process. In December 2021 the LGA surveyed its members on the eplanning system. We heard from our members that:

1. The planning portal is causing inefficiencies within councils, particularly increased administration requirements and increased time verifying, assessing and determining basic applications. The consensus is that the enhancements being made were effectively 'tinkering' at the edges rather than addressing some of the platform's fundamental shortcomings, with the only substantive fix in 18 months being to public notification. There does not appear to be a clear and agreed system improvement framework to identify agreed priority areas and a timeframe for system improvements.
2. As a result of the inefficiencies of the planning portal, timeframes for verification, assessment and building inspections as required by the PDI Act are difficult to achieve without councils having to allocate further time or resources.
3. Inefficiencies are resulting in poorer customer service outcomes as a result of both the shortcomings of the planning portal interface, and communities' limited understanding of the portal.
4. Reporting systems and system indicators are not enabling accurate data analysis or reporting to be provided to councils, with implications for budgeting and resource provision. There are also concerns with the veracity of the recently released Performance Indicators Report and how that might be interpreted.
5. In some instances, planning portal timeframes or decision pathways are not compliant with the PDI Act.
6. The eplanning system is not delivering on the 'promised' efficiencies and cost savings to councils and users of the system. Ninety-eight (98%) percent of councils have identified that their costs have increased because of the implementing the new planning system.

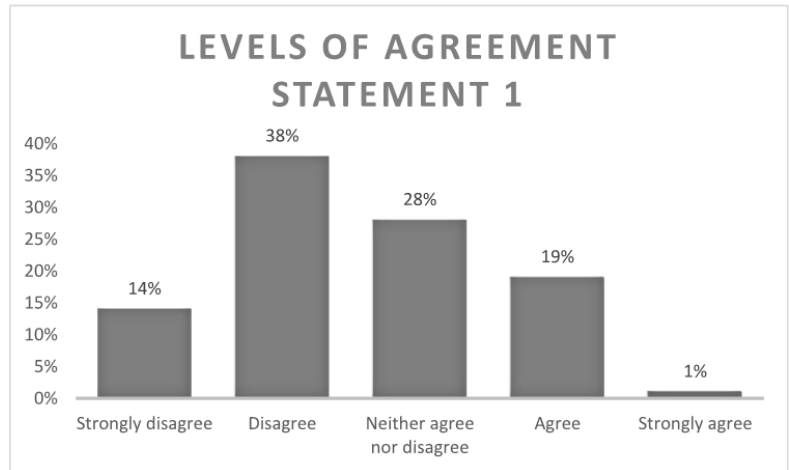
The LGA survey sought to provide an understanding of the extent to which councils had experienced the proposed benefits of the eplanning system, specifically:

- An online eplanning system that is easy to use and understand
- One centralised place for all of South Australia's planning and development matters
- An electronic planning system to simplify processes and speed up the movement of information, saving all users time and money
- Improved consistency of all planning decisions, with legislative amendments implemented centrally under standardised interpretation
- eplanning simplifies how community members, developers, decision makers and others interact with the planning system



The LGA sought feedback from councils based on the four statements above for which respondents were asked to note their level of agreement. Findings in relation to each statement are described below.

*Statement 1: The eplanning platform is easy to use and understand*



More than half of respondents (52%) disagreed to some extent with the statement, while almost a third (28%) neither agreed nor disagreed, and 20% agreed to some extent.

Comments indicated that the system was not easy to use or understand for the general public, with applicants often finding it confusing and seeking support from councils. Many respondents noted that some aspects of the system work well, but others do not. A commonly identified area for improvement was the system’s ability to cope with errors or variations from the standard, as was the requirement for “double handling” and large amounts of administration such as managing automated emails and the need to save relevant non-system emails as pdfs.

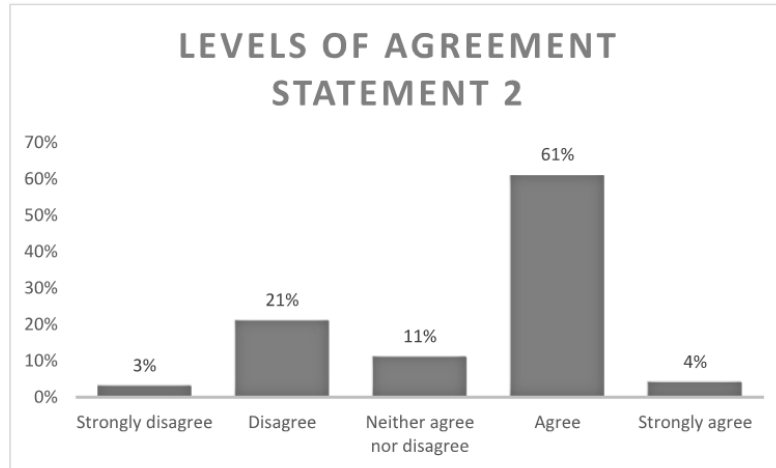
*“The Portal has tried to streamline too much but in doing so has added so many extra steps and work arounds now.*

*The fact an applicant cannot stage a consent after gaining planning consent is a big issue and we now have to ask applicants to relodge an application.*

*Our team is spending so much time trying to assist residents, builders, and other professionals with navigating the portal because they do not find it user friendly at all.”*

*- Respondents*

*Statement 2: The eplanning platform is one centralised place for all of South Australia’s planning and development matters.*



The majority of respondents (65%) agreed to some extent with the statement, while around a quarter (24%) disagreed to some extent, and 11% neither agreed nor disagreed.

Feedback provided noted that planning and development matters that are not part of the eplanning platform include customer inquiries (which still go direct to councils), wastewater applications triggered by development applications, Section 7 searches, building rules assessments and notifications, compliance and enforcement, site histories, details of applications under the previous system, Crown development applications, and Council referrals for restricted development.

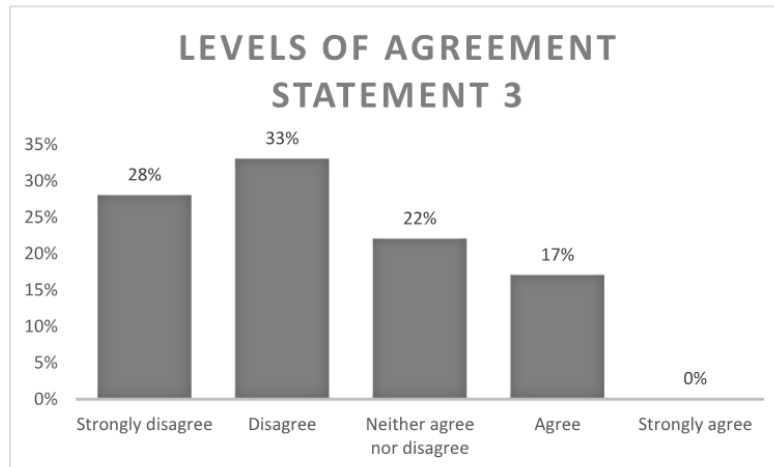
*“It is a centralized platform for application decision making. It is an inadequate platform for record management, reporting on development statistics and legislative obligations, and a prohibitive platform for post approval development compliance matters.*

*“Whilst this may be the intent, the public will still contact Council and provide details to Council, so data is maintained outside of the portal. The public do not know where/how to find the information contained on the portal.”*

*“By nature is a central source as all applications must be lodged through portal. however vague policy leads to scope for differing interpretations and lack of knowledge from PlanSA help desk passes a lot of requests back to council when it is actually a DIT issue.”*

- Respondents

*Statement 3: The eplanning platform has simplified processes and sped up movement of information, saving all users time and money.*



Most respondents (61%) disagreed with this statement to some extent, with almost third (28%) strongly disagreeing. Twenty two percent neither agreed nor disagreed, while 17% agreed – though none strongly agreed.

Several comments noted that application fees increased substantially with introduction of the planning portal. Some noted verification as a time-consuming part of the new process – effectively a pre-assessment. Others described straightforward applications becoming more involved within the eplanning platform and new system or described limitations of the eplanning platform in managing workflows and responding with agility to changes and new information.

*“The majority of developers still try to submit their additional information directly to Council staff via email.”*

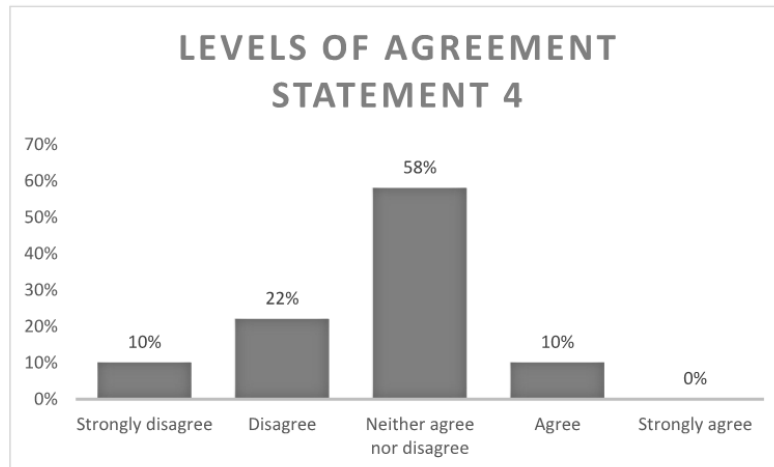
*“Prevents collaborative approach to assessment. It will result in more refusals.”*

*“The verification process is far more complex, applicants do not understand this process. The process does not stop the public from submitting low quality information it just makes it more difficult for Councils to work with. The inability of Council staff to change obvious errors in the portal extends the time and complexity associated with an application. The portal is clunky and not user friendly, it is not intuitive. I have been told by local builders that clients will avoid lodging an application all together rather than deal with the portal.”*

*“It is obviously an expensive platform for an applicant. Cost of lodging an application can be 1/2 of the cost of the structure itself. And I wouldn't necessarily agree the information is more readily available than before, I think users are more confused about where to find information such as RFI's and documents.”*

- Respondents

*Statement 4: The eplanning platform has improved consistency of all planning decisions with legislative amendments implemented*



Over half of respondents (58%) neither agreed or disagreed with the statement. More than a third (32%) disagreed to some extent, while 10% agreed and none strongly agreed.

Comments noted that while the documentation of applications is consistent under the platform, the less specific nature of the Planning and Design Code allows broad scope for policy interpretation leading to less consistency in planning decisions.

*“Policies are too broad based and open for different interpretations. It should be more specific. We have found that those who operate across various council areas find it confusing due to differences in interpretation.”*

*“Assessment processes don’t necessarily result in the same decision so the platform cannot guarantee legislative compliance. There is still human interpretation that can never be overcome. People lodge applications as accepted or DTS even though they aren’t fitting that particular pathway and the system allows that because plans can’t be qualified by the computer it takes a person.”*

*“I receive a lot of feedback from applicants/ customers/ people on the industry that there is still a lot of inconsistency between councils in regards to advice/ interpretation and application.”*

**Respondents**

A smaller number of comments spoke positively of their experience with the system, for example:

*“Overall Council is extremely pleased with the new SA Planning System. Our costs have more than doubled however we believe the current system to be a definite improvement and more efficient. The applicants have accepted the online lodgement process.”*

*“The new state Planning system can be considered a very successful implementation of a new system and credit to the parties involved. There are a number of areas for improvement, including fair distribution of fees, code amendment process, the public notification system and reporting, however these are matters that can be rectified over time with proper consideration and consultation by DIT, AGD and councils. In particular reference to costs and resourcing implications, year to date fee development application income figures indicate that councils will*

*recover less income for an unchanged resource expenditure, thereby further spreading the costs of private development to all ratepayers.”*

*- Respondent*

## Planning and Design Code

Many councils, particularly those in regional areas with limited resources, have acknowledged the benefits of the statewide Code, particularly noting that the SPC is the relevant authority for developing policy and maintaining the document. Notwithstanding this, councils have identified a number of concerns with the Code in its current form.

### Innovative policy

The opportunity to develop and improve on policy, to test and to be innovative has been lost with the introduction of a single Code that is managed through Planning and Land Use Services and the SPC.

Under the previous system councils had the opportunity to be innovative through developing and testing policy in their local areas. This enabled other councils to look at the success or otherwise of the policy and often 'borrow' the policy, adapt and improve on it for their own local communities.

While this approach has drawn a negative response from the development industry due to varying policy across council areas, it led to innovation and ongoing improvement in policy content.

While some see value in the new centralised approach which has created 'homogenous' policy across both urban and rural areas, it has stifled innovation and reduced policy content to the "lowest common denominator".

To overcome this, councils should be provided the ability to develop and test policy at a local scale and other councils should be able to adapt the policy to suit their own local circumstances.

If the current approach is to remain, the SPC must provide more detailed and comprehensive feedback on issues raised by councils and provide a clear framework and understanding on how policy issues raised by councils can be addressed. The current approach with Planning and Land Use Services acting as a 'gate keeper' and the confidential nature of many of the SPC's discussions lacks transparency, reduces confidence in the system and reduces the ability of councils and the community to be engaged in policy development.

### Local policy content

The State Government, in the early stages of development, communicated that the Code would be comprised of current Development Plan policies in the new Code format, in effect a "like for like" transition to precede future changes to policy content developed in consultation with councils.

The Code in its current form does not uphold that commitment. Policy intent, content and tools fundamental to councils' ability to sustain and enhance the quality of suburbs and neighbourhoods from existing Development Plans have not been replaced with substantive planning policy of a level of detail or rigour necessary to enable good development outcomes.

The Code omits local policy that has been developed by councils in consultation with their communities over considerable time and at considerable expense. The State-based approach as adopted in the draft Code has seen the removal of both this local policy, and in many instances, Structure Plans and Master Plans specifically developed for local and unique areas. Inclusion of these local area plans was supported by the Expert Panel in its original recommendations for Planning Reform (specifically Reform 9).

While councils now have the opportunity to seek amendments to the Code, including the inclusion of sub zones, it is disappointing that the SPC did not work more closely with councils during development

of the Code to identify these local variations for inclusion in the Code as part of the current consultation process.

Councils now face a loss of local policy in the first instance, and through an amendment process (that is not yet well understood) will be required to renegotiate policy that has previously been publicly consulted on and received Ministerial approval.

## Good design

A key premise of the South Australian Planning Reforms and as identified in the PDI Act and State Planning Polices is the focus on good design outcomes under the Code. Good design and placemaking must be a central objective of the Code and must be enforceable in the assessment process.

The importance of design to good planning outcomes has been emphasised throughout the reform process, including:

- The Expert Panel's proposed Reform 9 *Build design into the way we plan*, recommending protections for streetscape, townscape and landscape character to be embedded within the Planning Code, and the use of urban design approaches such as structure plans, Master Plans or Urban design frameworks at the local level.
- The PDI Act's specific reference to high quality design, including explicit direction that amongst other attributes design should respond to local setting, character and context, be adaptive and compatible with the public realm, be inclusive and accessible to people with differing needs and capabilities, and support active and healthy lifestyles and to cater for a range of cultural and social activities<sup>1</sup>.
- State Planning Policy 2 Design Quality (SPP2) which aims to *elevate the design quality of South Australia's built environment and public realm*, sets out *Principles of Good Design* and *Principles of Universal Design*.

While the intent to enthusiastically promote good design is clear, this is not fully realised in the Code, which is the most practical and effective instrument available to realise the intent of the PDI Act.

SPP2 explicitly aims to "*recognise the unique character of areas by identifying the valued physical attributes in consultation with communities, and respect the characteristics and identities of different neighbourhoods, suburbs and precincts by ensuring development considers existing and desired future context of place.*". As the Code currently stands, these objectives have not been met. The reduction of the number of zones overall, and stripping away of well developed, locally responsive policy guidance, will result in standardised policy across many neighbourhoods and suburbs which fails to recognise and respect unique character.

The LGA remains supportive of the *Design Guidelines- Design Quality and Housing Choice*, prepared by the Office for Design and Architecture and the Principles of Good Design included within the Guidelines. To be effective, these Guideline and Principles need to translate into the Code to enable them to form part of the assessment process.

Councils and the community have an expectation that the Code will significantly "lift the bar" in terms of the quality of design outcomes being achieved through the planning system. Therefore, good design and placemaking must be a central objective of the Code and must be enforceable in the assessment process.

Good housing and urban design should not be considered as an add on, but as an essential part of an acceptable living environment.

## Infill development

Local government recognises that building sustainable densities is key to healthy and vibrant communities. However, current policy should be reviewed to gain a greater understanding on cumulative impacts of infill development, particularly as it related to the loss of local character, the loss of the urban tree canopy, carparking, stormwater and other council managed infrastructure, and both public and private open space.

While the Code accommodates continued infill development in the metropolitan area, the design, impacts and management of infill development should be addressed more thoroughly in the Code, ideally with the guidance of a broader strategy. In the Code, infill development should be considered with regard to policies addressing design, neighbourhood character, and local context.

While there is some recognition of these issues in the State Planning Policies that have been approved by the Minister for Planning under section 58 of the PDI Act, there is no holistic policy to guide the land use planning and funding settings specific to infill development in urban areas. This policy vacuum contributes to disjointed decision making within the planning system about the intensity of development permitted within an area, and the capacity of that area to accommodate high levels of infill development.

A better understanding is needed of the cumulative impacts of the current policies that encourage infill development, whether the areas that are identified for further infill development have the service and infrastructure capacity to sustain further development, the level of investment that is funded. These issues should be thoroughly considered and clearly articulated in a State Planning Policy on Infill Development to address the loss of local character, the loss of the urban tree canopy, carparking stormwater and other council managed infrastructure and both public and private open space.

## Car Parking

### Garaging and on-street (Parking, Access and Public Realm)

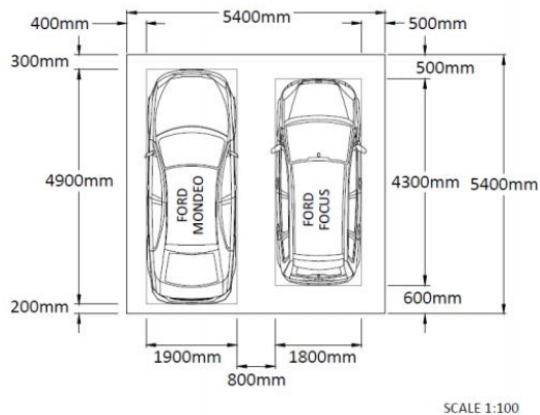
Code policies have provided increased support for reducing driveway widths and provision for on-street parking. This has aided in improving design outcomes to support better amenity and public realm through reducing impacts of driveways, both on street trees, landscaping and on-street parking.

However, the Code has not addressed the issue of the internal dimensions of garages.

It is important that the policy recognises and responds to the function of garage spaces particularly given the limited storage and utility spaces within dwelling and external areas. The internal dimensions of the garage should include the ability to walk past parked vehicles within garages with household items, such as a bike or trolley, to ensure they are suitable for their intended use and function as flexible spaces.

The following diagram demonstrates the limited space available around two standard vehicles within a double garage of 5.4mx 5.4m in dimensions. The diagram highlights the difficulty of entering or exiting the vehicle, provision of storage and opening an internal door into the dwelling





The dimensions for garages used in the Code are based on Australia Standard AS/NZS 2890.1:2004, which uses vehicles sales data from 2000.

According to VFACTS<sup>1</sup>, seven of the top ten cars sold in Australia in 2020 were either utilities or SUV's

- Ford Ranger: 5.36m (L) x 1.86m (W)
- Mitsubishi Triton: 5.2m (L) x 1.78m (W)
- Toyota Hilux: 5.3m (L) x 1.85m (W)
- Mazda CX5: 4.55m (L) x 1.76m (W)
- Toyota RAV 4: 4.6m (L) x 1.84m (L)
- Hyundai Tuscan 4.48m (L)x1.85M (W)
- Toyota Prado: 4.99m (L) x 1.86 (W)

Across the range of the most popular vehicle models, widths do not vary much. However, popular utility vehicles are significantly longer in length, and SUVs are slightly longer than a standard sedan. The diagram above demonstrates the difficulty in parking utility vehicles and SUVs within domestic garages due to their length.

In researching car parking provisions within other states, Victoria has carparking provisions that are provided in accordance with the Municipal Planning Strategy and the Planning Policy Framework. Amongst other matters the policy framework seeks to:

- To ensure that car parking does not adversely affect the amenity of the locality; and
- To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.

These provisions identified below require the internal dimensions of garages to be both longer and wider than the Australian Standards:

Car spaces in garages or carports must be at least **6 metres long and 3.5 metres wide** for a single space and **5.5 metres wide** for a double space measured inside the garage or carport.

<sup>1</sup> [top selling cars in Australia 2020 - Bing](#)

Source: [\\*52.06 CAR PARKING \(delwp.vic.gov.au\)](#)

On this basis, it is recommended the dimensions for garages within the Planning and Design Code be amended to:

1. Single width car parking spaces:
  - a) a minimum length of 6.0m per space
  - b) a minimum width of 3.5m
  - c) a minimum garage door width of 2.4m
2. Double width carparking spaces (side by side)
  - a) a minimum length of 6.0m per space
  - b) a minimum width of 6.0m
  - c) a minimum garage door width of 2.4m

## Energy positive and carbon neutral housing

The current Code does not have clear policy outcomes that promote more energy efficient and carbon neutral buildings, apart from minimal standards of insulation and shading and tree planting.

Land use planning can play an important role in climate change mitigation and adaptation. The PDI Act requires the Minister for Planning to prepare a specific State Planning Policy relating to climate change. The Policy identifies the specific policies and principles that should be applied with respect to minimising adverse effects of decisions made under the Act on the climate and promoting development that is resilient to climate change. A key action for government is to strengthen these policies for climate smart development through the planning system.

Upcoming amendments to the National Construction Code will see a requirement for new constructions to increase from a 6 star to 7 star rating. The Code should also be amended to promote more energy efficient and carbon neutral buildings.

## Heritage and Conservation

Conservation of heritage and historic character through the planning system remains a vital concern for councils and communities around the state. From the earliest stages of planning reform, the LGA and councils identified that highly effective heritage conservation policies existed in Development Plans under the *Development Act 1993*, and that these should be expanded rather than lost through the planning reform program.

Local government recognises the benefits of protecting heritage while emphasising that classification of 'heritage' and 'conservation' status should be made locally, based on evidence. Local government does not support the implementation of policies that lack a sufficiently robust evidence base.

Previous Historic Conservation Zones (HCZ) and Contributory Items (CI) were highly valued by local communities and councils and while local government supported the decision to transition many of the existing contributory items into the Code as 'representative buildings', concern has been expressed that these "representative buildings" are not defined in the Table forming Part 7 of the Code.

The interface of development assessment and heritage is particularly significant in the context of State Government directions for urban development. Urban infill development can be compatible with heritage conservation, and with good design offers opportunities for improving streetscapes and areas in ways that can benefit local heritage places and incentivise their restoration and use. Conversely, such development also has the potential to impact negatively on local heritage, and clear policies and frameworks for decision making are required where heritage conservation must be considered alongside other objectives in pursuit of infill targets.

While it is understood that the Code seeks to provide for flexibility of design response for development that impacts on heritage places, the loss of detailed development guidance currently contained in many Development Plans has the potential to result in more development proposals that fail to have appropriate regard to heritage significance and value. The policies as expressed in the Code further have the potential to slow down the development assessment process and result in more refusals of development applications.

The LGA reinforces its support for the following recommendations *2018-19 Inquiry into Heritage Reform* of the Environment, Resources and Development Committee of Parliament:

- *State Government commences a statewide, collaborative and strategic approach to heritage reform through development of a staged process and that any reforms undertaken must result in streamlined, clear and responsive processes and transparent and accountable decision making;*
- *A statewide, strategic approach to identifying heritage of local and state significance, involving the community and interested stakeholders, which is appropriately funded by state government,*
- *An audit or review be undertaken of local and state heritage places and contributory items, with the aim of working collaboratively with community and local government;*
- *A suitable long term funding base (that incentivises management for heritage and disincentivises deliberate neglect of heritage) for the management of heritage be identified and secured; and*
- *Sub- section 67 (4) and (5) of the Planning, Development and Infrastructure Act 2016 should be repealed in order to ensure that planning policy is determined by proper planning principles through broad community consultation, rather than through a selective vote of property owners.*

On the basis the LGA supports changes to the planning system to enable:

- a) Policy provided in the Historic Area overlay that provides specific guidance and recognition in relation to 'Representative Buildings'.
- b) Clearer reference in the Historic Area Overlay (and Character Area Overlay) to specifically refer to the statements in the Performance Outcomes.
- c) The State Government establish a Panel comprising persons of appropriate expertise, including representation from the Commission, Heritage Council, local government and relevant Government agencies to prepare a roadmap for a staged approach to heritage.

## **Urban Greening, Tree Planting and Offset Fund**

Local government understands that having higher levels of natural plant life (trees and shrubs located in street verges, parks and on private properties) in local communities has many social and environmental benefits, particularly in urban communities. Councils shall continue to explore and implement strategies that maintain and increase levels of urban greenery to maximise the benefits of green cover.

To achieve the Tree Canopy cover in the Greater Adelaide 30 Year Plan there is a need to understand that to reduce the heat island effect arising from the increased paved areas and effects of climate change there is a need for a consistent canopy cover. This can only be achieved by trees being planted on both public land (reserves, open space and streets) and private land. To reduce the heat island effect in the higher density infill areas there is a need to ensure that trees are planted on private land. Developers and builders need to recognise and accept that they have a responsibility to ensure this occurs and the responsibility does not lie only with State and local government.

A significant improvement to planning policy proposed in the early draft of the Code was the requirement for tree planting and provision of deep root zones within infill development / small lot housing. Unfortunately, this policy has been significantly weakened due to the introduction of an Offset Fund for the planting of the trees required by the policy.

Concerns about the approach to providing opportunities for offsetting the planting of a tree on these sites include:

- It undermines the overall intent and purpose of the policy for improving amenity and comfort outcomes for occupants and surrounding properties to infill development sites that the tree would provide over time.
- It focusses planting by local councils into the public realm, which is most likely to be away from the locations where canopy loss is occurring on private sites, and arguably where the benefits of additional tree planting would be less beneficial to the overall policy intent (i.e. open spaces and streets already have tree coverage and lower urban heat island impacts).
- It assumes that this will be available as an option, whereas more established locations (where much of the infill is occurring) already have streets filled with mature street trees and open space areas with established trees (or in some cases limited or no open space areas within the same walkable neighbourhood).
- The inadequate cost is a disincentive to plant trees, which is what the community expects for development and will not result in better design and amenity outcomes for occupants. Some of the assumptions within the BDO Cost Benefit Analysis about those that would take up the fund payment in lieu of the trees planting on the site are open to question.

The cost-benefit analysis undertaken by the State government to support the Offset Fund, misrepresented the amenity benefits of trees within development sites from a comfort viewpoint, particularly considering increasing higher temperature days as a result of climate change (this is as opposed to direct energy cost savings).

The offset scheme option places increased responsibility on local government in achieving the 30 Year Plan's urban tree canopy target, when it is private landowners and developers that are reducing tree canopy, contrary to the policy.

The position also ignores the importance of trees to contributing to better design outcomes for infill development (spaces created to accommodate the trees are part of this), and this is a key objective of the and the PDI Act.

While the LGA understands the rationale for such a scheme particularly in areas with reactive soils which would result in an increase in the cost of footings, the LGA is concerned that the scheme is open to misuse and as such considers that the following should be taken into consideration in a review of the scheme:

1. The scheme is established to fulfil the requirements of a 'Deemed to Satisfy' application, many of which will be assessed and approved by Private Certifiers, local government has been concerned that given the minimal cost being proposed for the tree (\$300), applicants and Private Certifiers will see the Offset scheme as the preferred option rather than a tree on the site. Clear rules and obligations are required to be placed on the Private Certifier and applicant to ensure that payment into the offset scheme in lieu of a tree on the property is the last resort. Where a tree is unable to be located on a property in conjunction with a dwelling because of reactive soils, footing costs or setbacks and the applicant is therefore required to pay into the

offset scheme these applications should not be determined as a 'Deemed to Satisfy' application but should become a Performance Assessed Application.

2. Noting that the BDO report suggests that the cost of planting and maintaining a tree on public land is \$1600, it is unclear as to why the proposed contribution to the scheme is \$300. It is recommended that the cost of the tree should be commensurate with the full life cost of the tree, notwithstanding the benefit the community will receive. While the purchase cost of a tree is low (<\$100) the ongoing cost of maintaining the tree needs to be fully considered. The BDO Report identified that the cost of planting and maintaining a tree on council land is \$1600 and identifies the community benefits of trees and has used the 'community' benefit as a reason for the offset contribution (\$300). However, the BDO report fails to identify the long term economic benefits of a tree planted on private land to the landholder as a result of reduced cooling costs in summer arising from the cooling effects of a tree and its canopy.
3. The size requirement of the tree to be planted on the site, the LGA would recommend that the requirement should be for an 'established' tree, in addition the recent guidelines prepared by Green Adelaide and the State Planning Commission [https://plan.sa.gov.au/data/assets/pdf\\_file/0019/1100881/Adelaide\\_Garden\\_Guide\\_for\\_New\\_Homes.pdf](https://plan.sa.gov.au/data/assets/pdf_file/0019/1100881/Adelaide_Garden_Guide_for_New_Homes.pdf) should be mandated.
4. The LGA considers that the planting of an appropriate established tree on the site could form part of the Certificate of Completion/Certification of Occupancy, ie the builder/developer should take responsibility for the planting of the tree, rather than it becoming a compliance issue between the council and home owner.

To achieve the Tree Canopy cover in the Greater Adelaide 30 year Plan there is a need to understand that to reduce the heat island effect arising from the increased paved areas and effects of climate change that there is a need for a consistent canopy cover. This can only be achieved by trees being planted on both public land (reserves, open space and streets) and private land. To reduce the heat island effect in the higher density infill areas there is a need to ensure that trees are planted on private land.

Tree planting policy applied effectively, can contribute to the metropolitan green canopy and result in increased urban cooling, and greater amenity for residents and communities.

## Performance assessed pathway

The issue of performance assessed development requiring the consideration on merit against all appropriate relevant provisions in the Code has been identified as an issue requiring further examination. The Code only identifies specific policies from the zone, or general policies that the Commission has deemed relevant to assess against individual development types.

Councils' concerns are two-fold:

1. The importance of getting the classification tables right, and
2. The onerous nature of assessing 'all other Code Assessed' development. In these instances, the relevant authority needs to read through thousands of policies to determine what is relevant.

This has raised an important policy consideration as policy may be missed in the assessment process such as material finishes and articulation of facades, tree planting and water sensitive design.

The completion of classification tables and sufficient time to verify by councils is considered a critical matter.

## Environment Resources and Development Court determinations

The recent ERD Court determination, **ERD-22-23 EVANSTON SOUTH PTY LTD v TOWN OF GAWLER ASSESSMENT PANEL**, 10 October 2022, gives weight and supports the concerns raised in this submission in relation to the eplanning portal and Planning and Design Code. The relevant comments made by Commissioner Rumsby in his determination is provided in Attachment A.

## Planning Development and Infrastructure Act, associated Regulations and Instruments

Local government recognises its statutory role in planning for the future and its role as the closest level of government to the community. Communities also expect planning decisions affecting the future of their neighbourhoods to be made locally. The PDI Act, is a move towards a centralised planning system, with a less significant role for Local Government. These changes to the planning system, while expected to promote growth, have disenfranchised the community.

The restoration of local democracy in planning is therefore fundamental to strengthening communities.

During 2022 the LGA undertook a system-wide survey of its members, and has worked with practitioners to identify amendments required to address problems with the *Planning, Development and Infrastructure Act 2016*, (the Act) the associated Regulations and Practice Directions

The following aspects of the PDI Act, regulations and supporting documents should be considered by the Expert Panel:

### State Planning Commission

The LGA has historically provided qualified support for the concept of a State Planning Commission.

A key role of the Commission is to achieve better integration of plans and processes across State Government, which has been a barrier for many administrators and users of the system, including councils.

The LGA and the local government sector has appreciated the Chair of the SPC and members of the Commission making themselves available to the LGA and councils, we also acknowledge the diverse skill sets and expertise of the Commission members. However, the LGA has noted that the membership of the Commission would be enhanced if there was a formal requirement to include contemporary local government experience and provide the opportunity for the LGA to nominate a person with local government experience onto the Commission (as is the case with a board range of other State Government boards and committees).

Given the importance of planning to local communities and the significant impacts the PDI Act will have on local government; a member of the Commission with contemporary local government experience is necessary in assisting the Commission to understand and manage these impacts while re-confirming local government's important role in the new planning system.

The LGA recommends that Section 18(3) of the PDI Act be amended to enable the LGA to nominate a person with contemporary local government experience onto the State Planning Commission.

### State Commission Assessment Panel

The LGA considers the State Commission Assessment Panel (SCAP) lacks local expertise due to the limited panel size and there being no requirement for a Council nominee to sit on the Panel when applications are being considered for their council area. This is exacerbated by the PDI Act explicitly identifying what the CEO's report can address, and further there are only 15 days to provide the CEOs report to the SCAP.

The SCAP does not have the same requirements for meeting procedures or accreditation as a Council Assessment Panel (CAP). Recognising that the SCAP is required to assess applications of significance, it is considered that SCAP members should be required to have the same expertise and

accreditation requirements as independent CAP members, and the same meeting requirements should apply in relation to transparent decision making.

It is recommended that the SCAP follow the same provisions that apply to panels established by councils (Section 83 of the PDI Act) and the same procedures as a CAP (Part 3 of the *Planning, Development and Infrastructure (General) Regulations 2017*).

## Joint Planning Arrangements

Sections 35 and 36 of the PDI Act considers Planning Agreements and Joint Planning Boards (JPB).

A core function of a JPB is the preparation of a Regional Plan, which are required to be completed under the PDI Act (s64).

Many of the state's regional councils would have collaborated to develop a Regional Plan for their area, however, are concerned with the cost and complexity of establishing a JPB under the PDI Act. The LGA identified these issues as potential barriers to the establishment of a JPB when this legislation was being considered by the Parliament. As a result of these barriers no Regional Plans are currently being prepared by councils and the responsibility has fallen on the SPC to prepare all Regional Plans along with the Thirty Year Plan for Greater Adelaide by March 2023.

An alternative option to the Joint Planning Boards the LGA has recommended be explored, would be using existing regional structures, such as Regional LGAs established under the Local Government Act to develop a Regional Plan and undertake the other functions of a JPB.

It is the LGA's understanding that the provisions of Sections 64 and 73 of the PDI Act would need to be amended to enable a Regional LGA to undertake the functions of a JPB.

## Assessment Panels

The removal of elected members from assessment panels has been unnecessary and has not met community expectations. It has resulted in a loss of community voices and local knowledge in the decision-making process. A review of the current limit of one elected member on local CAPs should be undertaken to understand the impact of the loss of the community voice and local knowledge in the decision-making process.

Within both metropolitan and regional areas councils have identified a concern with identifying and appointing Assessment Panel members, and the current accreditation system does not encourage a diversity of professions and members. Specifically, this relates to the complexity of the accreditation system, particularly for non-planners, the cost of achieving and maintaining accreditation, and the ongoing Continual Professional Development requirements. These concerns could be addressed through enabling persons who are members of existing associations, such as the Planning Institute of Australia or Institute of Architects to be automatically accepted as an accredited profession, and exempting level two accredited professions from the accreditation fee. The restrictive provisions as to persons who can be appointed as Independent Assessment Panel members, the Continual Professional Development requirements and fees should be reviewed to increase flexibility for appointments.

The role of the Minister to dismiss and reappoint a local assessment panel is heavy handed and unnecessary. Councils can manage the assessment of the bodies they appoint. S86 of the PDI Act relating to local panels should be repealed.

Councils are responsible for the operations, costs, and liabilities of CAPs and Regional Assessment Panels (RAPs).



Currently under the PDI Act there is no statutory immunity from personal liability for members of Assessment Panels, instead liabilities of the Assessment Panel rest with the Council which is in turn covered by the LGA Mutual Liability Scheme.

Any individual appointed to an Assessment Panel acting honestly in that capacity would have rights at common law to be indemnified by the appointing authority.

The legislation is silent on that point in that there is no provision for immunity, transfer or responsibility of liabilities of individual members to the Assessment Panel.

While there have been regulations made to address this concern the LGA is of the view that an amendment to the PDI Act would address this uncertainty. An example of an amendment that would achieve the desired outcome is section 39 of the *Local Government Act 1999* (SA):

*39—Protection of members*

- a) *No civil liability attaches to a member of a council for an honest act or omission in the exercise, performance or discharge, or purported exercise, performance or discharge, of the member's or council's powers, functions or duties under this or other Acts.*
- b) *A liability that would, but for this section, attach to a member of a council attaches instead to the council.*

Section 83 and 84 of the *Planning, Development and Infrastructure Act 2016* should be amended to include:

*Protection of members*

- a) *No civil liability attaches to a member of an Assessment Panel for an honest act or omission in the exercise, performance or discharge, or purported exercise, performance or discharge, of the member's powers, functions or duties under this Act.*
- b) *A liability that would, but for this section, attach to a member of a Assessment Panel attaches instead to the council.*

## Heritage

Section 67 (4) and (5) of the Act requires a plebiscite of property owners where a heritage character or preservation zone or sub zone is proposed. The Act requires that 51% of property owners agree with the proposal.

The LGA strongly opposed this provision when it was proposed as an amendment during the debate on the bill and remains of the view that the requirement for 51% of property owners to agree by a vote to the establishment of a heritage conservation zone should be removed from the PDI Act.

## Local Design Review Scheme

While it is recognised that the Local Design Review Scheme has only been in place since March 2021 and much of the guidance material has yet to be finalised, the LGA is recommending a review of this Scheme given the limited acceptance and take up by councils.

In its submissions on the Local Design Review Scheme the LGA expressed agreement with many of the Office for Design and Architecture South Australia's (ODASA's) stated objectives (and perceived benefits), but also argued that the scheme was overly bureaucratic, unlikely to have a positive impact, could be easily ignored by both developers and assessment authorities, and was likely to have limited positive impact on good design outcomes.

Based on this assessment, the LGA recommended the following major amendments to the scheme:

1. The Principles of Good Design should be embedded both within the scheme and the Planning and Design Code.
2. The scheme must operate both pre- and post-application lodgement.
3. Councils must have the discretion to determine which applications will undertake the design review process. Currently section 121(2) of the *PDI Act 2016* cannot accommodate mandatory application of the Local Design Review Scheme because it states that: "A person who is considering the undertaking of development to which this section applies **MAY** apply to a design panel for advice."

The LGA also expressed significant concern that much of the cost burden of the scheme, especially initial establishment costs, fall disproportionately upon councils, rather than the South Australian Government.

For the Scheme to be successfully implemented by councils the concerns raised by local government need to be addressed.

## Timeframes and Deemed Planning Consents

The LGA acknowledges that a relevant authority should deal with an application as expeditiously as possible and within the time prescribed by the Regulations.

It is considered that the assessment timeframes in the *Planning, Development and Infrastructure (General) Regulations 2019* (Regulations) do not give adequate consideration to the resources available to councils, particularly regional and smaller councils, to deal with more complex applications. Nor do the timeframes consider those councils that strive for best practice or are in a period of growth and are required to consider multiple complex applications at once. This consideration process requires significant expertise on hand and time to work closely and negotiate with developers.

Under section 125 of the PDI Act, where the relevant authority does not determine an application within the prescribed time, the applicant may give the relevant authority a deemed consent notice. Upon receipt by the relevant authority, planning consent will be taken to have been granted, subject to the standard conditions in Practice Direction 11. Alternatively, within 10 business days, the relevant authority may grant planning consent itself and impose its own conditions. To overturn a deemed planning consent, the relevant authority must apply to the ERD Court for an order quashing it.

There is strong concern about deemed consent provisions applying to performance assessed development. It is the LGA's view that the assessment timeframes in the Regulations and the deemed planning consent provisions in Section 125 result in reduced opportunities for best practice outcomes to be negotiated and will encourage a more adversarial assessment environment, at the expense of the best possible planning outcomes.

Concurrent timeframes for public notification and referrals is considered unrealistic, particularly where the referral agency may need amendments to the application requiring additional notification.

The LGA is of the view that prescribed timeframes should apply to all categories of development, however, deemed planning consents should apply to accepted and deemed to satisfy categories of development only. This would be achieved by amending Section 125 (10) of the PDI Act to exclude all performance assessed development and restricted development from the operation of Section 125.

On this basis it is recommended that:

- a) Timeframes for development assessment in the *Planning, Development and Infrastructure (General) Regulations 2019* be reconsidered or subject to flexibility, especially in respect of the resources available to smaller and regional councils and growth councils responsible for complex applications which require significant negotiations with developers to achieve positive outcomes.
- b) Repeal the concept of deemed consents and amend s125 (8) to include the ability to apply to the Court for an order requiring the determination of an application for planning consent.

## Infrastructure framework

Infrastructure Schemes are not serving the purpose they were intended for.

S162-184 of the PDI Act collectively deal with the establishment of infrastructure delivery schemes for basic and essential infrastructure. The issue for the sector is that the processes and associated resource implications of such statutory schemes are so complex and resource intensive that they have not been taken up. Rather, the traditional model of non-statutory infrastructure agreements tied to land by way of Land Management Agreement continues to be used.

Local government encourage the resolution of this issue in the Act, as a statutory process would be beneficial where land ownership is fragmented, and coordination of infrastructure is more difficult and for infill Councils where smaller scale public realm works are needed to be part-funded by developers. Councils are still having to set up costly and time-consuming legal agreements to leverage good public realm upgrades.

## Public notification

Councils have noted concern within their communities around the changes to public notification. There is a view that people feel they have the right to be informed of developmental changes in their neighbourhood.

The Code reduces the public notification requirements, with significantly more land uses being classified as 'Deemed to Satisfy', and therefore not requiring notification. In addition, the appeal rights of third parties have also been significantly reduced, with only restricted developments being subject to third party appeal rights.

Notification is an important tool for informing and engaging with communities and the provisions relating to public notification should enable this communication in both metropolitan and regional contexts. The LGA recommends review of Division 2 (Planning Consent) under the PDI Act 2016 and Division 3 (Notice requirements and consultation) of the PDI (General) Regulations 2017 to more appropriately consider the impacts of land use and developments on adjoining owners and communities.

## Regulated and Significant Trees

Metropolitan councils and their communities are concerned with the current protections that exist in the planning system to protect regulated and significant trees.

While councils and communities are working hard to plant new trees, there is not enough available space on public land to replace what is being lost from private land because of the reducing allotment size and increasing built site coverage across metropolitan Adelaide.

The LGA has previously written to the Minister for Planning requesting:

*“the State Government promptly, conducts a review on the existing “Significant and Regulated” tree laws, with the aim of achieving the goals outlined in the 30 Year Plan for Greater Adelaide, which are:*

*Urban green cover is increased by 20% in metropolitan Adelaide by 2045:*

- a) for council areas with more than 30% tree canopy cover currently, this should be maintained to ensure no net loss by 2045; and*
- b) for council areas with less than 30% tree canopy cover currently, cover should be increased by 20% by 2045”*

It is acknowledged that the State Planning Commission has recently released an independent Arborist Review that contains a detailed analysis of tree species exemptions including a value/cost assessment of particular tree species and a separate Research Report from the Environmental Institute of the University of Adelaide entitled ‘Urban Tree Protection in Australia’ which analysed South Australia’s tree protections as compared to other Australian states and territories, including the size of trees protected and the various exemptions which currently apply.

This research has demonstrated the weakness of the regulated and significant tree legislation in South Australia compared to other states and provide the evidence to inform planning policy and any the changes need to the regulated and significant tree legislation.

## **Planning and Development Fund and Open Space**

The ability for councils to effectively ‘fund and deliver’ quality public open space is proving a challenge as Adelaide continues to grow and many parts of South Australia increase in population density.

In addition, in these extraordinary circumstances of social and physical distancing arising from the COVID-19 pandemic, public open space has provided opportunities to escape household confinement and enjoy a host of positive well-being effects, maintain social relationships (while maintaining physical distancing) and provided people with a sense of connection with the outside world.

South Australian councils have also experienced an increase in community usage of its open green spaces during the period of community isolation and social and physical distancing.

The current formula and fund are largely a legacy of greenfield development, which dominated the majority of urban growth when the system was conceived. This approach is no longer suitable for a contemporary context where medium and high-density development accounts for up to 70% of all metropolitan development, as encouraged by the planning framework in the *30-Year Plan for Greater Adelaide*.

The LGA has also previously raised the local government sector’s concern with the *Planning, Development and Infrastructure Regulations*, which enable the State Government to use the Planning and Development Fund to pay for the implementation of the State’s new planning system, when the purpose of the fund is to *“support the purchase, planning and enhancement of public spaces throughout South Australia”*.

The LGA has adopted the following positions in relation to the Planning and Development Fund:

- 1. Local government supports the Planning and Development Fund being used for the purpose it was established for:*
  - i. To improve access to public open spaces and places, and*
  - ii. To enable the planning, design and delivery of quality public space that is essential to healthy, liveable communities.*

2. *That the State government engages with local government on the strategic direction of the Planning and Development Fund to support local government in delivering a broad range of open space needs identified in Councils' Open Space Strategies.*
3. *The Planning and Development Fund should not be used for administrative purposes including the ongoing management of the online planning system, or public works or public policy that is not consistent with the aims and intent of the Planning and Development Fund, to improve access to public open space, and to enable the planning, design and delivery of quality public space that is essential to healthy, liveable communities.*
4. *That the annual reporting process on the Planning and Development Fund be reinstated and expanded to include both financial inputs and outputs and to display this for each local government area*
5. *Based on needs identified through open space strategic analysis, the funding process should explore:*
  - i. *Funding that is uncoupled from the need for council contribution for strategically important open space projects based on solid analysis and evidence;*
  - ii. *The ability for local government to lodge applications for funding all year round; and*
  - iii. *State government agencies incorporated into this process where they are required to follow the same application process as local government.*

The LGA requests that the Expert Panel recommend an independent review of the Planning and Development Fund.

## Developer contributions

With infill development, green and brown fields development putting pressure on existing council infrastructure the ability for a council to seek a development contribution to be charged against new development that require upgrade of Council infrastructure to support the proper servicing of the intended development proposal need should be considered.

Developer contributions are a fair and viable means of raising revenue to improve local infrastructure and assets. The Centre for Economic Studies has recently determined the total taxation and fees for a new house and land package in Sydney was 50 per cent of the cost, while in Melbourne it was 37 per cent, Brisbane 32 per cent, Perth 33 per cent and in Adelaide only 29 percent.

Mechanisms by which developer contributions can be regulated and applied to address the pressures on existing infrastructure should be considered in the *Planning, Development and Infrastructure Act 2016*.

## Private certification

Planning decisions should be made locally. Communities continue to perceive councils as responsible for planning decisions, and as such councils will continue to hold significant interest in all local development outcomes. However, councils have no formal responsibility nor resources to oversee privately assessed applications and may be legally vulnerable if they do so.

The LGA has previously raised concerns with the use of private certification in the planning system, specifically given that the system now allows for private certifiers to assess applications and approve 'minor' variations where a prescribed standard is not met. Section 106(2) of the Act provides that where

a relevant authority (which includes a Level 3 accredited professional) is satisfied that development is Deemed to Satisfy (DTS) except for 1 or more minor variations, they must assess it as DTS.

Feedback received from councils indicates that councils have continued to experience instances where developments had been privately certified where the development did not satisfy important criteria. Examples have also been provided of private certifiers exercising considerable discretion in the judgement of a 'minor' departure from the criteria.

The LGA is concerned that the system easily being flouted by private certifiers deeming significant variations to be 'minor' to achieve a quick approval that might not be in the community interest. This aspect of the system should be more tightly regulated. The ability for a planning level 3 accredited professional to act as a relevant authority where there are 1 or more minor variations under s106(2) should be removed.

The following amendment to the regulations is suggested:

Regulation 22(1)(b) should be deleted and (c) amended to reference both planning level 3 and 4 who could then only act as a relevant authority for a development that met all relevant DTS requirements. This would assure an Assessment Manager is the relevant authority in respect of s106(2) scenarios where he or she was satisfied that a non-compliance with 1 or more DTS requirements was minor (see Regulation 22(1)(a)(i)).

In addition, building private certifiers are not undertaking the compliance check as required by the Act to ensure that the building approval is consistent with the planning approval.

It is further recommended that:

- a) Regulation 22(1)(b) be deleted and (c) amended to reference both planning level 3 and 4 who could then only act as a relevant authority for a development that met all relevant DTS requirements. If this is not accepted
  - a. the regulation to require the Assessment Manager to approve the minor variations; and or
  - b. for the Development Assessment Processing (DAP) system to require all relevant authorities to specifically record each departure from the DTS requirements and the reason for each departure, enabling the monitoring of accredited professionals' use of this provision; and
- b) Accredited Professionals (Private Certifiers) be more effectively regulated by the Chief Executive of the Department in their role as the Accreditation Authority to ensure the proper operation of the system, and the quality of development outcomes are reflected in practice/on the ground.

## Proposed changes and suggested additions

The following tables provide a detailed assessment and recommendations in relation to amendments proposed to the *Planning, Development and Infrastructure Act 2016*, associated regulations and Practice Directions.

**Table 1 Planning, Development and Infrastructure Act 2016**

Section	Issue	LGA recommended change
Part 1 Preliminary		
s3(1)	Business days definition requires review in light of COVID-19 lockdowns	Recommend review of definition
s3(1)	Regulated and Significant Tree definitions should be amended, noting the significant work recent undertaken by the State Planning Commission <a href="http://plan.sa.gov.au">Urban tree protection in Australia (plan.sa.gov.au)</a> <a href="http://plan.sa.gov.au">Open Space and Trees Project - Part 1A (Arborist Review) (plan.sa.gov.au)</a>	Recommend review of definitions - canopy, maintenance pruning, distance from buildings, circumference, crown, canopy, trunk, deep soil zone.
s3(1)	Tree damaging activity definition requires review in light of extensive regulation exemptions and to provide clarity over wording, for example maintenance pruning.	Recommended review of definition in association with a review of Regulation 3F and noting the significant work recent undertaken by the State Planning Commission <a href="http://plan.sa.gov.au">Urban tree protection in Australia (plan.sa.gov.au)</a> <a href="http://plan.sa.gov.au">Open Space and Trees Project - Part 1A (Arborist Review) (plan.sa.gov.au)</a>
s3(1)	A review of the current definitions is required	Suggested definitions to be reviewed or included: <ul style="list-style-type: none"> <li>• definition is required in the Act with reference to mapping in the Code</li> <li>• Regional LGA,</li> <li>• Representative Building</li> <li>• Financial Institution,</li> <li>• Special Event,</li> <li>• Airport, Aerodrome,</li> <li>• Multiple Dwelling,</li> <li>• Tourist Accommodation,</li> </ul>

Section	Issue	LGA recommended change
		<ul style="list-style-type: none"> <li>• Function Centre,</li> <li>• Short Term Accommodation,</li> <li>• Solar Farm,</li> <li>• Crown, trunk and canopy of a tree.</li> </ul>
s3 (7)(a)	The former definition of “relative” in the <i>Development Act</i> has not been carried forward for the purposes of a person being “associated” (see also section 83(3)).	Reintroduce “relative” definition into s3(1).
s4(1(d)	The Code can prescribe an increase in intensity of land use as a change of use. At present there is no prescription.	Consider prescription of material increases in use into the Code for the purposes of this section.
s4(3)	The Code can allow for the revival of a use after a period of discontinuance to be regarded as the continuance of an existing use.	Consider the introduction of principles into the Code for the purposes of this section.
s4(3)(a)	Principles are not used as terminology in the P and D Code	Replace principle with appropriate wording
s4(4)(a)	Where an activity is also inconsistent with an overlay should resumption of the land use also not occur?	Include the word overlay This clause can be difficult to interpret and impose because some zone policies are ambiguous.
s4 (6)	The Code can specify land use classes whereby a change in use within a use class will not be regarded as a change in use.	Consider the introduction of appropriate use classes into the Code for the purposes of this section.
s4 (7)	The Code can specify a change of use as a minor change which will not be regarded as a change in use.	Consider introduction into the Code of appropriate specifications for the purposes of this section.
s12	The objects of the Act should be reviewed in light of the emphasis in development promotion and the reduction of appropriate public participation in the assessment of development proposals.	Reintroduce as an object of the Act the promotion of public participation in the assessment of development proposals including the opportunity for third party appeal in respect of notifiable performance assessed development.
s14c(1)	Development should be designed to reflect local setting and context, to have a distinctive identity that responds to the existing character of its locality. In the absence of a desired character statement, the design qualities sought are open to subjectivity.	‘Character’ should be articulated by way of statements that inform the design response of new development



Section	Issue	LGA recommended change
s18	Review constitution of the State Planning Commission to introduce a greater emphasis on qualifications and experience in local government, planning and urban design.	Consider amendment to s18 (2)  Amend Section 18(3) of the <i>Planning, Development and Infrastructure Act 2016</i> to enable the LGA to nominate a person with contemporary local government experience onto the State Planning Commission.
s18	The ex-officio public sector employee on the State Planning Commission should not have a voting right	Consider amendment to 18(1)(b)
s20	State Planning Commission members are not restricted on the number of consecutive terms they can sit on the Commission	Consider an amendment to 20(1) restricting membership to two consecutive terms
s27 (1)	The Commission quorum provisions have been the subject of recent court challenge. Legislative clarification is desirable to remove any ambiguity with respect to "occasional members".	Legislative amendment to clarify that occasional members are not to be considered as members for the purposes of ascertaining a meeting quorum. Clarification is also required as to whether a quorum includes the 'ex-officio' member
s33	There should be a clear separation between the function of the Chief Executive and function of the State Planning Commission. Consideration should be given to an independent State Planning Commission with their own CEO and staff	Consider amendment to s33
s35 and 36	The onerous nature of the legislation has resulted in no planning agreements being entered into or joint planning boards established. The section does not recognise existing established organisations such as Regional Local Government Association which could perform the functions of a joint planning board	Consider amendments to s35 and s36
s42	Practice Directions and Practice Guidelines are statutory instruments, they should be subject to public consultation in accordance with the Community Engagement Charter, currently they are excluded from the public participation process.	Suggest sector, industry and relevant authority consultation under the Charter's principles is more appropriate than general public consultation.
S55	This exemption (for documents received, created or held in the SA Planning Portal) from the Freedom of Information Act 1991 has created industry	Make all documents, including approved plans, available on a conditional basis within the SA Planning Portal.

Section	Issue	LGA recommended change
	confusion as to the accessibility of documents which is far more limited than under the previous regime (see former Regulation 101 of the Development Regulations).	
s56	Continued and excessive council contributions towards the costs of maintaining the portal, planning database and online atlas.	Remove the requirement for councils to make a contribution. At the very least there should be a requirement for the Minister or Chief Executive to enter into a Service Level Agreement with the LGA to establish clear agreement on how the contribution is to be used on an annual basis.
s75	Complying changes Risks that: The community will not engage with consultation on a Regional Plan in the same way the community would engage with a Code Amendment Property owner or occupier changes occur between the Regional Plan consultation and the Code Amendment.	Include maximum timeframe between consultation of the regional plan and the complying Code Amendment
	A Practice Direction and Guideline is included in the definition of a Statutory Instrument but they are not referred to in Part 5	Reference Practice Directions and Practice Guidelines in Part 5 Suggested Guidelines and Building Envelope Plans be brought into the Code to have same status
s58	There is no specific State Planning Policy relating to infill development	Include a State Planning Policy relating to infill development
s66 (2)c	The Planning and Design Code is to include definitions and land use classes. It is yet to include land use classes.	Code amendment to establish and introduce classes for the purposes of s66 (2)c of the Act.
S73(2)(b)	Councils are being encouraged to work together to pursue a Code Amendment affecting more than 1 council, however s73(2)(b)(iv) suggests only 'a council' can only prepare or amend a designated instrument	Amend s73(2)(b)(iv) to read 'a council or more than one council'
S83	Risk and Liability for councils and Assessment Panel members not addressed under the Act	Amend Section 83 and 84 of the <i>Planning, Development and Infrastructure Act 2016</i> to include: <i>Protection of members</i>

Section	Issue	LGA recommended change
		<p><i>No civil liability attaches to a member of an Assessment Panel for an honest act or omission in the exercise, performance or discharge, or purported exercise, performance or discharge, of the member's powers, functions or duties under this Act.</i></p> <p><i>A liability that would, but for this section, attach to a member of a Assessment Panel attaches instead to the council.</i></p>
s83	The requirements relating to the establishment of a Council assessment Panel also apply to Panels established by the Minister, including membership and requirements relating to accreditation	Amend s84 to be consistent with s83
s83(1)(b)(i)	Stipulates only one CAP member can be a member of a council. Query whether this limitation extends to appointing a second member who is a member of a different Council to that establishing the CAP.	Clarify whether limitation applies to membership of any council.
s83 (3)	Associate is not defined in the Act	Provide a definition of 'Associate'
S87(d)(ii)	Is it necessary that the CEO of the Department to appoints the Assessment Manager for a Regional Assessment Panel?	Consider amending s87(d)(iii) to enable the council s to appoint the Assessment Manager
S93 (1)	Where an application does not involve a proposed "development"; such as a variation of a condition limiting operational hours; it is unclear as to who is the relevant authority as the application does not involve a category of development nor have a defined assessment pathway.	Amendment to designate relevant authority in these circumstances and an appropriate assessment pathway.
s100	Only allows delegation by a "relevant authority". This is to be compared to the broader delegation power in Section 20 of the former <i>Development Act</i> . This has meant that Council delegations have been required pursuant to the <i>Local Government Act</i> involving increased complexity. Further, PDI Act powers sitting with Council CEOs cannot be delegated.	<p>Amend s100 to enable powers of any body, person or entity under the PDI Act to be delegated pursuant to s100(1).</p> <p>Amendment to Practice Direction 2 also required.</p>
s102(1)(c) and (d)	These assessments should be defined as "land division" consents ie they should be treated as is a "planning consent" and a "building consent". All consents should be defined within s102(1).	Amend section to define all consents.
s102(1)(c)	This is missing the important requirement from the former s33(1)(c)(iii) of the <i>Development Act</i> that required adequate provision be made for the	Amend section to reintroduce the requirement that adequate provision be made for easement and reserve creation and that part of the assessment

Section	Issue	LGA recommended change
	creation of appropriate easements and reserves for infrastructure. This should remain a part of a land division consent assessment as it relates to such interests being vested in a council. It is not cured by a planning consent assessment against the Code which only provides general provisions regarding land division that public utility infrastructure be placed within road reserves. This sub section is also missing the previous requirement that allotments resulting from a land division be lawfully used for the proposed purposes as per the previous provisions of s33(1)(i) of the <i>Development Act</i> .	involves ascertaining whether the proposed allotments can be lawfully used for their intended purpose.
s102(1)(f)	Open space is now treated as a separate "consent" as opposed to being a consideration in the granting of land division consent (see previous s33(1)(ii) of the <i>Development Act</i> ). Yet no such "consent" appears on the Decision Notification Form.	DNF requires amendment to incorporate provision for an open space consent and specification of conditions such as a requirement to make an open space financial contribution.
S102 (3)	This provision allows a relevant authority to not only reserve its decision on a specified matter; but also reserve its decision to grant a planning consent. How does this sit with the ability for a deemed consent to be triggered?	Amendment to remove deemed consent option in the event of a reservation of this nature.
s106 (2)	Development must be assessed as DTS where the relevant authority is satisfied it would be DTS but for one or more "minor variations". This provision has created difficulties for councils where private accredited planning professionals at level 1 or 3 have inappropriately treated material variations as "minor".	Delete the sub section such that if an application does not meet DTS requirements it is always to be assessed as a performance assessed development.  Alternatively, a practice guideline pursuant to s43(2)(b) could be made which specifies variations that will constitute "minor variations" in relation to DTS development.  A further alternative option is for an amendment to be made that requires the Assessment Manager to make a determination as to whether the variation is minor or not.
s110 (10)	While the Commission in assessing restricted development must take into account the relevant provisions of the Code; it is not bound by those provisions. Restricted development should be assessed against the Code like other code assessed development.	Amendment to the section to require restricted development to be assessed against the Planning and Design Code

Section	Issue	LGA recommended change
s119 (3), (4) & (5)	A relevant authority may request further information as it may reasonably be required to assess an application. This section limits the ability to request further information, either at all or to one occasion only and within ten business days of the verification notice (see also Regulation 33). There should be greater flexibility in respect of performance assessed development.	Amend the associated regulations to give the relevant authority greater powers and flexibility to request additional information.
S119 (11)	An applicant can request additional time to respond to a matter and that time is not included in the time within which a relevant authority is required to decide the application. Regulation 34 (2) suggests that any period in excess of 1 year is to be included ie the assessment clock restarts after 1 year. Why should the clock restart after 1 year? Some clarification is required that this only applies where an applicant has requested more time to address an issue.	Amendment to remove the 12 month restarting of the clock.  A recent update to the Plan SA portal 5/05/2022 enables the clock restarts for application once the 60 business has expired on the RFI which is not in line with the Act and Regs.
S120 (2)	Outline consents may be granted in circumstances specified by practice direction. To date, no such practice direction has been issued by the Commission.	Define what is meant by an 'outline' consent Recommend that the State Planning Commission prepare and consult on a draft practice direction.
S121	A local design review scheme has been approved. Participation in a scheme is discretionary and a relevant authority need only take into account any design panel advice.  The administrative costs and non-binding nature of this scheme is such that it has not as yet been adopted by local government.	Review the discretionary nature of the scheme, associated establishment and maintenance costs and its non-binding nature.
s125 (2)	The concept of deemed consents is problematic and does not encourage well considered decision making.	Repeal the concept of deemed consents and amend s125 (8) to include the ability to apply to the Court for an order requiring the determination of an application for planning consent.
s125 (6)	The relevant authority may apply to the Court for an order quashing a deemed consent if it considers the application should have been refused. Often it will not have had time to make that assessment; particularly where the relevant authority is an assessment panel.	Amend the provision by deleting s125 (6)(b) so as to give the relevant authority complete discretion to apply to the Court.

Section	Issue	LGA recommended change
S127 (2) (c)	A condition can be varied or revoked by way of further application. There is no assessment pathway nor relevant authority prescribed where such applications do not involve "development".	Amendment to clarify assessment pathway and relevant authority in such circumstances.
s127(4)	Planting replacement trees causes some difficulty when the applicant is a neighbour, or when the applicant is the Council.	Clarify requirement in circumstance that an applicant applies to remove a tree on their neighbour's property, with reference to issues of location, maintenance and consent.  Include an exemption where the applicant is a Council / SPC / Minister or where the tree is on public land.
S128	Variations of a development authorisation may be sought. Where these do not involve "development", no assessment pathway or relevant authority is prescribed.  It is unclear as to how a variation of a historical non-complying category 3 authorisation would be assessed.	Amendment required to clarify the assessment pathway and relevant authority in such circumstances.
s131 (13)	Crown development is only subject to public notice if the total value of all work exceeds \$10,000,000 (see previously s49(7d) of the <i>Development Act</i> where the relevant figure was \$4,000,000).	Consider amendment to reduce the expenditure quantum to allow for greater public participation.
s136(2)	Reference the 'minimum amount of damage to the tree', should minimum amount be clearly defined?	Consider an amendment to establish clarity of intent
S140(2)	'a person seeking access to the adjoining allotment MAY serve notice', should this be 'must'?	Consider an amendment delete 'may' and replace with 'must'
s146	This section, in association with Regulation 93, imposes mandatory notification requirements and time limits upon councils to undertake inspections. Issues around the timing of the giving of notice and the limited time for a council to stop work and inspect have arisen.	Consider amendment to allow councils greater power and time to stop work pending an inspection.  A minimum of two business days is suggested.
152(2) and (3a)	Reference to Council as issuing the certificate or Occupancy - People contact council to issue the certificate of occupancy having read s152 not realising that s154 applies	Include note to reference to s154 within s152

Section	Issue	LGA recommended change
s155	Emergency Orders may be appealed to the ERD Court. There is currently no provision that empowers the Court to award costs.	Consider amendments to provide the Court with the power to award costs.
s156	This section deals with swimming pool safety. Amendments to the Act and the PDI (Swimming Pool Safety) Regulations should be considered to address different designated safety features for pre 1 July 1993 pools, amendments to MBS004, appropriate fencing requirements and the 300mm depth trigger.	Consider amendments to rationalise the control of safety features.
s157	Building Fire Safety notices may be appealed to the ERD Court. There is currently no power for the Court to award costs on an appeal.	Introduce amendments to provide the Court with the power to award costs in appropriate circumstances.
s197	Practical and technical difficulties transitioning from car parking funds established under the Development Act 1993 and establishing new car parking funds.	Amend to address reviewing current car parking funds and their use under the new legislation.
ss162-184	These provisions collectively deal with the establishment of infrastructure delivery schemes for basic and essential infrastructure. The issue for the sector is that the processes and associated resource implications of such statutory schemes are so complex and resource intensive that they have not been taken up. Rather, the traditional model of non-statutory infrastructure agreements tied to land by way of Land Management Agreement continues to be used.	<p>Consider a complete review of these schemes with a view to adopting a simplified alternative.</p> <p>It is noted that s245 requires the Commission to conduct an enquiry into the provision of essential infrastructure schemes and the open space scheme and to report to the Minister within 2 years after the commencement of the Act.</p> <p>While overly complex there is value in infrastructure schemes for local infrastructure networks i.e. land and embellishments for parks, land for bus stops, stormwater infrastructure. Offset schemes can work to provide coordinated land supply and infrastructure and/or monetary contributions if developer does not wish to offset the charges.</p>
s202 (1)(g)	Provides a limited right of review for a land owner/occupier or adjacent land owner/occupier as to the nature of development (i.e. the assessment pathway). There is no longer the ability to review notification decisions.	Consider the expansion of review rights, consistent with the previous equivalent under s86 (1)(f) of the <i>Development Act</i> , to include notification decisions in relation to performance assessed development.
s202 (1)(h)	The only third party rights for merit appeals apply with respect to restricted development.	Consider amendment to s202 or regulation to provide for third party appeals with respect to notifiable performance assessed development that are identified as having an impact on adjoining properties or surrounding areas.

Section	Issue	LGA recommended change
s205 (1)	While the Court has limited powers under its own Act to award costs in certain circumstances where proceedings are adjourned; there is no general power to do so where an appellant withdraws or discontinues its appeal on the eve of the hearing where the assessment panel or assessment manager has incurred expert and legal fees in preparation.	Amend the Act to make provision for the Court to award costs in such circumstances.
s213 (12)	Directions pursuant to an Enforcement Notice may only be used where the breach occurred within 12 months. While this provides no issue with respect to changes in use which are considered to be continuing offences; the pursuit of unlawful building work by way of Enforcement Notice can be more problematic.	Consider amendment to delete the 12 month time limitation to enable a broader use of Enforcement Notices.



**Table 2 Planning, Development and Infrastructure Regulations (General)**

Regulation	Issue	LGA recommended change
Part 1 Preliminary		
Regulation 3(4)	Contains a definition for the natural surface of the ground for the purposes of the Regulations. Would it be better aligned with case authority with respect to the term "natural ground level".	Review definition and consider benefit of introducing a definition in Part 8 of the Code.  once the definition has been reviewed, the definition of building height in Part 8 (P and D Code) needs to be reviewed as it hedges between the lower of natural ground level or finished ground level - should just reference natural ground level.
Regulation 3G	Above ground and inflatable pool provisions, where capable of being filled to a depth exceeding 300mm, have created uncertainty with respect to safety fencing obligations.	Review the provision in association with a general review of legislation as it relates to swimming pool safety features.  Suggest amendment also to Schedule 4(1)(c)(ii). The reference to the incorporation of a filtration system confuses the matter.
Regulation 3	Councils have sought legal advice on definition of a 'storey' under the Development Act.  'Building level' is defined in the Code but 'storey' is not, however the Code refers to 'storeys'.	Define 'storeys'.
Regulation 10 and 11	Where there is a Code of Conduct complaint against a member of a Joint Planning Board (JPB) or Assessment Panel, in the case of a JPB should the Chair be advised and in the case of an Assessment Panel the council or councils in the case of a Regional Assessment Panel?	Include provisions to enable the Chair of the JPB or the council to be notified where a Code of Code complaint has been made against a member of the JPB or Assessment Panel.
Regulation 19A	The concept and potential approval of building envelope plans for master planned zones is new as is the associated Practice Direction 15.	Little take up yet however, this should be the subject of general review following a greater level of take up.  Recommend that the State Planning Commission review the effectiveness once this option is taken up further.

Regulation	Issue	LGA recommended change
Regulation 22(1)(b)	A planning level 3 accredited professional may act as a relevant authority for DTS development, including where there may be one or more minor variations under section 106 (2) of the Act. Issues have arisen where private planning professionals have inappropriately approved such developments as DTS notwithstanding material variations.	Regulation 22(1)(b) be repealed and (c) amended to reference both planning level 3 and 4 who could then only act as a relevant authority for a development that met all relevant DTS requirements. If this is not accepted <ul style="list-style-type: none"> <li>a. the regulation to require the Assessment Manager to approve the minor variations; and or</li> <li>b. for the Development Assessment Processing (DAP) system to require all relevant authorities to specifically record each departure from the DTS requirements and the reason for each departure, enabling the monitoring of accredited professionals' use of this provision</li> </ul>
Regulation 23(2)(b)	Where the State Planning Commission is the relevant authority and development is occurring in a council area, the Council CEO may provide a report within 15 business days on a range of matters limited by Regulation 23(c). Potential issues include that the CEO is unable to delegate this power and the restriction on the scope of his or her response.	Amend the regulation to remove restrictions on the scope of any report and increase the timeframe to thirty business days and enable the CEO to delegate the authority for providing the response
Regulation 30	Development applications are to be accompanied by details as specified in Schedule 8 to the Regulations.	Review schedule 8 and consider to additional requirements in particular the requirement to provide a Certificate of Title and where the subject land is not connected to mains sewer, evidence to show that an on-site scheme can be established.
Part 7 - Assessment - processes and assessment facilitation		
Regulation 31(2)	Requires verification within 5 business days after receiving the application. Timeframe is not realistic; the relevant authority be given more time?	Amendment to allow a greater period for verification. Suggested 10 days
Regulation 33	Limits the opportunity for a relevant authority to request further information and the period within which it can be sought to 10 business days from verification notice or payment of fees. Query whether this limitation and timeframe are too restrictive?	Expand the opportunity and time for further information requests. Suggested should reflect the complexity of the development- requires further discussion with practitioners.

Regulation	Issue	LGA recommended change
		Suggested RFI request period from when fees are paid, not verification (can't even open tab in the portal until fee paid)
Regulation 34(2)	Provides for the assessment clock to restart after 1 year from an applicant's request pursuant to Section 119(11) of the Act for a deferral to address a matter associated with their application. This has the potential to increase the risk of a deemed consent notice being given.	Delete Regulation 34(2) so that there is no automatic restarting of the assessment clock in these circumstances.
Regulation 47	Imposes requirements with respect to notification of an application for performance assessed and restricted development in association with Practice Direction 3. Uncertainty arises as to the effect of a notice on land not being in place for the required period.	Addressing through legislative clarification.
Regulation 38(2)	Provides a relevant authority the opportunity to lapse an application for development authorisation at least one year since the application was lodged.	Clarify the definition of lodged.
Regulation 53	Sets out the timeframes within which applications are to be determined pursuant to Section 125 of the Act. Given the potential for a deemed consent notice if timeframes are exceeded; are these considered reasonable?	Review the reasonableness of assessment timeframes in light of practical experience.
Regulation 57	Requires notice of a decision pursuant to Section 126 to be given in the prescribed form. The prescribed Decision Notification Form needs amendment to accommodate different consents such as the open space consent and any associated conditions.	Recommend Ministerial amendment to the prescribed DNF.
Regulation 65	For the purposes of Section 128(2)(b) of the Act a variation to a development authorisation can be treated by a relevant authority as minor in nature and approved without a further	Amend legislation to clarify who is the relevant authority in these circumstances.

Regulation	Issue	LGA recommended change
	application. An issue arises where the variation does not involve "development" as to who is the relevant authority.	
Regulation 80	Sets out prescribed land division requirements for the purposes of Section 102 (1)(c)(v) and Section 138 of the Act. Historically requirements have not included the planting of trees and landscaping of road reserves or within proposed reserves or the development of such reserves. Such works rely upon negotiation and non-statutory infrastructure agreements.	Consider amendment to include a wider range of landscaping and infrastructure works as potential prescribed land division requirements.
Regulation 93(1)	Provides for the giving of notifications during building work. Issues have arisen with councils then having inadequate time to undertake inspections following the giving of notice.	Review timeframes for the giving of notice for mandatory notification stages.
Regulation 103 and 103A	Certificates of Occupancy are presently not required for a Class 1a building. After 31 December 2024 they will be required. Education for this sector will likely be necessary.	Recommend to the Minister the need for comprehensive training and education or the building sector and local government.
Schedule 8	Schedule 8 prescribes the documents and information to be provided with an application for development authorisation pursuant to Section 119(1)(c). Query whether the current requirements are adequate and the level of applicant compliance.	Ensure that the Mandatory Information checklist lines up with Schedule 8 requirements in its entirety".
Regulation 110(1)	This imposes a requirement for councils to provide the Minister with a copy of any LMA to which it is a party within 20 business days after it is entered into and a requirement for the Chief Executive to keep a Register on the SA Planning Portal. See also the related obligation in clause 32 of Schedule 8 to the Act to furnish pre-existing LMAs to the Minister.	Ascertain compliance with these obligations.
Regulation 120	This imposes an obligation on the relevant authority to ensure that a range of matters in respect of an application for	Consider portal content and accessibility to approved plans.

Regulation	Issue	LGA recommended change
	development authorisation are recorded on the SA Planning Portal.	
	No limit/ triggers for the extent of excavating and filling that can be undertaken outside of specific circumstances in the Schedule. Excessive predevelopment filling outside this could lead to confusion about what is natural ground level as well as issues such as overlooking etc.	Include a trigger for excavation and filling on any site as being development.
Schedule 4(1)(h)	A moveable sign under the Local Gov Act doesn't require approval but this is only on a public footpath. Moveable signs on private property should also be allowed provided there are some parameters as to size and location.	Allow small, moveable signs on private land without development approval (limit one per site?)
Schedule 4(4)(1)(g)	A 10m <sup>2</sup> / 4m high water tank can be installed in front of a dwelling which can have poor streetscape outcomes.	Include a clause that water tanks require approval where they are forward of the dwelling, other than in bushfire areas
Sch4(4)(1)(k)	Permeable screens attached to existing structures are not development however clarification is required as to whether the following require approval: <ul style="list-style-type: none"> <li>• café blinds attached to carports, verandahs etc</li> <li>• freestanding screens (e.g. are they considered to be fences for the purposes of Sch4(4)(1)(d)?)</li> </ul>	Clarify whether other forms of screens are development
Sch4(4)(3)	The height of shade sails should be measured above ground level only, rather than floor level given other Sch4 structures are measured from ground level.	Amend to read that shade sails be max 3m high above ground level.
Sch4(4)(5)(c)	Pergolas can be up to 4m high without needing approval.	Reduce maximum height of pergolas exempt from approval to 3 metres above ground level, or require posts to be a maximum of 3 metres and the total structure height to 4 metres.
Sch4(10)	Demolition of buildings doesn't require approval (other than heritage / HAO etc).	Require property owners to notify the council in advance prior to a demolition occurring.

Regulation	Issue	LGA recommended change
	<p>Councils can no longer undertake dilapidation reports prior to work commencing on site for developments where damage to council infrastructure is likely to occur but we can no longer do this for demos. Damage to Council / service infrastructure has occurred without knowing who caused the damage and/or having any dilapidation reports undertaken prior to work commencing to use to successfully pursue action.</p> <p>Councils can no longer easily calculate net dwelling increase in a given area by subtracting demos from number of new dwellings.</p>	
Sch6(4)	State Planning Commission (SCAP) is the relevant authority for development over 4 storeys in specified areas.	Return these decision making powers to Council Assessment Panels.

**Table 3 Regulations (Accredited Professionals)**

Regulation	Issue	LGA comment or recommended change
Part 1 Preliminary		
Regulation 3 and 4	The accreditation authority is the Chief Executive who is responsible for administration of the scheme. Question the appropriateness of this and the associated transparency as to the delegation of decision-making powers.	Consider whether there is a better entity to administer the scheme. Should the Accreditation Authority be a transparent and independent body?  Undertake case studies of other sectors (i.e. architecture and engineering) and see how accreditation is administered.
Part 2 Classes of accreditation		
Regulation 5(2) and (3)	The Chief Executive determines the qualifications, experience and technical skills required for each class of accreditation and may vary these from time to time. Is this appropriate and should there be some form of formal consultation before any variation occurs?.	Consider the appropriateness and need for amendment to allow for industry consultation
Part 3 General provisions relating to accreditation		
Regulation 16	The Accreditation Authority may approve or refuse an application for accreditation. No clear decision making timeframe exists.	Amend the regulation and include a timeframe of 15 business days
Regulation 20	An accredited profession may surrender an accreditation, however, there should be provision i.e. timeframe for an accreditation to be reinstated without having to resubmit?	Introduce a provision i.e. timeframe for an accreditation to be reinstated without having to resubmit
Regulation 24	The accreditation authority must maintain a register of accredited professionals including full name and contact details. It is both unnecessary and undesirable to provide the contact	Amend the regulation to remove the requirement for contact details of Level 2 Planners (Assessment Panel members) to be on the public register.

Regulation	Issue	LGA comment or recommended change
	details of Level 2 Planners (Assessment Panel members) on the register	The Portal should be clearer about who can be engaged in a private capacity
Part 4 Continuing Professional Development		
Regulation 25	It is a condition of accreditation that an accredited professional undertake a prescribed amount of CPD set out in Schedule 1 in the proceeding 12-month period.  Persons holding accreditation at multiple levels need to obtain the cumulative total of CPD units, for example a Planner who has both level 1 and level 2 accreditation is required to obtains 30 CPD points in any one year, with a duplication of areas existing.	Review Schedule 1 as to the current prescribed amount of CPD units; particularly with respect to an accredited professional holding both planning level 1 and 2 accreditations.
Part 5 Audits		
Regulation 27	Private accredited professionals must have their assessment activities audited by a qualified auditor at least once every 5 years. Is it appropriate that the obligation to commission these audits falls to the accredited professional and not the accreditation authority?	Review the appropriateness of this self-managed system.
Regulation 27(13)	The auditor need only report to the accreditation authority any contravention or failure of the accredited professional to comply with the Act, Regulations or Code of Conduct, in a significant respect or to a significant degree. This gives the auditor a substantial discretion. Should not all finalised audit reports be provided to the accreditation authority for review as to their adequacy?	Amendment to require all finalised audit reports to be provided to the accreditation authority.
Part 8 Miscellaneous		
Regulation 30	Sets out the circumstances where an accredited professional may not act. These include where the accredited professional has a direct or indirect interest in any body associated with the development and if the accredited professional is employed by	Amend Regulation 30(2) to include an officer, employee, or agent of a council.



Regulation	Issue	LGA comment or recommended change
	anybody associated with the development. While these prohibitions do not apply to an officer or employee of the Crown; they do capture a local government employee where an application is made by the Council that employs them.	
Regulation 34	The accreditation authority has a broad power to delegate any of its functions and powers. It has been suggested that there is a lack of transparency in this regard.	Impose an obligation upon the accreditation authority to publish all such delegated functions and powers.
Schedule 1	This sets out the amount of CPD units required and the relevant professional competencies for each class of accreditation. Issues have arisen as to the current required levels, particularly where a person has achieved accreditation in multiple classes.	Undertake a review CPD requirements.

## Practice Directions

Clause	Issue	LGA recommended change
Part 2 Clause 5	The relevant authority is required to; “include a <b>statement</b> on the relevant development approval to the effect that the additional allotments must not be used for residential purposes by virtue of the operation of section 7 of the Act”.	Practice Direction 12 Conditions 2020 provides that a condition to this effect must be imposed where the class of development involves the division of land in an Environment and Food Production Area. For consistency, suggest that the word <i>statement</i> be replaced with the word <i>condition</i> .
(Part 3, 7 (2)(b)	Professional expertise that the relevant practitioners must have qualifications and experience that is equivalent to an Accredited Professional - Planning Level 1 Under the Act. This does not require this person to be an accredited professional- planning level 1.	Formalise accreditation for those undertaking Code Amendments.
Clause 7(2)(g)	Sector has expressed concern with clause 7(2)(g) from an administrative perspective. The clause creates a non-delegable power of the CEO to respond to Private Proponents. Cannot rely on <i>Local Government Act 1999</i> sections 44 or 101.	Consider replacing reference to CEO with a reference to “a council” or amend section 100 of the PDI Act (delegations) to permit delegation.
Engagement process	Experience with the recent Riverbank Precinct Code Amendment has outlined short comings in the engagement process including timeframes, documentation and analysis. Council provided a submission to the ERDC of Parliament (ACC2022/50002). This submission sort improvements to the Practice Direction, Community Engagement Charter and legislation.  Further, consultation on the engagement plan with the local council may support better practice as local government have more local knowledge to inform the engagement plan.	More guidance is needed on how to manage complaints throughout the engagement process.

Clause	Issue	LGA recommended change
Clause 10(3)	At present, the content of the notice is not annexed to the Practice Direction. Instead, the form is referred to as being that “available on the SA Planning Portal.” No URL is provided.	Include the template notice as an appendix to the Practice Direction.
Clause 10 and Clause 4 (public road frontage)	Definition of public road frontage presents an issue for some regional areas where access to relevant land is only provided by private roads. Difficulty to comply with requirements of clause 10 as a result.	Refine definition of “public road frontage” or introduce alternate requirements in clause 10 to address issue. Suggest wording ‘where there is no access to a public road reasonable efforts should be made to erect the sign in a visible location’
Clause 12	No directions relating to how a relevant authority should respond if a public notice is removed from the land during the notification period or is no longer present on the land at the time that a written report is required per clause 12(b). Clarification also sought as to whether the sign needs to be installed by no later than 12:01am on the first day of notification (as opposed to an applicant who may install it at, say, 8am) and when it needs to be removed. Notification is automatically set to commence four business days after being initiated in PlanSA portal, and sign on land is created as part of this workflow. Therefore, it is not achievable to provide the applicant with this information within the timeframe allocated in Clause 8.	Provide direction for the relevant authority in such circumstances where there is a defect in the public notice process. Consider provision for such in the Practice Direction.  Preference is for the applicant to place the sign and upload evidence of its presence.
Clause 4	Matters requiring expert consideration – further matters could be included for completeness.	Suggest additions include: Lighting, agronomist, economics, access and inclusion, wind, waste, transport, energy and Aboriginal heritage and culture

Clause	Issue	LGA recommended change
	Does notification impact the assessment timeframes in the Portal? Is this accounted for formally or is it an informal agency approach?	Clarify notification impact on timeframes.
	Why is there a different approach for these areas?	More equitable for there to be consistency across the state.
Part 1 Clause 3	The construction of a fence under 2.1 metres in height that is (or is to be) a safety fence for a pool approved or constructed <i>before</i> 1 July 1993 (i.e. a <b>pre-1993 pool</b> ) is excluded from the definition of development in Schedule 4 of the <i>PDI (General) Regulations 2017</i> , and so there is currently no requirement to notify the council of the completion of such building work. Given the object of the practice direction is to ensure that swimming pool safety features are installed, <b>replaced, or upgraded</b> in accordance with prescribed requirements, it appears that the object cannot be achieved with respect to replacement or upgrade fencing works in relation to existing pools which were approved or constructed before 1 July 1993, because the council will not be notified of such works having been completed, and there will be no trigger for an inspection to be undertaken in relation to that work.	Consider amending Schedule 4(1)(d)(v) of the <i>PDI (General) Regulations 2017</i> to extend to include any fence that is (or is to be) a safety fence for a swimming pool or spa, regardless of when the pool or spa was approved or constructed (i.e., to include both a pre and/or a post 1993 pool or spa). In this way, a mandatory notification can be included on the decision notification form in relation to the development which will then require the owner to notify the council of the completion of such work. If not, then the practice direction should be amended to include inspection requirements for safety fencing replacements or upgrades for a pre-1993 pool or spa.
Part 3 Clause 1	Clause does not specify a specific level of accreditation required or even whether the authorised officer needs to be accredited. It leaves it to councils to “ <i>ensure that an inspection ... is carried out by a person who has the appropriate qualifications, skills, knowledge and experience</i> ”.	Query whether this should be specified and/or require a specific level of accreditation to avoid ambiguity. Suggest alignment with circumstances where an accredited professional may act as a relevant authority (section 97 and regulation 25) as starting point.
Part 4	Records of inspections are not provided to the owner of the land.	Consider amending Part 4 of the Practice Direction to include a requirement that the council must provide the owner with a copy of the record of inspection where the inspection records that rectification work

Clause	Issue	LGA recommended change
		is required, within 5 business day of the initial inspection being carried out or similar. Inspection outcomes should be recorded and accessible on Plan SA Portal.
General	Regional councils have expressed concerns that a requirement to inspect within 3 business days of receipt of the completed Statement of Compliance may not be a reasonable period of time given resourcing issues and particularly in areas where the council boundaries are extensive.	Seek sector feedback generally and consider increasing the time within which inspections must be carried out in regional council areas. There should also be a default stop work as per the previous Dev. Regs. 74. Current system allows builders to continue resulting in covering over of works without the opportunity for council to undertake thorough inspection.
Part 4	Records of inspections are not provided to the owner of the land.	Consider amending Part 4 of the Practice Direction to include a requirement that the council through the Portal must provide the owner with a copy of the record of inspection where the inspection records that rectification work is required.
Attachment 1.	Some standard conditions are worded in open terms and are likely invalid. Presents a problem for enforcement if the relevant authority does not apply to have standard terms overturned / impose its own conditions within time.	Consider a review and amendments to ensure that standard conditions are not so vague and uncertain as to be unenforceable.
All	Mandatory conditions requires developments to comply with Code policies and removes the relevant authority's ability to apply discretion when assessing against these relevant provisions.	Clarify legal position around mandatory conditions which impose policy outcomes?
UTC Overlay condition	Refers to trees being planted or payment into the Scheme.	Tree planting or payment into Scheme should be resolved at consent.

Clause	Issue	LGA recommended change
	<p>If the condition remains with both options, this could be misleading for applicants who are not eligible for the offset scheme (due to their zone or soil type).</p> <p>DPF 1.1 could be superseded by Code Amendments over time and it will be difficult to determine what the requirements were relevant at the time of the consent, particularly for a future owner who may not realise trees on the site should be retained.</p>	<p>More detail should be provided in this condition rather than just referring to the DPF 1.1. Some abbreviated version could be included with reference to the policy for further info. RA could provide more specific info based on the site area(s) of the dwelling(s).</p>
SMO Condition	<p>Similar to UTC condition, it is not practical to just list the DPF. It is possible that alternative stormwater management solutions may be considered appropriate. Given this is a mandatory condition, it precludes us from determining a suitable alternative.</p>	<p>Condition should be clear and instructive.</p> <p>Reconsider mandatory status to enable consideration of alternative stormwater management solutions.</p>
Reg tree Removal condition	<p>Similar to UTC condition above.</p>	<p>It should specify that either trees are planted (and the number of trees to be planted is specified) or payment is made into the fund, depending on what the applicant and RA have determined.</p>
Clauses 5 and 6 (interaction with the Urban Tree Canopy Offset Scheme and Urban Tree Canopy Overlay)	<p>Difficult to determine whether a contribution to the fund is an option as opposed to the imposition of a mandatory condition to plant a replacement tree/s pursuant to Practice Direction 12. No standard mapping of designated soil types to refer to – can only be determined by analysis of the proposed development site (potentially lengthy and costly). Have to otherwise consider application of the Urban Tree Canopy Overlay where it overlaps with the identified zones.</p>	<p>Improve trigger for whether a contribution to the Fund in lieu of planting is acceptable.</p>

## Attachment A

**EVANSTON SOUTH PTY LTD v TOWN OF GAWLER ASSESSMENT PANEL  
[2022] SAERDC 14  
Judgment of Commissioner Rumsby  
10 October 2022**

65. *As is established law based on a number of legal authorities, in order to assess the merits of the proposal and ‘weigh its pros and cons’, it is necessary to consider the provisions of the Development Plan (now repealed), now the Code, as a whole. Under the Act, however, the portal curates the Code provisions that are to be considered and applied. By entering a property address and the type of development proposed into the State’s planning portal (“the portal”) it identifies the particular zone in which the land lies and any relevant subzone and overlay, together with the suite of policies from the general provisions of the Code to which regard must be had.*
66. *However, as I discovered from my investigations, many of the provisions identified by the Code had little or no bearing on the assessment required in this matter, in particular the Overlays and a number of the General Development policies. Further, not all of the relevant Code provisions were identified by the portal – underlining the vagaries of a system which seeks to confine the assessment against the Code to only those provisions generated by an algorithm from the portal.*
67. *For reasons I come to later, I consider the Court’s consideration of the kinds of development reasonably contemplated in the OSZ, in the subject circumstances, is sufficiently uncertain as to call in aid an exploration of the Code beyond that curated by the portal. In order for the Court to grapple with the land use intent of the OSZ it is important to understand, at the very least:*
- where the OSZ sits in the hierarchy of ‘like’ zones; and*
  - whether the OSZ policies apply with the same force throughout the Zone and whether there are any subzones, or policy nuances, applicable to particular parts of the OSZ. This is particularly relevant in this matter given that the OSZ applies to a wide range of circumstances throughout the State.*
68. *The spatial distribution of the zones or subzones under consideration is also a highly relevant consideration. In this respect, whilst it is possible to view the geographic distribution of zones, subzones and overlays on the South Australian Property and Planning Atlas (“SAPPA”) the search is, at best, clunky and difficult to navigate and comprehend.*
69. *Exploring the Code itself is also something of a task, not the least because of the sheer size of the policy library and the very limited ‘way finding’ tools. The index of Code provisions is very limited and there are no hyperlinks which take the reader to the relevant parts of the Code. Further, when ‘browsing’ the voluminous document (of almost 5,000 pages for the metropolitan Adelaide region*

alone) there are no identifiers, footers, or markers on each of the pages so that the reader can establish where they are at in the body of the Code.

70. In order to properly understand and apply the Code it is also essential that the reader has a working knowledge of an array of tools attached to the portal, including the 'Guide to the Code' and, as above, SAPP. In some circumstances, not relevant here, it is highly likely that the user of the system would also need to refer to Ministerial practice directions and, when produced, guidelines.
71. Quite clearly, the authors of the digital planning system had not understood there would, on occasions, be a need to browse the Code and that the portal cannot be relied upon, in all circumstances, to call up the only provisions to which regard must be had.
72. Contrary to the Objects of the Act, **the digital planning system is not simple and easily understood.**



148 Frome St  
Adelaide SA 5000  
GPO Box 2693  
Adelaide SA 5001  
T (08) 8224 2000  
E [lgasa@lga.sa.gov.au](mailto:lgasa@lga.sa.gov.au)

[www.lga.sa.gov.au](http://www.lga.sa.gov.au)

### 8.3. Lot 5 Hampden Way Strathalbyn Code Amendment - Engagement Feedback update

Responsible Officer: Matt Atkinson (Acting General Manager Growth)

Report Author: Matt Atkinson (Acting General Manager Growth)

#### Recommendation

##### That Council:

1. Notes the updated Community Engagement feedback as provided by the Designated Entity's consultant; and
2. Endorses the letter at Attachment 2 to be provided as a response to the proposed Lot 5 Hampden Way, Strathalbyn Code Amendment (support with highlighted issues for further consideration).

Alternative motion: Endorses the letter at Attachment 1 to be provided as a response to the proposed Lot 5 Hampden Way, Strathalbyn Code Amendment (oppose);

#### Prior Resolutions

Meeting Date	Agenda Item Number	Report Title	Resolution Number
19 December 2022	8.9	Hampden Way, Strathalbyn - Code Amendment	ACM221746

#### Community Strategic Plan Impact

<b>LIVEABLE</b>	Distinctive townships, places, spaces, and transport networks that support active lifestyles vibrant cultures and productive enterprise
<b>GREEN</b>	Climate ready, a place where nature is valued, and resources are managed sustainably and creatively to support a new economy
<b>CONNECTED</b>	Created for, with and by the community. We are safe, healthy and all enjoying accessible infrastructure and services
<b>ENABLED</b>	Recognised as a trusted leader, known for our forward-thinking approach, can-do attitude, and operational excellence

#### Report Objective

That Council considers the updated summary of community feedback received up until 11 January 2023 regarding the *Lot 5 Hampden Way Strathalbyn Code Amendment* as provided by the Designated Entity's consultant and that Council endorses the letter at Attachment 2 to be provided in response to the proposed Code Amendment (CA).

#### Executive Summary

A proposal by Strath Property Investments to initiate a Code Amendment (CA) for the land formally referred to as Lot 5 Hampden Way, Strathalbyn (& now containing Lots 13, 14 & 20 Hampden Way and lots 11 & 12 Braemar Drive, Strathalbyn) has been approved by the Minister for Planning and has progressed to the public consultation stage, which is when Council (and the public) are able to provide a response to the proposal by way of a written submission.

On 12 December 2022, an information session was provided to Council regarding the Lot 5 Hampden Way Strathalbyn Code Amendment by the Acting Manager, Strategic Development and separately by the subject land-owner's consultant. At that time, Council expressed concern that by providing comments before the consultation period closed, they would not be able to consider all of the community's views in relation to the Code Amendment. The Information Session was followed by a report to Council on 19 December 2022, at which time a draft letter of response was tabled pending an update of the engagement feedback received.

The contents of the 19 December 2022 report have not been duplicated within this report but can be referred back to for additional background.

Having considered the contents of the original draft letter contained in the 19 December report and the unprecedented growth within Strathalbyn that has occurred since the previous review of Policy that applies to the subject land, it was the view of the Acting General Manager Growth that the positive aspects of the proposed Code Amendment had not been appropriately presented. This report will highlight some of the positive aspects of the proposal and also provides an alternate letter in support of the Code Amendment for Council's consideration.

## Context

Recent updates to the planning system via the *Planning Infrastructure and Development Act 2016* now allow '.... a person who has an interest in land and who is seeking to alter the way in which the Planning and Design Code or a design standard affects that land' to initiate a proposal to amend the Planning and Design Code. The person or entity who carries out such a process is referred to as the 'Designated Entity'.

When Code Amendments are undertaken by a 'Designated Entity' rather than by Council, such as is the case with the Lot 5 Hampden Way, Strathalbyn Code Amendment, Council can only provide a submission in the timeframe determined by the Designated Entity. In such circumstances, Council is not the decision maker, does not have control of timeframes, does not undertake the consultation, nor receive the community feedback on the proposal during consultation.

## General Analysis

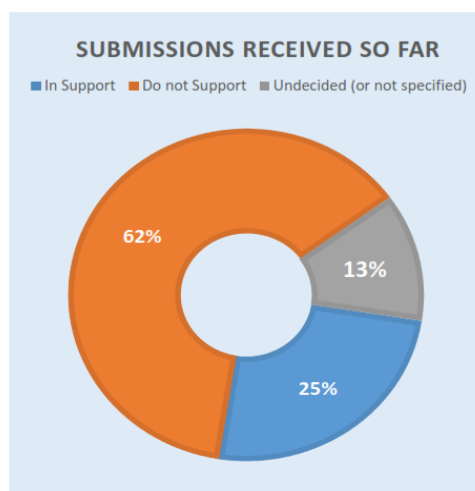
At the 12 December 2022 Council Information Session, the Designated Entity's consultant provided a summary of the community engagement feedback received to date as follows:

### CONSULTATION SNAPSHOT

**1,500**  
households directly notified around the Affected Area

**32**  
People attended information drop in sessions

**16**  
Submission received to date



#### Key Themes and Questions received

- Traffic impacts, particularly in relation to access from/to Adelaide Road
- Change in character from residential to commercial, particularly in relation to impact on adjoining residents
- Visual impact on the town's gateway/entrance
- Impact on the continued economic prosperity of the historic township
- Impact of the town's population growth on the demand for additional supporting services

Council's administration has requested an update to the consultation snapshot. However, at the time of drafting this report, the consultants were on their annual break. As such, a verbal update will be provided by staff at the Council meeting, when updated consultation statistics are known.

Notwithstanding the feedback received by the consultant during the consultation period, the report received by Council at the 19 December 2022 meeting outlined the long history of proposals and considerations for the rezoning of this land for commercial purposes and also raised a number of concerns with the proposed CA, namely:

- the inability to be able to confirm the validity of the retail analysis provided that concludes differently to Council's previous independently sought retail analysis;
- concern regarding the proximity of the proposal to the existing retail and commercial core of Strathalbyn and the affects this may have on the retail/ commercial core;
- concern regarding the scale of existing approved and proposed commercial/retail uses on both the subject land and adjacent land;
- the extent of land proposed to be rezoned;
- the appropriateness of applying a *Local Activity Centre Zone* to the extent of land proposed (approximately 4.5 hectares) and the types of land uses proposed in the CA; and
- the limited policy content in the Local Activity Centre Zone relating to the scale of land uses and buildings within a 'greenfields' area.

Having now had time to further consider the Code Amendment, it is considered that there are many positive aspects to the proposal. These aspects include:

- the provision of a master allotment that is of a sufficient size to accommodate an anchor tenant such as a supermarket and complementary commercial development, appropriate car parking areas, landscaping and stormwater detention (land within the existing town centre is fragmented and the ability to accommodate an additional supermarket in this area is compromised);
- the location of the subject land is relatively central to Strathalbyn. If the Code Amendment is not approved by the Minister, then this land will likely be developed for residential purposes, which would result in any future commercial development being displaced further out of town;
- the subject land is well located in relation to main roads and collector roads (rather than local roads), which will enable traffic to disburse in an orderly manner; and
- the retail analysis provided with the Code Amendment clearly identifies sufficient demand for additional retail development within Strathalbyn (in fact it suggests that there will still be additional demand post the development of this land, which is important for the ongoing viability of the existing town centre).

It is also relevant to consider the significant growth that Strathalbyn has been experiencing. Council's Planning team have approved more than 300 additional allotments in Strathalbyn alone over the past two (2) years. Many of these allotments already have dwellings under construction and many more have approvals in place. Developers including the owners of this land, Oakford Homes and Hickenbotham Homes continue to make significant investment in Strathalbyn. The provision of relevant services including retail and health are important to keep pace with the growing population.

Assuming that the provided retail analysis is vetted and is accurate (suggested in the draft response contained in Attachment 2), it is recommended that Council support the proposed Code Amendment in-principle, subject to the Minister for Planning having consideration of the concerns raised above.

### **Comparative Analysis**

Nil

### **Financial and Economic Implications**

Nil - the Code Amendment process is facilitated and funded by the landowner.

## **Risk Management**

In accordance with Alexandrina Council's Risk Assessment Matrix, the risk of adopting this recommendation is considered moderate given the level of previous community input and the divisive nature of the proposed policy. However, not supporting this Code Amendment may also present a risk, insofar as any further commercial development may be displaced further out of town.

## **Conclusion**

Having further considered the Code Amendment and supporting documentation, it is recommended that Council support the Code Amendment in principle, subject to the relevant authority providing further consideration to the issues raised by Council's Administration as detailed above. In which case, the letter contained in Attachment 2 should be endorsed.

A version of the oppose version of the letter is also attached should Council Members want to consider this option.

Council will need to vote on either the support with highlighted issues for further consideration or the oppose versions of the letter.

## **Attachments**

Attachment 1 - Letter of response (oppose)

Attachment 2 - Letter of response (support with highlighted issues for further consideration)

## Attachment 1 - Letter of Response (oppose)

Hon Nick Champion MP

Minister for Planning

By Email: MinisterChampion@sa.gov.au

Dear Mr Champion,

### **Lot 5 Hampden Way Strathalbyn Code Amendment**

Thank you for the opportunity to provide input into the Lot 5 Hampden Way Strathalbyn Code Amendment (CA).

As you may be aware there is a considerable history of proposals by the owner of the subject land, Strathalbyn Property Investments (SPI) to have the land rezoned for predominantly retail and commercial purposes. The proposals have previously been met with considerable opposition from the Strathalbyn community (refer to the attached Council Report for a summary).

From a strategic planning perspective, Council has consistently sought to protect and strengthen the retail and commercial core of the Strathalbyn Township, currently zoned Township Main Street Zone, Open Space Zone and Tourist Accommodation Zone (previously zoned District Centre).

Prior to this private land owner led CA, the most recent planning policy proposal relating to this land was a submission to the Council led 'Strathalbyn Township and Environs Development Plan Amendment', which was ultimately approved by the then Minister for Planning. This DPA resulted in the subject land being zoned as Residential Zone, Strathalbyn North Policy Area 26, which restricted the floor area for non-residential land uses such as shops, offices and consulting rooms to 250 square metres.

The proposed new Local Activity Centre, currently zoned Hills Neighbourhood Zone, is located within 200 metres of the Township Main Street Zone at its nearest point.

A substantial area of land of approximately 4.5 ha is not considered consistent with the outcomes envisaged for a Local Activity Centre, which are generally of a significantly smaller total land size in the order of 5,000sqm or even less.

In respect to the policy available in the Local Activity Centre Zone, whilst the desired outcome is for '*A range of small-scale shops, offices, business, health and community facilities to provide daily services to and support walkable neighbourhoods*' (Desired Outcome (DO) 1), there is very limited policy to ensure that development achieves this desired outcome. There are no 'performance outcomes' or 'deemed to satisfy' criteria relating to scale, nor floor area caps for new proposals, which in this case would be the only type of proposal given that the land is vacant.

Whilst Council supports walkable neighbourhoods, the proposed commercial rezoning of land in such close proximity to the Strathalbyn Township's historic retail and commercial core is likely to have an adverse impact on trade within the existing town centre, particularly when the area of land proposed to be rezoned is in the order of 4.5 hectares.

In the 'Need for the Amendment' section (page 7) of the CA, it is stated that the Designated Entity (the land owner): *'seeks to amend the Code for the Affected Area, to facilitate the development of a convenience based local activity centre which generally comprises a supermarket of less than 3,000 square metres, specialty shops, bulky goods outlet, child care centre, consulting rooms and other personal or domestic services establishments.'*

It is questionable as to whether these proposed land uses, particularly a 'bulky goods outlet' and a 3,000sqm supermarket would be categorised as 'convenience' or 'small scale', particularly with a 4.5 hectare site available for such development.

Further, with the introduction of the Planning and Design Code (the Code) in March 2021, the land has been transitioned to the Hills Neighbourhood Zone, which provides for commercial activities that *'...improve community access to services (and) are of a scale and type to maintain residential amenity.'* (Performance Outcome (PO) 1.2)

With this new Hills Neighbourhood Zone in place, the Fleurieu Regional Assessment Panel has approved in September 2021, a 1400sqm mixed use development comprising an indoor recreation facility (a gym), a shop (currently proposed to be a pharmacy) and two consulting rooms (currently proposed as a GP clinic and 'allied health').

Notwithstanding that the CA includes another 'retail and economic assessment' that suggests an undersupply of retail floor space, given the timeframes and the timing of the CA consultation; Council has been unable to verify the accuracy of this report. Therefore, in the interests of not compromising the viability of the existing retail and commercial core, Council has resolved to take a precautionary approach, as recommended by the previous retail analysis that suggested significant concern for the impact of such a proposal in this locality on the existing retail/commercial core.

Council therefore, respectfully requests that you refuse to approve the proposed Lot 5 Hampden Way Strathalbyn Code Amendment.

Should you wish to discuss Council's submission further, please do not hesitate to contact Kylie Weymouth, Acting Manager Strategic Development on telephone 8555 7298 or email [kylie.weymouth@alexandrina.sa.gov.au](mailto:kylie.weymouth@alexandrina.sa.gov.au).

Yours sincerely,

Keith Parkes

Mayor, Alexandrina Council

Cc Mr Craig Holden, Chair State Planning Commission

## Attachment 2 - Letter of Response (support)

Hon Nick Champion MP

Minister for Planning

By Email: MinisterChampion@sa.gov.au

Dear Minister Champion,

### **Lot 5 Hampden Way Strathalbyn Code Amendment**

Thank you for the opportunity to provide input into the Lot 5 Hampden Way Strathalbyn Code Amendment (CA).

Council does not have any in principle objection to the proposal.

Having considered the Code Amendment, Council is of the view that there are many positive aspects to the proposal, including:

- the provision of a master allotment that is of a sufficient size to accommodate an anchor tenant such as a supermarket and complementary commercial development, appropriate car parking areas, landscaping and stormwater detention (land within the existing town centre is fragmented and the ability to accommodate an additional supermarket in this area is compromised);
- the location of the subject land is relatively central to Strathalbyn. If the Code Amendment is not approved, then this land will likely be developed for residential purposes, which would result in any future commercial development being displaced further out of town;
- the subject land is well located in relation to main roads and collector roads (rather than local roads), which will enable traffic to disburse in an orderly manner; and
- the retail analysis provided with the Code Amendment clearly identifies sufficient demand for additional retail development within Strathalbyn (in fact it suggests that there will still be additional demand post the development of this land, which is important for the ongoing viability of the existing town centre).

Assuming that the provided retail analysis is vetted and is accurate, which we suggest below, Council support the proposed Code Amendment.

In considering the proposed Code Amendment, Council recommends that the following matters be addressed:

- Validating the provided retail analysis to ensure that the proposed rezoning will not have an adverse impact on commercial development within the existing Strathalbyn town centre;
- The scale of existing approved and proposed commercial/retail uses on both the subject land and adjacent land and whether the collective impact is of a scale that is greater than the proposed Zone envisages;
- The extent of land proposed to be rezoned (approximately 4.5ha) and whether it is consistent with a 'Local Activity Centre' Zone (perhaps a 'Suburban Activity Centre' would be better suited to an area of this size);



- The nature of the types of land uses proposed in the Code Amendment and whether they are consistent with a 'Local Activity Centre' Zone across a 4.5ha site (e.g. Bulky Goods Outlets); and
- The limited policy content in the 'Local Activity Centre' Zone relating to scale of land uses for a 'greenfields' area.

Should you wish to discuss Council's submission further, please do not hesitate to contact Matt Atkinson, Acting General Manager Growth on telephone 8555 7028 or email [matt.atkinson@alexandrina.sa.gov.au](mailto:matt.atkinson@alexandrina.sa.gov.au).

Yours sincerely

**Keith Parkes**

**Mayor, Alexandrina Council**

Cc Mr Craig Holden, Chair State Planning Commission

## 8.4. Project Using Waste Matter as a Circular Economy and Housing Infrastructure Initiative

Responsible Officer: Matt Atkinson (Acting General Manager Growth)

Report Author: Matt Atkinson (Acting General Manager Growth)

### Recommendation

**That Council support the Business Victor Harbor proposal to seek grant funding from Green Industries SA to undertake initial scoping and a proof of concept for the use of recyclable building materials to create 'green concrete' for reuse; and delegate the authority to the Chief Executive Officer to issue a letter of support with copies to the Fleurieu Regional Waste Authority and the other constituent partner Councils.**

### Prior Resolutions

Nil

### Community Strategic Plan Impact

<b>GREEN</b>	<b>Climate ready, a place where nature is valued, and resources are managed sustainably and creatively to support a new economy</b>
<b>ENABLED</b>	<b>Recognised as a trusted leader, known for our forward-thinking approach, can-do attitude, and operational excellence</b>

### Report Objective

To seek Council support for the project team led by Business Victor Harbor to apply for a Circular Economy Market Development Grant offered by Green Industries SA and to authorise the Chief Executive Officer to issue a letter of support on behalf of Council to support the Business Victor Harbor grant application.

### Executive Summary

Business Victor Harbor is seeking Council support to apply for a circular economy grant to investigate the ability to recycle building materials to create 'green cement' for reuse in the commercial building industry. The idea is that this could become a green industry opportunity for the Fleurieu Regional Waste Authority.

The concept has merit and is worthy of further investigations and the development of a proof of concept (the purpose of the grant funding sought). It is recommended that Council support this grant funding application and delegate the authority for the Chief Executive Officer to prepare a letter of support.

### Context

This project was initiated by the Fleurieu Affordable Housing Committee (FAHC), a committee that was formed independently of Council by former Councillor Bronwyn Lewis with the goal of advocating for affordable and social housing within the Fleurieu region. The FAHC has been investigating the use of new technology including 3D-printed cement as a means for providing a more affordable building material.

These discussions led to interest in using recycled building materials to create 'green cement' that can be used with the 3D-printers. In consultation with Business Victor Harbor and Regional Development Australia (RDA), the FAHC have identified grant funding for circular economy projects via the Circular Economy Market Development Grant offered by Green Industries SA.

## **General Analysis**

The grant funding offered by Green Industries SA can be sought for projects that include the identification and design of circular economy business models and practices that include business cases, feasibility studies, market research and analysis on achieving circular outcomes (among other criteria). The proposed research and proof of concept is a good fit for the grant criteria and will provide the FRWA and constituent Councils (via the project team led by Business Victor Harbor) with detailed and qualified advice to assist with determining next steps.

At this stage, Council (and the other partner Councils) are only being asked to support the proposed grant application for the initial proof of concept works. No other commitment is sought at this time.

The longer-term vision is to work through the feasibility of recycling building materials, creating green cement and then 3D-printing affordable and adaptable building materials for commercial sale. There is potential for this to occur from the FRWA site through the investment in a concrete batching plant and commercial 3D printer.

The ability to recycle building materials to create green cement is an exciting first step and warrants further investigation.

## **Comparative Analysis**

Nil

## **Financial and Economic Implications**

In accordance with the Alexandrina Council's Adopted Budget / Long Term Financial Plan, the financial implications of adopting this recommendation are considered low as Council is not being asked to provide any financial support for the initial scoping of this project.

## **Risk Management**

In accordance with Alexandrina Council's Risk Assessment Matrix, the risk of adopting this recommendation is considered low as the project team are only seeking grant funding to proceed with a proof of concept. Similar requests for the endorsement of grant funding for a proof of concept are being sought from FRWA and the other partner Councils.

## **Conclusion**

The concept of utilising recycled building materials to create 'green cement' for reuse is exciting. Given the grant funding that is currently available for circular economy projects through Green Industries SA, there is an opportunity for Council to further investigate this concept by supporting Business Victor Harbor's application for grant funding to have a proof of concept undertaken. It is recommended that Council support this application and delegate the authority for the Chief Executive Officer to prepare a letter of support.

## **Attachments**

Attachment 1 - Supporting information and original request for support

## Attachment 1 - Request for support for circular economy project as at 9 January 2023

**Summary of the circular economy project using recycled plastic and concrete as a potential building material addressing the housing crisis and affordable housing supplies.**

**An opportunity for the Fleurieu to be the epi centre of building material production.**

*What we are asking Council for is a letter of support for the partners (under the auspice of Business Victor Harbor) to apply for a Circular Economy Market Development Grants offered by Green Industries SA.*

These Grants are to apply and scale-up innovative circular economy business models and practices or produce, manufacture, sell or promote South Australian recycled materials and recycled-content products. Eligible projects include:

1. Projects that identify, design, apply or scale-up innovative circular economy business models and practices:
  - implementation, trial, demonstration and scale up of circular economy business models and practices
  - business case, feasibility studies, market research and analysis on achieving circular outcomes
  - supporting circular economy projects in an industry sector and/or supply chains
  
2. Projects that validate and improve the quality and performance of local recycled materials or recycled-content products such as:
  - product quality testing with accredited testing organisations
  - laboratory testing and field trials for product mixes and/or performance etc that validate products ensuring that they meet market requirements

### **Background to the partners:**

In 2021 after the Homeless Week Forum, Bronwyn Lewis pulled together a group of interested parties and they formed the Fleurieu Affordable Housing Committee. As a result of starting the committee, a type of building material was brought to the group's attention. This being 3D printing of cement.

In November 2021, Bronwyn Lewis travelled to the Boral headquarters in Caroline Springs in Victoria to meet John Nicolaidis the principal of Slikbuild to see the product and robotic 3D printer. Since then, founder John Nicolaidis has leveraged the integrated value chain of a global leader in the supply chain network with a broad and well-invested footprint and structured a strategic partnership with Heidelberg Cement Germany and its Australia affiliates namely Alex Fraser and Hanson Concrete.

*The partnership with Alex Fraser and Hanson Concrete is critical to the success of this project as they are a large industry player in recycling and will inform and assure the Federal and State Governments with long term investment.*

In 2022, Slikbuild continued to work with Homes Victoria and NSW State Government to ensure the product met National building (NATA) code criteria. Further to this, Bronwyn Lewis introduced John to Steve Shorten at Regional Development Australia because she saw an opportunity to create an industry based on the Fleurieu Peninsula.

Late in 2022 Bronwyn Lewis introduced Doriana Corda to Slikbuild as she had recently returned from overseas as a renown Urban designer and Architect. The intent being to create affordable houses that are not only functional but attractive and ensure the pilot plan integrated into the social fabric of the township. i.e. not to create ghettos of the future, but to create a best practice example for the potential to scale up and roll out nationally. It was at this meeting that John Nicolaidis showed samples of the "green" cement and the idea of a Circular industry was born.

The Pilot plan will be part of the briefing planned for Alexandrina Council on Affordable Housing later this year. A parcel of land owned by SA Housing has been identified by staff as a potential site. Separately to this "proof of concept project" early discussions have been had with the State Director of Affordable Housing.

Late in 2022, as a result of an article in the Fleurieu Sun re Business Victor Harbor (BVH) working with collaborative regional Circular Economy initiatives, Bronwyn Lewis commenced discussions Colin Shearing, Executive Officer, BVH with regards to potentially working together on future collaborative regional initiatives, and in so doing, applying for Green Industries SA Grants for proof of concept. Applications are due in February 2023. BVH, subject to Board endorsement will consider being the proponent (under an auspice and/or MOU arrangement) of such a grant application, provided the concept strategically complements their collaborative regional Circular Economy initiatives across City of Victor Harbor; Alexandrina; Yankalilla and Kangaroo Island LGA's.

### **Some of the issues around the Australian housing market generally:**

Currently, the Australian construction industry is facing significant supply constraints, labour and material shortages are a significant impediment and inflation is driving up the cost of materials.

- Timber prices have risen well over 20% over the last few months and this is phenomenal we are seeing around the world.
- The cost of reinforced steel has increased by over 40% over the last year
- Plastic piping costs 26% more than a year ago

### **How Inflation is blowing out building costs:**

- Glass and Mirrors-up 14.1%
- Plumbing Products -up11.5
- Steel Products-Beam and sections reinforced steel -up 42.1%
- Installed gas and electric appliances up 2.8%
- Electrical Equipment, cable and conduit up 13.9%
- Cement Products-fibrous cement products concrete tiles up 7.1%
- Timber Board and Joinery includes windows and doors up 20.6%
- Ceramic Products includes clay bricks and ceramic tiles 12.6%
- Concrete, cement and Sand up 3.4%
- Other metal products, includes garage doors, aluminium windows, guttering, taps and valves up 16.2%

### **A new model:**

Current labour and material cost constraints being critical, places us in a unique position, transportation costs being prohibitive, plant locations are critical. Additionally, access to raw material is a key differentiator, both to minimize costs, but also the regulatory approval and demand for reuse of construction and demolition waste is highly encouraged (see conditions of Green Industry grants), we have an opportunity to create a truly unique business.

The trial in partnership including SlikBuild, Alex Fraser and Hanson Australia will ascertain their commitment to provide the infrastructure going forward. Alex Fraser and Hanson Australia, will be assisting the "Proof of Concept" project by manufacturing of green concrete using 100% recycled content. Long term we anticipate that they will be converting existing or redundant pre-mix concrete plants into 3D Concrete Manufacturing hubs that will utilise the content from waste recycling plants owned by various Councils around the State.

### **The Competitive advantage:**

SlikBuild has redefined concrete as the raw material, transforming a drab, grey product into a technologically advanced and aesthetically sophisticated building material. An example was on the television show "The Block" in 2022. After profitability has been achieved, the more sophisticated designs can leverage the printing with the gantry onsite, however the gantry (as on display at Swinburne University) costs approximately €1.4m. This is a long-term vision of the team. The project to kick start the vision will include manufacturing of green concrete using 100% recycled content supplied and delivered by its business partners and the income raised by selling 3D Concrete Printed Modular Housing Systems and Precast concrete elements.

It is standard practise for companies in the 3D Space to have product, fine grade aggregates, supplementary cementitious material, additives and cement are all shipped to the same location. However, having all your materials at a vertically decentralised facility, namely a concrete batching plant gives you a price advantage where your nearest competitor cannot compete with this is where the introduction of Fleurieu Regional Waste Authority and other Local Government Waste Authorities will occur.

The first project will be proof of concept, the second will be using industry partners and government grants to build the infrastructure to create an industry on site possibly at the Goolwa Waste disposal centre – thus reducing transport costs and providing a hub for the material to be distributed all over SA.

It is the teams' vision that these will primarily to be used in the supply of Social Housing.

### **Issues to be addressed in the project:**

Developing cement-based materials for three-dimensional (3D) printing applications is a complicated process with many conflicting goals. High flowability before deposition, extrudability during deposition, buildability and stiffness immediately after the deposition are all desired properties for the printed materials used in this technology. The necessity of recycling and reusing building materials adds to the complexity. A mix design can be made by following a variety of techniques, such as modifying one factor at a time, or following a full-factorial design.

The two main methodologies to be investigated are the empirical mix design, such as the trial-and-error and the mix design following a rheological model. These mix design methods are straightforward and have proved effective. However, it is important to note, the number of tests in a mix design grows exponentially as the number of factors or their levels rise, especially when testing cement and admixture types.

To date the research and development maintained a constant with the main compositions of the mixture. Only two parameters were treated as independent variables by developing an additive that maintained a balance between the viscosity and static yield stress of the mix design pre and post deposition. A mix design that reduces water demand and slump loss.

### **Economic impact and Green industries.**

The other attractive component of “modular builds” with cement or green cement, is in the long term maintenance and affordability for living. Along with creating an attractive and liveable example, the building has to have minimal maintenance needs and running costs to be effective for social housing. i.e. the thermal dynamics need to be tried and tested to ensure the building material reduces carbon footprint and long term affordability.

Likewise, as an industry and an emerging technology, we need to continue to advance concrete's appeal to the end user. For most end users, the most important consideration is consistency, predictability and ultimately price.

Finally, to recap: the aims of the project are:

- Proof of concept producing recycled materials that are NATA certified and conform to Australian Standards and align with the principles of a circular economy.
- Stimulating job creation in a new commodity production utilising recycled materials.
- Reducing carbon footprints by recycling onsite and creating 'green' building materials.
- Collaborating with local builders and training providers to develop robot operations and associated trades
- Delivering products to service the social housing crisis.

### **Where to from here:**

1. Stakeholder support and education to support the application for funding.
2. Proof of concept project and evaluation.
3. Feasibility of roll out at waste disposal sites around SA and MOU's with those parties.
4. Build an industry to service the State and make profits to reinvest.

## 8.5. Lease and Licence Policy Activities – October to December 2022 Quarterly Report

Responsible Officer: Trish Kirkland (Acting General Manager Resources)

Report Author: Lisa Hoyle (Manager Property & Procurement Services)

### Recommendation

**That Council receive and note the Lease and Licence Policy Activities Report for 1 October 2022 to 31 December 2022.**

### Prior Resolutions

Nil

### Community Strategic Plan Impact

<b>LIVEABLE</b>	<b>Distinctive townships, places, spaces, and transport networks that support active lifestyles vibrant cultures and productive enterprise</b>
<b>CONNECTED</b>	<b>Created for, with and by the community. We are safe, healthy and all enjoying accessible infrastructure and services</b>

### Report Objective

To provide Council Members with an overview of tenure activities executed by Administration between 1 October 2022 and 31 December 2022.

### Executive Summary

This report provides an overview of the activities undertaken this quarter under delegated authority in accordance with Council's Lease and Licence Policy.

### Context

The Lease and Licence Policy was adopted at the 17 February 2020 Council Meeting (ACM20481) and further reviewed and endorsed at the 15 February 2021 Council Meeting (ACM21879). The Policy ensures best practice and consistency in the administration of lease and licensing tenure matters while enabling appropriate time frames and process for effectively progressing minor tenure matters.

### General Analysis

This Quarterly Report captures those activities granted under delegation for the period 1 October 2022 to 31 December 2022.

Date	Tenant	Activity
11 October 2022	Belluna Pty Ltd	Renewal of existing lease for final 7-year renewal term as approved in accordance with current lease conditions (Ticket Office located on the Goolwa Wharf)
11 October 2022	Belluna No 2 Pty Ltd	Renewal of existing lease for final 7-year renewal term as approved in accordance with current lease conditions (current site of Hectors on the Wharf)

Date	Tenant	Activity
3 November 2022	Strathalbyn Oval	Landowners consent given to DA 22035800 for the upgrade of the existing court lighting within the Strathalbyn Oval lease area, to LED lighting.
24 November 2022	Wildlife Welfare Organisation	First seven (7) year renewal of existing 15-year 5-month lease for Plot 7 at the Goolwa Community Precinct, as approved in accordance with current lease conditions.
24 November 2022	Wildlife Welfare Organisation	First seven (7) year renewal of existing 21-year lease for Plot 8 at the Goolwa Community Precinct, as approved in accordance with current lease conditions.
24 November 2022	Chiton Rocks Surf Life Saving Club	Landowners consent / Project Support Form for Office for Recreation, Sport and Racing grant funding application for new shade structure over roof of outdoor decking area.
24 November 2022	Chiton Rocks Surf Life Saving Club	Landowners consent given to DA 22033017 for a new LED illuminated sign of the Club Logo on the side of the Surf Life Saving Club within their lease area.
8 December 2022	Clayton Bay Boat Club	Landowners consent / Project Support Form for Office for Recreation, Sport and Racing grant funding application for a boom gate installation at the entrance to the Boat Club to assist with traffic management on the leased site.

### Comparative Analysis

The ability for Administration to use delegated authority to consent to minor tenure activities has provided efficiencies in processing tenure matters within practical timeframes.

### Financial and Economic Implications

In accordance with the Alexandrina Council's Adopted Budget / Long Term Financial Plan, the financial implications of adopting this recommendation are considered low as approving endorsed tenure renewals within existing lease agreements, does not impact Council's financial position and, there are no financial implications for Council associated with providing landowners consent to minor Development Approvals or landowners support to external grant funding applications where Council is not providing in-kind (resourcing) or financial support.

### Risk Management

In accordance with Alexandrina Council's Risk Assessment Matrix, the risk of adopting this recommendation is considered low as all administrative processes outlined in this Report were undertaken in accordance with legislative obligations and the requirements of the Lease and Licence Policy. All consultations, referrals and/or public notifications required under the Planning, Development and Infrastructure Act 2016, continue to be undertaken as part of the development assessment process.

### Conclusion

The Lease and Licence Policy Activities quarterly Report informs Council Members of minor lease and licence activities granted under delegation.



## Attachments

Nil

## 8.6. Proposed Nomination of Cr Lou Nicholson to the South Australian Public Health Council

Responsible Officer: Tash Hunt (Manager Communications & Business Services)

Report Author: Tanya Cregan (Executive Assistant to the Mayor and Elected Members)

### Recommendation

**That Council endorse the nomination of Cr Lou Nicholson for a position on the South Australian Public Health Council for a three-year term and duly submit the nomination from to the Local Government Association of South Australia.**

### Prior Resolutions

Nil

### Community Strategic Plan Impact

<b>CONNECTED</b>	<b>Created for, with and by the community. We are safe, healthy and all enjoying accessible infrastructure and services</b>
<b>ENABLED</b>	<b>Recognised as a trusted leader, known for our forward-thinking approach, can-do attitude, and operational excellence</b>

### Report Objective

To present the nomination by Cr Lou Nicholson, for a position of the South Australian Public Health Council, to the Local Government Association of South Australia (LGA) for consideration.

### Executive Summary

The LGA are seeking nominations for a local government member on the South Australian Public Health Council for a three-year term.

Only nominations submitted by a Council, following a resolution of Council, will be considered.

Cr Nicholson has forwarded her nomination. This nomination is put forward for Council consideration. Applications close 5.00 pm Friday 10 February 2023.

### Context

The South Australian Public Health Council (SAPHC) is established by the [South Australian Public Health Act 2011 \(the Act\)](#).

The SAPHC's primary functions are to assist and advise the Chief Public Health Officer in relation to:

1. protection and promotion of public health
2. the development and maintenance of a system of strategic planning for public health at the local, regional and State-wide levels,
3. the development of health plans,
4. strategies to ensure that a sufficiently trained and skilled workforce is in place
5. programs to promote public health research in the State
6. the preparation of the biennial report
7. setting standards and qualifications for authorised officers.

The LGA is seeking nominations to fill a position for a term up to three years.

## General Analysis

There are two LGA nominated positions on the SAPHC currently held by Ann Ferguson and Helen Donovan. Following the 2022 local government elections neither are eligible for reappointment.

In this role:

- members must attend four meetings per year generally at SA Public Health head office, Hindmarsh Square, Adelaide
- sitting fees are \$206 per session paid by the South Australian Public Health Council

## Comparative Analysis

The SA Public Health Act requires the LGA to provide a shortlist of five nominees. The Minister will select the appointee from this list.

In accordance with section 42 of the *Legislation Interpretation Act 2021* the panel of nominees must include at least two men and two women.

The [LGA Appointments and Nominations to Outside Bodies Policy](#) sets out the process for the Nominations Committee to consider nominees with respect to the responsibilities and strategic importance of the outside body.

Nominees must be a currently serving council member or employee of a council or other local government entity (unless otherwise determined by the LGA Board of Directors).

Only nominations submitted following a resolution of council will be considered.

## Financial and Economic Implications

In accordance with the Alexandrina Council's Adopted Budget / Long Term Financial Plan, the financial implications of adopting this recommendation are considered low as there are no direct costs to nominating for a position to the South Australian Public Health Council.

## Risk Management

In accordance with Alexandrina Council's Risk Assessment Matrix, the risk of adopting this recommendation is considered low as Council is providing a recommendation to the Local Government Association of SA in accordance with established procedures.

## Conclusion

This report recommends endorsing the nomination by Cr Lou Nicholson, for a position of the South Australian Public Health Council, to the Local Government Association of South Australia (LGA) for consideration.

## Attachments

Attachment 1 - Nomination Form - Cr Lou Nicholson



**PART B**

## LGA Appointments and Nominations to Outside Bodies — Nomination Form

**Instructions**

*This form:*

- *Must be submitted by a council*
- *Must be emailed in PDF format to [nominationscoordinator@lga.sa.gov.au](mailto:nominationscoordinator@lga.sa.gov.au)*
- *Receipt of nomination will be acknowledged by return email*
- *CV and response to selection criteria (if applicable) may be emailed separately by the nominee and will be treated confidentially*

*This nomination form fulfils the requirements of the LGAs Appointments and Nominations to Outside Bodies Policy, [available here](#).*

**SECTION 1 to be completed by Council, SECTION 2 to be completed by Nominee.**

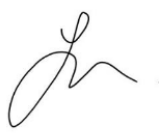
Please refer to the *Call for Nominations* information sheet (PART A) for details of the Outside Body and the selection criteria to be met by the nominee.

### SECTION 1: COUNCIL to complete

South Australian Public Health Council	
Council Details	
<b>Name of Council submitting the nomination</b>	
<b>Contact details of council officer submitting this form</b>	<b>Name:</b> <b>Position:</b> <b>Email:</b> <b>Phone:</b>
<b>Council meeting minute reference and date</b>	
<b>Nominee Full Name</b>	
elected member <input type="checkbox"/> OR employee of council <input type="checkbox"/> OR employee of local government entity <input type="checkbox"/>	
<i>Note: by submitting this nomination council is recommending the nominee is suitable for the role.</i>	

**PART B**

**SECTION 2: NOMINEE to complete**

South Australian Public Health Council			
Nominee Details			
<b>Name in full</b>	Louise Helene Nicholson	<b>Gender</b>	F
<b>Home / Postal Address</b>	[REDACTED]		
<b>Phone</b>		<b>Mobile</b>	[REDACTED]
<b>Personal Email</b>	[REDACTED]		
<b>Why are you interested in this role?</b>	I am passionate about opportunities for improved health outcomes through quality communication with consumers. I am interested in contributing to successful implementation of public health measures from this perspective.		
<b>CV</b>	attached <input type="checkbox"/> OR forwarding separately <input checked="" type="checkbox"/>		
<b>Response to selection criteria (if applicable)</b> <small>Please refer to the Call for Nominations information sheet for the selection criteria to be addressed.</small>	<i>Nominee to provide response to selection criteria (of no more than 2 pages) for consideration by the LGA Board of Directors.</i>  attached <input type="checkbox"/> OR forwarding separately <input checked="" type="checkbox"/>		
<b>Do you agree for your details to be retained on the LGA Nominees Database for a period of 12 months in order to be considered for other vacancies on Outside Bodies?</b> Yes <input checked="" type="checkbox"/> OR No <input type="checkbox"/> If Yes, please list any fields of interest or Outside Bodies of interest: <ul style="list-style-type: none"> <li>• _Health, environment, indigenous interests, education, social inclusion.</li> </ul>			
<b>Undertaking:</b> <i>The LGA Board resolved in January 2015 to ensure that appointees to external Boards and Committees remain current local government members or officers. If you leave local government for any reason during the term of your appointment, are you prepared to resign your appointment if requested to do so by the LGA?</i> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>			
Signature of Nominee: 			

## 8.7. Fleurieu Regional Aquatic Centre Authority First Quarter Budget Review 2022/23

Responsible Officer: Trish Kirkland (Acting General Manager Resources)

Report Author: Robyn Dunstall (Manager Financial Services)

### Recommendation

**That Council receives the Fleurieu Regional Aquatic Centre Authority First Quarter Budget Review for the period ending 30 September 2022, noting no changes to Council contributions at this stage.**

### Prior Resolutions

Meeting Date	Agenda Item Number	Report Title	Resolution Number
20 June 2022	11.3	Fleurieu Regional Aquatic Centre Authority Draft Budget 2022/23	ACM221553

### Community Strategic Plan Impact

<b>LIVEABLE</b>	<b>Distinctive townships, places, spaces, and transport networks that support active lifestyles vibrant cultures and productive enterprise</b>
<b>GREEN</b>	<b>Climate ready, a place where nature is valued, and resources are managed sustainably and creatively to support a new economy</b>
<b>CONNECTED</b>	<b>Created for, with and by the community. We are safe, healthy and all enjoying accessible infrastructure and services</b>

### Report Objective

To receive the Fleurieu Regional Aquatic Centre Authority's (FRACA) First Quarter Budget Review, as at 30 September 2022.

### Executive Summary

Alexandrina Council reported in the 2022 Annual Report the 50% ownership of FRACA. The other Constituent Council is City of Victor Harbor. Alexandrina has 50% voting rights.

The FRACA First Quarter Budget Review 2022/23 does not recommend any amendments to Council contributions at this stage. It is noted all financial indicators are tracking in accordance with targets, further noting that an increase in electricity prices will be included in the mid-year budget review with the impact on contributions to be quantified.

### Context

In accordance with the *Local Government Act 1999* and the Fleurieu Regional Aquatic Centre Authority's Charter, FRACA have reviewed its budget and provided a copy of the results to Council.

At FRACA's meeting on 16 December 2022, the Board endorsed its First Quarter Budget Review and results as at 30 September 2022.

The budget review contains year-to-date actuals to 30 September 2022, with forecast estimates for the period October 2022 to June 2023, to project year-end figures.

## **General Analysis**

FRACA have identified the following variances associated with the First Quarter Budget Review.

A reduction in operating income of \$8,176 associated with swimming lessons and membership and an increase in operating expenditure of \$39,959 associated with wage expenses, consultants' fees (mainly attributed to asset revaluation), electricity and water costs. The current electricity contract is being finalised with any impact to be reflected in the mid-year budget review, with the impact on contributions to be quantified.

The proposed budget amendments have projected an increase in the operating deficit ratio from 25% to 27% and a reduction with the net financial liabilities ratio from 23% to 21%.

## **Comparative Analysis**

Nil

## **Financial and Economic Implications**

The FRACA First Quarter Budget Review, as at 30 September 2022 identifies that no amendments to Council contributions are required at this time.

## **Risk Management**

In accordance with Alexandrina Council's Risk Assessment Matrix, the risk of adopting this recommendation is considered low. Compliance risk is reduced by Council receiving budget reviews for the Authority in line with the *Local Government Act 1999* and FRACA's Charter.

## **Conclusion**

That Council receives and endorses the Fleurieu Regional Aquatic Centre Authority First Quarter Budget Review for the period ending 30 September 2022 with an operating deficit of \$742,083 and estimated cash at end of reporting period of \$627,635, noting no amendments to Council contributions are required at for this reporting period.

## **Attachments**

Attachment 1 - FRACA Budget Review - Q1 2022-2023



## Constituent Councils Communication

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**To:** Victoria MacKirdy, Chief Executive Officer, City of Victor Harbor & Nigel Morris, Chief Executive Officer, Alexandrina Council  
**From:** Andrew Baker – Executive Officer  
**Subject:** Budget Review – Q1 2022-2023  
**Date:** 9 January 2023  
**Attachments:** Uniform Presentation of Finances Q1 2022-2023

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Dear Victoria and Nigel,

The purpose of this communication is to provide the Fleurieu Regional Aquatic Centre Authority Budget Review for Q1 2022-2023 to Constituent Councils in accordance with Section 9 of the *Local Government (Financial Management) Regulations 2011*.

The budget review for the first quarter, incorporating the Uniform Presentation of Finances, was considered by the Authority Board at their meeting on Friday 16 December 2022 where the following was resolved:

*Motion:* FRACA00565  
*Moved:* Vicki Tomlinson  
*Seconded:* Mark Easton

*The Authority Board:*

- *for the period ending 30 September 2022 adopt a Budget Review with an operating deficit of \$742,083 and estimated cash at end of reporting period of \$627,635; and*
- *recommend the Budget Review as at 30 September 2022 to Constituent Councils with no amendment to Council contributions at this stage, noting that an increase in electricity prices will be included in the mid-year budget review with the impact on contributions to be quantified.*

The Board Report and the Uniform Presentation of Finances 2022-2023 as considered by the Authority Board are thereby submitted to Constituent Councils provided as attachments to this correspondence.

Regards

A handwritten signature in black ink, appearing to read "AB", with a long horizontal flourish extending to the right.

Andrew Baker  
Executive Officer

A black horizontal bar with a white wave-like graphic on the left side and the website address "fleurieuaquaticcentre.com.au" in white text on the right.

fleurieuaquaticcentre.com.au



**FLEURIEU REGIONAL AQUATIC CENTRE AUTHORITY**

**Budget review as at 30.09.2022**

	<b>Original Budget 2022-23</b>	<b>Proposed Budget 2022-23</b>	<b>Estimated Budget 2023-24</b>	<b>Estimated Budget 2024-25</b>
<b>Operating Surplus Ratio</b>				
Operating Surplus	(693,948)	(742,083)	(736,972)	(750,193)
Revenues	2,797,245	2,789,069	2,928,690	2,998,980
<b>Projected Operating Surplus Ratio</b>	<b>-25%</b>	<b>-27%</b>	<b>-25%</b>	<b>-25%</b>
<i>Target Operating Surplus Ratio</i>	<i>-26%</i>	<i>-26%</i>	<i>-26%</i>	<i>-26%</i>
<b>Net Financial Liabilities</b>				
Total Liabilities	189,462	189,462	189,462	189,462
Less: current cash & cash equivalents	(675,770)	(627,635)	(558,313)	(396,738)
current trade & other receivables	(158,619)	(158,619)	(158,619)	(158,619)
non current other financial assets	-	-	-	-
non-current financial assets	-	-	-	-
<i>Net Financial Liabilities</i>	<i>(644,927)</i>	<i>(596,792)</i>	<i>(527,470)</i>	<i>(365,895)</i>
Total Operating Revenue	2,797,245	2,789,069	2,928,690	2,998,980
<b>Projected Net Financial Liabilities Ratio</b>	<b>-23%</b>	<b>-21%</b>	<b>-18%</b>	<b>-12%</b>
<i>Target Net Financial Liabilities Ratio</i>	<i>(46)%-(84)%</i>	<i>(46)%-(84)%</i>	<i>(46)%-(84)%</i>	<i>(46)%-(84)%</i>
<b>Own Sourced Income Ratio</b>				
Income excluding council contributions	2,041,311	2,033,135	2,134,240	2,185,220
Total expenditure	3,491,193	3,531,152	3,665,662	3,749,173
<b>Projected Own Sourced Income Ratio</b>	<b>58%</b>	<b>58%</b>	<b>58%</b>	<b>58%</b>
<i>Target Own Sourced Income Ratio</i>	<i>60%</i>	<i>60%</i>	<i>62%</i>	<i>62%</i>
<b>Asset Renewal Funding Ratio</b>				
Expenditure on renewal/replacement of assets	12,130	12,130	69,322	161,575
Sale of replaced assets	-	-	-	-
<b>Net renewal/replacement of assets</b>	<b>12,130</b>	<b>12,130</b>	<b>69,322</b>	<b>161,575</b>
Asset Management Plan amount	11,465	11,465	52,480	104,195
<b>Projected Asset Renewal Funding Ratio</b>	<b>106%</b>	<b>106%</b>	<b>132%</b>	<b>155%</b>
<i>Target Asset Renewal Funding Ratio</i>	<i>n/a</i>	<i>n/a</i>	<i>100%</i>	<i>100%</i>

**FLEURIEU REGIONAL AQUATIC CENTRE AUTHORITY**  
**Budget review as at 30.09.2022**

<b>UNIFORM PRESENTATION OF FINANCES</b>	<b>Note</b>	<b>Original Budget</b>	<b>Approved Amendments</b>	<b>Current Budget</b>	<b>Proposed Amendments</b>	<b>Proposed Budget</b>
		2022-23	2022-23	2022-23	2022-23	2022-23
<b>OPERATING ACTIVITIES</b>						
Operating Revenues		2,797,245	-	2,797,245	(8,176)	<b>2,789,069</b>
less Operating Expenses	1	(3,491,193)	-	(3,491,193)	(39,959)	<b>(3,531,152)</b>
<b>Operating Surplus/ (Deficit)</b>		<b>(693,948)</b>	<b>-</b>	<b>(693,948)</b>	<b>(48,135)</b>	<b>(742,083)</b>
<b>CAPITAL ACTIVITIES</b>						
<b>less Net Outlays on Existing Assets</b>						
Capital Expense on renewal and replacement of Existing Assets		12,130	-	12,130	-	<b>12,130</b>
less Depreciation, Amortisation and Impairment		(693,948)	-	(693,948)	-	<b>(693,948)</b>
<b>Net Outlays on Existing Assets</b>		<b>(681,818)</b>	<b>-</b>	<b>(681,818)</b>	<b>-</b>	<b>(681,818)</b>
<b>less Net Outlay on New and Upgraded Assets</b>						
Capital Expenditure on New and Upgraded Assets		-	-	-	-	-
less Amounts received specifically for New and Upgraded Assets		-	-	-	-	-
less Proceeds from Sale of Surplus Assets		-	-	-	-	-
<b>Net Outlays on New and Upgraded Assets</b>		<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Net Lending/ (Borrowing) for Financial Year</b>		<b>(12,130)</b>	<b>-</b>	<b>(12,130)</b>	<b>(48,135)</b>	<b>(60,265)</b>
 (Increase)/Decrease in Cash and Investments		 12,130	 -	 12,130	 48,135	 <b>60,265</b>
<b>Financing Transactions</b>		<b>12,130</b>	<b>-</b>	<b>12,130</b>	<b>48,135</b>	<b>60,265</b>

**FLEURIEU REGIONAL AQUATIC CENTRE AUTHORITY**  
**Budget review as at 30.09.2022**

<b>STATEMENT OF COMPREHENSIVE INCOME</b>	<b>Original Budget</b>	<b>Approved Amendments</b>	<b>Current Budget</b>	<b>Proposed Amendments</b>	<b>Proposed Budget</b>
	2022-23	2022-23	2022-23	2022-23	2022-23
<b>INCOME</b>					
User Charges	2,036,411	-	2,036,411	(8,176)	<b>2,028,235</b>
Grants, subsidies and contributions	755,934	-	755,934	-	<b>755,934</b>
Investment Income	4,900	-	4,900	-	<b>4,900</b>
<b>TOTAL INCOME</b>	<b>2,797,245</b>	<b>-</b>	<b>2,797,245</b>	<b>(8,176)</b>	<b>2,789,069</b>
<b>EXPENSES</b>					
Materials, contracts & other expenses	2,797,245	-	2,797,245	39,959	<b>2,837,204</b>
Depreciation, amortisation & impairments	693,948	-	693,948	-	<b>693,948</b>
<b>TOTAL EXPENSES</b>	<b>3,491,193</b>	<b>-</b>	<b>3,491,193</b>	<b>39,959</b>	<b>3,531,152</b>
<b>OPERATING SURPLUS/(DEFICIT)</b>	<b>(693,948)</b>	<b>-</b>	<b>(693,948)</b>	<b>(48,135)</b>	<b>(742,083)</b>
Amounts specifically for new or upgraded assets	-	-	-	-	-
<b>NET SURPLUS/(DEFICIT)</b>	<b>(693,948)</b>	<b>-</b>	<b>(693,948)</b>	<b>(48,135)</b>	<b>(742,083)</b>
Other Comprehensive Income		-	-	-	-
<b>TOTAL COMPREHENSIVE INCOME</b>	<b>(693,948)</b>	<b>-</b>	<b>(693,948)</b>	<b>(48,135)</b>	<b>(742,083)</b>

**FLEURIEU REGIONAL AQUATIC CENTRE AUTHORITY**  
**Budget review as at 30.09.2022**

STATEMENT OF FINANCIAL POSITION	Original Budget	Approved Amendments	Current Budget	Proposed Amendments	Proposed Budget
	2022-23	2022-23	2022-23	2022-23	2022-23
<b>ASSETS</b>					
<b>Current Assets</b>					
Cash & Cash Equivalents	675,770	-	675,770	(48,135)	<b>627,635</b>
Trade & Other Receivables	158,619	-	158,619	-	<b>158,619</b>
TOTAL CURRENT ASSETS	<u>834,389</u>	-	<u>834,389</u>	<u>(48,135)</u>	<u><b>786,254</b></u>
<b>Non-current Assets</b>					
Infrastructure, Property, Plant & Equipment	16,908,589	-	16,908,589	-	<b>16,908,589</b>
TOTAL NON-CURRENT ASSETS	<u>16,908,589</u>	-	<u>16,908,589</u>	-	<u><b>16,908,589</b></u>
<b>Total Assets</b>	<u><b>17,742,978</b></u>	-	<u><b>17,742,978</b></u>	<u><b>(48,135)</b></u>	<u><b>17,694,843</b></u>
<b>LIABILITIES</b>					
<b>Current Liabilities</b>					
Trade and Other Payables	189,462	-	189,462	-	<b>189,462</b>
Short Term Provisions	-	-	-	-	-
<b>Total Liabilities</b>	<u><b>189,462</b></u>	-	<u><b>189,462</b></u>	-	<u><b>189,462</b></u>
<b>NET ASSETS</b>	<u><b>17,553,516</b></u>	-	<u><b>17,553,516</b></u>	<u><b>(48,135)</b></u>	<u><b>17,505,381</b></u>
<b>EQUITY</b>					
Accumulated Surplus	(3,515,045)	-	(3,515,045)	(48,135)	<b>(3,563,180)</b>
Capital Contribution	21,068,561	-	21,068,561	-	<b>21,068,561</b>
<b>TOTAL EQUITY</b>	<u><b>17,553,516</b></u>	-	<u><b>17,553,516</b></u>	<u><b>(48,135)</b></u>	<u><b>17,505,381</b></u>

**FLEURIEU REGIONAL AQUATIC CENTRE AUTHORITY**  
Budget review as at 30.09.2022

<b>STATEMENT OF CHANGES IN EQUITY</b>	<b>Original Budget</b>	<b>Approved Amendments</b>	<b>Current Budget</b>	<b>Proposed Amendments</b>	<b>Year End Actual</b>
	2022-23	2022-23	2022-23	2022-23	2022-23
<b>Accumulated Surplus</b>					
Balance at Beginning of Period	(2,821,097)	-	(2,821,097)	-	<b>(2,821,097)</b>
Change in financial position resulting from operations	(693,948)	-	(693,948)	(48,135)	<b>(742,083)</b>
<b>Balance at End of Period</b>	<b>(3,515,045)</b>	-	<b>(3,515,045)</b>	<b>(48,135)</b>	<b>(3,563,180)</b>
<b>Capital Contribution</b>					
Balance at Beginning of Period	21,068,561	-	21,068,561	-	<b>21,068,561</b>
Capital Contributions from Councils	-	-	-	-	-
Equity contribution to Councils	-	-	-	-	-
<b>Balance at End of Period</b>	<b>21,068,561</b>	-	<b>21,068,561</b>	-	<b>21,068,561</b>
<b>TOTAL EQUITY AT END OF REPORTING PERIOD</b>	<b>17,553,516</b>	-	<b>17,553,516</b>	<b>(48,135)</b>	<b>17,505,381</b>
<b>STATEMENT OF CASH FLOWS</b>	<b>Original Budget</b>	<b>Approved Amendments</b>	<b>Current Budget</b>	<b>Proposed Amendments</b>	<b>Proposed Budget</b>
	2022-23	2022-23	2022-23	2022-23	2022-23
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>					
Receipts	2,797,245	-	2,797,245	(8,176)	<b>2,789,069</b>
Payments	(2,797,245)	-	(2,797,245)	(39,959)	<b>(2,837,204)</b>
<b>Net Cash provided by (or used in) Operating Activities</b>	-	-	-	<b>(48,135)</b>	<b>(48,135)</b>
<b>CASH FLOWS FROM INVESTMENT ACTIVITIES</b>					
<b>Receipts</b>					
Amounts specifically for new or upgraded assets	-	-	-	-	-
<b>Payments</b>					
Purchase of Renewal/Replacement Assets	(12,130)	-	(12,130)	-	<b>(12,130)</b>
Purchase of New/Expansion Assets	-	-	-	-	-
<b>Net Cash provided by (or used in) Investing Activities</b>	<b>(12,130)</b>	-	<b>(12,130)</b>	-	<b>(12,130)</b>
<b>Net Increase (Decrease) in Cash Held</b>	<b>(12,130)</b>	-	<b>(12,130)</b>	<b>(48,135)</b>	<b>(60,265)</b>
Cash & cash equivalents at beginning of period	687,900	-	687,900	-	<b>687,900</b>
<b>Cash &amp; cash equivalents at end of period</b>	<b>675,770</b>	-	<b>675,770</b>	<b>(48,135)</b>	<b>627,635</b>

## **8.8. Confidential Order Review - Various Items**

Responsible Officer: Nigel Morris (Chief Executive Officer)

Report Author: Tash Hunt (Manager Communications & Business Services)

Tanya Cregan (Executive Assistant to the Mayor and Elected Members)

### **Recommendation**

**1. That having considered Agenda Item 8.XX Confidential Order Review – Various Items, the Council, pursuant to section 91(7) and (9) of the Local Government Act 1999, orders that:**

**1.1 Agenda Item 14.1 Local Government Electricity Contracts Post December 2022 (Confidential)**

- **That the minutes, report and attachments and audio recording of the Council meeting held on 24 January 2022 in relation to:**
  - **Agenda Item 14.1 Local Government Electricity Contracts Post December 2022 (Confidential), are to be retained in confidence in accordance with section 90 (3) (b)(i)(ii) of the Local Government Act 1999 and will not be available for public inspection until further Order, on the basis that the disclosure of information:**
    - **Could reasonably be expected to confer a commercial advantage on a person with whom council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and**
    - **Would, on balance, be contrary to the public interest.**

**1.2 Agenda Item 14.1 Question with Notice – Cr Coomans – Code of Conduct Reports (Confidential)**

- **That the minutes, reports and attachments and audio recording of the Council meeting held on 21 February 2022 in relation to:**
  - **Agenda Item 14.1 Question with Notice – Cr Coomans – Code of Conduct Reports (Confidential) are to be retained in confidence in accordance with section 90 (3) (h) of the Local Government Act 1999 and will not be available for public inspection until further Order, on the basis that disclosure of information:**
    - **Would disclose legal advice;**
    - **Contains information relating to actual litigation, or litigations that the Council believes on reasonable grounds will take place, involving the Council.**

**1.3 Agenda Item 14.2 Notice of Motion – Cr Scott – Currency Creek Goolwa Cemetery (Confidential)**

- **That the minutes, reports and attachments and audio recording of the Council meeting held on 21 February 2022 in relation to:**
  - **Agenda Item 14.2 Notice of Motion – Cr Scott – Currency Creek Goolwa Cemetery (Confidential) are to be retained in confidence in accordance with section 90 (3) (b)(i)(ii) of the Local Government Act 1999 and will not be available for public inspection until further Order, on the basis that disclosure of information:**
    - **Could reasonably be expected to confer a commercial advantage on a person with whom council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and**
    - **Would, on balance, be contrary to the public interest.**

#### **1.4 Agenda Item 2.1 – Chief Executive Officer Selection Process (Confidential)**

- That the attachments (*the minutes and agenda report were released from confidence on 10 March 2022*), and audio recording of the Special Council meeting held on 28 February in relation to:
  - Agenda Item 2.1 – Chief Executive Officer Selection Process (Confidential) are to be retained in confidence in accordance with section 90 (3) (a) of the Local Government Act 1999 until further Order, on the basis that disclosure of information:
- Would disclose the unreasonable disclosure of information concerning the personal affairs of any person, living or dead.

#### **1.5 Agenda Item 2.3 Chief Executive Officer Selection Panel – Minutes of Meetings held 20 December 2021 and 14 February 2022 (Confidential)**

- That the minutes, reports and attachments and audio recording of the Special Council meeting held on 28 February 2022 in relation to:
  - Agenda Item 2.3 Chief Executive Officer Selection Panel – Minutes of Meetings held 20 December 2021 and 14 February 2022 (Confidential) are to be retained in confidence in accordance with Section 90 (3)(a) of the Local Government Act 1999 and will not be available for public inspection until further Order, on the basis that disclosure of information:
    - Would disclose the unreasonable disclosure of information concerning the personal affairs of any person, living or dead.

#### **1.6 Agenda Item 2.1 Adjourned Debate – Cr Farrier – Goolwa Wharf Precinct Revitalisation – Concept Plan Division (Confidential)**

- That the audio recording of the confidential discussion of the Special Council meeting held on 7 March 2022 in relation to:
  - Agenda Item 21. Adjourned Debate – Cr Farrier – Goolwa Wharf Precinct Revitalisation – Concept Plan Division (Confidential) is to be retained in confidence in accordance with section 90 (3) (b) of the Local Government Act 1999 and will not be available for public inspection until further Order, on the basis that disclosure of information:
    - Could reasonably be expected to confer a commercial advantage on a person with whom council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and
    - Would, on balance, be contrary to the public interest.

#### **1.7 Agenda Item 1.2 Proposed Nomination of Cr Lewis to the Libraries Board of SA**

- That the audio recording of the confidential discussion of the Council meeting held on 21 March 2022 in relation to:
  - Agenda Item 1.2 Proposed Nomination of Cr Lewis to the Libraries Board of SA is to be retained in confidence in accordance with Section 90 (3)(a) of the Local Government Act 1999 and will not be available for public inspection until further Order, on the basis that disclosure of information:
    - Would disclose the unreasonable disclosure of information concerning the personal affairs of any person, living or dead.

#### **1.8 Agenda Item 14.2 Expression of Interest for ‘Provision of Food and Hospitality Services for the Goolwa Oval Recreation Precinct’ (Confidential)**

- That the minutes, reports and attachments and audio recording of the Council meeting held on 121 March 2022 in relation to:
  - Agenda Item 14.2 Expression of Interest for ‘Provision of Food and Hospitality Services for the Goolwa Oval Recreation Precinct’ (Confidential)

are to be retained in confidence in accordance with Section 90 (3) (k) of the Local Government Act 1999 and will not be available for public inspection until legal proceedings have been resolved, or until further Order, on the basis that disclosure of information:

- Would disclose information relating to tenders for the provision of services

**1.9 Agenda Item 14.1 Lot 10 Langhorne Creek Road, Strathalbyn (Confidential); Agenda Item 2.2 Adjourned Debate Lot 10 Langhorne Creek Road, Strathalbyn (Confidential) and Agenda Item 2.2 Adjourned Debate Lot 10 Langhorne Creek Road, Strathalbyn (Confidential)**

- That the minutes, reports and attachments and audio recording of the Council meetings held on 19 October 2020, 15 February 2021 and 19 April 2021 in relation to:
  - Agenda Item 14.1 Lot 10 Langhorne Creek Road, Strathalbyn (Confidential); Agenda Item 2.2 Adjourned Debate Lot 10 Langhorne Creek Road, Strathalbyn (Confidential) and Agenda Item 2.2 Adjourned Debate Lot 10 Langhorne Creek Road, Strathalbyn (Confidential) are to be retained in confidence in accordance with Section 90 (3) (b)(i)(ii) of the Local Government Act 1999 and will not be available for public inspection until further Order, on the basis that disclosure of information:
    - Could reasonably be expected to confer a commercial advantage on a person with whom council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and
    - Would, on balance, be contrary to the public interest.

**1.10 Agenda Item 14.2 Flying Fish Café – Request for New Lease (Confidential)**

- That the minutes, reports and attachments and audio recording of the Council meeting held on 15 March 2021 in relation to:
  - Agenda Item 14.2 Flying Fish Café (Confidential) are to be retained in confidence in accordance with Section 90 (3) (b)(i)(ii) of the Local Government Act 1999 and will not be available for public inspection until further Order, on the basis that disclosure of information:
    - Could reasonably be expected to confer a commercial advantage on a person with whom council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council.

**1.11 Agenda Item 14.3 Goolwa Wharf Precinct Recreational Boating Facility – (Confidential) and Agenda Item 2.1 Goolwa Wharf Precinct Recreational Boating Facility (Confidential)**

- That the minutes, reports and attachments and audio recording of the Council meeting held on 15 March 2021 and Special Council meeting held on 12 April 2021 in relation to:
  - Agenda Item 14.3 Goolwa Wharf Precinct Recreational Boating Facility – (Confidential) and Agenda Item 2.1 Goolwa Wharf Precinct Recreational Boating Facility (Confidential) are to be retained in confidence in accordance with Section 90 (3) (i) of the Local Government Act 1999 and will not be available for public inspection until further Order, on the basis that disclosure of information:
    - Would disclose information relating to actual litigation, or litigation that the Council believes on reasonable grounds will take place, involving the Council.



**1.12 Agenda Item 2.3 Adjourned Debate – Consideration of Legal Advice associated with a Requested Waiver of a Building Envelope Clause Contained in a Land Management Agreement between the Owner of Lot 20 Daniel Avenue, Goolwa North and Alexandrina Council (Confidential)**

- That the reports and attachments and audio recording (*minutes not retained in confidence*) of the Council meeting held on 19 April 2021 in relation to:
  - Agenda Item 2.3 Adjourned Debate – Consideration of Legal Advice associated with a Requested Waiver of a Building Envelope Clause Contained in a Land Management Agreement between the Owner of Lot 20 Daniel Avenue, Goolwa North and Alexandrina Council (Confidential) are to be retained in confidence in accordance with Section 90 (3) (h)(i) of the Local Government Act 1999 and will not be available for public inspection until further order, on the basis the disclosure of information:
    - Would disclose legal advice
    - Would disclose information relating to actual litigation, or litigation that the Council believes on reasonable grounds will take place, involving the Council.
- 2. That pursuant to section 91(9)(c) of the Local Government Act 1999, the Council delegates the authority to the Chief Executive Officer to review the confidentiality orders on a monthly basis and to revoke, but not extend the orders.

**Prior Resolutions**

Nil

**Community Strategic Plan Impact**

Nil

**Report Objective**

To review the status of confidential orders applied in accordance with the provisions of Section 91(9) of the Local Government Act 1999, to confidential items which are due to expire.

**Executive Summary**

Section 91(9)(a) of the Local Government Act 1999, requires that any confidential order made by Council, pursuant to s91(7)(a) and s91(7)(b) of the Act, that operates for a period exceeding twelve months must be reviewed by Council at least once every twelve months.

While the Chief Executive Officer (CEO) has reviewed the confidential orders listed in this report on a monthly basis in accordance with his delegated authority, the CEO has not revoked the Orders. Given the CEO does not have the ability to extend the orders, the Act requires that the Orders be reviewed by Council.

**Context**

It is a statutory requirement in accordance with section 91(9) of the LG Act 1999 that Council reviews the confidential orders associated with matters that have been issued for a period over 12 months. This report presents orders that are approaching the 12 month threshold and Council is required to decide whether there is merit in keeping matters related to items as listed in the recommendation in confidence.

Should Council determine not to extend the confidentiality orders relating to these items the matters will be deemed to be released from confidence and will be made publicly available at the point of the twelve month anniversary.

## **General Analysis**

As the confidential orders applied by Council in relation to the above items are close to having been in place for twelve months, Council is required to review them and determine whether they should be revoked or remain in place.

## **Comparative Analysis**

Nil

## **Financial and Economic Implications**

Nil

## **Risk Management**

In accordance with the Alexandrina Risk Management Policy and Matrix, the risk of adopting this recommendation is considered low as pursuant to section 91(9) of the Local Government Act 1999 a resolution of Council is required to extend the duration of a confidentiality order beyond 12 months.

Should Council not conduct the statutory review of confidentiality orders there is a risk that matters that should be kept in confidence will be placed in the public domain prematurely.

## **Conclusion**

That the items listed in the report be retained in confidence until further order.

## **Attachments**

Nil

## 8.9. Code of Conduct Ombudsman Investigation Report – Cr Bronwyn Lewis

Responsible Officer: Mayor Keith Parkes

Report Author: Tash Hunt (Manager Communications and Business Services)

### Recommendation

#### That Council:

1. Receive and note the Ombudsman SA Full Investigation Report in Attachment 8.9 finding that Cr Lewis has failed to comply with a finding of inappropriate behaviour of the purposes of clause 3.18 of Part 3 of the Code of Conduct and section 63 of the Local Government Act.
2. Request the Chief Executive Officer to write to the Ombudsman SA to report that the Ombudsman SA's Full Investigation Report has been provided at a public meeting of the Council as instructed.

### Prior Resolutions

Meeting Date	Agenda Item Number	Report Title	Resolution Number
15 November 2021	13.4	Code of Conduct Determination 2 - Cr Lewis	ACM211235

### Community Strategic Plan Impact

<b>ENABLED</b>	<b>Recognised as a trusted leader, known for our forward-thinking approach, can-do attitude, and operational excellence</b>
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### Report Objective

To present the Ombudsman SA Full Investigation Report, finding that Cr Lewis has failed to comply with a finding of inappropriate behaviour of the purposes of clause 3.18 of Part 3 of the Code of Conduct and section 63 of the Local Government Act.

And to comply with the Ombudsman recommendation that pursuant to section 25(2) of the Ombudsman Act that the council provide a copy of his report to a public meeting of the council within two ordinary meetings of the council following receipt of his report.

### Executive Summary

At the 15 November 2021 meeting, the council considered report 13.4 Code of Conduct Determination 2 – Cr Lewis. The resolution of the council required Cr Lewis to provide a written, private apology without equivocation, defensiveness and without explanation, to the male Elected Members of the council for any embarrassment or offence that may have been caused by her Facebook posts.

On 9 March 2022 the Ombudsman SA received the report alleging that Cr Lewis had failed to comply with a finding of inappropriate behaviour under Part 2 of the Code of Conduct.

On the 30 November 2022 the Mayor and Chief Executive Officer received the Ombudsman SA's Full Investigation Report (Attachment 8.9), finding that Cr Lewis has failed to comply with a finding of inappropriate behaviour of the purposes of clause 3.18 of Part 3 of the Code of Conduct and section 63 of the Local Government Act.

As Cr Lewis is no longer an Elected Member of council, the Ombudsman SA no longer consider it appropriate or necessary to make the recommendation that the council reprimand Cr Lewis. However, the Ombudsman SA recommended pursuant to section 25(2) of the Ombudsman Act that the council provide a copy of this report to a public meeting of the council within two ordinary meetings of the council following receipt of his report.

## Context

In 2021 the previous Chief Executive Officer of the council received a complaint by an informant for the purposes of the PID Act regarding certain posts made to various Facebook pages by Cr Lewis.

The Mayor of the council considered that he may have a potential conflict of interest in investigating the matter and in accordance with the council's Complaints Handling Procedure, the matter was referred to Kelledy Jones Lawyers (Kelledy Jones) to receive, consider and investigate the complaint.

At the 15 November 2021 meeting, the council considered report 13.4 Code of Conduct Determination 2 – Cr Lewis. The following motion was resolved:

1. That Council receive and note the report titled Code of Conduct Determination 1 [sic] - Cr Bronwyn Lewis.\*
2. That Council accepts the findings of Kelledy Jones Lawyers, that Cr Lewis, in relation to the allegations, has breached the following clauses of the Elected Members Code of Conduct:
  - 2.2 Act in a way that generates community trust and confidence in the Council.
  - 2.4 Show respect for others if making comment publicly.
  - 2.5 Ensure that personal comments to the media or other public comments, on Council decisions and other matters, clearly indicate that it is a private view, and not that of the Council
3. That Council having noted the nature of the breaches as outlined by Kelledy Jones Lawyers, adopts the recommend action and:
  - a. Requests that Cr Lewis remove the posts from her Facebook pages and commit to not repeating them; and
  - b. Requires Cr Lewis to provide a written, private apology without equivocation, defensiveness and without explanation, to the male Elected Members of the council for any embarrassment or offence that may have been caused by her posts within [2] ordinary meetings of council
4. That Council notes the obligation of all Elected Members, who are Moderators/ Administrators of social media pages, to monitor not only their own content posted, but also that posted by others.

On 9 March 2022 the Ombudsman SA received the report alleging that Cr Lewis had failed to comply with a finding of inappropriate behaviour under Part 2 of the Code of Conduct, and accordingly it was being reported as a complaint pursuant to clause 3.18 of the Code of Conduct.

On 25 August 2022 the Ombudsman advised the council, Cr Lewis and the reporter that he was initiating an investigation into the matter.

## General Analysis

On the 30 November 2022 the Mayor and Chief Executive Officer received the Ombudsman SA Full Investigation Report (Attachment 8.9).

The 12-page Full Investigation Report provides a detailed account of the investigation. Under the Summary and Recommendation within the report, the Ombudsman SA states;

*"In light of the above, my view is Cr Lewis has failed to comply with a finding of inappropriate behaviour of the purposes of clause 3.18 of Part 3 of the Code of Conduct and section 63 of the Local Government Act.*

*In my provisional report I foreshadowed making a recommendation under section 25(2) of the Ombudsman Act and 263B(1) of the Local Government Act that the council reprimand Cr Lewis for her failure to comply with the Code of Conduct for Council members.*

*I acknowledge that since my provisional report was issued, Cr Lewis is no longer an Elected Member of council. As such I no longer consider it appropriate or necessary to make the recommendation that the council reprimand Cr Lewis.*

*However, as the matter subject of this investigation were publicly ventilated by Cr Lewis, and as I have made a finding that Cr Lewis acted contrary to clause 3.18 of the Code of Conduct as it existed at the time, I still consider it appropriate that the council make this report public.*

*Accordingly, I recommend pursuant to section 25(2) of the Ombudsman Act that the council provide a copy of this report to a public meeting of the council within two ordinary meetings of the council following receipt of my report”.*

### **Comparative Analysis**

Nil

### **Financial and Economic Implications**

There are not any foreseen additional financial implications of adopting this recommendation.

### **Risk Management**

In accordance with the Alexandrina Risk Management Policy and Matrix, the risk of adopting the recommendations contained within this report is considered is low as the recommendations are following the recommendation required by the Ombudsman SA.

### **Conclusion**

That the Ombudsman SA Full Investigation Report, finding that Cr Lewis has failed to comply with a finding of inappropriate behaviour of the purposes of clause 3.18 of Part 3 of the Code of Conduct and section 63 of the Local Government Act be received and noted by Council.

### **Attachments**

Attachment 1 - Ombudsman SA Full Investigation Report - Cr Lewis



OmbudsmanSA

Enquiries:  
Telephone:  
Ombudsman reference:

Ms Elisa Drew  
08 8226 8699  
2022/01403

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**CONFIDENTIAL**  
Mayor Keith Parkes  
Alexandrina Council

**By email:** keith.parkes@alexandrina.sa.gov.au

Dear Mayor Parkes

#### Investigation of complaint

I refer to my provisional report dated 28 October 2022.

I have now concluded my investigation; and the purpose of this letter is to provide you with my final views about the matter. They are set out in the enclosed report. I have sent a copy to former Cr Lewis and the reporter.

I have also sent a copy of my report to the Minister for Local Government as required by section 25(3) of the *Ombudsman Act 1972*.

As you may be aware, the Ombudsman Act imposes certain obligations<sup>1</sup> on my Office and others, including reporters, officers and members of the council, to keep information about my investigation confidential. However, if I consider that disclosure of that information is in the public interest, then I may authorise its disclosure.

My report has included a recommendation that the council provide a copy of my report to a public meeting of the council within two ordinary meetings of the council. Until the council has caused a copy of my report to be provided at a public meeting, I advise that my report is confidential.

I also advise that I may publish my report on the Ombudsman SA and AustLII websites after the council has disclosed my report. If you have any comment to make about that, please contact me within **12 December 2022**.

<sup>1</sup> *Ombudsman Act 1972* s 29A.

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I will notify you once I have made a final decision on publication after having considered any representations from the parties.

If I do not receive a response by the above date, I will assume that you do not wish to make any representations and will proceed to make my decision about publication on that basis.

Yours sincerely



Wayne Lines  
**SA OMBUDSMAN**

30 November 2022

Encl Final Report

Cc Mr Nigel Morris  
Chief Executive Officer  
Alexandrina Council

**By email:** [nigel.morris@alexandrina.sa.gov.au](mailto:nigel.morris@alexandrina.sa.gov.au)



## Report

### Full investigation - *Ombudsman Act 1972*

Complainant	Ombudsman 'own initiative' investigation, section 13(2) <i>Ombudsman Act 1972</i>
Council member	Cr Bronwyn Lewis
Council	Alexandrina Council
Ombudsman reference	2022/01403
Date report received	9 March 2022
Issues	Whether Cr Lewis failed to comply with a finding of inappropriate behaviour under Part 2 of the Code of Conduct for Council Members.

#### Jurisdiction

A report received by my Office alleged a breach of Part 3 of the Code of Conduct for Council Members (**the Code of Conduct**) made pursuant to section 63 of the *Local Government Act 1999* (**the Local Government Act**).<sup>1</sup> An act of a council member that may constitute grounds for complaint under the Local Government Act is taken to be an 'administrative act' for the purposes of the Ombudsman Act.<sup>2</sup>

I note that since the original report was made to my Office, and since issuing my provisional report, the relevant provisions of the Local Government Act have changed. I have, however, considered whether Cr Bronwyn Lewis complied with the legislative scheme that was in place at the time of her alleged conduct.

The original report attracted the protections of the *Public Interest Disclosure Act 2018*.

#### Investigation

My investigation has involved:

- assessing the information provided by the reporter
- providing Cr Lewis with notice of my investigation and requesting a response from Cr Lewis
- providing the council with notice of my investigation and affording an opportunity for the council to provide any information it considered relevant to this investigation
- considering the response received from Cr Lewis

<sup>1</sup> The Code of Conduct was gazetted on 29 August 2013.

<sup>2</sup> *Local Government Act 1999* s 263A(4); *Ombudsman Act 1972* s 3.



- considering further information provided by the reporter
- considering:
  - the Ombudsman Act
  - the Local Government Act
  - the Code of Conduct
- preparing this report.

### Standard of proof

The standard of proof I have applied in my investigation and report is on the balance of probabilities. However, in determining whether that standard has been met, in accordance with the High Court's decision in *Briginshaw v Briginshaw* (1938) 60 CLR 336, I have considered the nature of the assertions made and the consequences if they were to be upheld. That decision recognises that greater care is needed in considering the evidence in some cases.<sup>3</sup> It is best summed up in the decision as follows:

The seriousness of an allegation made, the inherent unlikelihood of an occurrence of a given description, or the gravity of the consequences flowing from a particular finding, are considerations which must affect the answer to the question whether the issue has been proved ...<sup>4</sup>

### Procedural fairness

I provided my provisional report dated 28 October 2022 to Cr Bronwyn Lewis, the Mayor, the Chief Executive Officer of the Alexandrina Council (**the council**) and the reporter.

I note that Cr Lewis is no longer an Elected Member of the council. For ease of reference and for the purposes of this report, I will continue to refer to Cr Lewis with the title of Cr.

I have not received any response to my provisional report from the Mayor or Chief Executive Officer.

The reporter provided my Office with some further information that I do not consider relevant to the issues under investigation.

My Office received a response from Cr Lewis on 29 November 2022. The pertinent aspects of Cr Lewis' response can be summarised as follows:

- Cr Lewis reiterates that she considers herself to be the victim of sexist behaviour and bullying by Elected Members of council
- Cr Lewis considers the audio recording from the 15 November 2021 council meeting to be highly relevant to this matter and seeks a copy of it for the purposes of obtaining legal advice
- Cr Lewis remains of the view that in the absence of a response from Elected Members of council that specifies what she has done to offend them, she cannot apologise.

I have considered the further response from Cr Lewis, however I note that the points she has raised had already been addressed in my provisional report. I do not consider her response raises any new issues that I had not previously addressed, and ultimately, her response has not persuaded me to alter my conclusions.

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<sup>3</sup> This decision was applied more recently in *Neat Holdings Pty Ltd v Karajan Holdings Pty Ltd* (1992) 110 ALR 449 at pp449-450, per Mason CJ, Brennan, Deane and Gaudron JJ.

<sup>4</sup> *Briginshaw v Briginshaw* at pp361-362, per Dixon J.

## Background

1. In 2021 the Chief Executive Officer of the council received a complaint by an informant for the purposes of the PID Act regarding certain posts made to various Facebook pages by Cr Lewis.
2. The Mayor of the council considered that he may have a potential conflict of interest in investigating the matter and in accordance with the council's Complaints Handling Procedure, the matter was referred to Kelledy Jones Lawyers (**Kelledy Jones**) to receive, consider and investigate the complaint.
3. On 16 August 2021 Kelledy Jones advised Cr Lewis of its engagement by the council.
4. Kelledy Jones provided the council with its final investigation report in relation to the complaint and the report was considered by the council at a council meeting held on 15 November 2021.
5. At that meeting, the council considered the report as part of agenda item 13.4 under the heading of Code of Conduct Determination 2 - Cr Lewis. The following motion was voted on:
  1. That Council receive and note the report titled Code of Conduct Determination 1 [sic] - Cr Bronwyn Lewis.\*
  2. That Council accepts the findings of Kelledy Jones Lawyers, that Cr Lewis, in relation to the allegations, has breached the following clauses of the Elected Members Code of Conduct:
    - 2.2 Act in a way that generates community trust and confidence in the Council.
    - 2.4 Show respect for others if making comment publicly.
    - 2.5 Ensure that personal comments to the media or other public comments, on Council decisions and other matters, clearly indicate that it is a private view, and not that of the Council
  3. That Council having noted the nature of the breaches as outlined by Kelledy Jones Lawyers, adopts the recommend action and:
    - a. Requests that Cr Lewis remove the posts from her Facebook pages and commit to not repeating them; and
    - b. Requires Cr Lewis to provide a written, private apology without equivocation, defensiveness and without explanation, to the male Elected Members of the council for any embarrassment or offence that may have been caused by her posts within [2] ordinary meetings of council
  4. That Council notes the obligation of all Elected Members, who are Moderators/ Administrators of social media pages, to monitor not only their own content posted, but also that posted by others.
6. The motion was carried in the above terms (**the resolution**).
7. I observe that item 13.4 of the agenda included the following statements under the heading of 'General Analysis':

In her written response to Kelledy Jones Lawyers, Cr Lewis stated that her personal Facebook page is private and for friends only and that:

'As for my Council Facebook page I stand firm on my opinion - it is on the public record ...'

In addition to the comments made with regard to Council decisions, allegations were made in relation to sexist behaviour at a Special Meeting of Council held on 2 August 2021. While these allegations are outside of the scope of the investigation, Kelledy Jones

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Lawyers did examine the relevant statements made on Cr Lewis' personal Facebook page with regard to the allegations.

The posts made by Cr Lewis in this thread give rise to the following imputations:

- the alleged perpetrator is a male, fellow Elected Member of Council;
- that member is misogynistic;
- other Elected Members are in fear of being bullied by this Member; and
- the actions and behaviours of that Member place other Members in fear.

Kelley Jones lawyers consider that these comments have posed a risk of reputational damage **to each** of the Council's male Elected Members.

8. The report by Kelley Jones Report contained the following statements:
- 4.12 the posts made by Cr Lewis in this thread, give rise to the following imputations:
- the alleged perpetrator is a male, fellow Elected Member of Council;
  - that member is misogynistic;
  - other Elected Members are in fear of being bullied by this Member; and
  - the actions and behaviours of that Member place other Members in fear.
- 4.13 whilst, as above, it is outside of the scope of this investigation to make any findings with respect to the veracity of the comments made, **we find** that Cr Lewis' posts, made in a forum that denied any opportunity for any alleged perpetrator to provide a meaningful response, has risked reputational damage **to each of** the Council's male Elected Members; [emphasis in source]
- 4.14 in which case, on any reasonable and objective consideration of these comments, Cr Lewis has breached the following provisions of the Code in making the comments in a public forum:
- 2.2 Act in a way that generates community trust and confidence in the Council.
- 2.4 Show respect for others if making comments publicly.
9. I note that on page 139 of the agenda for the meeting, the agenda item refers to a Final Investigation Report as prepared by Kelley Jones Lawyers, stating 'REFER ATTACHMENT 13.4 (page 532)'. The agenda can be accessed at the following web address:  
[https://www.alexandrina.sa.gov.au/\\_data/assets/pdf\\_file/0015/1062510/Council-Agenda-15-November-2021.pdf](https://www.alexandrina.sa.gov.au/_data/assets/pdf_file/0015/1062510/Council-Agenda-15-November-2021.pdf)
10. Attachment 13.4 has a cover page with the title: Alexandrina Council - Code of Conduct Complaint - Final Investigation Report - Cr Bronwyn Lewis - Facebook Posts. The attachment can be accessed at the following web address:  
[https://www.alexandrina.sa.gov.au/\\_data/assets/pdf\\_file/0017/1062512/Council-Attachments-15-November-2021.pdf](https://www.alexandrina.sa.gov.au/_data/assets/pdf_file/0017/1062512/Council-Attachments-15-November-2021.pdf)
11. Despite the council's resolution referring to the report as titled 'Code of Conduct Determination 1 - Cr Lewis', I am satisfied that the resolution refers to the report at page 532 of the above attachment.
12. Following the resolution, Cr Lewis sent two emails to all Elected Members of council. The first email was sent on 7 December 2021 and stated:

Dear all  
Re the Code of Conducts debated at the last Council meeting.

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Could you please let me know what you found offensive so I can make 'meaningful' apologies. According to the audio file the actual breaches were not discussed. You only debated the punishments so I am unclear as to what you want me to say.

Thanks and please cc all so that it is clear.  
Best wishes  
Bronwyn

13. On 17 December 2021 Cr Lewis forwarded the previous email and stated the following:

Hi all  
It's been ten days since I emailed you all and no one has responded?  
Could you please respond? Please cc all.  
Thanks in advance  
Bronwyn

14. On 24 January 2021 at an ordinary meeting of council, Cr Lewis provided the following written statement in relation to the 15 November 2021 council resolution:

In relation to the Minutes of the Council meeting of 15 November 2021 reference ACM211234 in a motion moved by Cr Rebbeck and seconded by Cr Carter, herewith is my written apology to the male Elected Members who may have been embarrassed or offended.

I have written to ALL the Elected Members (twice) to ask for clarification of what has offended them and to date have had no response, without this information I cannot apologise.

According to the audio file, the mover of the motion, Cr Rebbeck said she wanted me to say I'm sorry and take account for what I have said on Facebook.

I take full responsibility for the *public post*. [emphasis mine]

Cr Bronwyn Lewis

16/1/22.

15. On 8 March 2022, an email was sent by the Senior Governance Officer of the council to Elected Members asking if they had received an apology from Cr Lewis in accordance with the resolution. There were no responses indicating that Cr Lewis had complied.
16. I understand that in the audio recording of the council meeting on 15 November 2021, a male Elected Member of council advised that he did not take offence to the Facebook posts.
17. However based on the material that has been provided to me, it is evident that there are male Elected Members of council who did anticipate receiving an apology.
18. In an internal email dated 9 March 2022, one male Elected Member stated the following:

No [Cr Lewis] made no sincere apology and instead sent two emails asking for the reason why she was apologising and as she received no response she said therefore she had no obligation to apologise. I found this disrespectful as records from Council minutes recorded why she was required to apologise.

The action for Cr Lewis to provide a written, private apology without equivocation, defensiveness and without explanation, to the male Elected Members of the Council for

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any embarrassment or offence that may have been caused by her posts within two (2) ordinary meetings of Council was not met.

I have not received an apology in writing or verbally.

19. In another internal email dated 9 March 2022, a separate male Elected Member stated:

[Cr Lewis] references her attempts to ask elected male members what and how she should apologise over remarks she had previously made.

To actually ask the question only suggests that she has shown an indifference to any angst incurred by any of the male members within the Chamber.

I have no intention of telling Cr Lewis or anyone else for that matter how they should couch an apology to me.

Its [sic] up to the individual to draft their own apology which I would suspect and hope would be genuine.

20. On 9 March 2022, Cr Lewis sent the following email to the council's Senior Governance Officer:

I believe you have written an email to the male Elected Members asking if I have written and apologised as per the motion in November.

I wrote twice to the Elected Members asking for details as my behaviour was not discussed only the punishment.

I then sought legal advice as to my apology and furnished the Council with that apology which was recorded in the minutes of the January meeting.

21. On 9 March 2022 I received the report alleging that Cr Lewis had failed to comply with a finding of inappropriate behaviour under Part 2 of the Code of Conduct, and accordingly it was being reported to me as a complaint pursuant to clause 3.18 of the Code of Conduct.
22. On 25 August 2022 I advised the council, Cr Lewis and the reporter that I was initiating an investigation into the matter.
23. I also requested Cr Lewis provide me further information and a response to the alleged failure to comply with a finding of inappropriate behaviour under Part 2.
24. On 9 September 2022 I received a response by Cr Lewis that addressed my enquiries in relation to this investigation. Cr Lewis made the following statements to my Office:

As punishment for the case I was asked to write a meaningful apology I sought clarification from the Elected Members on two Occasions and not one answered. If you listen to the public file of the debate there is no indication of what was offensive on my behalf - after over an hour of Kelledy Jones's briefing them on my "behaviour". No one to this day has clarified and in order to comply my lawyer advised me to write the attached which was filed as part of the Minutes of 24 January 2022. I knew if I made no statement that I would be reported. I verbally cleared this with the Governance office around the time as well.

As I have taken responsibility of [sic] the Facebook posts on my public Facebook site I am unsure to which you are referring - I though [sic] I had taken down the thread on my private Facebook ...

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...

You have ruled in the past that private Facebook post [sic] are private - I have the strongest settings I can find for privacy - but you cannot prevent vexatious people from screen shots. ...

...

I hope this is the end of the matter, I believe I have done everything required of me and have always done as instructed over these spurious and vexatious claims.

25. I also consider it relevant to observe that, following receipt of notice of my investigation, Cr Lewis initially responded on 25 August 2022 by stating:

Dear Mr Lines

I am thrilled you are investigating this case - it saves me putting in a complaint, which I have decided not to do as the constant complaints from Alexandrina Council are tedious and trivial.

...

As you are now investigating this I am requesting that you investigate [redacted] have used the Code of Conduct provision to bully and harass not just me, but on the 15 November 2021 the entire Chamber - please listen to the audio file of the Motion where the Elected Members complained.

I will collate the files for you in due course, and please if you could get back to me with the audio file that would be much appreciated.

26. My Office responded to Cr Lewis advising that her complaint was a behavioural complaint that would best be handled under Part 2 of the Code of Conduct, and that my Office would not take any further action in relation to her complaint.
27. Cr Lewis issued a further response on 31 August 2022:

... I am raising an issue of Maladministration and Abuse of power. Please ask for the recording as soon as possible as it will disappear and the evidence will be 'lost'.

...

... [a male Elected Member of council] abused the process entirely and had a conflict of interest being present as the Facebook posts I was supposed to have monitored on my private page were regarding his sexist and tyrannical behaviour.

28. My Office did not take any further action in relation to Cr Lewis' complaint and I did not intend to take any action to seek the audio recording, as I did not consider it necessary for the purposes of this investigation.
29. On 9 September 2022, Cr Lewis sent to an email to the council which stated:

Could you please supply the Ombudsman's Office with the audio file of 15 November 2021 - briefing by Ms Tracy Riddle of Kelledy Jones to the Elected Members.

This file relates to the Case number 2022/01403 and is needed for evidence in the case. I know the audio file is stored as I sat with the Governance Officer to hear it months after the meeting.

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Thank you in advance for your assistance,  
Cr Bronwyn Lewis

30. Included in Cr Lewis' response to my enquiries on the same day was a statement 'I cannot urge strongly enough for you to listen to the briefing by Kelledy Jones which was put upon the elected members on 15 November 2021.'
31. On 9 September 2022 the council provided the audio file to my Office. For the sake of completeness, I have listened to the audio and I confirm that the audio has little bearing on the issues in this investigation.

**Relevant law/policies**

32. At the relevant time, section 63 of the Local Government Act provided that:

- (1) The Governor may, by regulation, prescribe a code of conduct to be observed by the members of all councils.
- (2) Council members must observe the code of conduct.

33. At the relevant time, sections 263, 263A and 263B of the Local Government Act provided:

**263—Grounds of complaint**

- (1) There are grounds for complaint under this Part against a member of a council if the member has contravened or failed to comply with Chapter 5 Part 4.

**263A—Investigation of grounds of complaint by Ombudsman**

- (1) The Minister may refer to the Ombudsman for investigation and report under the Ombudsman Act 1972 any matter alleged to constitute grounds for complaint under this Act against a member of a council.
- (2) Any person may make a complaint to the Ombudsman setting out matters alleged to constitute grounds for complaint under this Act against a member of a council.

**263B—Outcome of Ombudsman investigation**

- (1) The recommendations that may be made by the Ombudsman under the Ombudsman Act 1972 on the completion of an investigation of the complaint include that the council—
  - (a) reprimand the member (including by means of a public statement); or
  - (b) require the member to attend a specified course of training or instruction, to issue an apology in a particular form or to take other steps; or
  - (c) require the member to reimburse the council a specified amount; or
  - (d) ensure that a complaint is lodged against the member with SACAT.
- (2) If a member of a council fails to comply with a requirement of the council of a kind referred to in subsection (1) made in accordance with the recommendation of the Ombudsman, the member will be taken to have failed to comply with Chapter 5 Part 4 and the council is to ensure that a complaint is lodged against the member with SACAT.
- (3) A council is taken to have the power to act according to the Ombudsman's recommendations

34. Clause 2.22 of the Code of Conduct provided that:
-

A failure of a Council member to comply with a finding on an investigation under this Part, adopted by the Council, may be referred for investigation under Part 3.

35. Clause 3.18 of the Code of Conduct provided that:

A failure to comply with a finding of inappropriate behaviour (by the Council, independent investigator or Ombudsman) under Part 2 is also grounds for a complaint under this Part.

**Whether Cr Lewis failed to comply with a finding of inappropriate behaviour under Part 2 of the Code of Conduct for Council Members.**

36. On 15 November 2021 Kelledy Jones issued a report making a finding of inappropriate behaviour against Cr Lewis, and the council validly resolved to adopt the Kelledy Jones' recommendations.

37. The resolution of the council required Cr Lewis to provide a written, private apology without equivocation, defensiveness and without explanation, to the male Elected Members of the council for any embarrassment or offence that may have been caused by her Facebook posts.

38. The written apology Cr Lewis submitted to the council stated:

In relation to the Minutes of the Council meeting of 15 November 2021 reference ACM211234 in a motion moved by Cr Rebbeck and seconded by Cr Carter, herewith is my written apology to the male Elected Members who may have been embarrassed or offended.

I have written to ALL the Elected Members (twice) to ask for clarification of what has offended them and to date have had no response, without this information I cannot apologise.

According to the audio file, the mover of the motion, Cr Rebbeck said she wanted me to say I'm sorry and take account for what I have said on Facebook.

I take full responsibility for the *public post*. [emphasis mine]

Cr Bronwyn Lewis

16/1/22.

39. Based on Cr Lewis' written response provided at the 24 January 2022 council meeting, it appears to be Cr Lewis' position that unless she was provided by male Elected Members of council with the exact particulars stating how her remarks are offensive, she was unable to comply with the resolution requiring her to apologise.
40. Cr Lewis' response to my enquiries indicate that she considers her written response complied with the council's resolution.
41. It also appears to be Cr Lewis' position that she only accepted the motion applies to posts that she has made 'Public' on Facebook, and that she does not accept that it applies to posts made that were categorised by Facebook as 'Private'.
42. In my view, the terms of the resolution and the required actions by Cr Lewis are clear. By reference to the report and the terms of the resolution, I consider that a reasonable person should have been able to conclude:



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- Cr Lewis was required to privately apologise for implying any male member of council was potentially misogynistic, a bully and caused fear in other council members
  - The apology was to be without equivocation, defensiveness and without explanation
  - Cr Lewis was to remove all Facebook posts related to the matter, and commit not to make future posts on Facebook that gave rise to similar imputations that a male member of council is misogynistic, a bully and causes fear to other council members.
43. Cr Lewis' written response provided at the 24 January 2022 meeting does not contain an apology. While the response contains the statement 'herewith is my written apology...', the response also states 'without [further information] I cannot apologise'.
  44. Taken as a whole, I do not consider the written statement contains an apology.
  45. The emails that I have been provided with by the council indicate that Cr Lewis did not issue a private, written apology to any male Elected Members of council.
  46. I acknowledge Cr Lewis has raised concerns about the fact that she asked for further clarification for what she had done to cause offence, and that she was not provided with a response.
  47. I do not consider it unreasonable for other Elected Members of council to not respond to Cr Lewis' request, given that it undermines the purpose of the apology and there was, in my view, already sufficient information for Cr Lewis to understand what was required of her by the council resolution.
  48. Cr Lewis has also indicated that she disagrees with Kelledy Jones finding that her 'private' Facebook posts are within the public domain.
  49. Cr Lewis responded to my enquiries by stating that her personal Facebook posts now have the 'strongest settings I can find for privacy'.
  50. Having regard to Cr Lewis' response where she stated '[I] have ruled in the past that private Facebook post [sic] are private', it is unclear what matter or matters Cr Lewis may be referring to.
  51. It is my view that social media posts are public statements, even in instances where those posts are caveated as private by the social media platform or are set to be available to a restricted audience, such as 'private' Facebook posts.
  52. In any event, whether Cr Lewis considers her 'private' Facebook posts are not publicly available is irrelevant to the issue. The report by Kelledy Jones concluded that Cr Lewis' Facebook posts in relation to this matter, including those posted to her personal page, constituted a breach of clauses 2.2 and 2.4 of the Code of Conduct.
  53. The council accepted those findings, and moved for Cr Lewis to 'remove the posts from her Facebook pages and commit to not repeating them'. There is no caveat in the council's resolution delineating between Facebook posts categorised by Facebook as 'public' and those categorised by Facebook as 'private'.
  54. Even if Cr Lewis does not agree with the Kelledy Jones findings, her refusal to apologise, and her refusal to accept that all of her Facebook posts were relevant to the

resolution, is unnecessarily obstructive, shows a disregard for the principles underpinning the Code and potentially undermines community confidence and trust in local government. Under the Code, a council member must comply with all council resolutions, regardless of whether they agree with those resolutions or not.

55. I consider that the terms of the resolution are clear as to the requirements of the apology. Despite Cr Lewis' stated views, I do not consider that there is any reason why she should not be able to comprehend or comply with the resolution, and I do not consider that she has provided me with sufficient evidence to indicate that she has complied with the resolution.
56. My view is that Cr Lewis' failure to comply with the recommendation of the Kelledy Jones investigation that she apologise, and failure to commit to not making posts on Facebook of similar nature in future, as adopted by the council on 15 November 2021, amounts to a failure to comply with a finding of inappropriate behaviour for the purposes of clause 3.18 of Part 3 of the Code. A failure to observe the Code is contrary to the obligation of section 63 of the Local Government Act.

### Summary and Recommendation

In light of the above, my view is Cr Lewis has failed to comply with a finding of inappropriate behaviour of the purposes of clause 3.18 of Part 3 of the Code of Conduct and section 63 of the Local Government Act.

In my provisional report I foreshadowed making a recommendation under section 25(2) of the Ombudsman Act and 263B(1) of the Local Government Act that the council reprimand Cr Lewis for her failure to comply with the Code of Conduct for Council members.

I acknowledge that since my provisional report was issued, Cr Lewis is no longer an Elected Member of council. As such I no longer consider it appropriate or necessary to make the recommendation that the council reprimand Cr Lewis.

However, as the matter subject of this investigation were publicly ventilated by Cr Lewis, and as I have made a finding that Cr Lewis acted contrary to clause 3.18 of the Code of Conduct as it existed at the time, I still consider it appropriate that the council make this report public.

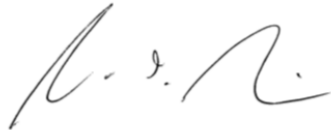
Accordingly, I recommend pursuant to section 25(2) of the Ombudsman Act that the council provide a copy of this report to a public meeting of the council within two ordinary meetings of the council following receipt of my report.

**Final comment**

In accordance with section 25(4) of the Ombudsman Act, I request that the council report to me within three months to confirm that the report has been provided at a public meeting of the council.

In the event that no action has been taken, reason(s) for the inaction should be provided to my Office.

I have also sent a copy of my report to the Minister for Local Government as required by section 25(3) of the *Ombudsman Act 1972*.



Wayne Lines  
**SA OMBUDSMAN**

30 November 2022

## 8.10. Chief Executive Officer Report

### Purpose

1. To provide Council with a monthly report of key activities, finances and current events of the Chief Executive Officer.
2. To table the Resolutions Register and Forward Agenda.

### Recommendation

**That the Chief Executive Officer's Report for January 2023 be received.**

### Discussion

The Chief Executive Report is designed to give Council an update of key activities and issues undertaken by the Chief Executive in the previous calendar month. In addition to regular meetings with Staff and Mayor and Flood related briefings, the Chief Executive Officer attended the following meetings and events in the previous month. Meetings outside of the Goolwa offices are provided in brackets.

Date	Meeting
1 December 2022	Signal Point Experience Centre review (at Signal Point)
2 December 2022	Attended the Adelaide 500 as a guest of the State Government (Adelaide)
5 December 2022	Legal Responsibilities Module - Councillor Induction
6 December 2022	Met with Goyder Institute - Water Research Institute to discuss possible venue locations
7 December 2022	Informal get together with Council Members (Currency Creek)
8 December 2022	Walk through with Council Members, Goolwa Aquatic Club upstairs
9 December 2022	LGA Asset Mutual Fund Overview Committee Meeting (online)
	Alexandrina hosted the Southern & Hills Local Government Association meeting
10 December 2022	Behaviour Module - Councillor Induction (Saturday session in Strathalbyn)
12 December 2022	Meet and Greet with Local Government Financial Authority
	Council Information Session
13 December 2022	CEO met the Executive of the Middleton Town & Foreshore Committee (Middleton)
14 December 2022	Alexandrina Cove SA Wooden Boat Festival 2023 launch and network (Hindmarsh Island)
15 December 2022	Met with IT Consultant to discuss Alexandrina Council setup
16 December 2022	Met with area activation consultants to discuss opportunities and upcoming Council Member workshop (Adelaide)
	Met with Goolwa Business Owner

Date	Meeting
	Met with Goolwa Developer
19 December 2022	Attended the Southern Fleurieu Housing Round Table - Minister Cook was in attendance (Victor Harbor)
	December 2022 Council Meeting
20 December 2022	Catchup meeting with previous Yankalilla Mayor, Simon Rothwell
	Meeting with Project Manager, Goolwa Wharf Revitalisation Project
	Unfortunately my first Port Elliot Christmas Carols was cancelled due to the weather
21 December 2022	Met with Chiton Developer (Chiton)
	Met with previous Councillor, Rex Keily and wife Norma
22 December 2022	Fleurieu CEO lunch catchup (Normanville)

### Resolutions Register

The current outstanding resolutions register is attached at the end of this report.

### Capital Projects Update

The December 2022/January 23 Capital Works Project is attached at the end of this report.

### Forward Agenda

Upcoming Council decisions are below as at January 2023 meeting of Council.

The following provides the current estimated timeframe of presentation of reports to Council. Reports may be subject to an earlier presentation to Elected Members at a workshop.

This list is a work in progress and will continue to be updated as additional knowledge is gained.

### February 2023

Ref	Council Report
2	Murray River Lakes & Coorong Tourism Alliance Funding Agreement
3	Middleton Deferred Urban Code Amendment
4	Middleton, Port Elliot & Milang Master Plans (may be deferred to allow meetings with township associations first)
5	Child Safe Environments Policy - For Review
6	Audit Committee Minutes - 10 February 2023
7	Clayton Bay Nursery Consultation
8	Coorong Quays Land Purchase
9	Goolwa Slipway - New Lease Request
10	Port Elliot Surf Life Saving Club Lease to Consult

<b>Ref</b>	<b>Council Report</b>
11	Goolwa Regatta Yacht Club Consultation Outcomes
12	Community Land Management Plan Consult Outcomes
13	EOI/Appointment of Community Members for Cemeteries Advisory Committee
14	Second Quarter Budget Review
15	Climate Emergency Advisory Committee (CEAC) and Environmental Advisory Panel (EAP)
16	Alexandrina Arts & Cultural Advisory Committee - Section 41

### March 2023

<b>Ref</b>	<b>Council Report</b>
1	Langhorne Creek Wine Trail
2	Goolwa North DPA
3	Goolwa Wharf Code Amendment
4	Mobile Food Vendor Policy Update
5	EOI for Chart Room
6	Strategic Land Program Schedule Policy
7	Annual Budget 2023/24 Process and Updated Long Term Financial Plan
8	Subsidiary Second Quarter Budget Reviews 2022/23

### Highlights

Since the last CEO report many hours and days have been allocated to preparing for the rising waters including the CWMS teams who went door knocking of the Milang shacks to advise them of the rising water and the probable need to turn off CWMS due to electrical requirements.



The State Government arranged meeting at Milang to discuss rising waters, Thursday 5 January 2023 was well attended by Community, Council Members and Staff.



With the heat over the Christmas break there was a tree failure at Horseshoe Bay Playground that was quickly organised to be cleaned up by the team.





## **Conclusion**

It is recommended that the Report be received.

## **Attachments**

Attachment 1 - Outstanding Resolution Register

Attachment 2 - Capital Projects Update

## Attachment 1 - Outstanding Resolution Register Report



### Alexandrina Council Resolutions Register

Alexandrina Council Ordinary Meeting - Public Report

Meeting Date	Agenda Item	Title	Description	Status	Officer	Resolution Confidential
1/01/2021		ACM221601 (18-07-22) Strathalbyn Arts and Crafts Group Inc New Lease Request for 9 High Street Strathalbyn	<p>1. That Council grants consent to a 10 year lease (5+5) to the Strathalbyn Community Arts and Crafts Group Incorporated for continued occupancy of 9 High Street Strathalbyn Certificate of Title Volume 5780 Folio 549 for the purpose of a community based arts and crafts facility in accordance with the following terms:</p> <p>a. 10 year (5+5 year) community building lease.                      b. Commencement date of 1 November 2022.                      c. \$500 rental per annum in accordance with Council's Minor Commercial/Community Fees and Charges.                      d. That all services insurances and maintenance responsibilities are at the cost of the Lessee.</p> <p>2. That the Mayor and Chief Executive Officer be authorised to sign and seal the community building lease agreement.</p>	In Progress	Trish Kirkland	No

Action Date	Status	Comments
9/01/2023	In Progress	Draft lease issued to the Group for review and execution. Anticipated completion December 2022
9/01/2023	In Progress	Received lease, finalising execution. Anticipated completion end of January 2023.
31/08/2022		21/7/22 Draft building lease to be negotiated for implementing 1 November 2022

Meeting Date	Agenda Item	Title	Description	Status	Officer	Resolution Confidential
1/01/2021		ACM211204 (18-10-21) Code of Conduct Determination Cr Bill Coomans	That this matter be adjourned for consideration at the same time as the outcomes of the investigation into an alleged breach of Part 3 of the Code of Conduct for Elected Members by Cr Coomans is presented to Council.	In Progress	Nigel Morris	No

Action Date	Status	Comments
17/10/2022	In Progress	Ombudsman investigation into Part 3 of the original complaint has commenced.
31/08/2022		30/3/22 Adjourned debate pending external review of Part 3 of the original complaint.

Meeting Date	Agenda Item	Title	Description	Status	Officer	Resolution Confidential
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**Alexandrina Council Resolutions Register**  
*Alexandrina Council Ordinary Meeting - Public Report*

1/01/2021

ACM211074 19/07/2021 Cr Carter Goolwa North DPA  
 That Council not proceed with the proposed plan for the future development of land at Goolwa North for residential purposes as promoted by the North Goolwa Growth DPA. It is also required that a comprehensive Master Plan for the future development of the Goolwa area with special attention to ensuring the preservation of the character of the area be prepared. This Master Plan to be approved by Council on completion.

In Progress      Matt Atkinson      No

Action Date	Status	Comments
13/09/2022		5/5/22 A council briefing was held on 26 April 2022 and it was agreed that a workshop be organised to determine the scope of the project.
13/09/2022		6/4/22 A Briefing is scheduled for 26 April 2022 to discuss the potential contents and makeup for the Masterplan.
13/09/2022		11/7/22 Based on the discussion at the briefing and other work underway this item will be tabled for consideration in the new term of Council.

Meeting Date	Agenda Item	Title	Description	Status	Officer	Resolution Confidential
1/01/2021	ACM221335	24/01/2022 Cr Rebbeck Cats By Law	1. That Council commences the process to establish a Cats By Law for the management and control of cats in Alexandrina Council.  2. That the costs associated with establishing a Cats By Law be reflected within a budget review.  3. Council requests Administration conduct a community education program on why cats should be kept within the confines of the relevant property registered and what to do if you see a stray or feral cat.	In Progress	Matt Atkinson	No

Action Date	Status	Comments
13/09/2022		14/7/22 Administration are currently collating the community feedback and seeking legal advice. A further report will be provided back to Council in August.
13/09/2022		10/8/22 A report is being presented at the August 2022 Council meeting.



## Alexandrina Council Resolutions Register

Alexandrina Council Ordinary Meeting - Public Report

13/09/2022	15/6/22 Community consultation regarding the Draft Cats By Law concluded 13 June 2022. Administration will collate feedback and provide a report in for the July 2022 Council Meeting.
13/09/2022	11/5/22 Public Consultation will commence on 20 May 2022 and end 13 June 2022. Consultation will be via Council's MySay website. Administration are confirming consultation information to be displayed in the Goolwa Office foyer.
13/09/2022	8/4/22 Report in April 2022 Council agenda

Meeting Date	Agenda Item	Title	Description	Status	Officer	Resolution Confidential
1/01/2021		ACM221592 18/07/2022 Harbour Masters Residence Next Steps	<p>1. That Administration progress investigations on the future use options of the Harbour Masters Residence building and adjoining land and undertake the necessary research work on the following scenarios:</p> <ul style="list-style-type: none"> <li>• Scenario 1 – Retain with Community Use;</li> <li>• Scenario 2 – Retain with Commercial Lease;</li> <li>• Scenario 3 – Sale of the entire Site (In one Line);</li> <li>• Scenario 4 – Joint Ventures; and</li> <li>• Scenario 5 – Development in line with Heritage.</li> </ul> <p>That Council resolves to commence public consultation in accordance with Council's Public Consultation Policy and informs the Community that Council is current investigating the five scenarios and seeks Community feedback on the five scenarios along with any other ideas they have for the future of the Harbour Masters Residence;</p> <p>2. That a report be brought back to Council on completion of the public consultation process and after the November 2022 elections on the results of the investigations of the three scenarios and the community consultation process.</p>	In Progress	Matt Atkinson	No

Action Date	Status	Comments
13/09/2022		10/8/22 A Council briefing will be held early in the term of the new Council.



**Alexandrina Council Resolutions Register**  
*Alexandrina Council Ordinary Meeting - Public Report*

Meeting Date	Agenda Item	Title	Description	Status	Officer	Resolution Confidential
1/01/2021		ACM211186 18/10/2021 Langhorne Creek Wine Trail Project	<p>1. That Council note the key objectives project scope and staged approach for the Langhorne Creek Wine Trail Project (Attachment 9.3(a)).</p> <p>2. That a report on the findings of the feasibility study be presented to Council so as to determine further direction.</p>	In Progress	Matt Atkinson	No
Action Date	Status	Comments				
13/09/2022		<p>10/8/22            A council report will be brought back to council at the December 2022 meeting seeking endorsement to go to public consultation.</p>				
13/09/2022		<p>1/4/22            The tender to conduct the Langhorne Creek Wine Trail has been awarded and expected to be delivered mid July 2022.</p>				
13/09/2022		<p>10/8/22            A briefing is scheduled on 12 September 2022 on the concept plan.</p> <p>The stakeholder briefing scheduled for 13 September 2022. A second council briefing will occur in December to provide the EMs an update on the stakeholder meeting.</p>				
13/09/2022		<p>1/4/22            A business plan is being developed and initial meeting has occurred with Ngarrindjeri Aboriginal Corporation on 30 March 2022 to incorporate indigenous insight into the development of the trail.</p>				

Meeting Date	Agenda Item	Title	Description	Status	Officer	Resolution Confidential
1/01/2021		ACM221555 (20-06-22) Clayton Bay Riverside Holiday Park New Lease and Expansion Proposal Public Consultation Outcomes	<p>That this matter be adjourned until after the consideration of a report to be provided by the Chief Executive Officer by the August 2022 Council meeting on the establishment of a Section 41 Management Committee for community endorsement of items relating to the entire Clayton Bay Foreshore including Clayton Bay Caravan Park and Clayton Bay Boat Club; and briefing on legal advice.</p>	In Progress	Trish Kirkland	No
Action Date	Status	Comments				



## Alexandrina Council Resolutions Register

Alexandrina Council Ordinary Meeting - Public Report

<p>10/11/2022    In Progress 31/08/2022</p> <p>31/08/2022</p>	<p>No further updates required until after March 2023. 9/8/22 This matter is adjourned pending a report to the March 2023 Council Meeting. 9/8/22 A report for consideration of a Section 41 Committee has been prepared for the August 2022 Council Meeting Committee.</p>
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Meeting Date	Agenda Item	Title	Description	Status	Officer	Resolution Confidential
1/01/2021		ACM221556 (20-06-22) Clayton Bay Boat Club New Lease and Expansion Proposal Public Consultation Outcomes	<p>1. That Council receives and notes the public consultation outcomes.</p> <p>2. That having considered the public consultation outcomes Council grants consent to a new 20 year lease (and associated road rental authorisation) with the Clayton Bay Boat Club Inc. located on portion of Lot 270 Certificate of Title Volume 6004 Folio 62 Island View Drive Clayton Bay for continued occupancy of their current lease footprint inclusive of the following terms:</p> <p>a. 20 year (5+5+5+5) year community ground lease. b. Commencement date of 1 July 2022. c. Undertaking of broader engagement with the Ngarrindjeri Aboriginal Corporation (NAC) and the Ngarrindjeri Regional Authority (NRA) to incorporate First Nations principles terms and conditions within the lease document. d. Commencement annual rental fee in accordance with Council's Annual Fees and Charges for Minor Commercial/Community leases at \$500 per annum. e. All services insurances and improvements to the site (inclusive of the building and marina infrastructure) remain the ownership and responsibility of and at the cost of the Lessee during and on expiry of the lease term. f. That any improvements and future works by the Club remain subject to Development Approval and First Nations consultation. g. That the public walkway along the river frontage within the lease and road area is retained for public use at all times.</p> <p>3. That the Mayor and Chief Executive Officer be authorised to sign and seal the Lease Agreement.</p>	In Progress	Trish Kirkland	No



## Alexandrina Council Resolutions Register

Alexandrina Council Ordinary Meeting - Public Report

Action Date	Status	Comments
17/10/2022	In Progress	No further updates required until after March 2023.
31/08/2022		9/8/22 This matter is adjourned pending a report to the March 2023 Council Meeting.
31/08/2022		9/8/22 A report for consideration of a Section 41 Committee has been prepared for the August 2022 Council Meeting Committee.

Meeting Date	Agenda Item	Title	Description	Status	Officer	Resolution Confidential
1/01/2021		ACM221597 (18-07-22) Clayton Bay Lighting Dark Skies	<p>1. That Council approve the procurement installation and activation of 58 (fifty eight) Sylvania Street LED MK3 in a 3000 Kelvin (warm tone colour temperature) at a cost estimate of \$50000 and an ongoing tariff cost of \$3536.84 per annum with SA Power Networks who will also manage faults maintenance and replacement.</p> <p>2. That Council undertakes community consultation in accordance with Council's Public Consultation Policy with the Clayton Bay residents and Clayton Bay Community Association Inc. to determine the level of support to create a community committee to facilitate the application process and manage a Dark Sky Community in Clayton Bay.</p> <p>3. That the results of the community consultation be presented to Council after the November 2022 Council elections.</p>	In Progress	Tash Hunt	No

Action Date	Status	Comments
5/01/2023	In Progress	New lighting infrastructure ordered. Expected arrival early 2023. Notification and installation to follow shortly thereafter.
5/01/2023	In Progress	Village Conversation scheduled in November 2022 to communicate Dark Sky Program and installation of the 58 Street Lights. Street Lights are on order and we await delivery.



## Alexandrina Council Resolutions Register

Alexandrina Council Ordinary Meeting - Public Report

31/08/2022		4/8/22 A community consultation plan is being created for the engagement in relation to the Dark Sky's program with the intent that the 'Village Conversation' may be a good tool.
31/08/2022		4/8/22 In line with the resolution 58 lights are being procured with an anticipated 16 week lead time. Communication with the community will occur in once delivery and installation dates are confirmed.
5/01/2023	In Progress	Community Engagement Plan currently being worked on. Looking to commence consultation early 2023.

Meeting Date	Agenda Item	Title	Description	Status	Officer	Resolution Confidential
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**Alexandrina Council Resolutions Register**  
*Alexandrina Council Ordinary Meeting - Public Report*

1/01/2021

ACM221427 21/03/2022 Proposal to Initiate a Local Heritage Code Amendment

1. That Council endorse the Proposal to Initiate a Code Amendment as outlined in Attachment 14.1 of this report to list 60 Local Heritage places within the township of Milang and seek the approval of the Minister for Planning.
2. That Council approve the commencement of initial consultation with affected land owners while awaiting the decision of the Minister of Planning on the Proposal to Initiate a Local Heritage Code Amendment.
3. That having considered Agenda Item 14.1 Proposal to Initiate a Local Heritage Code Amendment (Confidential) in confidence under section 90(2) and (3)(m) of the Local Government Act 1999 the Council pursuant to section 91(7) and (9) of the Local Government Act 1999 orders that:
- 3.1 the minutes report and attachments and audio of the Council meeting held on 21 March 2022 in relation to Agenda Item 14.1 Proposal to Initiate a Local Heritage Code Amendment (Confidential) are to remain confidential and will not be available for public inspection until further Order of Council on the basis it contains information relating to a proposal to prepare or amend a designated instrument under Part 5 Division 2 of the Planning Development and Infrastructure Act 2016 before the draft instrument or amendment is released for public consultation under that Act;
- 3.2 that this order be reviewed at least once every 12 months.
4. That pursuant to section 91(9)(c) of the Local Government Act 1999 the Council delegates to the Chief Executive Officer the power revoke in whole or in part the order made in paragraph 3 of this resolution at any time.

In Progress

Matt Atkinson

No

Action Date	Status	Comments
13/09/2022		4/4/22 All documents released from confidence
13/09/2022		6/4/22 Letters have been sent to affected landowners. Drop in sessions organised for those landowners to provide additional information about the listings.



## Alexandrina Council Resolutions Register

Alexandrina Council Ordinary Meeting - Public Report

13/09/2022

5/5/22

Two drop in sessions have been held. We are still awaiting Ministers approval to proceed with the Code Amendment.

Meeting Date	Agenda Item	Title	Description	Status	Officer	Resolution Confidential
1/01/2021		ACM221560 (20/06/2022) Goolwa Regatta Yacht Club - Request for New Lease	<p>1. That Council grants consent for Administration to negotiate a draft community ground lease with the Goolwa Regatta Yacht Club for continued occupancy of their current lease footprint on a portion of Lot 6 Crown Record (CR) Volume 6164 Folio 815 Barrage Road, Goolwa, inclusive of the following terms:</p> <p>a. 20 year (5+5+5+5) year ground lease.  b. Commencement date of 4 July 2022.  c. Commencement annual rental fee in accordance with Council's Annual Fees and Charges for Minor Commercial/Community leases (\$500 per annum).  d. All services, insurances and improvements to the site (inclusive of the marina infrastructure) remain the ownership and responsibility of and at the cost of the Lessee, during the Lease term.</p> <p>2. That Council note the outstanding annual rental fee of \$12,645.56 for the final years Goolwa Regatta Yacht Club rent and that Council requests payment in full of the rental fee owed by the Goolwa Regatta Yacht Club for the current lease expiring 3 July 2022, prior to progressing a new lease request.</p> <p>3. That Council grant consent for Administration to proceed to public consultation on a draft Goolwa Regatta Yacht Club lease, subject to agreement to the above terms and conditions contained in recommendations 1 and 2, with a further report brought back to Council on close of public consultation with any submissions received.</p>	In Progress	Trish Kirkland	No

Action Date	Status	Comments
9/01/2023	In Progress	Outstanding debt paid in full. Lease terms still under negotiation. Preparing for Public Consultation in late 2022 or early 2023
9/01/2023	In Progress	Public Consultation scheduled for early 2023.



## Alexandrina Council Resolutions Register

Alexandrina Council Ordinary Meeting - Public Report

9/01/2023 In Progress

Currently out for Public Consultation. Report to Council anticipated February 2023 Council Meeting.

Meeting Date	Agenda Item	Title	Description	Status	Officer	Resolution Confidential
1/01/2021		ACM221531 20/06/2022 Cr Carter Community Centres Funding	That Council use \$155000 from the 2021/22 Budget Surplus to ensure that our three (3) Community Centres within the Alexandrina Council area are funded as requested for the 2022/23 period as follows:  Community Centre and Amount Goolwa Community Centre \$85000 Strath Neighbourhood Centre \$45000 Milang Old School House Community Centre \$25000 Total \$155000	In Progress	Matt Atkinson	No

Action Date	Status	Comments
9/09/2022		Funding Agreements are currently being drafted with assistance of Council's Lawyers. Adjustments are currently being made based upon their feedback. Administration are continuing to work through this.
9/09/2022		11/7/22 Included in 2021/22 Budget.
8/11/2022	In Progress	The draft funding Agreements are now with the Community Centres for review and feedback.
9/09/2022		11/7/22 Currently finalising the partnership agreements for the funding approved for Community Centres.
9/09/2022		1/8/22 Administration will continue to progress these agreements over the coming weeks.
9/09/2022		27/6/22 Conflict of Interest Register updated and published on Council's website (Crs Keily and Gardner Material)
9/09/2022		22/7/22 Reallocating to Wellbeing division to finalise the partnership agreement.
9/09/2022		1/8/22 Administration are currently finalising the partnership agreements. This will also require input from Council's Governance team as well as a discussion with each of the Community Centres prior to formalisation of the agreements.
8/11/2022	In Progress	The draft funding Agreements are now with the Community Centres for review and feedback.;;;;



**Alexandrina Council Resolutions Register**  
*Alexandrina Council Ordinary Meeting - Public Report*

Meeting Date	Agenda Item	Title	Description	Status	Officer	Resolution Confidential
1/01/2021		ACM221591 18/07/2022 Update on the Lot 10 Langhorne Creek Road Strathalbyn Master Plan Project	That this matter be adjourned and returned when the following have been undertaken: 1. That the report on the progress of Lot 10 be presented to Council. 2. That the received expression of interest from the Harness Racing Club be presented to Council. 3. That feedback be presented to Council after the presentation of the details of the Harness Racing Club's expression of interest of being included in the Lot 10 Stakeholder Group and any implications.	In Progress	Matt Atkinson	No

Action Date	Status	Comments
13/09/2022		10/8/22 A report be brought back to Council on the outcomes of the discussion of the Lot 10 Steering Group.
13/09/2022		10/8/22 Provide an overview of the work undertaken to date by the Steering Group and better understand the requirements of the SHRC and any potential impact on draft concepts done to date.
10/10/2022	In Progress	Actions 1 and 2 completed. The Harness Racing Club met with the Lot 10 Stakeholder Group on 6 September 2022.;;;
13/09/2022		10/8/22 Report going to 15 August 2022 Council Meeting seeking recommendation that the Strathalbyn Harness Racing Club (SHRC) be invited to the next Lot 10 Steering Group Meeting

Meeting Date	Agenda Item	Title	Description	Status	Officer	Resolution Confidential
1/01/2021		ACM221331 24/01/2022 Cr Lewis Affordable and Social Housing	That Administration prepare a briefing for Elected Members on the Council's role in the provision of affordable and social housing.	In Progress	Matt Atkinson	No

Action Date	Status	Comments
13/09/2022		Deferred to early 2023.
13/12/2022	In Progress	An Information Session for Council Members has been scheduled for February 2023.
13/09/2022		9/5/22 A briefing is scheduled for 14 June 2022 regarding Affordable Housing



## Alexandrina Council Resolutions Register

Alexandrina Council Ordinary Meeting - Public Report

13/09/2022

31/3/22

Scheduled for June 2022 Council Briefing.

13/09/2022

11/7/22

Briefing was rescheduled for 27 June 2022 however this has now been rescheduled at the request of Cr Lewis. This will be considered in the term of the new Council.

Meeting Date	Agenda Item	Title	Description	Status	Officer	Resolution Confidential
1/01/2021		ACM221433 19/04/2022 Cr Rebbeck Dual naming Alexandrina Council Signage	<p>1. That Council adopts a general policy for all new and replacement road and location signage displaying dual names to incorporate indigenous/non indigenous names where possible.</p> <p>2. That Council considers any additional budgetary funding as necessary each year.</p> <p>3. That Administration write to the Minister for Education Training and Skills advocating indigenous languages are offered in school educational programs.</p>	In Progress	Matt Atkinson	No

Action Date	Status	Comments
9/09/2022		<p>15/8/22</p> <p>This strategy commits the department to working closely with South Australian Aboriginal language and culture organisations to develop resources and professional learning programs.</p>
9/09/2022		<p>14/7/22</p> <p>Letter sent to the Minister for Education Training &amp; Skills on 30 May 2022 sent from the Office of the Mayor. To date no formal response has been received.</p>
9/09/2022		<p>15/8/22</p> <p>Formal response letter (E202223383) received from Minister for Education Training and Skills (Hon. Blair Boyer MP) advising that in South Australia the Department of Education is guided by the Aboriginal Education Strategy 2019 to 2029.</p>
9/09/2022		<p>14/7/22</p> <p>Acknowledgement email (E202218330) received from Minister for Education Training &amp; Skills office 14 July 2022 advising Council's correspondence is currently receiving attention and a response will be forwarded from the Minister in the near future.</p>



## Alexandrina Council Resolutions Register

Alexandrina Council Ordinary Meeting - Public Report

9/09/2022		15/8/22 This supports teaches in implementing the Australian Curriculum including the teaching and learning of South Australian Aboriginal Languages.
9/09/2022		15/8/22 The department has a range of initiatives including professional learning for educators to build cultural awareness and knowledge of the languages and the development of resources for languages that are consistent with the Australian Curriculum.
17/10/2022	In Progress	Recruitment of a Community Development Officer for First Nations is currently 'on hold' subject to consideration with other budget priorities.
9/09/2022		15/8/22 There are currently 63 department sites offering an Aboriginal languages program either as a whole school language or specialist program spanning seven Aboriginal languages including Ngarrindjeri and Kurna.
9/09/2022		15/6/22 Administration wrote to the Minister for Education Training and Skills on 30 May 2022.
9/09/2022		26/7/22 GM Growth and GM Wellbeing also liaising with City of Adelaide to gain knowledge and understanding of their processes which will help Alexandrina Council Administration to develop a governance model and policy.
9/09/2022		15/8/22 The department is also working with Aboriginal language instructors and educators to understand and resolve workforce and employment challenges to the growth and improvement of Aboriginal languages education.
17/10/2022	In Progress	Meeting being held with NRA on Friday 9 September 2022
17/10/2022	In Progress	A follow up meeting and consultation with NRA needs to be arranged.
17/10/2022	In Progress	Administration met with Ngarrindjeri Aboriginal Corporation NAC on 7 July 2022 to discuss the appropriate governance model to determine naming conventions with First Nations and how this can be incorporated into a Dual Naming policy.



## Alexandrina Council Resolutions Register

Alexandrina Council Ordinary Meeting - Public Report

9/09/2022	11/5/22	Following initial consultation outcomes Administration are meeting with Ngarrdinjeri leaders to review language lists provided by First Nations. Further consultation to follow with all First Nations groups.
9/09/2022	5/5/22	Item 2. Capital funding allocated for dual naming of signage. This should be treated as a project in 2022/23 financial year.
9/09/2022	15/6/22	Administration have formed a cross divisional working group to discuss scope followed by consultation and feedback with all First Nations groups and progress an implementation plan.

Meeting Date	Agenda Item	Title	Description	Status	Officer	Resolution Confidential
1/01/2021		ACM211224 (15-11-21) Adjourned Debate SA Skydiving Additional Drop Zones Proposal Public Consultation Outcomes	<p>1. That Council notes the public consultation outcomes of the New Drop Zone Locations SA Skydiving Project Report.</p> <p>2. That Council notes that a future report regarding alternate locations for SA Skydiving 'drops' will be presented in the first half of 2022.</p>	In Progress	Trish Kirkland	No

Action Date	Status	Comments
10/11/2022	In Progress	Engagement with SA Skydive required to establish if they still require a new drop zone. If so, further investigations would be required.
31/08/2022		12/4/22 Administration will review location options with the intent to provide a future Report to Council.
31/08/2022		9/8/22 This item will not be reconsidered during the current Council term.

Meeting Date	Agenda Item	Title	Description	Status	Officer	Resolution Confidential
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**Alexandrina Council Resolutions Register**  
*Alexandrina Council Ordinary Meeting - Public Report*

1/01/2021

ACM221564 (20-06-22) Port Elliot National Trust  
 New Lease Proposal

1. That Council grants consent for Administration to negotiate a draft community building lease with the National Trust of South Australia Port Elliot Branch for tenure of the building located on a portion of 10 The Strand Port Elliot Certificate of Title Volume 5854 Folio 472 and identified in red on Attachment 11.11(b) of this report inclusive of the following terms:

- a. Five (5) year community lease.
- b. Commencement date of 1 July 2022.
- c. Peppercorn rental.
- d. That all services insurances and maintenance are the cost of the Lessee.
- e. That the Mezzanine level within the old Police Stables is excluded from the permitted lease area until it is deemed compliant by Council or its delegate.

2. That in accordance with Clause 3 of the Agreement held between Council and the Port Elliot Returned and Services League (RSL) sub branch Administration seek the consent of the Port Elliot RSL to a proposed lease between Council and the National Trust of South Australia Port Elliot Branch for the old Police Stables located on portion of 10 The Strand Port Elliot.

3. That subject to Recommendation 2 being satisfied the Mayor and Chief Executive Officer be authorised to sign and seal the lease agreement.

In Progress

Trish Kirkland

No

Action Date	Status	Comments
14/12/2022	In Progress	Lease to be finalised in early 2023.
31/08/2022		27/6/22 Draft lease and letter to RSL (for consent per condition of Trust Agreement) being prepared to provided to Port Elliot National Trust for review and signature.
31/08/2022		9/8/22 Finalising lease terms and conditions with Port Elliot National Trust. Awaiting a response from the Port Elliot RSL sub branch in accordance with Resolution 2.
14/12/2022	In Progress	Port Elliot RSL consent to the proposed lease subject to completion of the RSL upgrade. A draft lease is being prepared for review by National Trust Port Elliot Branch.

Meeting Date	Agenda Item	Title	Description	Status	Officer	Resolution Confidential
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## Alexandrina Council Resolutions Register

Alexandrina Council Ordinary Meeting - Public Report

1/01/2021

ACM211292 20/12/2021 Proposal to initiate a Code Amendment for the Goolwa Wharf Precinct  
 That Council endorse the Proposal to Initiate a Code Amendment as outlined in Attachment 9.4(b) to create a subzone under the Infrastructure (Ferry and Marina Facilities) Zone as it relates to the Goolwa Wharf Precinct.  
 In Progress Matt Atkinson No

Action Date	Status	Comments
13/09/2022		29/6/22 Advice has not been provided as to when this will be occurring however it is a positive step that the proposal is to be supported.
13/09/2022		29/6/22 A meeting has been held with the Code Amendment Team at Planning and Land Use Services to discuss the Proposal to Initiate a Code Amendment so they could fully understand the reasons for undertaking the amendment.
13/09/2022		29/6/22 This has been followed up with a request to provide publication instructions which helps to confirm the content needed to upload the proposed Code Amendment to the PlanSA portal.
13/09/2022		31/3/22 Process underway with State Government. No response as yet.

Meeting Date	Agenda Item	Title	Description	Status	Officer	Resolution Confidential
15/08/2022		ACM221622 Cr Scott Affordable Housing	That Administration continue to investigate options with respect to achieving more affordable housing within Alexandrina Council with a report to be presented to the new Council prior to budget preparations in February 2023 for consideration.	In Progress	Matt Atkinson	No

Action Date	Status	Comments
13/09/2022		Deferred to early 2023.

Meeting Date	Agenda Item	Title	Description	Status	Officer	Resolution Confidential
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## Alexandrina Council Resolutions Register

Alexandrina Council Ordinary Meeting - Public Report

15/08/2022

ACM221635 Draft Cats By Law Outcomes of Consultation

1. That Council receives the report.

In Progress

Matt Atkinson

No

2. In exercise of the powers contained in section 246 of the Local Government Act 1999 (the Act) having satisfied the consultation requirements of the Act and having had regard to the outcome of the consultation process the National Competition Policy Report the Certificate of Validity provided by the Council's legal practitioner and the comments from the Dog and Cat Management Board the majority of Council in the presence of at least two thirds of its members hereby makes: Cats By law No. 8 of 2022 as attached to this meeting agenda and marked Attachment 8.11(g).

2. That the Chief Executive Officer be authorised to undertake all steps necessary to finalise the By law review process and to give effect to the newly made By law including by making any minor changes to the form of the By law that the Chief Executive Officer considers necessary provided that the changes are formatting or administrative in nature only.

3. That Council continues to advocate to the State Government and the Dog and Cat Management Board for a state wide approach to cat management.

4. Upon approval of this Cats By Law by parliament administration explore and recommend options for funding its implementation and education including ADIMA safe pet being trialled by Local Government of SA funding via registration fees and a review of successful implementations at other councils.

Action Date	Status	Comments
13/09/2022		Cats By-Law gazetted for a commencement date of 8 January 2023. Prior to its commencement the By-Law will be considered by the Legislative Review Committee and Parliament.

Meeting Date	Agenda Item	Title	Description	Status	Officer	Resolution Confidential
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## Alexandrina Council Resolutions Register

Alexandrina Council Ordinary Meeting - Public Report

15/08/2022

ACM221638 Murray River Lakes And Coorong Tourism Alliance Two Month Extension of the 2021 / 22 Funding Agreement

1. That Council extends the Funding Agreement with the Murray River Lakes and Coorong Tourism Alliance for a further two months commencing 19 October 2022 for \$2000 plus GST concluding 19 December 2022.

In Progress

Matt Atkinson

No

2. A report on the outcomes of the agreement be tabled at the December 2022 Council meeting to determine additional funding arrangements.

Action Date	Status	Comments
13/12/2022	In Progress	A report to be tabled at the January 2023 council meeting.
13/09/2022		A report on the outcomes of the Agreement to be tabled at the December 2022 Council meeting.

Meeting Date	Agenda Item	Title	Description	Status	Officer	Resolution Confidential
15/08/2022		ACM221621 Cr Scott Right to Farm	That Council write to the Minister for Primary Industries and Regional Development to advocate for the introduction of a 'Right to Farm' policy in South Australia.	In Progress	Matt Atkinson	No

Action Date	Status	Comments
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Meeting Date	Agenda Item	Title	Description	Status	Officer	Resolution Confidential
15/08/2022		ACM221623 Cr Rebbeck Funding of Climate Change Officer	1. That Council prioritise any identified budget savings (from quarterly budget reviews) to fund a climate change officer in the first instance.  2. That once the climate change officer has been funded budget savings be prioritised towards an operational budget for the climate change officer of \$50000.  3. That any subsequent identified budget savings of \$50000 be prioritised to greening our landscapes.	In Progress	Nigel Morris	No

Action Date	Status	Comments
21/09/2022		This resolution will form part of the 1st quarter budget review.

Meeting Date	Agenda Item	Title	Description	Status	Officer	Resolution Confidential
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## Alexandrina Council Resolutions Register

Alexandrina Council Ordinary Meeting - Public Report

19/09/2022	2.8.8	ACM221669 Regional Public Health Plan 2022 - 2027	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Receive and note the outcomes of community and stakeholder consultation on the draft Regional Public Health Plan</li> <li>2. Receive and note the correspondence from the Chief Public Health Officer</li> <li>3. Receive and endorse the Southern and Hills Local Government Association Regional Public Health and Wellbeing Plan 2022-2027</li> <li>4. Adopt Alexandrina Council's 'Top Actions' and all 'Focus Areas' for collaboration between the six constituent councils</li> <li>5. Note that the final Plan will be adopted by the S&amp;HLGA Board once the six councils have approved their Top Actions and the Focus Areas for collaboration.</li> </ol>	In Progress	Matt Atkinson	No
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Action Date	Status	Comments
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Meeting Date	Agenda Item	Title	Description	Status	Officer	Resolution Confidential
28/11/2022	2.6.1	ACM221713 Council Meeting Schedule	That the Chief Executive provide a report to Council prior to the 2023/24 Annual Business Plan and Budget consideration on the requirements and costs to hold Council Meetings remote of 11 Cadell Street, Goolwa to allow meetings to be held across all three wards.	Assigned	Nigel Morris	No

Action Date	Status	Comments
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Meeting Date	Agenda Item	Title	Description	Status	Officer	Resolution Confidential
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**Alexandrina Council Resolutions Register**  
*Alexandrina Council Ordinary Meeting - Public Report*

28/11/2022	2.6.7	ACM221722 Appointments to the Chief Executive Officer Performance Management Panel	<p>1. That the Chief Executive Officer Performance Management Panel, established pursuant to section 41 of the Local Government Act 1999 (Act), continue until the conclusion of the 2026 Local Government Periodic Elections.</p> <p>2. That Mayor Keith Parkes, Crs Craig Maidment, Margaret Gardner and Peter Oliver be appointed to the Chief Executive Officer Performance Management Panel (Panel) until the conclusion of the 2026 Local Government Periodic Elections.</p> <p>3. That Council appoints Mayor Keith Parkes as the Chairperson to Chief Executive Officer Performance Management Panel until the conclusion of the 2026 Local Government Periodic Elections.</p> <p>4. That Administration seeks an expression of interest from a qualified independent person having the appropriate qualifications or experience in human resource management to join the committee (unless an existing agreement remains in place for the previous independent person).</p> <p>5. That the first meeting of the Panel after it has been established shall occur at a place and time determined by the Chief Executive Officer. The Panel shall, at its first meeting after being established determine the place, date and time meetings of the Panel will be held, provided that the Panel shall meet at least once per quarter.</p> <p>6. That the Chief Executive Officer be delegated authority to vary the meeting date, time and place of the Chief Executive Officer Performance Management Panel in consultation with the Mayor.</p> <p>7. That the Chief Executive Officer Performance Management Panel Terms of Reference appearing as Attachment 1 to this report be approved.</p> <p>8. That the Chief Executive Officer Performance Management Panel Order of Business for Ordinary Meetings shall be determined at the first meeting of the Panel.</p> <p>9. That Administration be delegated authority to make amendments of a formatting and/or minor technical nature to the Chief Executive Officer Performance Management Panel Terms of Reference.</p>	In Progress	Tash Hunt	No
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Action Date	Status	Comments
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Meeting Date	Agenda Item	Title	Description	Status	Officer	Resolution Confidential
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**Alexandrina Council Resolutions Register**  
*Alexandrina Council Ordinary Meeting - Public Report*

28/11/2022	2.6.13	ACM221727 Establishment of the Cemeteries Advisory Committee	<ol style="list-style-type: none"> <li>1. That the Cemeteries Advisory Committee be established pursuant to section 41 of the Local Government Act 1999, and will continue until the conclusion of the 2026 Local Government Periodic Elections.</li> <li>2. That Cr Craig Maidment representing the North Ward be appointed to the Cemeteries Advisory Committee until the conclusion of the 2026 Local Government Periodic Elections.</li> <li>3. That Cr Margaret Gardner representing the South Ward be appointed to the Cemeteries Advisory Committee until the conclusion of the 2026 Local Government Periodic Elections</li> <li>4. That Cr Michael Scott representing the West Ward be appointed to the Cemeteries Advisory Committee until the conclusion of the 2026 Local Government Periodic Elections.</li> <li>5. That an Expression of Interest process be conducted to determine interested community members, with appointments to the Committee to be made by Council.</li> <li>6. That the ordinary meetings of the Cemeteries Advisory Committee be held at a place and time determined by the Committee at its first meeting. The Committee shall meet at least once per quarter.</li> <li>7. That the Chief Executive Officer be delegated authority to vary the meeting date, time and place of the Cemeteries Advisory Committee in consultation with the Chairperson.</li> <li>8. The Committee is to appoint a chairperson from amongst its members at the first ordinary meeting.</li> <li>9. That the Cemeteries Advisory Committee Terms of Reference appearing as Attachment 1 to this report be approved.</li> <li>10. That the Cemeteries Advisory Committee Order of Business for Ordinary Meetings appearing as Attachment 2 to this report be approved.</li> <li>11. That Administration be delegated authority to make amendments of a formatting and/or minor technical nature to the Cemeteries Advisory Committee Terms of Reference.</li> </ol>	In Progress	Matt Atkinson	No
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Action Date	Status	Comments
9/01/2023	In Progress	A call for nominations from the public for the Cemeteries Advisory Committee will be made early 2023.
9/01/2023	In Progress	An Expression of Interest process has commenced to determine interested community members, with appointments to the Committee to be made by Council.

Meeting Date	Agenda Item	Title	Description	Status	Officer	Resolution Confidential
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## Alexandrina Council Resolutions Register

Alexandrina Council Ordinary Meeting - Public Report

28/11/2022	2.5.1	ACM221709 Revenue Strategy to diversify revenue streams	That the Chief Executive Officer prepare a report for Council within 6 months that considers the merits of a 'Revenue Strategy'. The report and draft strategy are to have regard to existing and alternative sources of revenue and their public benefit, social acceptance, economic impact and ease of implementation. The draft Revenue Strategy would subsequently be put to the community for feedback.	Assigned	Nigel Morris	No
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Action Date	Status	Comments
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Meeting Date	Agenda Item	Title	Description	Status	Officer	Resolution Confidential
28/11/2022	2.6.20	ACM221734 Proposed Upgrades to the Langhorne Creek Cemetery	That Council supports the following recommendations of the Heritage Advisory Committee for the Langhorne Creek Cemetery: 1. That a structure be installed, in consultation with the Langhorne Creek Historic School Inc, at the entry to the cemetery that contains a plan of the cemetery and a list of those that are buried there. 2. That the existing entrance sign at the cemetery be replaced, as identified in the Adelaide Cemeteries Authority Review 2021. 3. That work be completed under the existing 2022/23 budget allocation or return to Council for further consideration at the next quarterly budget review.	In Progress	Matt Atkinson	No

Action Date	Status	Comments
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Meeting Date	Agenda Item	Title	Description	Status	Officer	Resolution Confidential
28/11/2022	2.6.5	ACM221718 Formal Motion - Review of Council Committee Structure	That the question be adjourned to a future Council meeting following discussion at a Council Briefing.	In Progress	Tash Hunt	No

Action Date	Status	Comments
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## Attachment 2 - Projects Update - December 2022

### Projects Update - December 2022

Council Report



Project Title	Project Description	Current Budget 2022/23	Actuals & Commitments	Remaining Budget	Project Status	Construction Start	Construction Finish	Budget Status	Schedule Status	Monthly Status Comments
Abbotts Reserve Middleton - Irrigation	Irrigation works at Abbotts Reserve in Middleton	\$110,000	\$9,605	\$100,395	Scoping	01/10/2022	30/06/2023	On Track	On Track	Scoping works completed. Tender for construction scheduled Jan-Feb 2023. Construction scheduled March-June 2023.
Adelaide Road Development	Adelaide Road Development	\$120,000	\$0	\$120,000	Underway		30/06/2023	On Track	Challenges	Discussions underway with Developer relating to Council contribution towards required stormwater swale. Still awaiting direction from Developer on this matter. Allotment earthworks progressing.
Admiral Terrace Pathway Improvement	Admiral Terrace Pathway Improvement	\$20,000	\$0	\$20,000	Scoping			Challenges		Project to be reviewed and scoped.
Armfields Jetty Extension	Design and Construct the renewal of the existing Armfield Slipway Jetty and extension with fingers to accommodate a greater number of vessels being moored. A viewing deck and repairs to the ramp are also included in the design.	\$82,500	\$111,782	-\$29,282	Underway	01/03/2022	28/02/2023	On Track	On Track	Design of the jetty extension and existing refurbishment complete, development assessment in progress. Construction contract awarded, works agreement executed. Works will commence on completion of the DA process.
Ashbourne Road Stormwater	Ashbourne Road Stormwater (21/22)	\$40,000	\$0	\$40,000	Underway	01/11/2022	30/03/2023	On Track	On Track	Currently out for tender, evaluation and award end of January 2023
Basketball Facilities Mt Compass, Goolwa	Basketball Facilities - Mount Compass, Goolwa	\$50,000	\$0	\$50,000	Underway	20/11/2022	02/11/2023	Challenges	Challenges	Tender responses have been unsuccessful & the work is being discussed with Field Services for delivery.
Beach Road Upgrade (Design)	Beach Road - Road Upgrade (Scope and Design) (21/22)	\$65,800	\$67,235	-\$1,435	Underway	01/10/2023	01/06/2024	On Track	Challenges	Beach Rd concept designs being finalised. Slight delay in finalising Stormwater design and crossings, but now resolved. Concept design, for consultation, due Feb 2023.
Beacon 19 Boat Ramp Upgrade	Upgraded boating facilities, including construction of a new boat ramp, jetty and access improvements.	\$1,872,000	\$1,744,492	\$127,508	Underway	23/08/2022	31/03/2023	On Track	On Track	Due to the current highwater flow in December the contractor is planning to commence installation of the new jetty piles Jan/Feb 2023.
Billabong Road/Bunyip Street	Billabong Road/Bunyip Street stormwater, footpath and kerb	\$176,250	\$3,900	\$172,350	Underway	01/03/2023	30/06/2023	On Track	Challenges	Stormwater concept drawings received, services ptholing to be completed before final design can be completed. Expected March/April 2023 construction.
Braeside Road - Ford	Braeside Road - Ford	\$120,000	\$0	\$120,000	Scoping	01/07/2023	30/06/2024	Challenges	On Track	Project brief completed and forwarded to the Projects team for delivery.
Bristow-Smith Public Toilet (LRCI)	Removal of existing toilet and construction of a new facility to current codes and trends	\$350,000	\$4,255	\$345,745	Underway	01/02/2023	31/05/2023	On Track	On Track	Contractor engaged - works scheduled for April installation.
Brooking Street - Footpath (Design)	Brooking Street - Footpath (21/22) and Pedestrian Crossing Design 22/23. Construct 23/24.	\$10,000	\$6,545	\$3,455	Completed	01/07/2023	30/06/2024	Completed	Completed	Project Brief and Detailed Design Completed. Project to be submitted for consideration in the 23/24 Budget planning process.
Building Management System, Goolwa	Building Management System (BMS) - Goolwa Office (20/21) (21/22)	\$148,000	\$139,683	\$8,317	Underway	01/09/2022	30/04/2023	On Track	On Track	95% of Hardware delivered to site, any delays not expected to impact scheduled works. Currently continuing to reverse engineer existing BMS to finalise design in preparation for software installation and to assist with generating functional specification for review. Server build currently been scoped and setup in preparation for install.
Burma Road Major Culvert	Burma Road - Major Culvert Upgrade & Renewal	\$43,000	\$40,994	\$2,006	Underway	01/02/2023	28/02/2023	On Track	On Track	Project awarded with contractor for completion by Feb 2023
Burt Avenue - Renew Grated Inlet Pit	Burt Avenue - Renew Grated Inlet Pit	\$15,000	\$0	\$15,000	Deferred	01/07/2023	01/06/2024	Deferred	Deferred	Detailed review/design complete. Deferred to 2023-2024 FY to complete installation with intersection renewal for necessary road reshaping. Has been added to FY24 Budget Submissions.
Carfax Street Kerbing	Carfax Street Kerbing	\$12,000	\$0	\$12,000	Underway	01/02/2023	30/03/2023	On Track	On Track	Contractor engaged works scheduled for February 2023
Cemetery Stone Wall (LRCI)	Heritage restoration in Strathalbyn to the Cemetery stone wall	\$40,000	\$44,240	-\$4,240	Underway	01/03/2023	31/03/2023	On Track	On Track	Work planned for February with completion March 2023.
Chemical Shed Renewal Strathalbyn Depot	Chemical Shed Renewal Strathalbyn Depot (21/22)	\$25,000	\$15,088	\$9,912	Completed	01/11/2022	09/12/2022	Completed	Completed	Procurement completed May 2022. Shed has been delivered to Depot.
Civil Wastewater Assets	Renewal of Coorong Quays wastewater scheme assets. Focus is on the renewal of vacuum station onsite generator.	\$126,000	\$0	\$126,000	Underway	01/07/2022	30/06/2023	On Track	On Track	Open Tender (SA Tenders) released for supply of 165 kVA Generator and tandem trailer. Tender closing end January 2023, criteria for equipment supply by end April 2023.
Clark Street - North of Fenchurch St	Clark Street - North of Fenchurch Street	\$50,177	\$0	\$50,177	Scoping	30/01/2023	01/06/2023	On Track	On Track	Currently out for tender. Subject to water levels works to be done in the new year.
Clayton Bay Overflow Car Park (LRCI)	New unsealed carpark and post and rope fencing along Island View Drive.	\$0	\$0	\$0	Deferred		30/06/2023	Deferred	Deferred	Work tendered and deferred not proceeding. Further consultation is required with community and NAC on any future plan.



Projects Update - December 2022

Council Report



Project Title	Project Description	Current Budget 2022/23	Actuals & Commitments	Remaining Budget	Project Status	Construction Start	Construction Finish	Budget Status	Schedule Status	Monthly Status Comments
Compliance Safety & Structural Upgrade	Compliance Safety & Structural Upgrade	\$72,000	\$17,616	\$54,384	Underway	01/10/2022	31/03/2023	On Track	On Track	Contract has been issued for the Burnside Rd Safety Barrier Strathalbyn in December. Planned completion is by March 2023.
Coorong Quays Asset Renewal	Coorong Quays Vacuum Electrical renewals at Stations 1, 2 and 3	\$200,000	\$39,603	\$160,397	Underway	01/07/2022	30/06/2023	On Track	On Track	Hindmarsh Island Vacuum Station 1, 2 & 3 renewals to ensure electrical compliance and WH&S compliance. Vacuum stations 1 & 2 are complete. Vacuum Station 3 will be deferred to FY23/24.
Corporate Systems Implementation	Corporate Systems Implementation (20/21) (21/22)	\$2,229,100	\$1,642,655	\$586,445	Underway	01/07/2021	01/08/2023	Challenges	Challenges	The Chief Executive Officer has taken over sponsorship of this project and is conducting a complete review to ensure it is on track and what is now required to make it a success. Outcomes of this review will be reported to the January 2023 meeting.
Council Carpark - Footpath (Farquhar St)	Council Carpark - Footpath (Farquhar Street) (21/22)	\$18,000	\$0	\$18,000	Scoping	01/10/2022	01/06/2023	On Track	On Track	Contract awarded - Scheduled for February /March 2023
Crocker Place - Footpath	Crocker Place - Footpath (21/22)	\$12,000	\$0	\$12,000	Scoping	01/10/2022	01/06/2023	On Track	On Track	Contract awarded - Scheduled for February /March 2023
Crockery Creek Flood Mitigation (Design)	Crockery Creek, Port Elliot Flood Mitigation	\$60,000	\$0	\$60,000	Scoping	01/10/2022	01/06/2023	On Track	On Track	Defining Scope based on 2011 Hydraulic review. To include Thring Lane and Waterport Rd
Currency Creek Bridge (LRCI)	Utilising a 2020 report with a 3 phase approach to conserving the original structure. Create access for engineer, receive engineer recommendations, carry out conservation works (most likely non trafficable still)	\$180,000	\$55,349	\$124,651	Underway	20/09/2022	28/02/2023	On Track	On Track	Reissued tender to market - tender closes mid-January for assessment and award
DAIP outcomes	Projects that support the DAIP strategy that include pathway connections, kerb ramps associated with new footpaths, access improvements	\$0	\$0	\$0	Completed	01/10/2022	01/12/2022	Completed	Completed	This budget line was reallocated and used for the upgrade of the Brooker Street Traffic Island (\$15k) and for the upgrade of access in Commodore Reserve (accessible pathway). Both of these projects included DAIP outcomes and the budget line was used entirely for this purpose.
Daranda Tce Footpath and Parking (LRCI)	New footpaths, parking, stormwater & landscaping	\$318,900	\$504,174	-\$185,274	Completed	07/06/2022	31/08/2022	Completed	Completed	Work complete. The parks and gardens team via (Ian Brett) are finalising street trees and planting with the local community.
Dover Road - Kerb	Dover Road - Kerb (21/22)	\$30,000	\$0	\$30,000	Underway	01/11/2022	30/06/2023	On Track	On Track	Contract awarded - Scheduled for February /March 2023
Electrical Assets	Allocation for the renewal of a pump station electrical control cabinet.	\$50,000	\$0	\$50,000	Underway	01/02/2023	30/06/2023	On Track	On Track	Crockery Bay Pump Station Automation Renewal. Schedule for completion after finalising the SCADA project. Final site and construction date to be determined by electrical department.
Encounter Bikeway/Langhorne Ck Red Trail	Concept development of upgrades to amenity and safety of the Encounter Bikeway. Public feedback, data collection, socio-eco analysis, traffic data collection. Langhorne Creek Wine Trail concept plan development and socio-economic benefit analysis.	\$67,100	\$23,496	\$43,604	Underway	21/02/2022	01/09/2022	On Track	On Track	Encounter Bikeway - final plans showing preferred outcomes in development. To be presented to Council March/April. Langhorne Creek Wine Trail - final concept plans complete, to be presented to Council in March seeking endorsement for public consultation.
Expansion of Operational Fleet	Acquisition of additional fleet vehicle for CWMS operational staff; given district wide critical response need.	\$100,000	\$0	\$100,000	Scoping	01/02/2023	30/06/2023	On Track	Challenges	Fleet gap analysis undertaken. Escalation to GM in November. Need to engage broader business regarding fit-for-purpose vehicle selection.
Fairfield Drive Pump Station - Emergency	Fairfield Drive Pump Station - Construction of enhanced emergency storage at critical, high flow pump station.	\$165,000	\$10,900	\$154,100	Underway	01/03/2023	30/06/2023	Challenges	Impacted	Engineering report being prepared. Opportunity identified to improve network efficiency & hydraulics via an alternative option.
Fennell Street - Kerb	Fennell Street - Kerb (21/22)	\$25,000	\$0	\$25,000	Underway	01/11/2022	30/06/2023	On Track	On Track	Contract awarded - Scheduled for February /March 2023
Ferguson Road - Footpath	Ferguson Road - Footpath (21/22)	\$62,220	\$0	\$62,220	Underway	01/10/2022	01/06/2023	On Track	Impacted	Contract awarded - Scheduled for February / March 2023; Possible issue with heritage tree inspection
Fleet Renewal	Fleet Renewal (21/22) (22/23)	\$1,341,300	\$797,402	\$543,898	Underway	01/07/2022	30/06/2023	On Track	Challenges	Global supply chain constraints, Australian stock is limited, suppliers provide no defined delivery timeframes.
Flying Fish to Port Elliot SLSC Path	Flying Fish to Port Elliot Surf Life Saving Club - Shared Use Path	\$50,000	\$0	\$50,000	Underway	01/10/2022	01/06/2023	On Track	On Track	Survey and working drawings are expected January 2023 for review.
Footpath Masterplan (Design/Construct)	Footpath Masterplan (Scope, Design & Construct) (21/22) (22/23)	\$97,780	\$77,180	\$20,600	Underway	01/10/2022	30/06/2023	On Track	On Track	Refer individual footpath sub-projects. New Masterplan Development has commenced. Completion due 17 February 2023.
Freemans Lookout (LRCI)	Restoration works to Centenary Staircases (1936) and a connecting pathway. Installing a GPT and upgrading stormwater drainage.	\$400,000	\$10,145	\$389,855	Scoping	01/02/2023	31/05/2023	On Track	On Track	Site meeting with contractors scheduled for late January to confirm methodology with stakeholders
Furniture & Fittings	Furniture & Fittings and Office Equipment	\$57,000	\$15,193	\$41,807	Underway	01/11/2022	30/06/2023	On Track	On Track	The first stage has been finalised and approved for payment. Further procurement will be undertaken in February when the manufacture returns from a break.

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Project Title	Project Description	Current Budget 2022/23	Actuals & Commitments	Remaining Budget	Project Status	Construction Start	Construction Finish	Budget Status	Schedule Status	Monthly Status Comments
Goolwa Aquatic Club Renewal Works	Repair and upgrade of the building including painting, rust removal, balcony flooring and general renewal.	\$90,000	\$88,200	\$1,800	Completed	01/11/2022	09/12/2022	Completed	Completed	All works completed
Goolwa Beach Revitalisation	To improve the function and amenity of the site. Improvements to promenade, expand carpark, improve pedestrian/cycle access & access to the beach via 4WD track and disability beach access ramp. Public art, signage and traffic management	\$2,064,000	\$1,900,063	\$163,937	Underway	01/02/2023	30/06/2023	On Track	On Track	Design documentation has been lodged for development application approval with drawings and specifications near 100% complete. Public consultation, as per planning policy to allow community an opportunity to provide feedback on the development, has closed with no feedback provided. Anticipated to commence onsite February 2023.
Goolwa Network Compliance	Goolwa North Vacuum Pits - Monitoring and standard IOT design rollout for vacuum infrastructure.	\$75,000	\$56,355	\$18,645	Underway	01/01/2023	30/06/2023	On Track	On Track	Vacuum equipment purchased in December 2022. Tender for installation awarded in December 2022. Physical works scheduled for February / March 2023.
Goolwa Oval Recreational Precinct	Stage 2 works include new lights to the oval, tennis courts, spectators areas, playground, toilet, parking, scoreboard, wayfinding.	\$4,576,900	\$1,167,081	\$3,409,819	Underway	01/10/2022	30/10/2023	On Track	On Track	Detailed design Return Brief received and acknowledged to proceed with 50% development package January ;LED Scoreboard, Sportfield lighting, goals, netting and AVTV installation scheduled for February 23;Public Toilet construction scheduled for April 23;
Goolwa Rowing Club additional funds	Goolwa Rowing Club additional funding	\$65,000	\$0	\$65,000	Deferred			Deferred	Deferred	Notification from the Rowing Club has confirmed they are not seeking a grant at this stage and are investigating an alternate medium term option. Project is to be closed.
Goolwa Waste Transfer Station	Goolwa Waste Transfer Station Entrance	\$1,000,000	\$0	\$1,000,000	Scoping	01/11/2023	01/06/2024	On Track	On Track	Grant application is under review and updating prior to resubmission.
Goolwa Wastewater Irrigation Expansion	Goolwa Wastewater Irrigation Expansion	\$0	\$112,298	-\$112,298	Underway			On Track	On Track	New mobile assets purchased and delivered. ;Fixed irrigation pipework & sprinklers scheduled for installation during January 2023, will operate by February 2023. ;Mobile travelling irrigator now installed, commissioning in mid-January 2023.
Goolwa Wharf Precinct	Increased waterfront open space and activation including new businesses, wharf refurbishment, signal point roof and aircon, new car park, improved pedestrian/cycle access, new facility PS Oscar W and volunteers, wayfinding signage, wifi, lighting	\$6,961,000	\$639,495	\$6,321,505	Underway	01/09/2022	30/06/2023	Challenges	Challenges	Seeking additional funding to meet Council direction as budget exceeds estimate from 2019. ECI contract phase underway
Hartley - Jaensch Rd Callington Rd Inter	Hartley - Jaensch Rd Callington Rd Inter (LRCI)	\$4,800	\$3,455	\$1,345	Completed		30/09/2022	Completed	Completed	Work completed
Hays St Pedestrian Crossing	New pedestrian crossing	\$59,300	\$0	\$59,300	Underway	01/08/2022	01/12/2022	On Track	On Track	Design has been approved and waiting on confirmation of funding from DIT expected Jan 2023.
Hill Street Stormwater (Design)	Hill Street Stormwater - (Scope and Design) in conjunction with Streetscape upgrade	\$40,000	\$0	\$40,000	Scoping	01/09/2023	01/06/2024	On Track	On Track	Detailed scoping and consultants brief being developed. Combined with the streetscape design project.
Hill Street Streetscape (Design)	Hill Street Streetscape (Design)	\$150,000	\$0	\$150,000	Scoping	01/09/2023	01/06/2024	On Track	On Track	Detailed scoping and consultants brief being developed.
Hillview Road, Macclesfield	Hillview Road, Macclesfield (21/22)	\$66,100	\$712	\$65,388	Underway	01/11/2022	30/06/2023	On Track	On Track	Will be completed as part of the 2022/23 re-sheeting works
Horseshoe Bay Jetty Upgrade/Path	Horseshoe Bay Jetty Upgrade and new path from SLSC to jetty	\$310,000	\$9,600	\$300,400	Underway	01/10/2022	01/06/2023	On Track	On Track	Working drawings are underway expected January 2023.
Horseshoe Bay Playground and Reserve	Renewal of playground equipment for toddlers and infrastructure within the Reserve, including new 1.8mt path, new timber shelter, a smart solar bench, beach access and shower washdown facilities, new turf and irrigation, and bike racks	\$317,700	\$271,651	\$46,049	Underway	15/08/2022	30/09/2022	On Track	On Track	Main reserve renewal completed and finalising rubber surfacing to the playground slide embankment anticipated January 2023.
Horseshoe Bay Public Toilets & Showers	New toilet block to ensure DDA compliance.	\$500,000	\$75	\$499,925	Scoping	01/09/2022	31/05/2023	On Track	On Track	Scope of works review identified the change from design and construction to refurbishment of existing facility. Open tender released 30 November 2022 to close 25 January 2023
IT Equipment Expansion/Upgrade	IT Equipment Expansion/Upgrade (21/22) (22/23)	\$106,300	\$16,038	\$90,262	Underway	01/07/2022	30/06/2023	On Track	Challenges	Ongoing and progressing - some challenges with logistics of equipment, resources to implement and conflicting requirements and priorities from Business. Budget currently on track however is being reviewed to ensure aligns with expected outcomes.
IT Equipment Renewal	IT Equipment Renewal (20/21) (21/22) (22/23)	\$988,700	\$733,216	\$255,484	Underway	01/07/2022	30/06/2023	On Track	On Track	On track and progressing - some challenges with resources with conflicting requirements and priorities from Business. Budget currently on track however is being reviewed to ensure aligns with expected outcomes.
Jaensch & North Bremer Intersection	Road widening linemarking & signage upgrade	\$81,700	\$84,601	-\$2,901	Completed	23/05/2022	31/08/2022	Completed	Completed	Completed

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Jetty Upgrade Outcomes from Audit	Jetty Upgrade Outcomes from Audit	\$50,000	\$0	\$50,000	Scoping	01/04/2023	30/06/2023	On Track	On Track	Contractor has inspected high risk jetties identified in recent audit. Slight delay in receiving repair option which are now expected to be received January 2023. Timing for repairs will be dependent of flood waters abating.
Kerb renewal program	Kerb renewals identified in Roads/Pathways/Kerb audit.	\$54,351	\$0	\$54,351	Underway	01/02/2023	30/06/2023	On Track	On Track	2 x Projects identified, scoped and with Projects team (Rob Vvn Dyk) for construction. 1. Cadell Street, Goolwa and 2. Water Lane, Pt Elliot.
Lakala Pump Station - Back Up Chamber	Lakala Pump Station - Back Up Chamber (21/22) Relining of critical high-flow pump station chamber, Lakala Reserve Port Elliot.	\$50,000	\$55,293	-\$5,293	Completed	30/10/2022	01/12/2022	Completed	Completed	Completed.
Langhorne Creek Comm Hall Public Toilet	Removal of existing toilet and construction of a new facility to current codes and trends	\$354,200	\$273,850	\$80,350	Completed	01/11/2022	31/12/2022	Completed	Completed	Onsite works complete. Facility is open for community use.
Lee Road, Langhorne Creek	Lee Road, Langhorne Creek (21/22)	\$56,100	\$0	\$56,100	Underway	01/11/2022	30/06/2023	On Track	On Track	On track to be completed in the 22/23 Re-sheeting program.
Lighting Clayton Bay, Dark Skies outcomes	Lighting Clayton Bay - Dark Skies outcomes	\$50,000	\$35,313	\$14,687	Underway	13/03/2023	09/06/2023	On Track	On Track	Lights have been procured. Awaiting delivery. Revised date by SA Power Networks to carry out fifty eight 3000K LED luminaire upgrades in Clayton Bay has been updated to be in the first quarter of 2023 (anticipating March / April).
Liverpool Road (Design)	Liverpool Road near Riverside Cafe (Scope and Design) (21/22)	\$26,600	\$7,545	\$19,055	Completed	01/10/2023	01/06/2024	Completed	Completed	Detailed design completed. Project to be submitted for consideration in the 2023-2024 budget planning process.
Lot 10 Langhorne Creek	Lot 10 Langhorne Creek	\$100,000	\$0	\$100,000	Scoping		30/06/2023	On Track	Challenges	Work is progressing and next Steering Group meeting will be held early Jan 2023.
Major Plant Renewal	Major Plant Renewal (21/22) (22/23)	\$2,359,000	\$1,689,561	\$669,439	Underway	01/07/2022	30/06/2023	On Track	Challenges	Global supply chain constraints, Australian stock is limited, suppliers provide no defined delivery timeframes.
Major Projects Contingency	Major Projects Contingency	\$710,000	\$0	\$710,000	Scoping	31/01/2023	30/06/2023	On Track	On Track	Proposed to consider as part funding Goolwa Wharf Precinct
McHarg Creek Culvert	McHarg Creek Bridge had a section collapse and it was documented for upgrade.	\$183,400	\$216,458	-\$33,058	Underway	21/11/2022	25/02/2023	On Track	On Track	Commenced on Site - Works to be completed late February
Mechanical Assets	Renewal of CWMS Break/Fix Mechanical Assets network wide. Pro-active budget provides for risk mitigation management of critical assets across the region.	\$112,000	\$86,172	\$25,828	Underway	01/07/2022	30/06/2023	On Track	On Track	On schedule and within budget but is tracking high for this stage of the year.
Melville Street Stormwater	Melville Street Stormwater	\$70,000	\$8,817	\$61,183	Scoping	01/03/2023	30/06/2023	On Track	On Track	Concept plan reviewed/finalised. Road Surveyed. Detailed design being drawn up.
Middleton Pedestrian Crossings	Three new pedestrian crossings	\$283,200	\$19,100	\$264,100	Underway	01/08/2022	01/12/2022	On Track	On Track	Design has been approved and waiting on confirmation of funding from DIT expected Jan 2023.
Middleton Pioneer Hall	Renewal/Upgrade works at Middleton Pioneer Hall	\$116,000	\$87,809	\$28,191	Completed	04/09/2022	31/10/2022	Completed	Completed	Project complete
Milang Foreshore Playground Renewal	Replacement of playground equipment at the Milang Foreshore	\$85,000	\$81,278	\$3,722	Underway	01/02/2023	28/02/2023	On Track	Challenges	Project has been temporarily placed on hold until the impact of the forecasted flooding is known. Installation to be programmed following receding of the lakes water levels.
Milang Institute	Renewal /Upgrade works at Milang Institute	\$197,400	\$28,292	\$169,108	Completed	03/09/2022	31/10/2022	Completed	Completed	Project complete
Milang Irrigation & Storage	Strategic design of increased recycled water storage at Milang WWTP.	\$30,000	\$0	\$30,000	Scoping	01/02/2023	30/06/2023	On Track	On Track	Design scheduled for 2023 with delivery of on-ground works in FY23/24.
Milnes Road & South Tce Intersection	Intersection upgrade of Milnes Road & South Tce to facilitate safer traffic movements. Scope and design only.	\$30,000	\$0	\$30,000	Scoping	01/07/2023	30/06/2024	On Track	On Track	In consultation with DIT & Council, project is on hold and project funds reviewed
Minor Depot Plant Renewal	Minor Depot Plant Renewal	\$25,000	\$0	\$25,000	Underway	01/07/2022	30/06/2023	On Track	On Track	Consolidating minor plant list due for renewal.
Mount Compass - Irrigation Expansion	Mount Compass - Irrigation Expansion Design allocation for scoping a potential solution for the sustainable use of treated wastewater at Mount Compass.	\$25,000	\$24,763	\$237	Completed	01/07/2022	01/12/2022	Completed	Completed	Engineering design complete.
Mount Compass Compliance and Network	Delivery of strategic and sustainable CWMS irrigation management outcome for the Mount Compass scheme. This is a highly complex project, from a design and stakeholder perspective.	\$700,000	\$0	\$700,000	Underway	01/03/2023	30/06/2023	Challenges	Challenges	Survey complete, preliminary engineering design completed in September 2022. Recycled water end-user identified, engagement with Dept. Health, EPA and other Authorities ongoing.
Mount Compass Playground	Provide additional playground equipment at the Mt Compass Recreation Park with items more specific for younger age groups.	\$15,200	\$17,736	-\$2,536	Completed	27/06/2022	30/09/2022	Completed	Completed	Project complete

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Mt Compass Rec Park Toilet Upgrade	Mount Compass Recreation Park Public Toilet upgrade (Scope and Design)	\$25,000	\$0	\$25,000	Underway	01/01/2023	30/06/2023	On Track	On Track	Project brief complete. Construction cost estimates have been undertaken to determine if actual costs are consistent with allocated budget. Currently under financial review.
Mt Compass Recreation Park Car Park	Mount Compass Recreation Park - Car Park at Haywood Ct (Scope, Design and Construct)	\$50,000	\$0	\$50,000	Scoping	01/10/2022	01/06/2023	On Track	On Track	Second version of parking (90 Degrees) being designed as requested by Cl Cooman's. Design includes alignment with New Toilet facility and Access parking/mobility connectivity.
Murray Place - Renew Grated Inlet Pit	Murray Place - Renew Grated Inlet Pit	\$15,000	\$0	\$15,000	Scoping	01/02/2023	01/06/2024	On Track	On Track	Scheduled to commence in new year.
Murray Place Path Port Elliot	Murray Place Footpath - Path behind Port Elliot Surf Life Saving Club	\$22,739	\$8,900	\$13,839	Underway	05/12/2022	22/12/2022	On Track	On Track	subcontractors engaged and scheduled in for works - February 2023
Nangkita Road - Renewal	Nangkita Road - Renewal	\$900,000	\$4,830	\$895,170	Underway			On Track	On Track	Tender responses due end of January
Nangkita Road (Black Spot Funding)	Upgrade to Nangkita Road to improve safety (Black Spot Funding). Shoulder widening/minor realignment on curves, improved guard railing, drainage works, reshaping of batter, new signage, vegetation removal & possible stobie pole relocation.	\$717,000	\$593,225	\$123,775	Underway	01/08/2022	28/02/2023	On Track	On Track	Works agreement has been executed. Construction of lane and shoulder widening has commenced.
Nine Mile Road (Black Spot Funding)	Safety works fully funded by the Black Spot Program - guard rail, sealing, line marking.	\$469,700	\$20,810	\$448,890	Underway	01/04/2023	30/06/2023	On Track	On Track	Detailed design and planning underway - tender set due mid-January 2023
Old Clayton Bay Boat Ramp & Retaining	The existing retaining wall on the water bank is in poor condition and scope was developed to renew this and provide a solar powered shelter with USB charging station attached to enhance the area for users. Tender is due 27/5 for review	\$97,500	\$90,397	\$7,103	Completed	08/08/2022	28/10/2022	Completed	Completed	Project Complete
Open Space Master Plan Outcomes	Open Space Master Plan Outcomes (21/22) (22/23)	\$66,800	\$4,935	\$61,865	Scoping	01/03/2023	30/06/2023	On Track	On Track	Partial renewal of the Middleton stairs is complete \$25,000. Engineering report being completed for the replacement of the Middleton point stairs in January 2023. Other works being scoped include installation of seats at Birchall Reserve.
Outcomes Building Audits	Outcomes Building Audits	\$110,000	\$16,400	\$93,600	Underway	01/10/2022	30/06/2023	On Track	On Track	Replaced Auto doors at Goolwa Sports Stadium. Further works currently being scoped for inclusion and prioritisation.
Outcomes Carbon Neutral Plan	Outcomes Carbon Neutral Plan	\$100,000	\$0	\$100,000	Scoping	01/02/2023	01/07/2023	On Track	On Track	LED lighting scoping within the Council region is progressing. Modelling a number of scenarios for presenting to exec and elected body. Inclusion of decorative or environmentally sensitive LED lighting will affect cost. Currently finalising details for project to be presented to February 2023 Council Meeting.
Outcomes Coastal Adaptation Plan	Outcomes Coastal Adaptation Plan	\$150,000	\$150,000	\$0	Underway	01/11/2023	30/04/2024	On Track	On Track	Wavelength Consulting are undertaking the work Jan - Dec 2023.
Parker Avenue Lighting	Parker Avenue Lighting (21/22).	\$23,600	\$19,375	\$4,225	Completed	01/11/2022	01/12/2022	Completed	Completed	All works to complete the Parker Avenue street lighting upgrade project have now been finalised.
Peters Tce (Design)	Peters Tce (Scope and Design)	\$70,000	\$0	\$70,000	Scoping	01/07/2023	01/06/2024	On Track	On Track	Detailed scoping and consultants brief being developed.
Port Elliot Institute & Library	Renewal/Upgrade works at Pt Elliot Institute including installation of air conditioning system	\$221,500	\$91,933	\$129,567	Underway	09/01/2023	31/03/2023	On Track	On Track	Development approval granted. Onsite works commencing early January 2023
Port Elliot Oval Change Rm Asbestos Rem	Port Elliot Oval Change Room - Asbestos removal additional budget	\$42,436	\$760	\$41,676	Scoping			Deferred	Deferred	Asbestos audit being undertaken in December 2022. Works to be scoped following audit results being received to determine project requirements.
Port Elliot RSL (Guide Hall)	Renewal/Upgrade works at Pt Elliot RSL Hall	\$218,800	\$59,828	\$158,972	Underway	13/02/2023	31/03/2023	On Track	On Track	Development approval has been granted. Works estimated to commence mid-February 2023 and be complete late March 2023
Public Toilet Masterplan	Public Toilet Masterplan (21/22)	\$0	\$8,000	-\$8,000	Scoping	01/04/2023	30/06/2023	On Track	Challenges	Designs for the redirection of wastewater to the SA Water connection for the Chiton Rocks public toilet due to failure of the existing septic pit, designs expected to be complete in January 2023 with works to be undertaken March/April. Strategic plan under development and planned to be presented to the new council in 2023.
Randell Road Widening (Design) (LRCI)	Shoulder widening and reseal from Torlano Drive to Monument Rd	\$322,800	\$42,867	\$279,933	Underway	20/02/2023	26/05/2023	On Track	On Track	Tender evaluation and award at end of January 2023

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Regional Pump Station Valve Pit	Strategic roll-out of enhanced valve pit configuration at all pump stations; district wide. New valve pits to house flow-meter & data capture equipment. This represents the FY22/23 component of a multi-year commitment.	\$450,000	\$0	\$450,000	Scoping	01/02/2023	30/06/2023	On Track	Challenges	Strategic project, likely to span financial years. Likely to be carryovers for this financial year.
Regional Signage Program	Regional Signage program for Entrance/Gateway and Informational	\$50,000	\$2,279	\$47,721	Underway	01/02/2023	30/06/2023	On Track	On Track	Consultation with the Ngarrindjeri Aboriginal Corporation (NAC) completed and draft artwork now produced and approved with Welcome to Country graphics. DA has been lodged for two entry signs, with the remaining 11 signs able to be constructed as replacements. Currently seeking quotes for the production and installation.
Riverside Drive Fuel Tank Removal	Riverside Drive Fuel Tank Removal	\$30,000	\$45,845	-\$15,845	Completed			Completed	Completed	Works completed and path re-instatement is being organised by field services.
Road-Seal Program - deferred works	Asphalt seal and spray seal under same budget - Asphalt road seal contract has been awarded to one contract to carry out a list of some 36 identified section works under 4 work type headings	\$775,000	\$1,601,537	-\$826,537	Underway	01/11/2022	28/04/2023	On Track	On Track	Detailed schedule being prepared - patching works commenced - some works on hold, awaiting result of rising river waters - bulk of program to be done in March 2023
Schoefields Fire Track, Strathalbyn	Schoefields Fire Track, Strathalbyn (21/22)	\$25,900	\$2,169	\$23,731	Underway	01/11/2022	30/12/2022	On Track	On Track	Will be completed in the 22/23 Re-Sheeting program
Sealed Road Renewal Program	Asphalt seal and spray seal under same budget-Spray seal contract has been awarded and comprises of a list of 46 identified road sections requiring different treatments.	\$2,169,618	\$1,126,034	\$1,043,584	Underway	01/10/2022	30/03/2023	On Track	On Track	The contractor has committed to carry out 2 years of works in one and this has been approved - Contractors finalising pre-works and contract works scheduled from Nov - March
Sealing of Wolf Avenue, Strathalbyn	Sealing of Wolf Avenue, Strathalbyn	\$25,000	\$0	\$25,000	Underway	01/02/2023	30/06/2023	On Track	On Track	Request for pricing due mid-January for assessment and award
Shade cover over playgrounds program	Shade cover over playgrounds program - Strathalbyn, Milang	\$105,000	\$48,731	\$56,269	Underway	20/10/2022	30/01/2023	On Track	On Track	DA Received - procurement of materials and fabrication have commenced. Anticipate February installation
Shared Path - Sand Mine Road	Shared Path - Sand Mine Road	\$70,000	\$0	\$70,000	Underway	01/10/2022	01/06/2023	On Track	On Track	Scheduled for 2023 completion.
Shepherd Avenue - Renew Soakage Pits	Shepherd Avenue - Renew Soakage Pits	\$15,000	\$0	\$15,000	Scoping	01/02/2023	30/06/2023	On Track	On Track	Works scheduled for new year
Sidney Parade	Sidney Parade	\$70,000	\$0	\$70,000	Scoping	08/02/2023	30/06/2023	On Track	On Track	request for pricing due mid-January
Signal Point Building Fitout	Internal and external improvements to signal point building and better integration with the precinct. Solar panels & canopy to rear of building.	\$824,000	\$667,575	\$156,425	Underway	01/09/2022	30/05/2023	On Track	Challenges	Hard copy content review completed and final content nearing approval stage. Exhibition production to commence early next year. Uncertainty regarding the Signal Point building roofing contract is providing a challenge in terms of the completion date. However, contingencies are being worked through to ensure a soft opening can occur on schedule.
Soldiers Memorial Gardens - Sound Shell	Soldiers Memorial Gardens - Sound Shell (Scope and Design)	\$15,000	\$0	\$15,000	Scoping	01/10/2023	01/06/2024	On Track	On Track	Design Only - Scope being prepared to engage consultant to complete final designs by March/April 2023.
South Terrace - Southern side (Design)	South Terrace pedestrian crossing installation as briefed by Cl Maidment and Keily. Design and DIT approval 22/23. Construct 23/24.	\$40,000	\$960	\$39,040	Scoping	15/08/2023	31/05/2024	On Track	On Track	Pedestrian Crossing on South Tce. TIS prepared and concept approval from DIT. Pedestrian count and further DIT information being collated, along with detailed drawing.
Stormwater Pump Stations SCADA Interface	Implementation of SCADA for a portion of stormwater pumping systems. Installation of remote monitoring & alarming systems across stormwater pumping infrastructure.	\$160,000	\$0	\$160,000	Underway	01/02/2023	30/06/2023	On Track	On Track	Project scoping complete. Wastewater SCADA to be completed prior to implementation. Initial programming and circuit designs have commenced. The site works will commence in March 2023.
Stormwater Renewal program (21/22)	Stormwater Renewal program (21/22) Milne Rd, Strath - \$80K; 33 Pt Elliot Rd, Goolwa - \$30K; 85 Barrage Rd Goolwa - \$80K; Handby Rd, Pt Elliot - \$40K	\$139,600	\$32,215	\$107,385	Underway	01/10/2022	30/06/2023	On Track	On Track	Stormwater projects currently out to tender - evaluation and award end of January 2023
Strath Old Corp Building Toilet/Kitchen	A recent air conditioning upgrade identified asbestos in the building that requires removal to complete the works.	\$75,000	\$81,031	-\$6,031	Completed	22/07/2022	30/09/2022	On Track	On Track	Principle works completed, design for toilet underway
Strathalbyn - Commercial Rd Bridge(LRCI)	Commercial Road bridge requires concrete wing wall repairs and retaining on embankment and it was documented for remediation	\$310,500	\$126	\$310,374	Underway	10/01/2023	30/06/2023	Challenges	Challenges	Tender awarded to contractor. Project scheduled for commencement 10 January 2023 to estimated completion April 2023.
Strathalbyn Dog Park	Strathalbyn Dog Park (21/22) (22/23)	\$287,600	\$0	\$287,600	Deferred	30/11/2023	31/05/2024	Deferred	Deferred	The project requires further engagement with EMs to confirm scope. The Grant application will be amended based upon the feedback and prior to resubmission.

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Council Report



Project Title	Project Description	Current Budget 2022/23	Actuals & Commitments	Remaining Budget	Project Status	Construction Start	Construction Finish	Budget Status	Schedule Status	Monthly Status Comments
Strathalbyn Streetscape & Town Hall	Stages 3,4,5,7 and 8. High Street, Dawson Street Precinct, Swale Street Link, Town Centre Parking and Town Hall upgrade	\$6,619,900	\$4,721,168	\$1,898,732	Underway	01/07/2022	01/11/2023	On Track	On Track	Stage 3 High St is nearing completion, the last intersection with Swale St is partially complete. Due to not closing the intersection the completion has been delayed and additional road works are required to make good for the Christmas/New Years period. The road pavers will not be laid and the contractor will have to revisit site in late Jan/early Feb, the intersection will have to be closed for this to occur. Stage 5 Sunter St/Swale St intersection is half way through. Stormwater, kerbing, and prep work for all hard treatments is complete. Footpath paving is partially complete. Stage 7 Parker Ave carpark will commence Jan 9 with bulk earthworks, underground services, and rubble base scheduled for completion before return to Stage 3 works and then onto Stage 4. Stage 8 Town Hall Refurbishment design is complete with construction tenders under review.
Strathalbyn Wastewater Treatment Plant	Strathalbyn Wastewater Treatment Plant Automation & Electrical Upgrades. Final stage of the expansion works at the wastewater treatment plant.	\$335,200	\$9,420	\$325,780	Underway	01/12/2022	30/06/2023	On Track	Challenges	Electrical and Automation upgrades are currently deferred until the completion of the SCADA project. Work commencing this month but will roll into FY23/24.
Sugars Beach	Tourism and educational experience, including boardwalks, viewing platforms, cultural, tourist hub, toilets, formalised car park, nature play space, BBQ and picnic facilities.	\$1,342,800	\$1,600	\$1,341,200	Scoping		30/06/2023	On Track	On Track	Report summarising the consultation submissions was presented to the October Council meeting. Council has since been advised that BBRF6 has been discontinued. A report will be presented to Council in December recommending a revised scope consistent with the public consultation outcomes. This year's budget for this project will be returned to Council and the revised scope will be included in the budget considerations for 2023/24.
Sunter Street Bridge Repainting (LRC)	Repainting of the bridge including remediation works	\$251,840	\$636	\$251,204	Completed	04/11/2022	10/12/2022	Completed	Completed	Works completed
Supervisory Control and Data Acquisition	Supervisory Control and Data Acquisition (SCADA) Program (20/21) (21/22) (22/23) The deployment of contemporary remote monitoring systems across all regional wastewater assets. Renewal of obsolescent communication technology.	\$331,900	\$294,052	\$37,848	Underway	01/07/2022	30/06/2023	On Track	On Track	This multi-year project is coming to the final stages of the rollout. 76 sites across 5 townships are on-line and remotely managed. Only 3 specialised sites remain to be integrated into the system. Remote pump control for all pump stations is being tested this month (Dec). Due to be finalised early 2023.
Tarella Street, Milang Stormwater	Drainage infrastructure project to improve stormwater management run off within the Milang Bay Estate	\$480,600	\$75	\$480,525	Underway	01/04/2023	31/05/2023	On Track	On Track	Tender process for the onsite works has now closed with all pricing received above the allocated budget. Project has been temporarily placed on hold so a cost review can be undertaken to provide a solution moving forward. Onsite works are planned to commence early to mid 2023 dependant on financial review timeframes.
Terry Way - Kerb	Terry Way - Kerb (21/22)	\$20,000	\$0	\$20,000	Underway	01/11/2022	30/06/2023	On Track	On Track	Tender awarded - works scheduled for February 2023
Thornbury Park Stormwater Upgrade	Thornbury Park Stormwater Upgrade - (Scope and Design)	\$40,000	\$0	\$40,000	Scoping	01/09/2023	01/06/2024	On Track	On Track	Detailed scoping and consultants brief being developed.
Thring Lane & Waterport Rd S/Water 21/22	Thring Lane & Waterport Road Stormwater (21/22)	\$60,000	\$0	\$60,000	Underway	01/10/2022	01/06/2023	On Track	On Track	Currently out for tender, evaluation and award end of January 2023
Unsealed Road Renewal/Resheeting Program	Renewal/Re-sheeting of unsealed roads as part of the Renewal Program.	\$1,655,640	\$996,594	\$659,046	Underway	01/07/2022	30/06/2023	On Track	On Track	Preliminary Works commenced (tree trimming and side drain clearing). Carry forward re-sheeting roads include: Barker, Finnis Park and Randell Roads. Remaining Rip and Reform roads include: Braeside, Braewood, Hunts, Myrtle Grove, Nyoka, Woodgate Hill Roads and Schofields Fire Track. Carry-forward works to be prioritised. Re-Sheeting works commenced from September 2022. Completed re-sheeting works (to 8/11): Randell, Barker, Jaensch, Kessell, Glenford Gully and Finnis Park Roads. Next priority sites include: Peppermint Tree Lane and Myrtle Grove Rd.
Upgrade Shower Facilities - Commodore Res	Upgrade Shower Facilities - Commodore Reserve	\$90,000	\$0	\$90,000	Underway	01/03/2023	30/06/2023	On Track	On Track	Request for tender has been issued closing 3rd February 2023.
Victor Harbor Rd Mt Compass safety/path	Installation of bump stops and line marking in front of main street shops and provision of kerb and line marking for bus stop.	\$50,000	\$0	\$50,000	Underway	01/05/2023	31/05/2023	On Track	On Track	Engineer has been engaged for design. Onsite works estimated for April/May 2023.

## Projects Update - December 2022

Council Report



Project Title	Project Description	Current Budget 2022/23	Actuals & Commitments	Remaining Budget	Project Status	Construction Start	Construction Finish	Budget Status	Schedule Status	Monthly Status Comments
Washington St Pump Station	Washington St Pump Station (21/22) Renewal of the Pump Station electrical control cabinet.	\$7,800	\$2,751	\$5,050	Completed	01/07/2022	02/01/2023	Completed	Completed	Works completed. Asset form to be completed.
Watercourse and Coastal Adaptation	Stormwater infrastructure upgrade at Chapman Rd and Surf St and erosion control at Skye Av carpark	\$110,400	\$21,700	\$88,700	Underway	01/04/2023	31/05/2023	On Track	On Track	Engineering design is complete with Request for Tender for construction works released and due to close on 25 January 2023.
Waterport Heritage Reserve	Waterport Heritage Reserve (Scope and Design)	\$40,000	\$0	\$40,000	Scoping	01/09/2023	01/06/2024	On Track	On Track	Detailed scoping and consultants brief being developed. Combined with the streetscape design project.
Wickham Hill Road Bridge (21/22) (22/23)	Wickham Hill Road Bridge (21/22) (22/23)	\$327,000	\$0	\$327,000	Scoping	01/06/2023	01/06/2024	On Track	Challenges	Developing Tender Docs. Grant funding awarded with timing for late 23 construction start.
Willyaroo - Willyaroo Rd Bridge (LRCI)	Willyaroo road bridge has deterioration and exposed reinforcement and it was documented for concrete spalling remediation and barrier replacement	\$170,000	\$8,476	\$161,524	Deferred		30/06/2023	Deferred	Deferred	Consolidated funds to Commercial rd. Strathalbyn. Project on HOLD for future funding
Woodchester - Dalveen Rd Bridge (LRCI)	Dalveen road Bridge Woodchester has deterioration and it was documented for remediation and barrier installation	\$0	\$63	-\$63	Deferred		30/06/2023	Deferred	Deferred	Consolidated funds to Commercial Rd. Strathalbyn. Project on HOLD seeking future funding in consultation with the Assets Team

<b>\$53,343,251</b>	<b>\$23,873,655</b>	<b>\$29,469,596</b>
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## 9. Council Member Reports

### 9.1. Mayor's Report

Responsible Officer: Nigel Morris (Chief Executive Officer)

#### Recommendation

**That the Presiding Member's Report for December 2022 be received.**

#### Purpose

To receive the report from the Presiding Member on meetings and functions attended for the month of December 2022.

December	Event
1	Meeting with constituents, Finniss
1	Walk through review of Signal Point Experience Centre, Goolwa
2	Radio Interview   Happy FM
2	Invited guest of the Hon. Peter Malinauskas MP, Premier of South Australia at the VALO Adelaide 500 South Australia Suite, Adelaide
2	Cittaslow end of year function
3	Exhibition Opening - South Coast Regional Arts Centre
5	Council Member induction workshop - Legal Responsibilities Module
6	Goolwa RSL Committee meeting
7	Victor Harbor High School Student Award Presentations
7	Australia Day Awards Committee meeting
8	Walk through of Goolwa Aquatic Club
9	Southern & Hills Local Government Association meeting, hosted by Alexandrina Council
10	Council Member induction workshop - Behaviour Module
12	Australian Coastal Councils Association meeting, via electronic means
12	Council Information session
13	Coorong Partnership meeting, via electronic means
14	Meeting with Chief Executive Officer, General Manager Infrastructure and Manager Projects and Design
14	Meeting with representatives of Fleurieu Sun
14	SA Wooden Boat Festival - End of Year networking event
16	On site meeting with General Manager Infrastructure, Tooperang
16	Meeting with Cr Maidment, Strathalbyn



<b>December</b>	<b>Event</b>
16	Provided Opening Speech - Christmas Where the Angas Flows event, Strathalbyn
19	Meeting with Nat Cook MP, Minister for Human Services at City of Victor Harbor
19	Council Meeting
20	Meeting regarding Goolwa Wharf Precinct
20	Meeting with Chief Executive Officer, General Manager Infrastructure and Manager Field Services
21	Verbally contacted successful Australia Day Award recipients
23	Radio Interviews   Fleurieu FM and Happy FM

## 9.2. Council Member Activity Report - Cr Margaret Gardner

Responsible Officer: Nigel Morris (Chief Executive Officer)

### Recommendation

**That the Council Member's Activity Report from Cr Margaret Gardner be received.**

### Purpose

To receive the report from Cr Margaret Gardner on meetings and functions attended for the months of November and December 2022.

<b>November</b>	<b>Event</b>
3	Hindmarsh Island Landcare Queen's Jubilee Tree Project
6	Volunteer at South Coast Regional Art Gallery
7	Special Council meeting
10	Heritage Advisory Committee meeting
12	Invited guest at Port Elliot Show luncheon
13	Day of Middleton Flood clean up
16	Clayton Bay Community Association Calendar launch
17	Fleurieu Region Aquatic Centre Authority Board meeting
20	Volunteer at South Coast Regional Art Gallery
24	Alexandrina Council - luncheon for Volunteers, Chiton
26	Council Member induction workshop - Civic Responsibilities
28	Council meeting
<b>December</b>	
1	Signal Point Experience Centre workshop
3	Visit to residents home regarding flooding on Hindmarsh Island
4	Meeting with Cr Livingston
4	Visit to residents home regarding high grass, Finniss
9	Meeting with resident regarding Asbestos
10	Council member induction workshop - Behaviour Module
13	Meeting with constituent regarding future development
14	SA Wooden Boat Festival Networking event, Alexandrina Cove Lifestyle Village
15	Goolwa Aquatic Club walkthrough with CEO and Mayor
16	Fleurieu Regional Aquatic Centre Authority Board meeting

<b>November</b>	<b>Event</b>
18	Volunteer at South Coast Regional Art Gallery
19	Council meeting
20	Invited guest at Goolwa Rotary Christmas Dinner

## 10. Confidential Items

### 10.1. (Confidential) Appointment of Three Independent Members to the AHRWMA Audit and Risk Committee

#### Confidentiality Clause

#### Recommendation

Pursuant to section 90(2) of the *Local Government Act 1999*, the Council orders that all members of the public be excluded, with the exception of the Chief Executive Officer, General Manager Infrastructure, Acting General Manager Growth, Acting General Manager Resources, Manager Communications and Business Services, Communications Advisor and Executive Assistant to the Mayor and Elected Members on the basis that it will receive and consider Item 10.1 (Confidential) Appointment of Three Independent Members to the AHRWMA Audit and Risk Committee.

The Council is satisfied, pursuant to section 90(3)(a) of the Act, that the information to be received, discussed or considered in relation to this Agenda Item is information that would disclose the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).

(The reason for going into confidence is that Council will be considering the personal affairs of applicants to the positions)

#### Confidentiality Clause to retain (if required)

#### Recommendation

1. That having considered Agenda Item 10.1 (Confidential) Appointment of Three Independent Members to the AHRWMA Audit and Risk Committee in confidence under section 90(2) and (3)(a) of the *Local Government Act 1999* the Council, pursuant to section 91(7) of the *Local Government Act 1999*, orders that the minutes, report and attachments and audio recording relative to the Agenda Item 10.1 (Confidential) Appointment of Three Members to the AHRWMA Audit and Risk Committee be retained in confidence until further order.
2. That pursuant to section 91(9)(c) of the *Local Government Act 1999* the Council delegates to the Chief Executive Officer the power to revoke, in whole or in part, the order made in paragraph 1 of this resolution.

## 11. Closure