



NOTICE OF COUNCIL MEETING

TO: Mayor Karen Redman
Councillors Cr Cody Davies
Cr Diane Fraser
Cr Kelvin Goldstone
Cr David Hughes
Cr Paul Koch
Cr Paul Little
Cr Brian Sambell
Cr Nathan Shanks
Cr Ian Tooley
Cr Jim Vallelonga

NOTICE is hereby given pursuant to the provisions of Section 83(1) of the Local Government Act 1999, that the next Ordinary Meeting of the **Council** for the **Town of Gawler** will be held in the Council Chambers, Gawler Civic Centre, 89-91 Murray St, Gawler SA 5118, on **Tuesday 25 February 2020**, commencing at 7:00pm.

A copy of the Agenda for the above meeting is supplied as prescribed by Section 83(3) of the said Act.

A handwritten signature in black ink, appearing to read "Henry Inat".

Henry Inat
Chief Executive Officer
20 February 2020

Order Of Business

1	Statement of Acknowledgement.....	4
2	Attendance Record	4
3	Public Open Forum.....	4
4	Deputations.....	4
	Nil	
5	Declarations of Interest	4
6	Adjourned Items	4
	Nil	
7	Petitions	4
	Nil	
8	Confirmation of Minutes.....	4
9	Business Arising from Minutes	4
10	Business Arising from Minutes	4
	Nil	
11	Council Member Reports.....	4
	Nil	
12	Officer Reports.....	5
12.1	Gawler Rail Electrification Project Update	5
12.2	2019/20 2nd Quarter Budget Review	12
12.3	Hillier Fire Update	16
12.4	Council Boundary Change Proposal - Boundaries Commission Response	29
12.5	Gawler Business Development Group Quarterly Report.....	44
12.6	Planning and Design Code - Phase 3 Public Consultation - Council Submission	48
12.7	Town of Gawler Community Plan 2030+	94
12.8	Grievance Procedure	99
12.9	Heritage Area Statements Review and Submission	103
12.10	Australian Local Government Association - General Assembly	107
12.11	Revocation of Confidential Orders.....	112
13	Recommendations from Committees.....	117
13.1	Recommendations from Gawler Youth Advisory Committee Meeting held on 3 February 2020.....	117
13.2	Recommendations from Audit Committee Meeting held on 4 February 2020	118
13.3	Recommendations from Gawler Heritage Collection Committee Meeting held on 13 February 2020.....	120
13.4	Recommendations from Infrastructure & Environmental Services Committee Meeting held on 18 February 2020.....	122

14	External Bodies Reports	123
	Nil	
15	Questions on Notice	124
15.1	Cr Tooley - CEO Performance	124
16	Questions without Notice.....	126
17	Motions on Notice.....	127
17.1	Cr Ian Tooley - National Climate Emergency Summit Declaration.....	127
17.2	Cr Diane Fraser - Rotary Club of Gawler.....	128
17.3	Cr Paul Koch - Audit Committee Membership	129
18	Motions without Notice.....	130
19	Confidential Reports.....	131
19.1	Proposed Lease - Workskil Australia Ltd.....	131
19.2	Krieg Road Property Divestment	132
20	Close.....	133
21	Next Ordinary Meeting.....	133
	Tuesday 24 March 2020 commencing at 7:00pm.....	133

1 STATEMENT OF ACKNOWLEDGEMENT

We would like to acknowledge this land that we meet on today is the traditional lands for the Kurna people and that we respect their spiritual relationship with their country. We also acknowledge the Kurna people as the custodians of the greater Adelaide region and that their cultural and heritage beliefs are still as important to the living Kurna people today.

2 ATTENDANCE RECORD

- 2.1 Roll Call
- 2.2 Apologies
- 2.3 Motions to Grant Leave of Absence
- 2.4 Leave of Absence

- 2.5 Non-attendance

3 PUBLIC OPEN FORUM

(Limited to a total time of up to 20 minutes)

4 DEPUTATIONS

Nil

5 DECLARATIONS OF INTEREST**6 ADJOURNED ITEMS**

Nil

7 PETITIONS

Nil

8 CONFIRMATION OF MINUTES

Ordinary Council Meeting - 28 January 2020

9 BUSINESS ARISING FROM MINUTES**10 BUSINESS ARISING FROM MINUTES**

Nil

11 COUNCIL MEMBER REPORTS

Nil

12 OFFICER REPORTS

12.1 GAWLER RAIL ELECTRIFICATION PROJECT UPDATE

Record Number: CC20/57;IC20/65

Author(s): Tracie Hanson, Strategic Infrastructure Manager

Previous Motions: 22/10/2019 Council, 2019:10:COU387; 23/8/2019 Council, 2019:07:COU27

Attachments:

1. **GREP DPTI Communications - Gawler & King Street Bridge - Frequently Asked Questions** 
2. **Tonkin - Murray Street Traffic Review CR20/11211** 
3. **GREP King Street Bridge Community Engagement Summary Report** 

PRESENTATION

A member of DPTI Project Team will be present at the Council Meeting to answer any questions on the Gawler Rail Electrification Project.

OFFICER'S RECOMMENDATION

That Council notes:-

1. The Gawler Rail Electrification Project Update Report.
2. The 'King Street Bridge Community Engagement Summary Report' provided by Department of Planning, Transport and Infrastructure on the feedback received regarding the proposed removal of the King Street Bridge and replacement with a pedestrian bridge.
3. The Department of Planning, Transport and Infrastructure will proceed to remove the King Street Bridge as part of the Gawler Rail Electrification Project and consequently will be responsible to replace the road bridge with a pedestrian bridge and implement any associated local area traffic management that may be deemed to be required this includes a post implementation review within six months from the installation of the pedestrian bridge.
4. That the Department of Planning, Transport and Infrastructure is to hold a future Council Member Workshop, followed by community engagement, with respect to the design and aesthetics of the proposed pedestrian bridge and its integration on site as well as other relevant impacts identified as part of the Rail Electrification Project overall detailed design.
5. That information on the Rail Electrification Project will be presented to Council following further design being undertaken.

SUMMARY

The \$615m Gawler Rail Electrification Project (GREP), being delivered by the Department of Planning, Transport and Infrastructure (DPTI), includes the Electrification of the entire Gawler Line (including Dry Creek Railcar Depot) and the purchase of electric trains.

Works on the Gawler Line have been progressing since early 2018, with Lendlease as the Design and Construct Contractor, and have been recently focussed on;

- Site investigations;
- Progressing detailed designs;
- Community engagement.

This report provides an update on the status of GREP including the general project program, design, King Street Bridge, construction works, summary of community engagement activities and corresponding feedback and the Adelaide to Gawler Rail Corridor Uplift DPA.

BACKGROUND

Council last considered this project at its meeting held on 22 October 2019 and resolved as follows:

Resolution 2019:10:COU001

Moved: Cr N Shanks

Seconded: Cr J Vallelonga

That Council:-

1. *Notes the Gawler Rail Electrification Project Update Report.*
2. *Notes the supporting information provided by Department of Planning, Transport and Infrastructure including the proposed removal of the King Street Bridge and replacement with a pedestrian bridge.*
3. *Seek that the Department of Planning, Transport and Infrastructure undertake community engagement with respect to the proposed removal of the King Street Bridge, replacement with a pedestrian bridge and associated traffic management consequences.*
4. *Notes that the Ministerial Adelaide – Gawler Rail Corridor Uplift Development Plan Amendment is being progressed by the Department of Planning, Transport and Infrastructure and that Council Staff are analysing the likely consequential impacts of this proposed amendment on the local infrastructure network, heritage, open space and will report to Council on the analysis in due course.*
5. *Notes that further information on the Rail Electrification Project will be presented to Council following community engagement.*

An update report was also provided at the Council Meeting on 23 July 2019 and Council resolved as follows:

Resolution 2019:07:COU002

Moved: Cr J Vallelonga

Seconded: Cr K Goldstone

That Council:-

1. *Notes the Gawler Rail Electrification Project - Update Report.*
2. *Notes that further information on the impact of this project on the existing King Street Bridge, will be presented to a Council Meeting in the near future seeking in principle support for a preferred outcome.*
3. *Advise the Department of Planning Transport and Infrastructure that any subsequent decision of the Council on the future of the King Street Bridge, and any possible replacement option, will be subject to outcomes of subsequent community engagement to be undertaken by the Department of Planning Transport and Infrastructure.*
4. *An Council Member workshop be held at an appropriate time as more information comes available and that Members of the DPTI project team be invited to attend.*

COMMENTS/DISCUSSION

Program

Over recent years, the majority of works undertaken relative to the electrification of the Gawler Line have been focussed on the Adelaide to Salisbury section however since the second half of 2019, utility services, site investigation works and detailed design development have progressed in the Gawler section.

The relocation of utility services is now complete and site investigations are expected to be completed by mid 2020. The detailed design is also still progressing with the 70% design milestone expected to be reached in March 2020 at which time Council input will be requested by DPTI.

DPTI has recently, during November to December 2019, undertaken Community Engagement within Gawler on GREP in general and with a focus on the proposed removal of the King Street Bridge. Following the community engagement undertaken, DPTI has notified Council of DPTI's decision to remove the existing bridge and replace with a pedestrian bridge. Refer to comments below, under King Street Bridge, in this regard.

Additional community engagement is expected to be undertaken over the coming months on key matters relating to the design and aesthetics of the proposed new pedestrian bridge and its integration with the existing site conditions.

Major construction works in the rail corridor within Town of Gawler are expected to commence from the last quarter of 2020 and be completed in 2021.

Design

The electrification design has progressed from a nominal preliminary 30% design in late 2019, which Council staff has not seen, and is expected to reach the 70% milestone in approximately March 2020.

Council staff understand that once DPTI receives the 70% design from Lendlease, DPTI will meet with Council staff to review the design including any impacts on the existing vegetation and within Town of Gawler generally. Joint site walks with DPTI, Lendlease and Town of Gawler will then occur as an opportunity to provide input and comments. The outcomes from this process will form the basis of a future Council Report. An update on the 70% design will also form part of the next GREP related Council Member Workshop; earmarked for the design, aesthetics and integration into the surrounding area of the replacement pedestrian bridge. Refer to comments below, under King Street Bridge, in this regard.

DPTI has undertaken various investigations with respect to the King Street Bridge, separate from but with consideration of the electrification design, to help inform DPTI, Council and the community as to the viable option/s.

King Street Bridge

As mentioned, numerous investigatory reports in relation to the removal of the King Street Bridge were commissioned by DPTI, as referenced in the previous Council Report, dated 22 October 2019.

The key points/messages from these reports, within the Frequently Asked Questions Information Sheet recently distributed by DPTI to the community (refer to **Attachment 1**) and in discussions with DPTI include:

- DPTI has advised that *"to ensure all possibilities have been pursued, the department has undertaken a number of planning studies and technical investigations to fully understand the options and implications for the electrification of the Gawler rail line under the existing King Street Bridge. From this process it has been determined that electrification cannot occur with the existing King Street Bridge in place"*
- King Street Bridge, although of interest to many in the community, is not a listed State, Local or Contributory Heritage Item (as confirmed in the Gawler CT Development Plan)
- King Street Bridge is a DPTI Rail (structural) asset; as is located over a DPTI rail line (as per DPTI Plan 39421).
- Town of Gawler has a current maintenance interest in elements of the superstructure of the bridge; namely street lighting, road surfacing, kerbing and footpath, as this forms part of Council's road network.
- DPTI investigated five options in terms of the King Street Bridge, which can be perused in more detail in the GREP Update Council Report (and Attachments) from 22 October 2019. The options included; retaining the existing bridge, raising King Street and modifying the bridge, a new road bridge, bridge removal and closure of King Street at its location, and DPTI's preferred option of bridge removal and replacement with a pedestrian bridge at its location.

- The existing King Street Bridge is considered a physical constraint for the installation of overhead wiring as part of GREP whereby the levels of the overhead wiring are higher than the current bridge. The lowering of the rail line is not feasible due to the fixed levels of the nearby level crossings (and intersecting roads) and levels of the rail station. Reconstruction of these elements are considered out of scope by DPTI for GREP as would come at considerable cost (millions). Additionally, the existing structure does not comply to the latest design standards and the retaining walls are approximately 110 years old and reaching the end of their asset lives.
- Raising King Street and modifying the bridge is not recommended by DPTI due to the existing condition of the bridge and the fact the road would need to be raised by 400mm and as such would mean considerable site integration issues including alterations to existing infrastructure such as utility services, kerbing, drainage and also a need for new retaining walls.
- A new road bridge would have similar constraints to raising the existing bridge (ie. by 400mm increased height) including site integration issues or lowering of the track with considerable out of scope elements.
- Bridge removal and closure of King Street is deemed feasible by DPTI but not preferred due to the loss of pedestrian connectivity.
- Bridge removal and loss of road connectivity for vehicles but maintaining pedestrian and cycling connectivity is deemed the preferred option by DPTI. The volume of traffic using King Street Bridge is considered low and the majority of use of the King Street Bridge during peak times is “rat running” to avoid Murray Street. The redistribution of traffic as a consequence of the bridge being removed is expected to have little impact on delay times and queue lengths on the wider road network (refer below to additional information on this matter).
- Replacement of the King Street road bridge with a pedestrian bridge will minimise the impacts on the surrounding environment as the levels of a pedestrian bridge are lower than that of a replacement road bridge. The pedestrian link will ensure the pedestrian and cycling links are maintained and may encourage more activity.

Concerns were raised by Council Members and the community in relation to the perceived additional traffic on Murray Street. Council engaged a consultant to further consider the impacts on traffic on Murray Street (refer to **Attachment 2**). The summary of findings include:

- Opening of the Gawler East Link Road (GELR) should reduce traffic volumes along Murray Street of between 1500 and 3000 vehicles per day. Although the higher reductions will be realised most notably south of Calton Road there will be benefits realised more broadly along Murray Street too.
- Existing traffic on King Street is 1100 vehicles per day, some of which are local and most of which are “rat runners,” which is less than the abovementioned benefits derived from the opening of GELR.
- In time, Murray Street requires a separate traffic investigation, with respect to overall future management of, as outlined in the Draft Gawler Transport and Traffic Management Plan. ‘
- Opening of GELR to motorists should be a pre-requisite prior to the removal of the King Street Bridge; to minimise resultant impacts on Murray Street.

Additional queries were raised by Council Members and the community in relation to different technological options in an attempt to retain the King Street Bridge, however, DPTI has advised that these options are not viable for the following (extract of) reasons:

- Neutral lines – *“neutral sections of track are a “dead zone” and hence the train needs to travel under its own momentum which is not achievable given the proximity of the Gawler Central Station.”*
- Battery powered trains – *“this is a new technology and as such can have financial and operational risks and also would change the planned configuration of electric trains, which are lighter than the previous diesel trains, bringing key operational and maintenance benefits.”*

Following the completion of these investigations, DPTI prepared a Community and Stakeholder Engagement Strategy informing the community on the project and seeking feedback of DPTI's proposal to remove the King Street Bridge and replace with a pedestrian bridge. DPTI sent out letters, to a catchment of around 1000 residents in the vicinity of the rail line (including King Street residents), and placed advertisements in The Bunyip and notices on Facebook advising of the GREP Information Drop In Sessions. A copy of Frequently Asked Questions information sheet relating to Gawler and King Street Bridge (refer to **Attachment 1**) was also included with the letter.

The GREP Information Drop In Sessions were held on Thursday 12 December, from 3pm until 7pm, and Saturday 14 December 2019, from 10am until 3pm, at the Gawler Central shopping complex. A summary of the feedback and enquiries received at these Drop In Sessions has been provided by DPTI (refer to **Attachment 3**).

A variety of topics were raised by the Community and are summarised below (extract of):

The overall sentiment expressed by the community was a general acceptance of the rationale for removal of the bridge. The majority of concerns raised related to future local traffic management and the design of the replacement pedestrian bridge. A number of people want to see the bridge design have consideration for heritage aesthetic and be sympathetic to the local environment and to include community input.

In view of the above DPTI has confirmed the removal of the King Street Bridge is to proceed as part of GREP and that:

- The design of the replacement pedestrian bridge will be progressed including community engagement with respect to the design and aesthetics and integration into the surrounding area. This will include a Council Member Workshop and then broader community engagement.
- DPTI to develop a strategy and implement local traffic management improvements in liaison with Council staff. Costs of these works will be borne by DPTI.
- DPTI to construct the pedestrian bridge as part of, and within the timeframe of, the GREP project. Costs of these works will be borne by DPTI.
- DPTI to review local traffic management improvements and the operation of the signalised intersections at Murray Street and Cowan Street and Murray Street and Lyndoch Road, within six (6) months from installation of the pedestrian bridge to ensure the effectiveness of such improvements and the impact on these sites respectively. At such time, if additional local traffic management improvements are deemed to be required, DPTI will implement accordingly. Costs of any additional works required will be borne by DPTI.
- DPTI to own the future pedestrian bridge structure which is typical for bridges over DPTI rail lines.
- Town of Gawler to maintain elements of the superstructure of the bridge; namely pavement/surfacing as this would form part of Council's pedestrian and cycling network.

Adelaide to Gawler Rail Corridor Uplift DPA

Analysis concerning the consequential impacts of uplift on local infrastructure are ongoing and anticipated to be finalised shortly. Details concerning progress on the Adelaide - Gawler Rail Corridor Development Plan Amendment are presently unclear due to the impending Planning and Design Code and the implications associated with this process. Further and detailed information will be presented to Council as information comes to hand.

Notwithstanding the above, as reported in the 22 October 2019 Council Report, in the context of traffic requirements from the proposed increased density in this area, the impacts of the removal of the King Street Bridge are seen as minor.

COMMUNICATION (INTERNAL TO COUNCIL)

Chief Executive Officer
 Manager Infrastructure and Engineering Services
 Team Leader Asset Planning
 Strategic Infrastructure Manager

A Council Workshop is proposed as mentioned above, prior to community engagement, with respect to the design of the replacement pedestrian bridge. At this Workshop it is also proposed to discuss the 70% detailed design and any impacts within Town of Gawler.

CONSULTATION (EXTERNAL TO COUNCIL)

The GREP Team developed a detailed Community and Stakeholder Engagement strategy in November 2019 with the main focus on the overall project and the proposal to remove the King Street Bridge.

Community engagement was undertaken by DPTI, as per outlined above with respect to King Street Bridge, including letters, social media, and drop in sessions.

Additional community engagement will be undertaken shortly with respect to the design of the proposed new pedestrian bridge.

Ongoing community engagement will continue to be undertaken by DPTI throughout the project and Town of Gawler will share relevant information on social media and our website as relevant.

POLICY IMPLICATIONS

Tree Management Policy
 Street Trees Removal Policy

RISK EVALUATION

Risk	
Identify	Mitigation
Community concerns around various matters on GREP	Ongoing communication, by DPTI, with key stakeholders throughout the project to manage expectations (letters, newsletters, social media etc). Community engagement by DPTI on key elements such as design of the proposed new pedestrian bridge. Town of Gawler to share relevant information on social media and website and to communicate any concerns raised with DPTI
Negative traffic impacts due to removal of King Street Bridge	DPTI, in liaison with Town of Gawler, to develop a strategy and implement local traffic management improvements. DPTI to review local traffic management arrangements six (6) months from date of completion of the pedestrian bridge and instigate, in consultation with Town of Gawler, any required improvements as required.

Aesthetically unpleasing bridge design	Liaison with Town of Gawler's Heritage Advisor Community engagement by DPTI on key elements such as design of the proposed new pedestrian bridge.
Opportunity	
Identify	Maximising the Opportunity
Enhanced walking and cycling links	Consider integration of the GREP works with Town of Gawler relevant management plans

STATUTORY REQUIREMENTS

Road Traffic Act 1961

Roads Opening and Closing Act 1991

Rail Safety National Law (South Australia) Act 2012

Local Government Act 1999

Development Act 1993

Development Regulations 2008

Planning, Development and Infrastructure Act 2016

FINANCIAL/BUDGET IMPLICATIONS

As indicated previously, the \$615m Gawler Rail Electrification Project is being funded by both Federal and State Governments.

Impacts to Council infrastructure and the community are being assessed as part of the project. Traffic interventions or other infrastructure interventions on land under the care and control of the Town of Gawler that are required to facilitate the installation of electrification infrastructure will be funded by the State / Federal Government project budget.

Separately, a Town of Gawler budget bid of \$100,000 has been developed for 2020/2021 with the aim that this cover secondary integration works between council assets and the GREP project which may entail enhanced connectivity of walking and cycling paths, minor traffic improvements and/or improved landscaping, in areas which fall outside of the GREP scope. Currently this budget bid falls "below the line" as the integration works cannot be scoped until the GREP detailed design is made available and reviewed by Council Staff accordingly.

COMMUNITY PLAN

Objective 1.3: Protect and promote Gawler's unique heritage

Objective 2.1: Physical and social infrastructure to service our growing population and economy

Objective 2.2: Growth to be sustainable and respectful of cultural and built heritage

Objective 2.3: The local environment to be respected

Objective 2.4: Manage growth through the real connection of people and places

Objective 2.5: Local economic activity to create local job opportunities and generate increased local wealth

Objective 4.3: Protect environmentally significant areas of native vegetation for present and future generations

Objective 5.4: Create a safe community environment

12.2 2019/20 2ND QUARTER BUDGET REVIEW

Record Number: CC19/319;IC19/865

Author(s): Tony Amato, Team Leader Finance

Previous Motions: Nil

Attachments: 1. **2019-2020 2nd Quarter Budget Review (as at December 2019)**
CR20/7367 

PRESENTATION

Mr Adam Faulkner, Chief Executive Officer of the Northern Adelaide Waste Management Authority (NAWMA) will be in attendance to answer any questions from Members relating to NAWMA's revised 2019/20 financial forecasts incorporated within this report

OFFICER'S RECOMMENDATION

That Council adopts the 2019/20 2nd Quarter Budget Review (as at 31 December 2019), which estimates a revised 2019/20 operating surplus of \$94,000.

SUMMARY

In accordance with Section 123 of the Local Government Act 1999 and the Local Government (Financial Management) Regulations 2011, this report comprises the second of three quarterly budget reviews for the 2019/2020 financial year.

The primary purpose of this report is to review the 2019/2020 budget in consideration of the current financial year actual performance. The underlying approach taken is consistent with the principles of the Budget Management Policy, which prescribes that any unfavourable budget variations should, in the first instance, be sourced from within the existing budget wherever possible.

This report is provided as **Attachment 1**.

BACKGROUND

Consideration of the second quarter budget review for 2019/20, in accordance with the provisions of the *Local Government Act 1999* and *Local Government (Financial Management) Regulations 2011* and Council's Budget Management Policy.

The 2019/20 2nd Quarter Budget Review (as at 31 December 2019) was tabled to the Audit Committee on 4 February 2020, at which the following resolution was adopted:

COMMITTEE RESOLUTION 2020:02:AC006

Moved: Cr P Little

Seconded: Mayor K Redman

That the Audit Committee recommends to Council that the 2019/20 2nd Quarter Budget Review (as at 31 December 2019) be adopted, which estimates a revised 2019/20 operating surplus of \$94,000.

COMMENTS/DISCUSSION

All budget variations have been processed by staff in accordance with the Budget Management Policy. **Appendix 2** within **Attachment 1** summarises the budget review variances as follows:

- **Section A** lists budget transfers approved by Managers/CEO in accordance with the policy thresholds (Nil transfers included – net total of \$0);

- **Section B** lists various operating and capital project funds brought forward from the 2018/19 budget to complete various projects in 2019/20 (Nil - net total of \$0);
- **Section C** lists budget variations previously approved by Council (net favourable total of \$40k); and
- **Section D** lists recommended budget variations requiring the authorisation of Council (net unfavourable total of \$120k).

The budget variations incorporated within this review provide for an estimated reduction in the estimated 2019/20 operating result of \$65k (from \$159k surplus to \$94k surplus), and a decrease of \$65k in *net* capital expenditure.

An overview of the budget variations included in this review is detailed below.

1. Summary of proposed key Budget variations

Operating Budget

A summary of the budget variations (*net* \$65k expenditure increase) included in this review is as follows:

- 1) \$40k increase in revenue due to receipt of an additional car parking developer contribution – Council resolution 2019:09:COU379;
- 2) \$160k decrease in open space developer contributions (deferred) and planning assessment fees – due to decreased residential / commercial activity;
- 3) \$67k decrease in equity share of operating result for Northern Adelaide Waste Management Authority (NAWMA) – based on the revised 2019/20 budget forecast recently received from NAWMA, which forecasts a \$337k deterioration in their estimated operating result. The deterioration in their estimated operating result is due to a marked reduction in the global commodities market (i.e. recyclable materials) and increased depreciation. Council's equity share of their revised forecast 2019/20 result has been accordingly adjusted (non-cash adjustment) (*Mr Adam Faulkner, the CEO of NAWMA, will be in attendance at the meeting*);
- 4) \$23k decrease in finance overdraft interest charges due to lower net borrowings from LGFA.
- 5) \$97k net decrease in employee costs, predominantly due to savings from vacant positions across the organisation.

This 2nd Quarter Budget Review has been finalised on the basis that the only proposed operating budget variation not funded from within the existing budget (i.e. from alternate offsetting budget variations) is effectively the \$67k non-cash adjustment relating to the revised forecast equity share in NAWMA.

Capital Expenditure / Revenue Budget

A summary of the budget variations (*net* \$65k expenditure increase) included in this review is as follows:

- a) \$339k increase in capital grants relating to the Barossa Trail Bike Track project. This amount is fully offset by a \$339k increase for related project expenditure;
- b) \$50k increase in capital grants relating to the State Bicycle Fund Adelaide Road Shared Use Path Extension. Related capital expenditure for this project was previously included in the adopted budget;
- c) \$25k transfer of capitalised staff salaries to the Operating budget.

A detailed analysis of proposed budget variations incorporated within this review is included in **Appendix 2** within **Attachment 1**.

COMMUNICATION (INTERNAL TO COUNCIL)

Audit Committee
 Executive Management Team
 Manager Finance & Corporate Services
 Financial Accountant

CONSULTATION (EXTERNAL TO COUNCIL)

Nil

POLICY IMPLICATIONS

Budget Management Policy
 Treasury Management Policy

RISK EVALUATION

The associated risk evaluation is summarised in the table below.

Risk	
Identification of Risk	Mitigation of Risk
Failure to comply with legislation and Council's policies and procedures.	Quarterly budget reviews are undertaken and are re-occurring actions within the annual audit work plan.
Failure to effectively manage Council's financial resources in the short, medium and/or long term has the potential to impair Council's financial sustainability and/or reputation.	The financial/budget implications of recommendations to Council and/or Committees are outlined in each report to these respective statutory bodies. In addition, the financial planning, budgetary process and quarterly budget reviews provide appropriate financial analysis for consideration by Council to ensure financial resources are effectively managed in the short, medium and long term to ensure financial sustainability.
Failure to comply with timelines specified in Section 9 of the Financial Management Regulations.	Budget reviews for 2019/20 have been scheduled for Council consideration to ensure compliance in accordance with the requirements of the Financial Management Regulations.
Opportunity	
Identification of Opportunity	Maximisation of Opportunity
Improve transparency and public accountability to our community.	Policies and procedures publicly document the Council's position on which it will base its decisions. They demonstrate the Council's commitment to sound financial management and establish transparency for audit purposes.
Appropriate analysis of both favourable and unfavourable actual to budget variances for recurrent and capital items.	Appropriate corrective action and recording is undertaken for cost over-runs and/or savings and revenue shortfalls and/or gains to maintain financial sustainability.

STATUTORY REQUIREMENTS

Local Government Act 1999 - Section 123 Annual business plans and budgets

Local Government (Financial Management) Regulations 2011 - Part 2 (9)

FINANCIAL/BUDGET IMPLICATIONS

The budget variations incorporated within this review provide for an estimated reduction in the estimated 2019/20 operating result of \$65k (from \$159k surplus to \$94k surplus), and a decrease of \$65k in *net* capital expenditure.

Financial Indicators

The key financial indicators (i.e. Operating Surplus Ratio, Net Financial Liabilities Ratio and the Asset Sustainability Ratio) have been impacted as per Table 1 below.

Table 1 – Financial Indicators 2019/20

Financial Indicators	2019/20 Adopted Budget	2019/20 1st Quarter Review	2019/20 2nd Quarter Review	Council Policy Target	Estimate within Policy Target
Operating Ratio	0.6%	0.5%	0.3%	0-10%	✓
Adjusted Operating Ratio	0.6%	0.4%	0.2%	0-10%	✓
Net Financial Liabilities Ratio	89.1%	82.4%	82.7%	0-100%	✓
Asset Sustainability Ratio *	100%	126%	126%	90-100%	☒

**The estimated ratio result exceeds the policy target primarily due to increased funding, including part completed projects carried forward from 2018/19, provided to renewal / replacement of infrastructure (i.e. Murray Street Stage 6 / Gawler Mill Bridge project, Walker Place Redevelopment, etc.).*

The 6.4% estimated reduction in the Net Financial Liabilities Ratio is predominantly due to the \$2.4m deferred payment due to the State Government on practical completion of the Gawler East Link Road, the payment of which will now occur in the 2020/21 financial year.

COMMUNITY PLAN

Objective 5.2: Be recognised as a 'best practice' Local Government organisation.

12.3 HILLIER FIRE UPDATE**Record Number:** CC20/57;IC20/68**Author(s):** Jack Darzanos, Team Leader Environmental Services**Previous Motions:** **RESOLUTION 2020:01:COU033 RESOLUTION 2018:08:323****Attachments:** 1. Hillier Fire CFS Map of the Fire Burnt Ground CR20/9221 

OFFICER'S RECOMMENDATION

That Council notes the Hillier Fire Update report.

SUMMARY

To provide an update report to Council on action undertaken by the administration in response to the Hillier fire which occurred on 20 December 2019.

The report will include information on the operational response provided by Council staff, the evacuation of the Hillier Park Residential Village and the implementation of the Emergency Relief Centre at the Gawler Sport and Community Centre.

The report will include an evaluation of the event, both as it relates to the emergency management plan and in general, with opportunities for training in readiness for the next similar event.

BACKGROUND

On 20 December 2019, Council's administration identified that a fire was burning on land abutting the Northern Expressway on the southern side and moving towards Hillier Road. The Metropolitan Fire Service and Country Fire Service both responded to tackling the blaze that was threatening homes and property through Buchfelde. The atmospheric conditions on 20 December 2019 were considered as being catastrophic with temperatures exceeding 45 degrees Celsius across the State.

At approximately 12:00pm Housing SA contacted Council and requested the use of the Gawler Sport and Community Centre as an Emergency Relief Centre. The Gawler Sport and Community Centre was activated as an Emergency Relief Centre at approximately 12:10pm with Housing SA staff arriving on site at approximately 1:30pm.

Council staff responded to the bushfire in a number of additional ways including providing traffic control support, proactively patrolling rural areas of Gawler to monitor conditions and helping transport an elderly resident to the Sport and Community Centre.

Resolution 2020:01:COU001

Moved: Cr D Hughes

Seconded: Cr N Shanks

Staff report to the next Council meeting on Council action at the Hillier Fire and evacuating a residential village with community resources to our evacuation centre. The report to include an evaluation of the event both as it relates to the emergency management plan and in general, with opportunities for training in readiness for the next similar event.

Resolution 2018:08:323

Moved: Cr D Hughes

Seconded: Cr K Fischer

That Council adopts the recommendation from the Infrastructure & Environmental Services Committee made at item 7.6 of the meeting of that Committee meeting held on 14 August 2018, being:

That the Infrastructure & Environmental Services Committee recommends that Council:

- 1. Approves the Local Emergency Risk Management Report, Implementation Plan and Community Emergency Management Plan and authorise the Chief Executive Officer to provide the documents to the Barossa Zone Emergency Management Committee and SA Fire and Emergency Services Commission in satisfaction of the funding deed submitted by the Barossa Council.*
- 2. Endorses the Town of Gawler's Emergency Incident Response flowchart and single point of contact when responding to external emergency responses.*
- 3. Supports the development and implementation of online community information sharing portals on Councils webpage outlining response protocols to emergencies.*
- 4. Supports the ongoing Business Continuity and Emergency Management Plan process and the Town of Gawler's i-Responda framework for the provision of Council resources to support emergency services*
- 5. Instruct the Chief Executive Officer to implement relevant activities in accordance with the implementation plan and seek opportunities for collaborative regional funding and approaches to implementation, so far as reasonably practicable and within available resourcing levels.*

COMMENTS/DISCUSSION

The following information is a summary from the different departments of Council involved in the response to the fire.

- a. Operations Depot
- b. Library and Community Services / Environmental Services
- c. Community Safety

Town Services - Operations

A copy of the Country Fire Service Map of the burnt area from this fire event showing impacted zone is contained in **Attachment 1**.

Town Services staff were asked by SAPOL to assist with traffic control to keep vehicles from entering the fire impact zone during the event. Staff were located at the intersection of Jack Cooper Drive and Hillier Road. Staff attended the area and provided SAPOL support initially, awaiting further SAPOL reinforcement which unfortunately this did not occur due to other operational emergency commitments across the State at the time of this event. Staff were providing traffic management support from 10 am till 8 pm. Staff located at this posting were rotated through the day from a cool environment (ie air-conditioned ute) at this post and provided adequate water.

The Town of Gawler's water cart and grader was requested by the Local Government Functional Support Group (LGFSG) to be located at the staging area filling point with the City of Playford's water cart during the event. The location of the water filling point was near Karbeethan Reserve on Hillier Road. Unfortunately the Council's grader was not available due to mechanical repairs being undertaken. Whilst the water cart attended, it was not utilised for the purpose of filling firefighting units during the event.

Graders from The Barossa and Light Regional Councils were sourced and instructed by the CFS to create a fire break on the southern side of the Gawler River to prevent further fire impacted between the river and a private property (being located on the Council's land). Council assisted by providing overnight storage of the graders at the Depot on Paxton Street. Council's grader will need to revisit the site to remove the fire break to allow the reserve to continue to be slashed in the future.

Operational Recovery

As a result of the Hillier fire, remnants from burnt trees and vegetation on the river bed of the Gawler River should be considered by Council to be removed to mitigate further risk of flooding downstream within the City of Playford. The risk of not removing the timber could cause major flooding by a log jam from the loose mass of damaged timber gathering in the river system. Council is responsible for undertaking the clean-up on the southern bank including the Gawler River bed. The northern bank is the responsibility of the land owner/s within the Light Regional Council (LRC) boundary. This will require further consultation with the Natural Resources Management (NRM), LRC, Local Government Association and the land owners on the northern side of the river.

Council staff contacted the NRM and a representative from the LRC to make an assessment of the burnt area in particular the Gawler River on Tuesday, 28 January 2020. On inspection it was very confronting to see the vast amount of damaged trees and vegetation caused by this fire.

An external specialist contractor along with Council staff attended the site on Thursday, 6 February 2020. The site visit sought to assess the area and provide a methodology for consideration towards the provision of an indicative quote to clean up the fire damage within the river.

Staff in attendance were the Manager Infrastructure and Engineering Services, Team Leader Town Services, Coordinator of Horticulture and the Horticulture Supervisor.

At this early stage it is estimated that the removal and clean-up of the fire affected area will be up to six (6) to ten (10) weeks duration with a very early estimated cost from \$250,000-\$350,000 excluding GST.

Options for consideration

- Remove and cut to size to burn on site (not a recommended option, EPA opposes this method)
- Investigating logistics to cut for sale
- Remove and mulch all timber and spread on site
- Remove cut to size to transport
- Opportunity to remove all the woody weeds within this burnt section

It is estimated that the clean-up will not be until April/May 2020 due to the Kangaroo Island and Cuddlee Creek fires extended clean ups underway.

Staff have been in contact with the Local Government Functional Service Group (LGFSG) to provide the impact on Council of this event, including the likely funds required for the recovery as well as the resources provided for the Hillier fire event. Staff are also seeking funding opportunities with support of the LGA for the removal of the timber from the river to mitigate and prevent further flooding impacts downstream. It is relevant to note that this type of recovery effort is not budgeted for in Council's Annual Budget.

Photos of the burnt trees now in the bottom of the Gawler River







Karbeethan Reserve has also been impacted by the fire with many trees burnt within the reserve and removed on the road verge. Some Council fencing has been damaged and staff have lodged an insurance claim for the replacement of fencing, tree removal and replacement as well as electrical switchboard repairs. This claim is valued at approximately \$31k. Some of the trees within Karbeethan Reserve are showing signs of re-growth and will be monitored over time.





2. Library and Community Services / Environmental Services

The Gawler Sport and Community Centre was open to the community as a heat relief centre with evacuated community members began arriving at the Centre from approximately 11:30am. Activation of the Centre as an Emergency Relief Centre occurred at approximately 12:00pm.

The office area of the Sport and Community Centre was made available as the assembly point and meeting area of key Council staff implementing the Emergency Incident Team.

Those present included:

- Mayor Karen Redman
- Chief Executive Officer
- Executive Management
 - Manager Library and Community Services
 - Manager Infrastructure and Engineering Services
 - Manager Development, Environment & Regulatory Services
- Media and Communications
- Team Leaders
 - Team Leader Environmental Services
 - Team Leader Recreation & Community Operations
 - Team Leader Recreation and Community Strategy

When any Council facility is activated as an Emergency Relief Centre, a State Government Agency usually Housing SA become the site controller. However, there is still an important role for Council during this time. It is approximated that 150 community members were evacuated to the Centre. Council staff provided care and assistance to these people, particularly during the critical hours of 11:30am to 8:30pm before evacuated community members were able to return home.

Assistance from Council and Council staff included:

- i. Providing tea/ coffee and water
- ii. Providing food
- iii. Providing transport for displaced community members who had been evacuated to other parts of Gawler including the Civic Centre
- iv. Answering phone calls – particularly related to the location of evacuated community members
- v. Providing information to evacuated community members
- vi. Assisting evacuated community members who were without medication and required care and who experienced mobility issues
- vii. Staffing the Centre overnight

Of all the assistance provided by Council the most important factors were care, comfort, reassurance and food provisions. Council staff were exemplary in their care for evacuated community members. In particular Gawler Home Assist staff who had existing relationships with a number of the evacuated community members attended the Centre and were able to provide reassurance and comfort. Council staff remained on site until 5:30pm on Saturday, 21 December providing Housing SA and other agencies support. This included a staff member staying at the Centre overnight. The effort of 13 Council staff over the 2 days amounted to approximately 122 hours at an estimated value of \$5490.

While evacuated community members were at the Centre, Council was the main provider of food and water provisions. This included providing items from the kiosk free of charge, to purchasing additional items such as fruit. Due to the medical conditions of some evacuated community members regular meals and specific foods were required. Unfortunately, it is the role of Housing SA to provide the main meal – this was not available to evacuated community members until approximately 8:00pm. As a result, Council staff brought food provisions from the Gawler Aquatic Centre; mainly sausages rolls/pies/pasties. It is estimated that food and water provisions across the day cost \$500.

Since the Hillier fire, Council staff have begun to debrief with other agencies and Local Governments; including St Johns, Housing SA and City of Tea Tree Gully (Turrumurra Recreation Centre). However, these discussions are of a preliminary nature. It is recommended that a report detailing feedback on the debriefing process relating to the Emergency Relief Centre is presented to a future Corporate and Community Services Committee meeting.

Council staff will be invited to a larger regional debrief of all agencies in the near future.

Housing SA - Debrief

On 31 January 2020 the Manager Library and Community Services, Team Leader Recreation and Community Strategy and the Team Leader Environmental Services met with staff from Housing SA responsible for the implementation and coordination of the Emergency Relief Centre at the Gawler Sport and Community Centre.

The following is a summary of the meeting and the issues discussed.

- The Minister approves the opening of a safe haven
- Housing SA resources stretched due to three Emergency Relief Centres being opened
 - Gawler
 - Cudlee Creek
 - Turrumurra Community Centre

- The implementation of three relief centres resulted in delays to food arriving
- Housing SA staff resources were stretched
- Red Cross were delayed on the day. This resulted in Relief Centre staff having to take phone calls from people looking for family. This is the role of the Red Cross.
- Persons had started turning up to the Sport and Community Centre prior to the Housing SA being on site.
 - This created an issue with persons being at the Centre prior to the Housing SA Emergency Response Team being on site.
- Rolling blackouts in the area caused concern.
 - Back up option if the Centre suffered a blackout
 - Housing SA would be the responsible agency for finding an alternative Relief Centre
- Some residents from the evacuated areas were going to the Salvation Army on Edith Street for relief. The centre has facilities suitable for the provision of relief e.g. a cafeteria, air conditioned, rest areas, shelter etc.
 - The centre suffered a blackout during the incident which resulted in people re-locating to the Emergency Relief Centre.
- The presence of animals in the Emergency Relief Centre was considered an issue as it is preferred that no animals are present in an Emergency Relief Centre
- Housing SA needed more staff to assist with the numbers of people at the Centre.
- Media not to be present within the Relief Centre.
- Housing SA team identification kits were late to arrive resulting in Council high vis vests being given to Housing SA staff to be easily identifiable to persons reporting to the Emergency Relief Centre.

Housing SA advised that they were extremely satisfied with Councils response to event and the way in which Council staff mobilised to support to the community and the facilitation of the Sport and Community Centre.

3. Community Safety Team

1.

Council's officers proactively patrolled the rural areas of Gawler to monitor conditions. This activity was intended to provide early advice to emergency services if smoke was detected, along with the added visual deterrent to potential arsonists created by a marked Council vehicle patrolling the more vulnerable rural areas of Gawler.

Whilst on patrol, Fire Prevention Officers (FPO's) were close to Hillier when the fire started, and spoke to Depot staff who were on scene directing traffic away from the fire. Officers left the area to collect extra water supplies for those working in the heat, then returned and remained on standby outside of the exclusion zone, to offer assistance with the evacuation. Officers relayed information to the Council administration office, which enabled notification of the event to the Media Coordinator, and the Home Assist and Community Care Program staff, who made themselves available at the Sport and Community Centre for their Hillier clients who were temporarily displaced by the fire.

Community Safety Team members further assisted by liaising with SAPOL, along with the provision of water, sun protection and traffic management support. When SAPOL advised that the fire risk had reduced, Community Safety Team members provided aid to SAPOL by delivering water supplies from the Gawler Police Station to emergency services staff who were static in the heat at road closures.

Hillier Residential Village evacuation

A Community Safety Team member assisted an elderly female evacuee who did not have a mode of transport available to her, by conveying her to the Gawler Civic Centre, where she was able to shelter from the heat and await further information. Later in the day, the Sport and Community Centre was declared an Emergency Relief Centre, at which time the woman was transported to the new location by staff.

4. Issues / Opportunities for readiness / Lessons learnt

While the Town of Gawler is not a first line response or control agency, the public will still look to Council staff as leaders in the community for information and support in times of crisis. It should be explored as to how Council operational staff may be adequately trained eg iResponda and whether or not they should be utilised to support local emergency services when resources are stretched during the initial response to incidents (eg evacuation assistance, traffic control, assistance with staff welfare/logistics.)

Staff such as Council's Environmental Health Officers have been involved in previous emergency incident recovery programs such as flood response and bushfire recovery providing assistance to regional councils in public health.

Following the fire key an internal debrief was undertaken and a number of issues were identified for future consideration.

These issues included:

- Council staff being involved in the incident outside of their required role eg traffic control, relocating an elderly person to the Gawler Civic Centre and then to the Sport and Community Centre resulting in community members being displaced.
- Nowhere for people to lie down
- Risk – the incident continues for days
- Late arrival of dinner
- Housing SA having limited resources
- Possibility of power loss
- Breaks not being taken
- Reliance on too few to do too much
- Lack of communication
- Knowing when to pull back
- Staff did not have a chance to communicate with their own families
- What staff help out when
- Time of year of these incidences – minimal staff
- Role of customer service
- Lack of understanding as to where staff physically are
- Safety of staff who are assisting in close proximity to fire
- No contingency – back up for these staff to be relieved
- Town Services staff leave early on extreme heat days
- Questions raised re Council's management of Council owned river areas

Staff will be examining these issues as an ongoing process for improvement including developing internal communication across the organisation in the early stages of the incident. This would enable all relevant sections to be on standby, and to initiate any necessary interagency or public response and communications.

Emergency Management – Council Ready Project

The Local Emergency Risk Management project identified factors necessary to improve community resilience. These are all important factors that need consideration when assessing risks and members of the public write their own Emergency Plan.

The Local Government Association Emergency Management Planning Section has reviewed councils Local Emergency Risk Management Plans and prepared a summary report. The report identified that councils play an important role in the prevention of and preparedness for emergency events. This reduces the level of risk that communities are exposed to, and improves disaster response and recovery.

Much of what councils contribute to emergency management happens outside of emergency events, through everyday business in areas such as asset management, environmental health, land use planning, community development and risk management. The report recognises that councils play different roles in emergency management, based on circumstance, experience and priorities.

Council Ready is an opportunity to strengthen disaster resilience in SA communities by building the emergency management capacity of all councils. The Council Ready program aims to:

- Clarify the roles and responsibilities of local government in emergency management;
- Facilitate strategic whole-of-council approaches that embed emergency management into regular activities across departments;
- Enable consistent approaches to emergency management, and;
- Support councils to increase community awareness of risk and build community resilience.

The Council Ready program has been initiated to support council with emergency management planning, and activities that strengthen disaster resilience in communities. The program comprises two stages. Stage 1 (2018) aims to develop and implement a local government emergency management health check to:

- Identify individual council strengths and gaps with respect to emergency management planning; and
- Consider the best ways for the LGA to support councils with emergency management planning.

Stage 2 (2019-2021) aims to provide practical assistance to councils with emergency management planning. The project will aim to build councils emergency management capacity so that documentation, resources and capability is locally relevant and embedded across the council and community.

COMMUNICATION (INTERNAL TO COUNCIL)

Chief Executive Officer
Manager Library and Community Services
Manager Infrastructure and Engineering Services
Manager Development, Environment & Regulatory Services
Media and Communications
Team Leader Recreation and Community Strategy
Team Leader Environmental Services
Team Leader Recreation & Community Operations
Team Leader Community Safety

CONSULTATION (EXTERNAL TO COUNCIL)

Local Government Association
Housing SA
Metropolitan Fire Service

POLICY IMPLICATIONS

Nil

RISK EVALUATION

Risk	
Identify	Mitigation
Community and stakeholder expectations exceed deliverables.	Ongoing communication with stakeholders to manage expectations.
Opportunity	
Identify	Maximising the Opportunity
Having an Emergency Action Plan representative of key actions and outcomes along with being up to date with the most current and relevant strategies	<p>Council Ready will assist Council and the administration to identify priorities in the short, medium and longer term.</p> <p>Council Ready will assist in identifying potential partnerships and opportunities to support project delivery.</p>

STATUTORY REQUIREMENTS

Local Government Act 1999 - 7—Functions of a council

Emergency Management Act 2004 - 5A—State Emergency Management Plan 3(d)

FINANCIAL/BUDGET IMPLICATIONS

Financial implications resulted through the hourly costs of labour that responded to the fire and help manage the emergency relief centre. Approximately 22 staff were involved during the event at a cost of approximately \$9500 - \$10000

COMMUNITY PLAN

Objective 3.1: Health and social wellbeing services in Gawler to meet growing regional community needs

Objective 3.2: Sporting facilities to meet local and regional community needs

Objective 3.3: Provide facilities for a range of different recreational activities.

Objective 3.5: Recognise, respect, support and advocate on behalf of volunteers

Objective 5.1: Support and encourage community teamwork

Objective 5.2: Be recognised as a 'best practice' Local Government organisation

Objective 5.3: Deliver ongoing effective and efficient services, including support for regional collaboration

Objective 5.4: Create a safe community environment




12.4 COUNCIL BOUNDARY CHANGE PROPOSAL - BOUNDARIES COMMISSION RESPONSE

Record Number: CC20/57;IC20/19

Author(s): Henry Inat, Chief Executive Officer

Previous Motions: Council, 28/05/2019, Resolution: 2019:05:COU207; Council, 10/09/2019, Resolution: 2019:09:COU353; Council, 26/11/2019, Resolution: 2019:11:COU421

Attachments:

1. Letter from LGBC to Town of Gawler - Notify of response to Stage 1 - January 2020 CR20/10587 
2. Letter from Light Regional Council - Boundary Reform Resolutions of Council notification - 16-12-2019 CR20/10585 
3. Letter Hon. Stephan Knoll MP from Light Regional Council on the 28-01-2020 provided a copy by Light Regional Council for information CR20/10592 

OFFICER'S RECOMMENDATION

That Council:-

1. Notes that in accordance with Council Resolution 2019:11:COU421 the Stage 1 Boundary Change Proposal was submitted to the Boundaries Commission on 4 December 2019.
2. Notes the correspondence received from the Boundaries Commission as provided in Attachment 1 which supports Council's proposal to proceed with further investigations regarding possible boundary reform.
3. Notes the correspondence received from neighbouring Councils as provided in Attachments 2 and 3.
4. Notes the decision from The Barossa Council, made 18 February 2020, identifying that it has chosen not to proceed with a Stage 2 General Proposal at this time despite being advised by the Commission that it could proceed with this proposal.
5. Confirms its intention to strategically progress with its proposed Boundary Reforms in demonstration of its commitment to delivering services to its communities of interest.
6. Requests Council Staff to write to the Commission seeking clarification on the Commission's statement that Council may wish to consider the option of referring an Administrative proposal to the Commission where proposed boundary changes are minor administrative matters, this clarification to specifically address:
 - a. Whether the areas identified by Council as potentially Administrative in nature (being Reid, Uleybury and the smaller section of Kalbeeba) would indeed be Administrative in the opinion of the Commission;
 - b. The appropriate level of consultation considered acceptable for an Administrative Proposal in comparison to a General Proposal.
 - c. The expected timeframe for determinations on Administrative Proposals in comparison with General Proposals.
7. Authorises the Mayor and Chief Executive Officer to continue discussions with Light Regional Council, The Barossa Council and City of Playford regarding Council's intention to pursue boundary reform.
8. Notes that, due to the need to seek clarification from the Boundaries Commission, community consultation regarding the further development of Council's boundary reform proposal(s) is now expected to occur in the second half of 2020 and that this provides time from other key Council consultations (e.g. Annual Budget, Community Plan, Heritage DPA and Essex Park Masterplan) that are planned to occur during the last quarter of the 2019/20 financial year.

9. **Requests Council Staff to provide an update report to Council incorporates the following:**
 - a. **Clarification received from the Commission regarding what is/is not Administrative in nature.**
 - b. **An updated communications and consultation plan that further details the activities and associated costs required to develop Council's Stage 2 General Proposal, and any Administrative Proposals that may be undertaken.**
10. **Authorises the Mayor to respond to the correspondence received from Light Regional Council:**
 - a. **Confirming that Council lodged its Stage 1 Proposal to the Boundaries Commission on 4 December 2019;**
 - b. **Confirming that Council has received advice from the Boundaries Commission that it may progress to a Stage 2 General Proposal;**
 - c. **Informing that Council is progressing with its Boundary Reform considerations;**
 - d. **Advising that Town of Gawler rejects Light Regional Council's Alternative Proposal;**
 - e. **Noting that the boundary change process will be a long term process; and**
 - f. **Advising that Council is supportive of progressing a regional vision project in partnership with Light Regional Council, The Barossa Council, Adelaide Plains Council, Regional Development Australia Barossa Gawler Light Adelaide Plains and other regional partners and that since this regional vision project is not contingent on any boundary changes it can be progressed regardless of Boundary Reform considerations.**

SUMMARY

Town of Gawler has submitted a Stage 1 Proposal for Boundary Change to the Boundaries Commission in December 2019. The following Council boundary adjustments form the basis of Council's Stage 1 Proposal.

Areas to be included in the Town of Gawler

- a. Area 1- Concordia Growth Area
- b. Area 2 - Hewett
- c. Area 3 – Portion of Kalbeeba (including portion of Springwood)
- d. Area 4 – Portion of Gawler Belt
- e. Area 5 - Evanston Park
- f. Area 6 - Reid
- g. Area 7 – Hillier

Areas to be removed from the Town of Gawler;

- h. Area 8 – Portion of Bibaringa
- i. Area 9 – Portion of Uleybury

This report provides an update on the boundary reform deliberations, including the following:

1. Indicative project activities (including community consultation) and timeframes.
2. Regional collaboration and neighbouring council's positions.

This report also presents the following correspondence:

1. Response and advice from the Boundaries Commission on Council's Stage 1 Proposal submission (**Attachment 1**). The correspondence advises Council that it may progress to a General Proposal for boundary change if it so chooses as well as providing specific feedback on the Stage 1 submission.
2. Correspondence received from neighbouring Councils (**Attachment 2 and 3**)

BACKGROUND

At the 10 September 2019 Special Council Meeting, the following motion was resolved:

RESOLUTION 2019:09:COU001

Moved: Cr D Hughes

Seconded: Cr D Fraser

That Council :-

1. *Notes the Council Boundary Change Proposal – Initial Analysis report.*
2. *Determines that since the Local Government (Boundary Adjustment) Amendment Act 2017 came into effect on 1 January 2019, the time is right (further to Motion No. 2019L05:COU207) for the Town of Gawler to progress deliberations pertaining to its Council boundary areas relative to both historic boundary adjustment anomalies and also boundary reform relating to new urban growth areas. Such new growth areas will result in significant increases in population to areas in immediate vicinity of Gawler and that will materially influence the Gawler Community to which the Town of Gawler should have governance oversight.*
3. *Notes that there is a staged approach to the submission and consideration of Boundary Change Proposals, as outlined in this Report. This includes:*
 - a. *Stage 1 – Initial consideration of a potential proposal by the Boundaries Commission.*
 - b. *Stage 2 – Referral of a General Proposal to the Boundaries Commission.*
 - c. *Investigation of a General Proposal by the Boundaries Commission.*
4. *Notes that a key point of consideration to the boundary reform changes relative to the Town of Gawler area pertains to the potential creation of a consolidated community of interest over the coming 20- 30 year period which is anticipated to increase the total combined population by some 50,000-60,000 people.*
5. *Is strongly of the view that the best way to manage and service such a large community is to ensure that resources are used in the most effective and efficient manner. A key element of which is that the services provided at a local Government level should be provided by one Local Government entity, the Town of Gawler, as opposed to the four local government entities that currently exist.*
6. *Notes that the key rationale applied to Council's deliberations when considering the Town of Gawler boundary adjustments comprise:*
 - a. *The Gawler Township has and will continue to function as a Regional Service Centre to the lower mid north servicing a population in excess of 110,000 people and growing.*
 - b. *As development occurs immediately adjoining the current Town of Gawler boundary the equity of residents living adjacent our borders utilising the Gawler community's services needs to be addressed to provide Council with capacity to deliver quality infrastructure and services to its community of interest and the region.*
 - c. *Future generations forming part of the Gawler community in real and functional terms should have equal and appropriate representation in local decision making rather than being governed by distant entities.*
 - d. *The formation of a community that is based on collective responsibility and engagement are the foundations on which a harmonious and sustainable community will flourish.*
 - e. *Coordinated local governance (including but not limited to urban development expansion) by one entity as opposed to potentially four separate local government bodies influencing the Town of Gawler will ensure more coordinated decision making, the most cost effective provision of services and best facilitate investment to drive job creation and economic prosperity for the region.*

7. *Notes that the various boundary adjustment options presented provide opportunities to refine the boundary configurations such as to ensure the optimum changes to best suit the formation of a new Town of Gawler Council boundary consistent with the broader interests of the community.*
8. *Adopts in principle the following Council boundary adjustments (as detailed in Attachment 4 Map 5 of this Report) as the basis for preparing a Stage 1 Proposal:*
Areas to be included in the Town of Gawler;
 - a. *Area 1- Concordia Growth Area*
 - b. *Area 2 - Hewett*
 - c. *Area 3 – Portion of Kalbeeba (including portion of Springwood)*
 - d. *Area 4 – Portion of Gawler Belt*
 - e. *Area 5 - Evanston Park*
 - f. *Area 6 - Reid*
 - g. *Area 7 – Hillier**Areas to be removed from the Town of Gawler;*
 - h. *Area 8 – Portion of Bibaringa*
 - i. *Area 9 – Portion of Uleybury*
9. *Notes that the feedback provided by Council shall be used to refine and update the boundary configuration and the preparation of a Stage 1 Proposal that will then be presented back to Council for further consideration at a future Council meeting.*
10. *Notes the indicative high level financial analysis that has been undertaken to date primarily focuses on indicative variable operating revenue and expenditure (i.e. operating revenue and expenditure that fluctuates directly with the level of outputs), and that Council Staff will undertake further financial investigations to be presented to Council at a future meeting.*
11. *Notes that a further detailed financial analysis will be undertaken by the Boundaries Commission as part of its (possible) future investigations.*
12. *Approves in principle the proposed communication and consultation process to be undertaken as outlined in the report noting that a detailed communication and consultation strategy will be developed and presented to Council at a future meeting.*
13. *Notes that to undertake boundary reform will be at a cost, the overall details of which are not known at this point, appreciating that the most significant cost relates to the Grants Commission relative to that office undertaking the investigations should Council proceed to a Stage 2 General proposal. Council will determine to proceed or otherwise at a later point in the process once the full costs are known.*
14. *Authorises the Mayor to write to all Town of Gawler adjoining Councils seeking their cooperation in regards to boundary reform and agreement to progress discussions in this regard in the best interests of all communities concerned, including seeking their willingness to establish an appropriate cost sharing arrangement to the investigations that will be triggered by the Grants Commission should the Commission determine to proceed with the boundary reforms as proposed, and or such variation.*
15. *Notes that the Barossa Geographical (GI) Zone which is a significant point of reference to regional and local wine and related industries forms a critical platform in the economic viability of the world renowned wine region. The composition of established urban areas such as a significant portion of the existing Gawler Township and Hewett, with future urban growth areas as Concordia, being located in the GI Zone is considered counterintuitive relative to the Zone's purpose. Changes to the Zone boundaries will be further considered in the context of Council's boundary reform deliberations.*
16. *Seek that a combined Open Forum be held with the Mayors and Councils of the affected areas in the interest of consultation, collaboration and of gauging sentiment with regard to an expanded Gawler.*

In accordance with the above resolution Council staff further refined the Stage 1 Proposal and prepared a more detailed Communication and Consultation process which were presented to Council for approval at the Council meeting held on the 26 November 2019 where it was resolved that:

RESOLUTION 2019:11:COU421

Moved: Cr C Davies

Seconded: Cr D Fraser

That Council:-

1. *Notes the Council Change Proposal – Further Analysis and Stage 1 Proposal Report.*
2. *Notes the correspondence received from the Boundaries Commission and neighbouring Councils as provided in Attachments 1 and 3.*
3. *Notes that the staged approach to Boundary Reform includes a number of hold points requiring Council decision.*
4. *Approves the submission of a Stage 1 Proposal as provided as Attachment 6 to the Boundaries Commission for feedback.*
5. *Notes that feedback received from the Boundaries Commission on the Stage 1 Proposal will be presented to Council for consideration prior to proceeding to the development of a Stage 2 Proposal.*
6. *Adopts, in principle, the proposed communication and consultation plan for Stages 1 and 2 of the Boundary Reform Process.*
7. *Notes that the potential costs for further progressing its boundary reform deliberations forming the Stage 2 process is estimated at \$10,000. This cost will be sought to be allocated as part of the 2nd Quarter Budget Review. Should Council decide to proceed with the Stage 3 Investigation of a General Proposal to be conducted by the Boundaries Commission, a budget allocation will be prepared as part of the 2020/21 Budget.*

This report responds to the above resolutions and provides a further update on Town of Gawler's Boundary Reform project and advice received from the Boundaries Commission with regard to Council's Stage 1 Boundary Change Proposal.

COMMENTS/DISCUSSION

Boundary Reform Process and Project timelines

This new process for Boundary reform has not been tested, however the process includes:

- Stage 1 – Submission of a Stage 1 Initial Proposal
- Stage 2 – Submission of a Stage 2 General Proposal (including formal community consultation)
- Stage 3 – Investigation of General Proposal

Stage 3 will be unique to each council proposal and will be undertaken by the Boundaries Commission if it chooses to accept and undertake an assessment of a Stage 2 General Proposal and determine to proceed to the investigation stage and the scope for same. Council has previously received correspondence from the Boundaries Commission that confirms Council Administration's understanding of the process.

The following high level project schedule has been identified for Stages 1 and 2 of this project based on the assumption that Council will proceed pursuing boundary adjustments. Activities and timeframes are indicative only and will be adjusted once more information is known. Please note, a number of Council decision/hold points have been built into the process going forward, as is illustrated below in red.

Activity	Indicative timeframe*	Current Status
Stage 1 – Development and submission of an Initial Proposal		
Motion on Notice – Mayor Redman and Council endorsement.	May 2019	Completed
Initial report to Council	September 2019	Completed
Update report to Council	November 2019	Completed
Submission of Stage 1 Proposal to Boundaries Commission	December 2019	Completed
Feedback received from Boundaries Commission	February 2020	Completed
Update report to Council	February 2020	In progress through this report.
Update report to Council and decision to proceed to Stage 2		
Stage 2 – Development and submission of a General Proposal and/ or Administrative Proposal		
Stakeholder consultation	To be updated & provided in April, once advice from Commission is received	
Special Council Meeting to consider feedback from stakeholder consultation	To be updated in April once advice from Commission is received	
Council consideration of Stage 2 Proposal(s)	To be updated in April once advice from Commission is received	
Submission of Stage 2 Proposal(s) to Boundaries Commission	To be updated in April once advice from Commission is received	
Advice received from Boundaries Commission, including high level quote for investigation(s)	To be updated in April once advice from Commission is received	
Update report to Council and decision to proceed to Stage 3	To be updated in April once advice from Commission is received	
Stage 3 – Investigation of General Proposal and/ or Administrative Proposal		
Activities and timeframes to be defined during Stage 2. The Review will be undertaken independently and include further stakeholder consultation and detailed financial analysis.	To be updated in April once advice from Commission is received	

*For planning purposes and in consultation with the Boundaries Commission, it has been assumed that any review/decision made by the Boundaries Commission will take a minimum of 3 months.

Regional Collaboration Update

As previously reported, in accordance with Resolution 2019:09:COU002, correspondence was forwarded to Light Regional, Barossa and Adelaide Plains councils and the City of Playford and a meeting between regional CEOs and Mayors was scheduled for 25 September 2019 to discuss boundary reform and related matters including:

1. Sharing of information between Councils to assist in respective investigations;
2. A combined Open Forum with Mayors and Councils of the affected areas in the interest of consultation, collaboration and gauging sentiment with regard to an expanded Gawler; and
3. Potential cost sharing arrangements for any investigations that may result from a Boundary Change Proposal.

This meeting was attended by Town of Gawler and Barossa Council's Mayors and CEOs only. The Mayor and CEO from Light Regional Council did not attend.

A follow up meeting to discuss boundary reform from a regional perspective was then scheduled for 2 December 2019, however it is noted that the respective Mayors of the Light Regional and Barossa Council also met on 17 October 2019 to discuss boundary reform.

On 2 December 2019 the following representatives met to discuss boundary reform:

Council	Name	Position
Town of Gawler	Karen Redman	Mayor
	Henry Inat	CEO
Barossa Council (BC)	Bim Lange	Mayor
	Martin McCarthy	CEO
Light Regional Council (LRC)	Bill O'Brien	Mayor
	Brian Carr	CEO
	Terry Savage	EA to CEO
Mid Murray Council (MM)	Dave Burgess	Mayor
	Ben Scales	CEO

By the close of the meeting it was clear that:

1. Town of Gawler and The Barossa Council were both committed to submitting a stage 1 proposal for Boundary Change to the Boundaries Commission for each of their respective Councils.
2. Light Regional Council would be providing its Council with an 'Alternative' option for a proposal (further information on this 'Alternative' is provided below under the update on this Council's current position) if Town of Gawler and The Barossa Council chose to proceed with their respective submissions.
3. Light Regional Council believes it cannot resource progressing the Regional Vision if it proceeds to undertake the 'Alternative' option which may potentially include a suggestion of amalgamation. Light Regional Council CEO, Brian Carr, chose not to elaborate on the 'Alternative' option as it had not been presented in the Light Regional Council Chamber.

Each Council's respective positions and progress are summarised below for information.

Light Regional Council

As previously reported, Light Regional Council have presented a regional vision to its Council Members and neighbouring Councils regarding developing a Strategic Regional Project by bundling the high value projects from each Council area and seeking funding through a Regional Deal.

Light Regional Council presented the “Alternative” option (mentioned during the meeting held on the 2nd December between neighbouring Councils) to their elected body at their Council meeting held on 10 December 2019 along with 3 recommendations that were carried as below:

7.2.1 Presentation – Regional Vision

At 6:15pm Mayor O'Brien invited the Chief Executive Officer, Brian Carr, to provide the Council with a presentation entitled 'Regional Vision and Structural Reform' and to afford Elected Members the opportunity to ask and receive answers to questions.

Recommendation 1

Preferred Position – Status Quo

Moved Cr Frankcom

Seconded Cr Rohrlach

1. That Council restate that its preferred position is to maintain the existing Council areas making up the Region and continue with the collaboration model for the following reasons:-
 - The strong opposition from Hewett and Gawler Belt residents, the Seppeltsfield proprietor, Seppeltsfield Road Business Alliance, Whistler Wines and the residents of Greenock demonstrates a failure of the Section 26 test “*of avoiding significant divisions within a community*”.
 - To allow the Town of Gawler and The Barossa Council's proposals to proceed will have the impact of dismantling Light Regional Council which is not in the State's interest as it has been the main driver of economic stimuli for the entire Region.
 - The proposals by the Town of Gawler and The Barossa Council significantly adversely impact on the capacity of Light Regional Council to continue its leadership role and regional economic development including the delivery of the Roseworthy Township Expansion.
 - To this point, collaboration has been a strength of the region and the Light Regional Council would like to return to this supportive approach to enable regional opportunities and outcomes to be delivered at the earliest opportunity with the least amount of distraction.

CARRIED

Recommendation 2

Defer/Withdraw and pursue Regional Vision

Moved Cr Frankcom

Seconded Cr Rohrlach

1. That Council write to The Barossa Council and the Town of Gawler formally inviting them to pursue the Regional Vision (Part 2) and redirect their time and resources to this cause, thereby deferring or withdrawing their current boundary proposals to the Boundaries Commission.
2. That, in order for the Regional Vision (Part 2) to be successfully pursued, the Collaboration Model be restored.
3. That it be noted that Light Regional Council will continue its pursuit of Regional Vision (Part 1) as these projects are 'shovel' ready.
4. That during the development of Regional Vision (Part 2) the Councils within the region give consideration to an appropriate Governance Structure to deliver the vision efficiently, effectively and equitably.
5. That The Barossa Council and the Town of Gawler be formally asked to respond to this invitation by no later than 28 February 2020.

CARRIED

Recommendation 3**Alternative in the Public Interest**

Moved Cr Frankcom

Seconded Cr Rohrlach

1. That in the event that The Barossa Council and the Town of Gawler **decline** the invitation to defer or withdraw their Boundary Reform Proposals by 28 February 2020 AND/OR the Boundaries Commission decide to invite them to proceed to Stage 2 of the process, the Light Regional Council will be **forced** to consider submitting an Alternative structural reform package at Council's March meeting to the Boundaries Commission.
2. That in the public interest and in support of open and transparent government, Light Regional Council publish its Alternative (draft) on its website and send copies to The Barossa Council and the Town of Gawler, Mid Murray Council, Regional Development Australia Barossa etc, and the Adelaide Plains Council for their information.
3. That a brief update report be provided to Council at its January and February Ordinary meetings and a final report as to whether the Alternative (Draft) is to be formally lodged with the Boundaries Commission being presented to the March Ordinary meeting.

CARRIED

Town of Gawler received correspondence from Light Regional Council on 17 December 2019. The letter (**Attachment 2**) provides a summary of the 3 recommendations, noted above, adopted by Light Regional Council at its 10 December 2019 meeting.

The letter also requests that Town of Gawler withdraws/defers its submission to the Boundaries Commission and its plans to seek boundary change and instead accept Light Regional Council's offer to undertake the Regional Vision project.

Further, the letter goes on to say that if Town of Gawler and the Barossa Council do not both defer/withdraw their proposals then Light Regional Council will be forced to submit their own Stage 1 Boundary Change alternative proposal as outlined below:

Alternative to the Town of Gawler and The Barossa Council's Boundary Realignment Proposals

- i) The Local Government Boundary between the Light Regional Council and the Town of Gawler follow the Gawler River as the natural geographical boundary.

That the current Gawler residents north of the Gawler river; (ie: within the **Willaston** area) be invited to join the Light Regional Council.
- ii) To compensate the Town of Gawler for the potential loss of area in Willaston; **Concordia** be severed from The Barossa Council and annexed to Gawler; subject to Concordia residents supporting the change.
- iii) The residual of The Barossa Council be merged with the Light Regional Council; thus winding up The Barossa Council and the Light Regional Council subject to the residents' support for the change AND that the new Council be renamed without using the brand "Barossa" in its title.

Light Regional Council have requested Town of Gawler respond to this correspondence by 28 February 2020.

Under part 10 of the recommendation of this report the authorisation for the Mayor to respond to Light Regional Council, by the 28 February 2020 is included, thanking them for the invitation to participate in a regional vision and:

- a. Confirming that Council lodged its Stage 1 Proposal to the Boundaries Commission on 4 December 2019;
- b. Confirming that Council has received advice from the Boundaries Commission that it may progress to a Stage 2 General Proposal;
- c. Informing that Council is progressing with its Boundary Reform considerations;
- d. Advising that Town of Gawler rejects Light Regional Council's Alternative Proposal;

- e. Noting that the boundary change process will be a long term process; and
- f. Advising that Council is supportive of progressing a regional vision project in partnership with Light Regional Council, The Barossa Council, Adelaide Plains Council, Regional Development Australia Barossa Gawler Light Adelaide Plains and other regional partners and that since this regional vision project is not contingent on any boundary changes it can be progressed regardless of Boundary Reform considerations.

At Light Regional Council's Meeting held on 28 January 2020, CEO, Brian Carr, gave a presentation titled "Part 2: Local Government Act, 1999 (Reform Proposals)" A copy of this presentation has not been attached to the minutes of the meeting or been provided to Town of Gawler for information.

This presentation led to a Motion without Notice during the meeting as per the minute extract below:

14.4.2 Part 2: Local Government Act, 1999 (Reform Proposals) – Motion without Notice

Moved: Cr Rohrlach

Seconded: Cr Grain

1. That the PowerPoint presentation from the Chief Executive Officer titled 'Part 2 – Local Government Act (Reform Proposals)' be received.
2. That the 'draft letter to the Hon Stephan Knoll MP, Minister for Transport, Infrastructure, Local Government and Planning, as tabled at this meeting, calling for an urgent review of the implementation of Part 2 of the Local Government Act, be adopted.
3. That a copy of the letter to the Hon. Stephan Knoll MP be attached to the Minutes of this meeting.

CARRIED

The letter forwarded to the Hon. Stephan Knoll MP (**Attachment 3**) raises concerns with the implementation of Part 2 of the Local Government Act, 1999 and the value in adding 'qualifying criteria' that should initially be applied to a Council seeking to submit a 'general proposal' for consideration under Part 2, seeking Boundary Change.

The letter states that it is the Light Regional Council's view that:

1. The implementation of the current legislative framework is fundamentally flawed; and
2. Light Regional Council seek that it be reviewed and updated as a matter of urgency.

The Barossa Council

The Barossa Council submitted its Stage 1 Proposal to the Boundaries Commission on 17 October 2019 and provided further information on 14 November 2019 for its consideration.

The Boundaries Commission notified the Barossa Council on 14 January 2020 that it could proceed to Stage 2 of the process, providing a General Proposal for consideration, if it wished to do so.

At The Barossa Council's Meeting held 18 February 2020 The Barossa Council resolved the following:

That Council, having received and noted the advice from the South Australian Local Government Boundaries Commission, regarding its submission for reform dated 17 October 2019 indicating Council can proceed to develop and submit a Stage 2 General submission:

1. Not to undertake a formal (stage 2) general submission to the SA Local Government Boundaries Commission, at this time but continue to engage with stakeholders informally;
2. Pursue resolution of small anomalies in the local government boundaries such as those in Nuriootpa with Light Regional Council and if it so wishes to engage on their alternative proposal over the long term; and
3. The Mayor write to all affected Councils of its reform proposal of this resolution and the fact we remain open to reform discussions.

It is worth noting that under part 2 of the above resolution of The Barossa Council, the wording provides for The Barossa Council and Light Regional Council to engage on Light Regional Council's Alternative Proposal. The Alternative Proposal of Light Regional Council, as included previously in this report offered the concept of Light Regional Council inviting Willaston Residents to join Light Regional Council, Concordia be annexed to Gawler and The Barossa and Light Council's merge.

The Administration rejects Light Regional Council's Alternative Proposal, particularly with regard to inviting Willaston residents to join Light Regional Council, noting that it does not easily fit into the Section 26 - Principles of the *Local Government Act 1999*. Light Regional Council would have difficulty providing evidence that such a proposal would provide an enhancement of services to the community of interest or that there is a sense of belonging or stronger community connection with the area. The strong economic social, heritage and cultural links between Willaston and the Gawler township, that have existed since the areas early development, demonstrate that Willaston should remain as part of the Gawler Community.

Key reasoning for The Barossa Council not continuing with a general proposal at this time provided within the content of The Barossa Council's report, was that whilst the strategic intent of the reform proposal has merit:

1. The correspondence from the Commission identifies that the Barossa proposal does not easily fit in to the principles of Section 26 of the Local Government Act and significant work is required;
2. The response of the Commission increases the risk of the strategy and impact on existing resources;
3. The process undertaken to date is resulting in externalities not wanted by any party; and
4. Given the industry drive and the strategic direction of Brand Barossa it would seem prudent to focus on those strategies and align our collaboration around these industry initiatives and reform.

The report also cited that the Barossa Council will be involved in the Town of Gawler proposal, and therefore no action is recommended until The Barossa Council can understand what the Commission's views are in relation to that boundary reform proposal.

At this stage, according to the Boundary Commission's webpage, Town of Gawler is the only Council who intends to proceed to a General Proposal, with The Barossa Council resolving to not proceed at this time and all other Council's Boundary Change Proposals being administrative in nature. This may change if Light Regional Council and The Barossa Council decide to pursue Light Regional Council's Alternative Proposal.

Boundary Reform Proposal Progress and Next Steps

In accordance with the Council resolution 2019:11:COU421, Town of Gawler's Stage 1 Proposal for Boundary Change was submitted to the Boundaries Commission on 4 December 2019.

The Boundaries Commission met on 20 January 2020 to review submissions to the boundary change process. As a result, the Commission has written to Council (**Attachment 1**) providing approval to proceed to Stage 2 – the development and submission of a General Proposal.

The Commission noted in their response the:

1. Significant work that Council has undertaken to develop its potential proposal, including the details of the Community of Interest and consideration of the section 26 principles and how these relate to the identified areas.
2. Important role that the Council plays in providing services to a developing and expanding region and noted the potential significance of this proposal for the region.

The Commission has provided Council with feedback regarding the initial proposal for consideration in the development of a General Proposal, providing the following advice:

1. Due to the significant scope of this potential proposal, I bring your attention to Section 30 of the Act and Guideline 2 which outline a simplified pathway for consideration of boundary change proposals that are minor administrative matters. The Council may wish to consider the option of referring an Administrative proposal to the Commission where proposed boundary changes are minor administrative matters;
2. As set out in stage 2 of Guideline 3, if the Council wishes to refer a general proposal to the Commission, the Commission recommends that the Council strongly identify how the proposal links to the Section 26 principles. More specifically, the Council may wish to identify the cultural, heritage, shopping, community services, sporting or any other component that the Council identifies that in the Council's view form the social fabric of the area, for each discrete boundary change that the Council may propose;
3. The proposal should also include evidence of the consultation process undertaken by the Council with the community and key stakeholders in relation to the proposal. Although the Commission will undertake its own consultation if it decides to investigate a proposal, it is expected that the Council would undertake consultation with identified stakeholders and the community more widely.
4. As set out in Guideline 3, councils are required to—
 - a. Provide a balanced representation of the advantages and disadvantages of the proposal
 - b. Identify stakeholder groups, providing details of the interests and identity of each.
 - c. Discuss impacts of the proposal on each group, and record any significant opposition known to the applicant council or councils and the basis of this.
5. The Commission is aware that the Council has received correspondence from the Light Regional Council and businesses in opposition to the proposal. Details of this correspondence and any other significant opposition known to the Council should be included in the Council's proposal along with information about the support for the proposal.

With regard to the Commission's correspondence, and particularly point 1 above, Council Staff are providing an updated table presenting the 9 Areas (Communities of Interest) and how they might be delineated moving forward.

Table 1: Geographical Areas of Interest

Basis for Potential Boundary Change			
Geographical Area	Community of Interest	Urban Growth Area (General Proposal)	Administrative
Concordia	X	X	
Hewett	X	X	
Kalbeeba	X	X	X (small section only)
Gawler Belt	X	X	
Evanston Park	X	X	
Reid	X		X
Hillier	X	X	
Bibaringa	X	X	
Uleybury	X		X

Conversations with the Department have indicated that it is completely up to Council to decide if it wishes to split some of the Stage 1 Proposal Areas of Interest from a General Proposal into an Administrative Proposal. The Department has stated that it may be advantageous to Council to progress an Administrative Proposal for some areas for the following reasons:

1. Investigation stage is a more streamlined process, therefore quicker and less expensive;
2. Small administrative matters may be held up for a longer period if considered in with changes that are submitted through a General Proposal;
3. Consultation level for an Administrative Proposal can be more simplified when the Commission undertakes its investigation.

It is recommended that Council Staff write to the Commission seeking clarification as to whether the specific areas identified by Council as administrative in nature in the above table would indeed be Administrative in the opinion of the Commission and if so, that Council proceeds to separate the following areas below into an Administrative Proposal.

Table 2: Areas identified with boundary changes that are administrative in nature by Staff

Area 3	Kalbeeba - smaller section only
Area 6	Reid
Area 9	Uleybury

It is recommended that Council continue to move forward in a strategic manner with a view to progressing to Stage 2 of the process being; the Development and Submission of a General Proposal for all areas that will not be captured in an Administrative Proposal. Presuming the Commission clarifies the above areas could be considered administrative this would leave Concordia, Hewett, Hillier, Gawler Belt, Evanston Park, Bibaringa and the larger section of Kalbeeba to be captured in the General Proposal.

As depicted in the high level project plan (provided under the heading Boundary Reform Process in this report) the recommended next steps are:

1. Seek clarification from the Boundaries Commission, as identified in this report; and
2. Continue discussions with affected Councils.
3. Once further clarification from the Commission is received a further report be presented to a future Council meeting providing:
 - a. Response from the Commission and recommendations based on the optimum way to proceed with various proposal(s) as confirmed by the Commission;
 - i. An updated Communications and Consultation Plan that further details
 - ii. the activities and associated costs required to undertake a comprehensive community engagement
 - iii. the type of engagement required that will provide meaningful data and present a balanced view, through consulting with a broad range of Community Members from both the Communities of Interest and Councils current residents.
 - b. Further information on the levels of consultation and expected timeframe required for determinations of Council's Stage 2 General Proposal, and any Administrative Proposals that may be undertaken.

Whilst seeking clarification on key points with the Commission will impact on previously proposed timeframes, the response will provide Council with greater certainty in progressing to Stage 2 with the appropriate Communities of Interest being included in the appropriate Proposal processes. This in turn reduces the possibility that Council's General Proposal would be held up and asked to be resubmitted with a removal of the more administrative matters.

COMMUNICATION (INTERNAL TO COUNCIL)

Chief Executive Officer
 Manager Finance and Corporate Services
 Manager Business Enterprises and Communications
 Manager Infrastructure and Engineering Services
 Manager, Development, Environment and Regulatory Services
 Manager Library and Community Services
 Strategic Infrastructure Manager
 Team Leader Development Services
 Strategic Planner
 Rates Officer
 Communications and Media Adviser
 Business Improvement and Internal Audit Coordinator
 Special Projects Officer

CONSULTATION (EXTERNAL TO COUNCIL)

Council Staff have consulted with the following organisations in the preparation of this report:

- a. Boundaries Commission;
- b. Light Regional Council;
- c. The Barossa Council;
- d. City of Mount Gambier & Mount Barker District Council (pertaining to financial analysis undertaken)

As previously outlined, a Communication and Consultation Plan has been approved by Council at the meeting held 26 November 2019, however this Plan will need to be updated as a result of the advice received from the Commission and subsequent clarification intended to be sought by Council Staff. An updated Plan will be provided for Council's consideration at the April 2020 Council Meeting.

POLICY IMPLICATIONS

Public Consultation Policy

RISK EVALUATION

Risks pertaining to the recommendations within this report are identified below:

Risk	
Identify	Mitigation
If Council don't proceed to stage 2 - Reputational	<p>Progressing to Stage 2 aligns with previous decisions</p> <p>Progressing allows Council to undertake broad community consultation and seek input from the broader community prior to deciding to submit a General Proposal.</p>
If Council refuse to withdraw Stage 1 Proposal - LRC submitting a proposal to acquire a section of Gawler LGA	<p>Strong Community consultation and engagement</p> <p>Strong identification of Communities of Interest + noting service provision and assets servicing the existing community provided as supporting information in General Proposal.</p>

Progressing to Stage 2 General Proposal only – tying up smaller considerations in a longer/more costly process	Undertake a separate General Proposal and Administrative Proposal <ul style="list-style-type: none"> - to provide a shorter more streamlined process for those changes considered administrative in nature - providing clear process and an outcome in a timely manner for those property holders in the affected areas.
Opportunity	
Identify	Maximising the Opportunity
Defining Gawler according to Community of Interest	Ensuring Community of Interest is provided with an opportunity to be heard and provided with accurate information Providing the communities of interest with an opportunity to define, support and set their “hometowns” strategic direction and future investments.

STATUTORY REQUIREMENTS

Local Government Act 1999

Local Government (Boundary Adjustment) Amendment Act 2017

FINANCIAL/BUDGET IMPLICATIONS

Future costs associated with this boundary reform project will include external consultations, staff resource allocations, and costs of the Commission’s investigation should Council proceed to the Inquiry stage. These costs are unable to be quantified at this time. However, it is anticipated that the majority of such costs (outside of staffing costs incurred to date) will be incurred in 2020/21 and 2021/22 financial years.

A budget bid has been prepared for consideration by Council for \$20,000 for FY 2020/21 for consideration during the annual budget deliberations and \$250,000 for FY 2021/22. As outlined above, the costs of an inquiry could be significant and Council Staff will continue to provide periodical project updates, should Council elect to proceed with this initiative. The expectation is that the above budget bid may need to be updated once clarification from the Commission on the expectation of the level of consultation and timeframes, particularly an Administrative Proposal, are provided.

A further update regarding costs associated with progressing Council’s Boundary Reform proposal(s) will be provided in the report to be presented to Council at its April 2020 Meeting.

COMMUNITY PLAN

Objective 1.1: Maintain a clearly defined township, one which is distinct from neighbouring areas

Objective 1.2: Build a local community that is proud of Gawler

Objective 2.1: Physical and social infrastructure to service our growing population and economy

Objective 2.2: Growth to be sustainable and respectful of cultural and built heritage

Objective 2.3: The local environment to be respected

Objective 2.4: Manage growth through the real connection of people and places

Objective 3.4: Gawler to be an inclusive and welcoming community

Objective 5.2: Be recognised as a ‘best practice’ Local Government organisation

Objective 5.3: Deliver ongoing effective and efficient services, including support for regional collaboration

12.5 GAWLER BUSINESS DEVELOPMENT GROUP QUARTERLY REPORT**Record Number:** CC20/57;IC20/77**Author(s):** Kirsty Dudley, Special Projects Officer**Previous Motions:** Council, 19 March 2019: Resolution 2019:03:COU077**Attachments:** 1. **Quarterly Report Oct - Dec 2019 Gawler Business Development Group CR20/8117** 

OFFICER'S RECOMMENDATION

That Council notes the Gawler Business Development Group's Quarterly Report for October to December 2019.

SUMMARY

According to the funding agreement between Council and the Gawler Business and Development Group (GBDG), the GBDG is required to provide Council with quarterly reports. This report provides Council with the opportunity to receive and note the quarterly report for the second quarter of the 2019/20 Financial Year for the GBDG.

BACKGROUND

The GBDG is contracted under a funding agreement with Council to assist with promoting and marketing the businesses within the Town of Gawler. At the Special Council meeting held on 19 March 2019, Council delegated authority to the Chief Executive Officer to enter into the funding agreement in accordance with the below resolution:

Resolution 2019:03:COU077

Moved: Cr D Hughes

Seconded: Cr D Fraser

That Council:-

- 1. Notes the feedback received from Gawler businesses from the Business Survey.*
- 2. Receives and notes the Gawler Business Development Group 2019/20 Business Plan which incorporates the following:*
 - a) A request for funding in the amount of \$175,870 (exc. GST), funded from the application of a Separate Rate, increased annually by CPI for a preferred minimum period of two years (2019/20, 2020/21), with the option to extend the agreement for a further 12 months to 30 June 2022; and*
 - b) Distribution of a Gawler Business Development Group membership and benefits flyer within Council's First Quarter Rates Notices of each Financial Year.*
- 3. Delegates authority to the Chief Executive Officer to enter into a new funding agreement with the Gawler Business Development Group from July 2019.*

The funding agreement was fully executed on 3 June 2019 and requires the GBDG to provide Council with quarterly reports that include:

1. Contact reports – (sourced from customer relationship management database).
2. Facebook Statistics
3. Google Analytics

4. Details of Activities run in addition as well as the results of their corresponding Activity Survey.
5. Sponsorships and details of any sponsorship activities
6. Financial reports of the GBDG for that Quarter including but not limited to Profit and Loss and Balance Sheet and budget vs actual expenditure report.

The purpose of this report is to provide Council with the GBDG Quarterly Report for the second quarter of the 2019/2020 financial year.

COMMENTS/DISCUSSION

The GBDG's current funding agreement with Council commenced on 1 July 2019. The obligation to provide a quarterly report to Council was included as part of this funding arrangement ensuring that Council received more information regarding GBDG activities throughout the year.

The GBDG Quarterly Report October to December 2019 (**Attachment 1**) was received by Council on 8 January 2020. The reporting format being utilised is an agreed format that satisfies the terms of the funding agreement.

The GBDG's Quarterly Report contains a summary of the Organisation's:

1. Contact reports
2. Facebook Statistics
3. Google Analytics
4. Programs/Activities held
5. Sponsorship activities
6. Financial statements
7. Statistics detailing the specific areas of advice, engagement, assistance and support provided to local businesses.

The Quarterly Report indicates that the GBDG:

- a) Recorded 413 assists/engagements with local businesses.
- b) Continued in its endeavour to engage a suitable consultant to develop a digital marketing strategy to identify its target markets and optimise its most cost effective form of marketing through its digital platforms. This activity is behind schedule with the completion target identified in the report as being for the first half of 2019/2020.
- c) Funded further advertising segments airing the commercial produced by the South Aussie with Cosi team, with an edited version providing seven seconds at the end of the commercial for promotion for the Gawler Carols event held in December 2019. Further airings of the original commercial are planned from mid-April through to the end of May 2020.
- d) Have plans to expand the Christmas in Gawler promotion in 2020, which included:
 - I. Christmas Cart Trail, including contracting a visual merchandiser to erect and dismantle Christmas displays in participating store windows;
 - II. Shop Locally Competition with a prize pool value of approximately \$1200 received over 450 entries; and
 - III. Giving Tree initiative.

The financial reports provided in the quarterly report are the Balance Sheet for GBDG as of 31 December 2019 and a profit and Loss Statement for the 1 October – 31 December 2019 quarter. This makes it difficult to review the finances without referring to the previous quarters report to calculate Year to Date figures. Council Staff have reviewed both quarters side by side and the Balance Sheet reconciles however, Council Staff have requested that future quarterly reports provide a Year to Date Profit and Loss Statement to make reviewing the financial position of the group easier.

The GBDG, has met their quarterly reporting requirement under item 10.2 of the funding agreement by providing Council with a quarterly report for the second quarter of the 2019/2020 financial year.

The next quarterly report is due to be provided to Council on 15 April 2020 covering activities undertaken by the GBDG in January, February and March 2020. Council Staff intend to present this report to Council at its May 2020 Meeting.

COMMUNICATION (INTERNAL TO COUNCIL)

Chief Executive Officer
Manager Business Enterprises and Communications

CONSULTATION (EXTERNAL TO COUNCIL)

Gawler Business Development Group

POLICY IMPLICATIONS

Strategic Rating Policy

RISK EVALUATION

Council contracts the Gawler Business Development Group through a funding agreement to assist with promoting and marketing the businesses within the Town of Gawler. The funds are collected by Council through a levy on commercial properties within the Local Government Area. Council needs to ensure that the public funds provided under the funding agreement are being administered and expended appropriately and must provide a level of oversight and accountability in this process.

Risk	
Identify	Mitigation
GBDG do not meet its requirements under the Funding Agreement	Council meets regularly with GBDG and has established regular reporting requirements within the funding agreement. Regular feedback is provided on reports received
GBDG – value for money proposition	
Opportunity	
Identify	Maximising the Opportunity
Collaboration between GBDG and ToG in delivering strategic outcomes in line with Council's strategic documents & GBDG aims and objectives.	Regularly Liaison meetings with GBDG to include discussion of strategic synergies and areas where collaboration benefits both organisations. Provision of Council strategic documents, Tourism Plan and Gawler Economic Development Strategy and Action Plan to GBDG.
Council work with GBDG to improve reporting standards	Council staff assist the GBDG in providing reports which provide an appropriate level of information that will identify the value of GBDG to the Gawler Business Sector. Continuous improvement in governance standards for GBDG

STATUTORY REQUIREMENTS

Nil

FINANCIAL/BUDGET IMPLICATIONS

Council provides the GDBG with annual funding in the amount of the Separate Rate levied against commercial and industrial properties in accordance with Council's Strategic Rating Policy. In 2019/20 the funding amount being provided to the GDBG is \$175,870.

This funding is paid in quarterly instalments provided that the GBDG is not in breach of the funding agreement with Council. The GBDG is not in breach of the funding agreement, consequently Council has provided \$131,902.50 to the Group during the 2019/20 financial year, being 3 quarterly payments.

COMMUNITY PLAN

Objective 2.5: Local economic activity to create local job opportunities and generate increased local wealth [click here](#)

Objective 5.1: Support and encourage community teamwork [click here](#)

Objective 5.2: Be recognised as a 'best practice' Local Government organisation [click here](#)

Objective 5.3: Deliver ongoing effective and efficient services, including support for regional collaboration [click here](#)





12.6 PLANNING AND DESIGN CODE - PHASE 3 PUBLIC CONSULTATION - COUNCIL SUBMISSION

Record Number: CC20/57;IC20/37

Author(s): David Petruzzella, Strategic Planner

Previous Motions: Council, 28/01/2020 Motion No. 2020:01:COU009, IES, 13/8/2019, Motion No. 2019:08:IES039, Council, 26/06/2018, Motion No. 2018:06:216; Council, 24/04/2018, Motion No. 2018:04:125; Council, 23/01/2018, Motion No. 2018:01:15; Council, 28/11/2017, Motion No. 2017:11:413; Council, 28/11/2017, Motion No. 2017:11:412; Council, 26/09/2017, Motion No. 2017:09:312; Council, 22/08/2017, Motion No. 2017:08:274; Council, 27/06/2017, Motion No. 2017:06:215; Council, 28/03/2017, Motion No. 2017:03:76; Council, 27/09/2016, Motion No. 2016:09:363; Council, 28/06/2016, Motion No. 2016:06:259

Attachments:

1. **Letter from Michael Llewellyn-Smith on behalf of CAP to Mayor regarding the Planning and Design Code CR20/3677** 
2. **Combined Code Analysis Table CR20/11347** 
3. **Town of Gawler Submission - Draft Planning and Design Code - Phase three (Urban Areas) CR20/11720** 
4. **Letter from the Mayor to Michael Lennon - Chair - State Planning Commission - Additional Time for Local Heritage Transition DPA CR20/10605** 

OFFICER'S RECOMMENDATION

That Council: -

1. **Notes the Planning and Design Code – Phase 3 Public Consultation – Council submission report.**
2. **Notes the analysis document of the Planning and Design Code pertinent to the Town of Gawler.**
3. **Adopts the submission prepared concerning phase 3 urban areas of the Planning and Design Code.**
4. **Authorises the Mayor and CEO to finalise Council's submission and send to the Department of Planning Transport and Infrastructure and the State Planning Commission.**
5. **Notes that Minister Knoll has approved a bill to remove the deadline of 1 July 2020 for full implementation of the Planning and Design Code and is proposing to replace it with a date to be Gazetted by proclamation.**
6. **Notes it is now anticipated that the Planning and Design Code, and the full Planning, Development and Infrastructure Act 2016, will be proclaimed to commence in regional South Australia in July 2020, and across metropolitan Adelaide in September 2020. This is a three-month postponement from the original dates scheduled by the Department of Planning Transport and Infrastructure.**
7. **Notes that this extension in time is not anticipated to result in a further period of consultation on the Planning and Design Code.**
8. **Notes that the Mayor has written to the State Planning Commission requesting extra time to complete public consultation for the impending Local Heritage Transition Development Plan Amendment, should the postponement of the Planning and Design Code occur.**
9. **Notes the letter prepared by Council's Assessment Panel providing feedback concerning the draft Planning and Design Code.**

SUMMARY

As frequently reported to Council, the state of South Australia is in the process of transitioning to a new planning system under the *Planning, Development and Infrastructure Act 2016* (the Act). As a result, every Development Plan in South Australia will be replaced by a State Wide Planning and Design Code (the Code).

The State Planning Commission released the draft Planning and Design Code (Code) for public consultation on Tuesday 1 October 2019.

Public consultation for both Phase Two (Rural) and Phase Three (Urban) council areas commenced at the same time however, it is important to note that different end dates apply:

- Phase 2 (Rural): concluded 29 November 2019
- Phase 3 (Urban): concludes 28 February 2020

As The Town of Gawler is a Phase Three Council, feedback is required to be submitted by 28 February 2020.

This report presents the analysis prepared by the administration, an update on recent deliberations including the Community Workshop held on 17 February 2020, as well as a submission for adoption by the Council to forward to the Department of Planning Transport and Infrastructure (DPTI) and the State Planning Commission (SPC).

BACKGROUND

The *Planning, Development and Infrastructure Act 2016* came into operation in April 2017, followed by the *Statutes Amendment Act 2017* in July 2017 and further implementation of the Act in August 2017.

When the Planning, Development and Infrastructure Bill was originally introduced to parliament the Minister for Planning at the time, via his Second Reading Speech stated:

“South Australia needs a planning system that will contribute to a stronger economy and a better lifestyle for all South Australians, today and tomorrow.....We recognised that to unlock even more potential, in our capital and across the State, tweaks and tinkering won't be enough. This State needed a comprehensive rethink of our planning system and its role as an agent to grow South Australia.”

The *Planning, Development and Infrastructure Act 2016* was formulated with the intent of fulfilling the following goals:

1. Will enable developments, big and small, to happen quickly and easily.
2. Promotes design quality at every scale and in every project, and ensures integrated delivery of infrastructure and services to communities.
3. Places a premium on professionalism and is based on ongoing, meaningful engagement with communities.
4. Will open the door to investment and help generate jobs.

This update of the Planning system has been promoted as a once in a generation process. Although the administration has maintained open correspondence with DPTI and sought to provide feedback at every opportunity, details relating to Code policy have remained minimal up until now. The Code represents a major change to the planning system in South Australia and it is likely to have a significant impact on both Council operations and the local community.

This Code will replace all Development Plans across the State and is a crucial part of the reforms process. As reported to Council, it will be entirely electronic and available through the e-Planning portal.

Consultation for both Phase Two (Rural) and Phase Three (Urban) council areas commenced at the same time in order to provide councils and community with a view of the whole Code, however consultation on Phase 2 has already concluded (29 November 2019), with Phase 3 Councils (including Gawler) having until 28 February 2020 to lodge their feedback.

The Department of Planning Transport and Infrastructure (DPTI) and the State Planning Commission (SPC) hosted a regional workshop for Elected Councillors on 14 November 2019 at the Gawler Civic Centre.

The Code is available via the SA Planning Portal (Link below):

[https://www.saplanningportal.sa.gov.au/_data/assets/pdf_file/0012/587298/Planning_and_Design_Code - Phase Three Code Amendment.pdf](https://www.saplanningportal.sa.gov.au/_data/assets/pdf_file/0012/587298/Planning_and_Design_Code_-_Phase_Three_Code_Amendment.pdf)

As previously reported to Council the Code is structured and will function as follows:

The Code comprises 10 parts, as follows:

1. Rules of Interpretation
2. Zones and Subzones (there are currently no sub-zones which affect the Town of Gawler)
3. Overlays
4. General Development Policies
5. Designated Areas
6. Index of Technical and Numeric Variations
7. Land Use Definitions
8. Administrative Definitions
9. Referrals
10. Table of Amendments

Zones and Sub Zones

Zones and Sub Zones apply spatially across the State. Where possible, these Zones appear to have similar Zone boundaries as current Development Plan Zones.

The category of development is determined by the Zone (or Sub Zone where applicable). Public Notification is also determined within the Zone.

There are 55 Zones in the Code. The following Zones are proposed to be applied to the Town of Gawler:

Proposed Zones (P&D Code)	Replace Existing Zones (Development Plan)
1. Caravan and Tourist Park Zone	Residential Park Zone Special Uses (Caravan and Tourist Park Precinct)
2. Community Facilities Zone	Community Zone Neighbourhood Centre (Evanston Gardens) Zone (part) Special Uses Zone (Excluding Historic Conservation Policy Area and Caravan and Tourist Park Precinct)
3. Deferred Urban Zone	Deferred Urban Zone
4. Employment Zone	General Industry
5. General Neighbourhood Zone	Residential Zone (excluding Gawler South Policy Area and W heatsheaf Policy Area)
6. Open Space Zone	Local Centre Zone (part) Open Space Zone Special Uses Historic (Conservation) Policy Area
7. Recreation Zone	Recreation Zone
8. Residential Neighbourhood Zone	Gawler South Policy Area W heatsheaf Policy Area

9. Rural Zone	Rural Zone
10. Rural Living Zone	Rural Living Zone
11. Suburban Employment Zone	District Commercial Zone Light Industry
12. Suburban Activity Centre Zone	Business Zone Local Centre Zone (part) Neighbourhood Centre Zone Neighbourhood Centre (Evanston Gardens) Zone (part)
13. Suburban Neighbourhood Zone	Residential Historic (Conservation) Zone
14. Township Main Street Zone	Mixed Use Historic (Conservation) Zone

Overlays

Overlays contain policies and maps that show the location and extent of special land features or sensitivities, such as heritage places or areas of high bushfire risk. They may apply across one or more zones. Overlays are intended to be applied in conjunction with the relevant zone. However, where policy in a zone conflicts with the policy in an overlay, the overlay policy takes precedence.

In addition to location specific policy, Overlays contain referrals to relevant agencies for specific classes of development. These include referrals currently listed within Schedule 8 of the Development Regulations 2008.

There are 58 overlays in the Code. The following Overlays are currently proposed to be applicable to the Town of Gawler:

Advertising Near Signalised Intersections Overlay	Native Vegetation Overlay
Defence Aviation Area Overlay	Noise and Air Emissions Overlay
Future Road Widening Overlay	Non-stop Corridors Overlay
Hazards (Bushfire – General Risk) Overlay	Prescribed Water Resource Areas Overlay
Hazards (Bushfire – Medium Risk) Overlay	Prescribed Watercourses Overlay
Hazards (Bushfire – High Risk) Overlay	Prescribed Wells Area Overlay
Hazards (Bushfire –Urban Interface) Overlay	Regulated Tree Overlay
Hazards (Flooding) Overlay	Sloping Land Overlay
Historic Area Overlay	State Heritage Area Overlay
Historic Area Statement	State Heritage Place Overlay
Key Railway Crossings Overlay	Strategic Infrastructure Gas Pipeline Overlay
Limited Land Division Overlay	Traffic Generating Development Overlay
Local Heritage Place Overlay	Urban Transport Routes Overlay
Major Urban Transport Routes Overlay	Water Resources Overlay

General Development Policies

General development policies outline functional requirements for development, such as the need for car parking or wastewater management. While zones determine what development can occur in an area, general development policies provide guidance as to how development should occur.

General Development Policies are similar to the current Council Wide provisions within the Development Plan.

There are currently 23 General Development Policies headings, and each one is applicable depending on the class of development that is proposed.

Designated Areas

Under the *Planning, Development and Infrastructure (General) Regulations* the Code may designate a zone, subzone, overlay or identify other areas for certain purposes.

Part 5 contains a table with 2 columns:

- Column A identifies the purpose of a designated area and;
- Column B identifies the relevant zone, subzone or overlay in the Code or other area designated for that purpose, including limits to the extent of a designated area

Introduction (Column A)	Designated Area(s) (Column B)
Interpretation	
Areas identified as 'designated 'airport building heights area' for the purposes of clause 3(1) of the Regulations – Interpretation	Airport Building Heights (Aircraft Landing Areas) Overlay Airport Building Heights (Regulated) Overlay Defence Aviation Area Overlay
Areas identified as 'designated environmental zone, subzone or overlay' for the purposes of clause 3(1) of the Regulations – Interpretation	None specified

Figure 1: Extract from Designated Areas Table

The Regulations may make reference to an area identified as 'designated bushfire prone areas'. Column B for this area designates 'Hazards (Bushfire - General Risk) Overlay, Hazards (Bushfire - High Risk) Overlay, Hazards (Bushfire - Medium Risk) Overlay, Hazards (Bushfire - Outback) Overlay, Hazards (Bushfire - Regional) Overlay, Hazards (Bushfire – Urban Interface) Overlay'.

Schedule 4 of the Regulations (exclusions from definition of development) may state that external painting of a building is not development except within a Designated Area. Column B for this kind of development designates any building located within the area identified in Figure Ga/1 or Figure Ga/2 of Schedule 1 which captures the current prescribed area for painting within the Gawler Council area.

Index of Technical and Numeric Variations

Technical and Numeric Variations (TNVs) can vary a technical or numeric requirement of the Code's parameters, or recognise unique character attributes. TNVs are applied spatially across various areas of the state. Not all locations will have a TNV – only areas that have unique local circumstances or where a variation from the relevant zone/subzone/overlay is required.

The following TNVs are recognised within Part 6 of the Code:

- List of Local Heritage Places
- List of Significant Trees currently listed in Development Plans (none listed for Town of Gawler)
- Concept Plans (none included for Town of Gawler)
- Minimum Allotment Sizes (spatially mapped via the Planning and Design Code Map Viewer)
- Minimum Allotment Frontage Sizes (spatially mapped via the Planning and Design Code Map Viewer)
- Maximum Building Heights (spatially mapped via the Planning and Design Code Map Viewer)

- Maximum Building Levels (spatially mapped via the Planning and Design Code Map Viewer)
- Coastal Flooding Site and Floor Level (not applicable for Town of Gawler)

Land Use Definitions

Where land use definitions have traditionally been contained within the Act or associated regulations, land use definitions are now contained within the Code. These definitions are also now contained within tables. There are 4 columns:

- Column A – Land Use Term
- Column B – Definitions
- Column C – Includes (Identifies what classes of development are included in the definition)
- Column D – Excludes (identifies what classes of development are excluded in the definition)

Land Use Term (Column A)	Definition (Column B)	Includes (Column C)	Excludes (Column D)
Agricultural building	Means a building used wholly or partly for purposes associated with farming, commercial forestry or horticulture, or to support the operations of that use, but is not used wholly or partly for the processing or packaging of commodities.	Farm shed; Horticultural shed; Hay shed; Implement shed; Pump shed.	Dairy; Dwelling; Industry; Intensive animal husbandry; Office; Outbuilding; Shop.
Ancillary accommodation	Means accommodation that: (a) is located on the same allotment as an existing dwelling; (b) contains no more than 1 bedroom or room or area capable of being used as a bedroom; and (c) is subordinate to and shares the same utilities of the existing dwelling.		

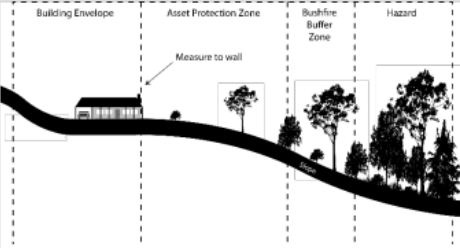
Figure 2: Example extract from Land Use Definitions Table

Administrative Definitions

Administrative definitions are now contained within the Act, Regulations and the Code. As above, these definitions are also contained within tables. There are 3 columns:

- Column A – Term
- Column B – Definitions
- Column C - Illustrations

Figure 3: Example extract from Administrative Definitions Table

Term (Column A)	Definition (Column B)	Illustrations (Column C)
AEP	Means annual exceedance probability	
AHD	Means Australian height datum.	
Asset protection zone	In relation to bushfire protection, means an area generally clear of vegetation that is maintained to minimise the spread of fire between areas of hazardous vegetation and habitable buildings. Asset protection zones may incorporate features such as driveways, vegetable gardens or landscaped gardens incorporating deciduous trees and fire retardant plant species.	

Referrals

Referrals receive their power from Schedule 9 of the *Planning, Development and Infrastructure (General) Regulations 2017* which then directs the relevant authority to the Code to determine relevant referral triggers for assessment.

Whilst the majority of referrals are contained within the Overlays, Part 9 includes referrals to the:

- Environmental Protection Authority;
- The Minister responsible for the administration of the Natural Resources Management Act 2004;
- Technical Regulator; and
- Minister for the time being administering the Aquaculture Act 2001.

Classification of Development

The Planning and Design Code classifies various categories of development as:

- Accepted development;
- Deemed-To-Satisfy development;
- Restricted development; or
- Performance Assessed development

All development is classified firstly by reference to its location and the Zone, Subzone and Overlays applicable to the location. Classification tables applicable to each Zone identify Accepted Development, Deemed-to-Satisfy development and Restricted Development.

The Code classifies development as Accepted Development in an Accepted Development Classification Table relative to a particular Zone. This is the rough equivalent of Schedule 1A (Building Rules Only) assessments under the current system. An Accepted Development Classification Table for each Zone specifies criteria which must be met in order for specified classes of development to be classified as Accepted Development within the Zone. For a development to be Accepted Development, all criteria applicable to a class of development must be satisfied.

Class of Development The following Classes of Development are classified as Accepted Development subject to meeting the 'Accepted Development Classification Criteria'	Accepted Development Classification Criteria
Building work on railway land	<ol style="list-style-type: none"> 1 Building work is associated with a railway 2 It is situated (or to be situated) on railway land 3 It is required for the conduct or maintenance of railway activities.
Internal building work Except where any of the following apply: <ul style="list-style-type: none"> • A Local Heritage Place identified in the Local Heritage Place Overlay • State Heritage Area Overlay • A State Heritage Place identified in the State Heritage Place Overlay 	<ol style="list-style-type: none"> 1 There will be no increase in the total floor area of the building 2 There will be no alteration to the external appearance of the building.

Figure 4: Example extract from Table 1 – Accepted Development – Suburban Employment

The Code classifies development as Deemed-to-Satisfy development in a Deemed-to-Satisfy Development Classification Table (Zone Table 2) relative to a particular Zone. This is the rough equivalent of Schedule 4 (Complying Development) assessments under the current system. A Deemed-to-Satisfy Classification Table for each Zone specifies criteria which must be met in order for specified classes of development to be classified as Deemed-to-Satisfy development within the Zone. For a development to be Deemed-to-Satisfy development, all criteria applicable to a class of development must be satisfied. A Deemed-to-Satisfy development does not require assessment against the policies and rules applicable to Performance Assessed development and must be granted a consent.

Class of Development The following Classes of Development are classified as Deemed-to-Satisfy Development subject to meeting the 'Deemed-to-Satisfy Development Classification Criteria'	Deemed-to-Satisfy Development Classification Criteria			
	Provisions referred to are Deemed-to-Satisfy Criteria Where a development comprises more than one Class of Development the relevant criteria will be taken to be the sum of the criteria for each Class of Development.			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
Advertisement Except where any of the following apply: <ul style="list-style-type: none"> Advertising Near Signalised Intersections Overlay Character Preservation District Overlay Coastal Areas Overlay Hazards (Flooding) Overlay Historic Area Overlay Local Heritage Place Overlay Non-stop Corridor Overlay River Murray Flood Plain Overlay Sloping Land Overlay State Heritage Area Overlay State Heritage Place Overlay Water Resources Overlay 	None	Clearance from Overhead Powerlines: DTS 1.1 Advertisements [Appearance]: DTS 1.1, 1.3, 1.4 Advertisements [Proliferation of Advertisements]: DTS 2.1, 2.2 Advertisements [Advertising Content]: DTS 3.1 Advertisements [Amenity Content]: DTS 4.1 Advertising [Safety]: DTS 5.1, 5.2, 5.3, 5.4, 5.5	None	Advertising Near Signalised Intersections: DTS 1.1 Airport Building Heights (Aircraft Landing Area): DTS 1.1 Airport Building Heights (Regulated): DTS 1.1, 1.2 Building Near Airfields: DTS 1.1 Defence Aviation Area: DTS 1.1, 1.3 Hazards (Acid Sulfate Soils): DTS 1.1 Historic Shipwrecks: DTS 1.1 Key Outback and Rural Route Overlay: DTS 8.1 Major Transport Routes: DTS 8.1, DTS 10.1 Native Vegetation: DTS 1.1, 1.2 State Significant Native Vegetation: DTS 1.1 Urban Transport Routes: DTS 8.1, 10.1

Figure 5: Example extract from Table 2 – Deemed to Satisfy – Recreation Zone

The Code classifies development as restricted development in a Restricted Development Table (Zone Table 4) relative to each Zone. Restricted development is a form of impact assessed development for the purposes of assessment under the Act. The Commission is the Relevant Authority for all Restricted Development.

Class of Development The following Classes of Development are classified as Restricted subject to any 'Exclusions'	Exclusions
Dwelling within the Limited Dwelling Overlay	Except where it is a replacement dwelling.
Land Division within the Limited Land Division Overlay	Except where it involves a boundary realignment.
Land Division creating additional allotments for residential purposes within the Significant Industry Interface Overlay	
Renewable energy facility within either the: (a) Significant Landscape Protection Overlay (b) Character Preservation Area Overlay	
Shop	Except where: (a) it is ancillary to and located on the same allotment or adjoining allotment used for primary production or value adding and offers for sale or consumption produce or goods that are primarily sourced, produced or manufactured on the same allotment or from the region; or (b) it has a gross leasable floor area less than 250m ² ; or (c) it is a restaurant.

Figure 6: Example extract from Table 4 – Restricted Development – Rural Zone

All development not classified as Accepted, Deemed-to-Satisfy or Restricted is to be assessed on its merits against the Planning and Design Code. This is referred to as Performance Assessed development. A Performance Assessed Classification Table (Table 3) for each Zone specifies which performance outcomes can be considered in the assessment of the development application. The relevant authority is limited to considering only the Performance Outcomes listed in Table 3 to the exclusion of all other policies for that class of development, and no other policies are applicable.

Development that does not fall within one of the specified classes of development in Table 3 (i.e. the class of development is not specifically listed in the Performance Assessed Classification Table) is designated in this Table as "All Other Development". In respect of "All Other Development", all policies from the Zone and Subzone, all policies in Overlays that have application to the spatial location of the development and all General Development Policies are selected and applied for the purpose of assessment. The relevant authority may determine that one or more applicable policies is not relevant to a particular development.

Class of Development	Applicable Policies The following policies are applicable to the assessment of the identified Class of Development. Policies referred to are Performance Outcome policies, and any associated Designated Performance Features. Relevant Desired Outcomes are not listed, but automatically apply in relation to a Performance Assessed Development. Where a development comprises more than one Class of Development the relevant policies will be taken to be the sum of the applicable policies for each Class of Development.			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
Carport Outbuilding (in the form of a garage)	[Ancillary Buildings and Structures] PO 7.1,7.2	Design in Urban Areas [All Residential Development – Ancillary Development]: DTS 17.1, 17.2 Design in Urban Areas [Residential Development – 3 Building Levels or Less – External Appearance]: DTS 19.1 Design in Urban Areas [Residential Development – 3 Building Levels or Less – Car parking, Access and Manoeuvrability]: All Transport, Access and Parking [Vehicle Access]: DTS 3.1, 3.4, 3.5	None	Airport Building Heights (Aircraft Landing Area) Overlay :All Airport Building Heights (Regulated) Overlay :All Building Near Airfields Overlay :All Character Area Overlay :All Character Preservation District Overlay: All Defence Aviation Area Overlay: All Future Road Widening Overlay: All Hazards (Bushfire – High Risk) Overlay: All Hazards (Bushfire – Medium Risk) Overlay: All Hazards (Bushfire – General Risk) Overlay: All Hazards (Bushfire – Regional) Overlay: All Hazards (Flooding) Overlay: All Historic Area Overlay: All Key Railway Crossings Overlay: All Local Heritage Place Overlay: All Major Urban Transport Routes Overlay : All Mt Lofty Ranges Catchment (Area 1) Overlay: All Mt Lofty Ranges Catchment (Area 2) Overlay: All Murray Darling Basin Overlay: All Native Vegetation Overlay: All Non-stop Corridor Overlay: All Prescribed Water Resources Area Overlay: All Ramsar Wetlands Overlay: All Regulated Trees Overlay: All River Murray Flood Plain Overlay: All River Murray Tributaries Area Overlay: All Sloping Land Overlay: All State Heritage Area Overlay: All State Heritage Place Overlay: All State Significant Native Vegetation Overlay: All Traffic Generating Development Overlay: All Urban Transport Routes Overlay: All Water Resources Overlay: All

Figure 7: Example extract from Table 3 – Performance Assessed Development – Residential Neighbourhood Zone

Assessment against listed policies

Zone, Subzone, Overlay and General Development Policies are comprised of desired outcomes and performance outcomes. These are applicable to Performance Assessed development and to Restricted development.

Desired outcomes are policies designed to aid the interpretation of performance outcomes by setting a general policy agenda for a Zone, Subzone, Overlay or General Development Policies module. Where a relevant authority is uncertain as to whether or how a performance outcome applies to a development, the desired outcome(s) may inform its consideration of the relevance and application of a performance outcome, or in assessing the merits of the development against the applicable performance outcomes collectively.

Performance outcomes are policies that development is assessed against (similar to a Principle of Development Control). In order to assist a relevant authority to interpret the performance outcomes, in some cases the policy includes a standard outcome which will generally meet the corresponding performance outcome (a designated performance feature or DPF). This is similar to a Design Technique. As with a Design Technique, a DPF provides a guide to the relevant authority as to what is generally considered to satisfy the corresponding performance outcome but does not derogate from the discretion to determine that the outcome is met in another way.

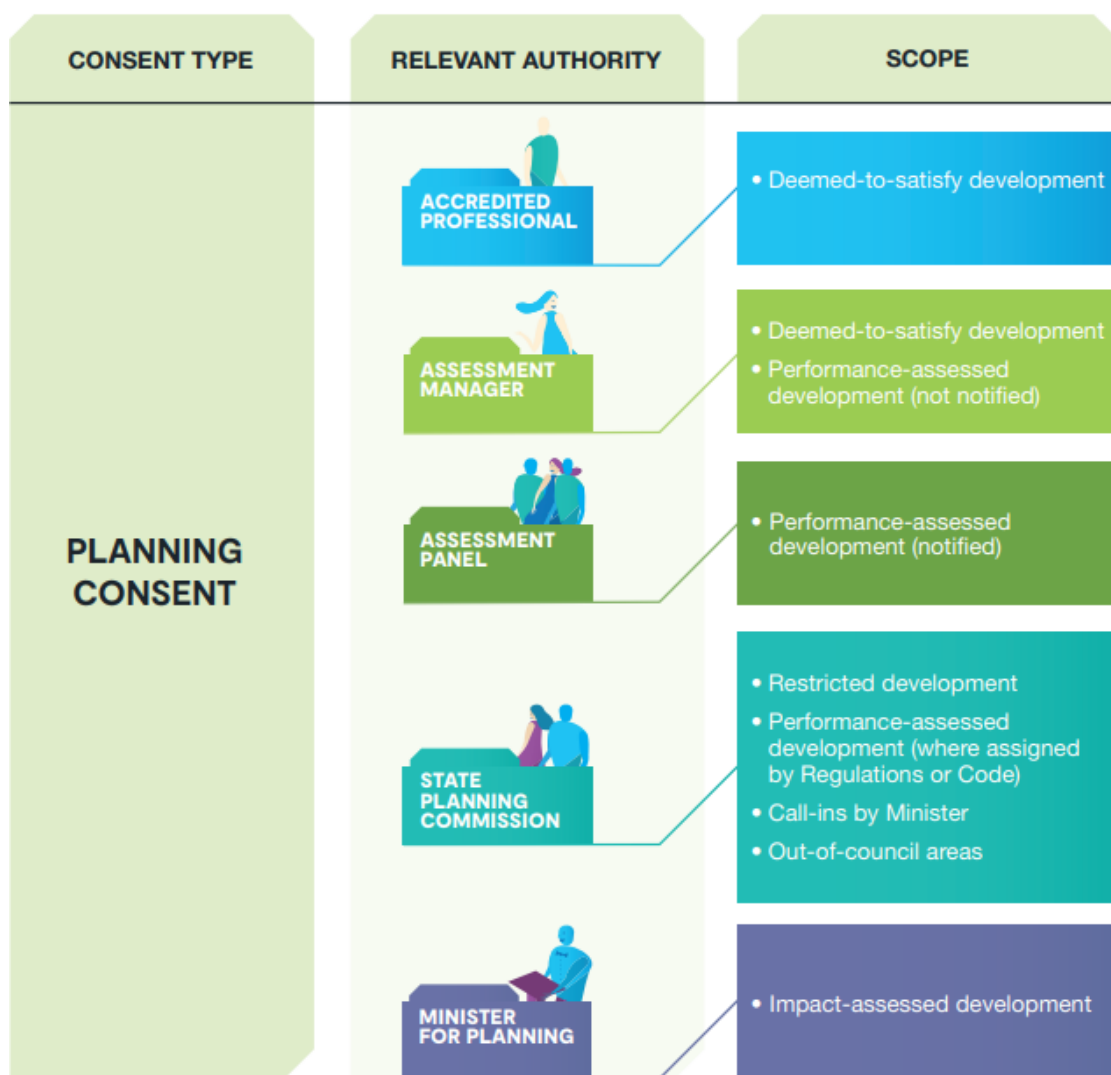


Figure 8: Relevant Authority Summary Chart

The Code will officially replace the Gawler (CT) Development Plan as of 1 July 2020.

The administration commenced an analysis of the draft Code upon release and have presented reports and preliminary findings to Council's Assessment Panel (CAP) in December 2019 and Council in January 2020 seeking further input. The following resolutions were carried:

Council Assessment Panel (December 2019)

Moved: Ross Bateup

Seconded: Fleur Bowden

Motion No CAP: 2019:12:70

The Town of Gawler Council Assessment Panel resolves that:

- 1. The report on the Planning & Design Code be noted and the relevant staff be congratulated on its preparation; and*
- 2. The Presiding Member and the Manager Development, Environment and Regulatory Services be authorised to finalise a report on behalf of the CAP to present to the Council for Council's consideration and assistance in preparing a submission to the State Planning Commission on the Planning and Design Code within the period of public consultation.*

Council (January 2020)

RESOLUTION 2020:01: COU009

Moved: Cr P Koch

Seconded: Cr N Shanks

That Council: -

- 1. Notes the draft analysis of the Planning and Design Code prepared to date by the administration.*
- 2. Notes a workshop with Council Members is scheduled for 17 February 2020 to provide further information on the implementation of the Planning and Design Code within the Town of Gawler.*
- 3. Requests that the administration provide a further report to Council in February 2020, including a draft submission to the Department of Planning Transport and Infrastructure on the Planning and Design Code and State Planning Commission for consideration.*

COMMENTS/DISCUSSION

Following the December CAP meeting the Presiding Member Dr Michael Llewellyn Smith directed a submission to the Mayor (**Attachment 1**) for Council's consideration. The submission highlights a number of the CAP's more fundamental concerns with the draft Code as well as issues in need of further clarification, these include:

1. Loss of Structure and Concept Plans for the Town of Gawler
2. Loss of Contributory Item recognition
3. Lack of policy relating to infrastructure funding and delivery
4. Loss of localised policy and context
5. Flood mapping – outdated
6. Refinement in relation to minor discrepancies
7. Training
8. Compliance
9. Deemed consent

This information presented in the submission is considered valuable and has helped form part of the draft submission presented.

An Elected Member and community workshop concerning the Planning and Design Code was also facilitated by Council administration on Monday 17 February 2020. This workshop was in addition to the regional workshop organised by the administration and hosted by DPTI for Elected Members on 14 November 2019. This subsequent workshop was seen as an opportunity to present an analysis of how the impending how it impacts upon the Town of Gawler more specifically. The Planning and Design Code Community Workshop was considered a beneficial event and was well attended with approximately 30 individuals present on the night. There were numerous questions raised at the workshop regarding the Code with the majority being relatively general in nature and no consistent themes/concerns arising on the night.

In order to achieve an improved understanding of how the Code functions and how it will be applied across the Council area as well as how it differs from the existing Development Plan, staff developed an analysis table (**Attachment 2**) to help bring to light issues of concern. The findings from this analysis formed the foundation of Council's draft submission (**Attachment 3**).

The recommendations and feedback provided have sought to identify errors, areas in need of further clarification and policy which requires refinement to better align with current provisions under the Development Plan. Furthermore, feedback has also sought to identify policy weaknesses in the Code in need of additional refinement to provide greater substance and to better align with overarching state policy.

Below is a summary of the key recommendations and feedback provided in **Attachment 3**.

Zones

Zone	Feedback/Comments
Business Zone (Current) to Suburban Activity Centre Zone (Proposed) & Local Centre Zone (Current) to Suburban Activity Centre Zone (Proposed)	<ol style="list-style-type: none"> 1. Include policy which addresses scale of development under the 'Interface between Land Uses' general provisions. This policy should seek to mitigate the potential impact which commercial development can have upon neighbouring and more sensitive land uses e.g. residential areas. 2. Concerns in relation to the site located on the south-western corner of Main North Road and Gordon/Tiver Road intersection. The Gawler Development Plan contains very specific policy in regards to this site due to a complex Development Plan Amendment which took place to facilitate a car dealership. This area originally formed part of Council's Rural Zone and forms part of a buffer leading into the Town of Gawler. Council this land is not simply sold off and the benefits which were promised to our community to be unrealised. 3. The Gawler Development Plan contains localised policy in some instances where site contamination is probable. Include policy which endeavours to determine if site contamination issues exist and require remediation particularly in instances where more sensitive land uses are being proposed. 4. Include further adverse land uses to the list of Restricted Development. At present the Desired Outcome seeks for the zone to be predominantly used for shopping, business, entertainment and recreation facilities, however policy could be strengthened to better safeguard this desire particularly as the restricted list is limited. 5. Floor Areas within the Code do not align with current Development Plan provisions. Development Plan provisions are in fact higher and policy should reflect this. 6. There is concern that the current Business Zone, Local Centre Zone and Neighbourhood Centre Zones are all proposed to transition to the same Suburban Activity Centre Zone. Currently these zones contain different policy regarding scale

	<p>and intensity (Business Zone having very specific development envisaged, Local Neighbourhood seeking smaller scale convenience shopping servicing the local population, Neighbourhood Centre anticipating larger scale shopping, community, business and recreation facilities for the surrounding neighbourhood). With the proposed change to Suburban Activity Centre, there is concern that all three of these existing Zones will be able to develop commercial areas at the same size and scale.</p> <ul style="list-style-type: none"> •
<p>Neighbourhood Centre Zone (Current)</p> <p>to</p> <p>Suburban Activity Centre Zone (Proposed)</p> <p>&</p> <p>Neighbourhood Centre (Evanston Gardens) Zone (Current)</p> <p>to</p> <p>Suburban Activity Centre and Community Facilities Zone (Proposed)</p>	<ol style="list-style-type: none"> 1. Medium/High density residential development is not envisaged under current zoning provisions and in order to achieve a like for like transition is not considered appropriate in this zone. 2. In terms of advertisements seek to include additional policy either through the zone or via the general development policies which seek to limit the number of freestanding advertisements to avoid visual clutter and untidiness. Ideally advertising hoardings should be limited to one primary advertisement per site or complex. 3. Align with current provisions by including further policy which promotes buildings being sited close to and facing main roads in order to activate road frontages and establish visual gateways. 4. Align with current provisions by including further policy which promotes landscaping to create attractive precincts as well as buffers between buildings and streets/roads. 5. Align with current provisions by including additional policy seeking beneficial public realm design outcomes as well as access to suitable public facilities. 6. Floor Areas within the Code do not align with current Development Plan provisions. Development Plan provisions are in fact higher and policy should reflect this. 7. There is concern that the current Business Zone, Local Centre Zone and Neighbourhood Centre Zones are all proposed to transition to the same Suburban Activity Centre Zone. Currently these zones contain different policy regarding scale and intensity (Business Zone having very specific development envisaged, Local Neighbourhood seeking smaller scale convenience shopping servicing the local population, Neighbourhood Centre anticipating larger scale shopping, community, business and recreation facilities for the surrounding neighbourhood). With the proposed change to Suburban Activity Centre, there is concern that all three of these existing Zones will be able to develop commercial areas at the same size and scale.
<p>Community Zone (Current)</p> <p>to</p> <p>Community Facilities Zone (Proposed)</p>	<ol style="list-style-type: none"> 1. Seek to include adverse land uses to the list of Restricted Development. At present the Desired Outcome seeks for the zone to be predominantly used for community use, however policy could be strengthened to better safeguard this desire particularly as the restricted list is essentially non-existent. 2. Include policy which deems what size shops are suitable for this zone. Current Development Plan zoning seeks to keep shops in this zone under 250m2. Council requests that similar

			parameters are included into this zone to ensure it remains community oriented. 3. The Community Zone within the Gawler Development Plan is relatively brief and the Code equivalent mostly aligns with what is presented in the Gawler Development Plan. •
Deferred Urban Zone (Current) to Deferred Urban Zone (Proposed)			1. Generally, a like-for-like transition 2. In the interest of creating a like for like situation, include the following policy in relation to land division “Land division should not be undertaken, other than for the purposes of consolidating allotments into larger allotments, or undertaking minor boundary re-alignments that do not result in the creating of allotments less than 4 hectares in area”.
District Commercial Zone (Current) to Suburban Employment Zone (Proposed) & Light Industry Zone (Current) to Suburban Employment Zone (Proposed)			1. Wrecking Yard is listed as restricted, however there is no land use definition within the Code. This needs to be defined in Part 7 to avoid any confusion with categorisation of development. 2. Unclear why Hotel or Tourist Accommodation would be envisaged uses within the Zone given PO 1.1 outlines envisaged uses as <i>A range of employment generating light industrial, service trade, motor repair and other compatible businesses servicing the local community that do not produce objectionable emissions</i> . This envisaged use may need to be reconsidered. 3. Concerns that no kinds of development are listed as requiring public notification. As a minimum the following should be included: a. the site of the development is adjacent land to land in a different zone; b. and development identified as “all other code assessed development” in Suburban Employment Zone Table 3 4. Noting this zone is generally surrounded by suburbia, seek to include further adverse land uses to the list of Restricted Development. Land uses which are particularly incompatible with the surrounding area such as crematorium, agistment and holding of stock should be considered.
General Industry Zone (Current) to Employment Zone (Proposed)			1. Industry to be removed from the Restricted Development table, Industry is an envisaged use in what is essentially an industrial use zone. 2. Greater detail and policy required regarding appropriate signage and advertising other than free-standing signs. Policy to seek to reduce clutter whilst allowing sites to be clearly defined. 3. Include stronger and more detailed policies which promotes landscaping within the Zone. Particularly in interface areas where it is most pertinent. 4. Include more detailed policies concerning design and interface between different Zones. 5. Seek to include policies which strive to mitigate air and noise emissions. 6. Include policy which endeavours to determine if site contamination issues exist and if remediation is required

	<p>particularly in instances where more sensitive land uses are being proposed.</p> <ul style="list-style-type: none"> •
<p>Open Space Zone (Current) to</p> <p>Open Space Zone (Proposed)</p>	<ol style="list-style-type: none"> 1. Strengthen policy which promotes land within open space zones playing a role and contributing to favourable environmental and biodiversity outcomes. 2. Include policy which protects existing and established natural features and native flora and fauna. 3. Expand the Restricted Development list to include development which is particularly contrary to the zones primary purposes which is to provide opportunity for recreation, amenity and environmental functions. 4. The 'Deemed-To-Satisfy' criteria relevant to shops and offices be expanded upon to include policy which ensures these uses are subordinate to the principal use of the land. 5. Seek to include policy which promotes active modes of travel to and from these space as well as the creation and extension of linkages across linear networks.
<p>Recreation Zone (Current) to</p> <p>Recreation Zone (Proposed)</p>	<ol style="list-style-type: none"> 1. Include policy which envisages racing precincts or other unique facilities such as the Gawler Race course operating, as well as appropriate policy to support required ancillary activities e.g. Horse stabling. This may potentially warrant a subzone being applied this area, numerous race courses across the state may benefit from this approach. 2. Include policy which seeks to utilise larger areas for valuable environmental outcomes, particularly in relation to the treatment and harvesting of stormwater. 3. Include policy which provides guidance in terms of appropriate landscaping and interface with surrounds e.g. appearance to road frontages, provide shade and shelter, contributes to biodiversity, reduces visual impact of facilities etc. 4. Include adverse land uses to the list of Restricted Development. At present the Desired Outcome seeks for the zone to hosts a range of recreational facilities, however policy could be strengthened to better safeguard this desire particularly as the restricted list is essentially non-existent.
<p>Residential Zone (Current) to</p> <p>General Neighbourhood Zone (Proposed)</p>	<ol style="list-style-type: none"> 1. Gawler South Policy Area should transition to Suburban Neighbourhood Zone, with a TNV restricting minimum allotment sizes to 2000sqm only on the escarpment. Alternatively, the majority could transition to General Neighbourhood with the escarpment being zoned Residential Neighbourhood. 2. Concerns regarding public notification criteria for shops, offices and collector roads. The two separate triggers are difficult to follow, and can result in some kinds of development not requiring notification (e.g. what if >250sqm, located next to existing commercial development, not on a collector road? No public notification required? e.g. what if residential one side commercial activity the other side. What is defined as a commercial activity, etc.). 3. Collector roads will also need to be defined (e.g. via mapping) if this is to be a trigger for Public Notification. 4. Dwellings should require Zone Criteria Façade Design DTS 8.1 to be met in order for the development to be considered

	<p>Deemed-To-Satisfy. Should also be required to be considered in Performance Assessed Development.</p> <ol style="list-style-type: none"> 5. If public notification required for 4 or more dwellings, should also be required for 4 or more allotments created. 6. Verandah and outbuilding (not used as a garage) should be included in Performance Assessed table. Currently if a verandah or outbuilding is not Accepted or Deemed-To-Satisfy, it will fall into the category of 'all other code assessed development' and will require public notification <p><u>Identified Errors:</u></p> <ul style="list-style-type: none"> • Ancillary Development, Outbuilding, Verandah and Carport DTS table incorrectly references Design in Urban Areas (All Residential Development – Ancillary Development): DTS 17.1, 17.2 which is actually regarding Flooding. Should be referencing DTS 16.1 and 16.2. • Carport and Garage DTS table incorrectly references Design in Urban Areas [Residential Development – 3 Building Levels of Less – External Appearance]: DTS 19.1 which is actually regarding Overlooking. Should be DTS 18.1 • Carports in DTS Table required to meet Transport, Access and Parking [Vehicle Access] DTS 3.4 however no DTS criteria are applicable for DTS 3.4. This is likely meant to be referencing DTS 3.5 and 3.6 • Dwelling DTS table incorrectly references Design in Urban Areas [Residential Development – Access and Servicing]: 16.1 which is regarding ancillary development. It is unclear which DTS it should be referencing as there are no DTS criteria with this heading. • Dwelling DTS table incorrectly references Design in Urban Areas [Residential Development – Flooding]: 18.1 which is actually regarding external Appearance of Garages. Should be DTS 17.1. • Dwelling and Dwelling Addition DTS table incorrectly references Design in Urban Areas [Residential Development – 3 Building Levels or Less – External Appearance]: DTS 19.1, 19.2, 19.3 which is actually regarding Overlooking (DTS 19.2 and 19.3 do not exist). Should be DTS 18.1, 18.2, 18.3 • Dwelling and Dwelling Addition DTS table incorrectly references Design in Urban Areas [Residential Development – 3 Building Levels or Less –Overlooking/Visual Privacy]: DTS 20.1 which is actually regarding Private Open Space. Should be DTS 19.1 • Dwelling and Dwelling Addition DTS table incorrectly references Design in Urban Areas [Residential Development – 3 Building Levels or Less – Private Open Space]: DTS 21.1, 21.2 which is actually regarding Landscaping. Should be DTS 20.1, 20.2 • Dwelling and Dwelling Addition DTS table incorrectly references Design in Urban Areas [Residential Development – 3 Building Levels or Less – Landscaping]: DTS 22.1, 22.2 which is actually regarding Water Sensitive Urban Design. Should be DTS 21.1, 21.2 • Dwelling DTS table incorrectly references Design in Urban Areas [Residential Development – 3 Building Levels or Less –
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	<p>Water Sensitive Design]: DTS 23.1, 23.2, 23.3 which is actually regarding Car Parking. Should be DTS 22.1, 22.2, 22.3</p> <ul style="list-style-type: none"> • Dwelling DTS table incorrectly references Design in Urban Areas [Residential Development – 3 Building Levels or Less – Car Parking and Vehicle Manoeuvring]: DTS 24.1, 24.2, 24.3, 24.4, 24.5, 24.6. DTS 24.1 is actually regarding Waste Storage, and the rest do not exist. Should be DTS 23.1, 23.2, 23.3, 23.4, 23.5, 23.6 • Dwelling and Dwelling Addition DTS table incorrectly references Design in Urban Areas [Residential Development – 3 Building Levels or Less – Waste Storage]: DTS 25.1, which is actually regarding Design of Transportable Dwellings. Should be DTS 24.1 • The above errors also apply to the equivalent Performance Outcome criteria.
<p>Residential (Gawler East) Zone (Current)</p> <p>to</p> <p>General Neighbourhood Zone (Proposed)</p>	<ol style="list-style-type: none"> 1. Include policy via an overlay which recognises the conservation areas currently identified in the Gawler East Structure Plan and afford them an appropriate level of protection. There doesn't appear to be an appropriate overlay for vegetation of local significance as it may be unlikely they meet the 'State Significant Native Vegetation Overlay' however still very important. 2. Seek to include policy which seeks for creek environments which are to be vested to Council to be restored to an appropriate natural state. 3. Apply the Sloping Land Overlay across the entire area currently identified as the Residential (Gawler East) Zone within the Gawler Development Plan. This is in order to promote better design outcomes and encourage development to work with the lay of the land. 4. Seek to include policy which better reflects 'Mixed Use Centre Policy Area 3' within Gawler East and promotes the development of a functional and diverse zone which can accommodate a mix of commercial, retail, recreation, community, residential, office, consulting rooms and educational uses. This policy area essentially seeks to focus these activities into an area to create an activity hub for the local community. 5. In light of the above, it is considered that the proposed Master-planned Suburban Neighbourhood Zone would be a more appropriate zone for the Gawler East Residential Zone which was rezoned as part of the Ministerial Gawler East DPA in 2010. <ol style="list-style-type: none"> a. This Zone is proposed for portions of Mount Barker, Playford (including Playford Alive, Buckland Park, Virginia Grove and Blakes Crossing), Port Adelaide Enfield (Lightview) which are subject to the same sort of envisaged growth and development. b. The anticipated diversity of housing choice, envisaged activity centres and coordinated development of land under fragmented ownership within a greenfield development context envisaged by this Zone more appropriately aligns with the current intent of this Policy Area.

	<p>c. In order for this Zone to achieve the best outcome for this recently rezoned land, the Gawler East Structure Plan (consolidated into the Development Plan in 2019) would need to be incorporated into the Code so that it can be referenced by Performance Outcome 14.1 of the Suburban Master Planned Neighbourhood Zone to guide development.</p> <p>6. Recommend removal of Minimum Allotment Size TNV due to the topography of the land within this Zone.</p>
<p>Residential (Hills) Zone (Current)</p> <p>to</p> <p>General Neighbourhood Zone (Proposed)</p>	<p>1. Seek to include policy which seeks for creek environments which are to be vested to Council to be restored to an appropriate natural state.</p> <p>2. Apply the Sloping Land Overlay across the entire area currently identified as the Residential (Hills) Zone within the Gawler Development Plan. This is in order to promote better design outcomes and encourage development to work with the lay of the land as well as to discourage medium density residential development.</p> <p>3. It is considered that the proposed Greenfields Suburban Neighbourhood Zone would be a more appropriate zone for the Residential (Hills) Zone which was rezoned as part of the Ministerial Gawler East DPA in 2010.</p> <p>a. This Zone is proposed for areas similar to the Master-Planned Suburban Neighbourhood Zone, except that an Activity Centre is not specifically envisaged.</p> <p>b. The anticipated diversity of housing choice, envisaged activity centres and coordinated development of land under fragmented ownership within a greenfield development context envisaged by this Zone more appropriately aligns with the current intent of this Policy Area.</p> <p>c. In order for this Zone to achieve the best outcome for this recently rezoned land, it is recommended that Performance Outcome 14.1 of the Suburban Master-Planned Neighbourhood Zone be included in the Greenfields Neighbourhood Zone to guide development.</p> <p>4. Additionally, it is recommended the Gawler East Structure Plan (consolidated into the Development Plan in 2019) should be incorporated into the Code.</p> <p>5. Recommend removal of Minimum Allotment Size TNV due to the topography of the land within this Zone.</p>
<p>Residential Historic (Conservation) Zone (RH(C)Z) Zone (Current)</p> <p>to</p> <p>Suburban Neighbourhood Zone (Proposed)</p>	<p>1. When a Technical or Numeric Variation applies which limits a building height to 2 storeys or 9 metres, clarification as to whether height or number of storeys has priority.</p> <p>2. Review of public notification requirements for development on a Zone boundary i.e. can capture dwellings in residential zone on a zone boundary.</p> <p>3. Current policy seeks to restrict development along nigh-cart lanes. This is not identified via that proposed Policy.</p> <p>4. Currently Table Ga/3 provided pictorial representation for infill development within Heritage Areas which demonstrates more clearly the Performance Outcomes.</p>

	<p>5. Verandah and outbuilding (not used as a garage) should be included in Performance Assessed table. Currently if a verandah or outbuilding is not Accepted or Deemed-To-Satisfy, it will fall into the category of 'all other code assessed development' and will require public notification.</p> <p><u>Identified Errors</u></p> <ul style="list-style-type: none"> Note typo in Notification Table – references “all other code assessed development in Suburban Neighbourhood (Low Density) Zone” – references the wrong zone.
<p>Residential Historic (Conservation)</p> <p>Gawler East Residential Historic (Conservation) Policy Area (Current)</p> <p>to</p> <p>Suburban Neighbourhood Zone (Proposed)</p>	<p>Feedback below is in addition to specific comments provided to DPTI regarding draft Historic Area Statement.</p> <ol style="list-style-type: none"> 1. There is a Minimum Allotment Size TNV for areas of Gawler East RHC Policy Area south of Lyndoch Road. Currently under Development Plan Policy, this numerical restriction only applies north of Lyndoch Road. 2. Current Policy Area PDC 3 seeks to restrict any land division (creation of new allotments or substantial boundary realignments). This restriction has not carried over in the current Policy, and there is limited scope to restrict this as part of the Historic Area Statement. It is noted that currently there is a 750sqm allotment minimum proposed via a TNV, which perhaps is intended to cover this concern. 3. There are fairly specific PDC's regarding infill development north of Lyndoch Road. This will not necessarily carry over.
<p>Residential Historic (Conservation)</p> <p>Gawler South Residential Historic (Conservation) Policy Area (Current)</p> <p>to</p> <p>Suburban Neighbourhood Zone (Proposed)</p>	<p>Feedback below is in addition to specific comments provided to DPTI regarding draft Historic Area Statement.</p> <ol style="list-style-type: none"> 1. Policy Area Desired Character Statement identifies area in the Gawler Railway Precinct for a wide range of services. This precinct is not identified via Zone, Overlay, or Historic Area Statement. 2. Current policy seeks to restrict development along high-cart lanes. This is not identified via that proposed Policy. 3. 2 storey TNV should only apply in Railway Station Precinct, the rest should be single storey as per current policy.
<p>Residential Historic (Conservation)</p> <p>Light Residential Historic (Conservation) Policy Area (Current)</p> <p>to</p> <p>Suburban Neighbourhood Zone (Proposed)</p>	<p>Feedback below is in addition to specific comments provided to DPTI regarding draft Historic Area Statement.</p> <ol style="list-style-type: none"> 1. Current Policy Area has distinction between Light Policy Area and Church Hill State Heritage Area, this will occur via overlay, therefore these Overlay provisions will need to be strong enough to protect existing heritage characteristics. 2. Reference to complementary roof pitch, materials, finishes etc required

Residential Historic (Conservation) Willaston Residential Historic (Conservation) Policy Area (Current) to Suburban Neighbourhood Zone (Proposed)	Feedback below is in addition to specific comments provided to DPTI regarding draft Historic Area Statement. <ol style="list-style-type: none"> 1. Limited Land Division Overlay or Minimum Allotment Size TNV could apply to reflect current policy that no division of allotments (creation of new allotments or substantial realignment) should occur. 2. TNV could limit building height to one storey (currently 2 storeys TNV proposed) as per currently policy.
Residential Historic (Conservation) Willaston (Redbanks Road) Residential Historic (Conservation) Policy Area (Current) to Suburban Neighbourhood Zone (Proposed)	Feedback below is in addition to specific comments provided to DPTI regarding draft Historic Area Statement. <ol style="list-style-type: none"> 1. Limited Land Division Overlay or Minimum Allotment Size TNV could apply to reflect current policy that no division of allotments (creation of new allotments or substantial realignment) should occur 2. TNV could limit building height to one storey (currently 2 storeys TNV proposed) as per currently policy.
Residential Park Zone (Current) to Caravan and Tourist Park Zone (Proposed)	<ol style="list-style-type: none"> 1. Proposed Caravan and Tourist Park Zone is not a like for like transition for Hillier Park. Currently, 'transportable dwellings' within Hillier Park are Merit applications and are categorised as Category 1 for public notification purposes (i.e. no public notification). Under the proposed Caravan and Tourist Park Zone, these applications would be Performance Assessed and require Public Notification. They would not be envisaged forms of development as they would not be used for tourist accommodation. Under a Residential Park Zone within the Code, these applications would be Performance Assessed, no public notification required. They would also be an envisaged use in the Zone. Recommend transition to Residential Park Zone. 2. Transition of Gawler Gateway Tourist Park and Gawler Caravan Park to Caravan and Tourist Park Zone is acceptable.
Rural Zone (Current) to Rural Zone (Proposed)	<ol style="list-style-type: none"> 1. Remove the limited Land Division overlay, currently all land division is proposed to be 'Restricted Development' due to this overlay. This is not a like for like transition – Include relevant frontage and average depth requirements for sub division. 2. Define current Affected Area through inclusion of 0.9ha Minimum Allotment Size Technical and Numerical Variation – Include relevant frontage and average depth requirements for sub division. 3. Include number of animals per hectare Deemed-To-Satisfy provision for horse keeping, currently no reference to the number of animals permitted. 4. It is not considered appropriate that detached dwellings should require public notification simply because they are located in the Rural Zone 5. Deemed-To-Satisfy Development Classification Criteria should require assessment against the Strategic Infrastructure Gas Pipelines Overlay where it spatially applies, particularly for

	<p>kinds of development that are intended to be restricted within this Overlay</p> <ol style="list-style-type: none"> 6. Include policy which provides appropriate guidance in terms of frontage minimums. The Gawler Development Plan seeks for frontages to be not less than 33 1/3 percent of the average depth of an allotment, this approach should be considered. 7. Practice Direction concerning the concept of 'Value-Adding' should be developed by DPTI for additional clarification around this matter.
<p>Rural Living Zone (Current) to Rural Living Zone (Proposed)</p>	<ol style="list-style-type: none"> 1. Policy which supports the development of ancillary and non-residential land uses is of concern. This is because it is considerably at variance with the Rural Living zones current provisions under the Development Plan which deems offices and shops as non-complying. Although it is appreciated the extent of policy which has been included to ensure non-residential development remains small scale, with shops over 200m² in fact being restricted form development. Rural Living Zones should seek to primarily accommodate residential development on large allotments in association with smaller scale agricultural activities. 2. Include policy which provides appropriate guidance in terms of frontage minimums. The Gawler Development Plan seeks for frontages to be not less than 33 1/3 percent of the average depth of an allotment, this approach should be considered.
<p>Special Uses Zone (Current) to Community Facilities Zone (Proposed)</p>	<ol style="list-style-type: none"> 1. Apply the Open Space Zone along the riverine corridor as well as Clonlea Park. Furthermore, Apply the Recreation Zone across the recreation precinct which includes the Gawler Oval through to the Gawler Aquatic Centre. Under the Development Plan the area in question is under a single (special use) zone however is divided by the conservation policy area. The areas in question directly abut what is proposed to be an Open Space Zone and provides as per the Desired Outcome of the Open Space Zone 'Areas of natural and landscaped open space that provide visual relief to the built environment for the enjoyment of the community'. The Open Space Zone, zone provisions may also assist in negating inappropriate development in this area. 2. Remove consulting room as an envisaged use for the Zone. This is currently non-complying within the Special Use Zone in the Gawler Development Plan. Although it is appreciated that health care facilities may morally align with a community facilities Zone it may in fact be contrary to the zones desires and objectives. 3. Seek to include adverse land uses to the list of Restricted Development. At present the Desired Outcome seeks for the zone to be predominantly used for community use, however policy could be strengthened to better safeguard this desire particularly as the restricted list is essentially non-existent. 4. Include policy which seeks to promote inclusion of greenspaces and appropriate landscaping to complement community facilities.

<p>Special Uses Zone – Special Uses Zone Historic (Conservation) Policy Area (Current)</p> <p>to</p> <p>Open Space Zone (Proposed)</p>	<p>Feedback below is in addition to specific comments provided to DPTI regarding draft Historic Area Statement.</p> <ol style="list-style-type: none"> 1. Localised policy needs to be transferred across into the Code. Although the Historic Areas Overlay and the Local Heritage Overlay apply across this zone detail which currently exists within the Development Plan is lacking. 2. Contributory Items do not exist in the Code however in the Gawler Development they are specifically listed and afforded protection from demolition. They should also be recognised in the Code and afforded greater protection from demolition.
<p>Mixed Use Historic (Conservation) Zone (Current)</p> <p>to</p> <p>Township Main Street Zone (Proposed)</p> <p>&</p> <p>Town Centre Historic (Conservation) Zone (Current)</p> <p>to</p> <p>Township Main Street Zone (Proposed)</p>	<p>Feedback below is in addition to specific comments provided to DPTI regarding draft Historic Area Statement.</p> <ol style="list-style-type: none"> 1. Potentially seek to include a Technical and Numeric Variation to limit building heights to 2 storeys or 9 metres to further align with existing policy. 2. Removal of Land Division from Deemed-To-Satisfy table 3. Concern that advertising attached to a building can be Deemed-To-Satisfy. This should not apply in a Historic Areas Overlay or Local Heritage Place Overlay. 4. Consideration must be given to how the Car Parking Fund will be implemented under the Code. There is no mention of where it applies and how it is considered as part of a Code-based assessment. 5. Clarification as to whether all development within this Zone will require public notification if there is no TNV for building heights that applies (i.e. Zone DTS 3.1 cannot be satisfied). 6. Location of Native Vegetation overlay to be re-considered to apply in areas where native vegetation is likely to be located. 7. Public notification should be required for all forms of industry, not just light industry. 8. Health Facility is listed as an envisaged use in DTS/DPF 1.1 however there is no land use definition in Part 7 for Health Facility. 9. Whilst both the Town Centre Light Policy Area and the Town Centre Gawler South Policy Area are currently both within the Town Centre Zone, the current objectives within the Zone identify the Town Centre Gawler South Policy Area as being of a scale and intensity with is secondary to and complements the Town Centre Light Policy Area due to its proximity to residential zones. Additionally, the Mixed Use Zone is currently identified as being of subordinate to the Town Centre, and of smaller scale. This localised policy is lost with all three proposed to transition to Township Main Street Zone. There is concern that the scale and intensity of development can now be consistently be applied across both Policy Areas.

Overlays

Overlay	Feedback/Comments
Advertising Near Signalised Intersections Overlay	<ul style="list-style-type: none"> No comment, appears to capture the current intent of Schedule 8, Clause 2(4), Development Regulations 2008
Airport Building Height (Aircraft Landing Areas) Overlay	<ul style="list-style-type: none"> Recommend this overlay be applied to areas surrounding Gawler Hospital Helipad (as per current Development Plan provisions) and the Adelaide Soaring Club.
Airport Building Heights (Regulated) Overlay	<ul style="list-style-type: none"> Recommend this overlay be applied to areas surrounding Gawler Hospital Helipad (as per current Development Plan provisions) and the Adelaide Soaring Club.
Affordable Housing Overlay	<ul style="list-style-type: none"> Recommend this overlay be applied in Gawler, spatial application to be determined via further investigation. It is recommended that a list of example housing types be described and that potential opportunities not be prevented through non identification. It should also be noted that whilst there are similarities between micro-housing and caravan parks, there are sufficient differences in standards and purpose that would need to be catered for. There may even be a need to create a specific overlay to provide opportunities and guidance for micro-housing.
Defence Aviation Area Overlay	<ul style="list-style-type: none"> The DTS criteria refer to a Defence Aviation Area Technical and Numeric Variations Overlay however the Planning Atlas only refers to it as the "Defence Aviation Area Overlay", this should be consistent to avoid any confusion. Request that mapping of the 'centre line of the runway' be provided to determine the setback distances required.
Future Road Widening Overlay	<ul style="list-style-type: none"> No comment, appears to capture the current intent of Schedule 8, Clause 3(3)(d), Development Regulations 2008
Hazards (Bushfire – General Risk) Overlay	<ul style="list-style-type: none"> There are no Deemed-To-Satisfy criteria or performance assessed principles that seek for a rainwater tank for dedicated firefighting purposes. This should be considered, with a minimum acceptable tank size recommended. There is no definition in Part 7 of the Code for dormitory style accommodation, this must be defined to avoid any confusion

	<ul style="list-style-type: none"> • Consideration should be given to undertaking updated mapping in light of recent developments that have occurred, and whether this would impact on the spatial application of these Hazard levels. • It is suggested that there be a general principle for land divisions, tourism developments and critical (vulnerable) infrastructure to be located on cleared land and in cleared areas. • It is recommended that clause (b) is strengthened to read: Development including land divisions, tourist accommodation and critical vulnerable infrastructure is not built on, or encroaches within, an area that will require significant native vegetation clearance. • Vehicle access and Roads – Strengthen policy by including the following, “avoid significant impacts on native vegetation and the unnecessary clearance of native vegetation”. • PO 5.3 Re: Bushfire Buffer Zone around a land division to isolate residential allotments from areas that pose an unacceptable bushfire risk. Figure 1 is unclear when considered in the context of many, potentially most land divisions near native vegetation. The diagram is more closely aligned to an Asset Protection Zone of up to 100 metres for multiple dwellings, including a roadway. Bushfire Buffer zones typically extend from beyond an asset protection zone and can be up to 1000 metres wide. There is an ideal opportunity for the diagram to show the following potential zones in the diagram. <ul style="list-style-type: none"> a. DEFENDABLE SPACE 0 to 20 metres surrounding a residential dwelling or 10 metres surrounding a council approved shed or outbuilding where vegetation is managed to low fuel levels. b. ASSET PROTECTION ZONE 0 to 100 metres (50 metres is required by the Design Code) surrounding a group or line of residential dwellings, occupied commercial/industrial sites, critical infrastructure or tourism where vegetation is managed to low fuel levels (can sit over the top of the defendable space).
<p>Hazards (Bushfire Medium Risk) Overlay</p>	<p>–</p> <ul style="list-style-type: none"> • There are no Deemed-To-Satisfy criteria or performance assessed principles that seek for a rainwater tank for dedicated firefighting purposes. This should be considered, with a minimum acceptable tank size recommended. • Consideration should be given to undertaking updated mapping in light of recent developments that have occurred, and whether this would impact on the spatial application of these Hazard levels. • It is suggested that there be a general principle for land divisions, tourism developments and critical

	<p>(vulnerable) infrastructure to be located on cleared land and in cleared areas.</p> <ul style="list-style-type: none"> • It is recommended that clause (b) is strengthened to read: Development including land divisions, tourist accommodation and critical vulnerable infrastructure is not built on, or encroaches within, an area that will require significant native vegetation clearance. • Vehicle access and Roads – Strengthen policy by including the following, “avoid significant impacts on native vegetation and the unnecessary clearance of native vegetation”. • PO 4.3 Re: Bushfire Buffer Zone around a land division to isolate residential allotments from areas that pose an unacceptable bushfire risk. Figure 1 is unclear when considered in the context of many, potentially most land divisions near native vegetation. The diagram is more closely aligned to an Asset Protection Zone of up to 100 metres for multiple dwellings, including a roadway. Bushfire Buffer zones typically extend from beyond an asset protection zone and can be up to 1000 metres wide. There is an ideal opportunity for the diagram to show the following potential zones in the diagram. <ul style="list-style-type: none"> a. DEFENDABLE SPACE 0 to 20 metres surrounding a residential dwelling or 10 metres surrounding a council approved shed or outbuilding where vegetation is managed to low fuel levels. b. ASSET PROTECTION ZONE 0 to 100 metres (50 metres is required by the Design Code) surrounding a group or line of residential dwellings, occupied commercial/industrial sites, critical infrastructure or tourism where vegetation is managed to low fuel levels (can sit over the top of the defendable space). c. BUSHFIRE BUFFER ZONE 100 to 1000 metres as required, strategically located to reduce risks to group or line of residential dwellings, occupied commercial/industrial sites, critical infrastructure. Please note that Bushfire Buffer Zones usually extending from an asset protection zone when needed to increase protection for built assets, but can be detached from an asset protection zone in some circumstances, typically when placed to protect environmental assets.
Hazards (Bushfire – High Risk) Overlay	<ul style="list-style-type: none"> • There are no Deemed-To-Satisfy criteria or performance assessed principles that seek for a rainwater tank for dedicated firefighting purposes. This should be considered, with a minimum acceptable tank size recommended. • Consideration should be given to undertaking updated mapping in light of recent developments

	<p>that have occurred, and whether this would impact on the spatial application of these Hazard levels.</p> <ul style="list-style-type: none"> • It is suggested that there be a general principle for land divisions, tourism developments and critical (vulnerable) infrastructure to be located on cleared land and in cleared areas. • It is recommended that clause (b) is strengthened to read: Development including land divisions, tourist accommodation and critical vulnerable infrastructure is not built on, or encroaches within, an area that will require significant native vegetation clearance. • Vehicle access and Roads – Strengthen policy by including the following, “avoid significant impacts on native vegetation and the unnecessary clearance of native vegetation”. • Definition to be included for ‘Unacceptable Risk’ • PO 4.2 Re: Bushfire Buffer Zone around a land division to isolate residential allotments from areas that pose an unacceptable bushfire risk. Figure 1 is unclear when considered in the context of many, potentially most land divisions near native vegetation. The diagram is more closely aligned to an Asset Protection Zone of up to 100 metres for multiple dwellings, including a roadway. Bushfire Buffer zones typically extend from beyond an asset protection zone and can be up to 1000 metres wide. There is an ideal opportunity for the diagram to show the following potential zones in the diagram. <ul style="list-style-type: none"> a. DEFENDABLE SPACE 0 to 20 metres surrounding a residential dwelling or 10 metres surrounding a council approved shed or outbuilding where vegetation is managed to low fuel levels. b. ASSET PROTECTION ZONE 0 to 100 metres (50 metres is required by the Design Code) surrounding a group or line of residential dwellings, occupied commercial/industrial sites, critical infrastructure or tourism where vegetation is managed to low fuel levels (can sit over the top of the defendable space). c. BUSHFIRE BUFFER ZONE 100 to 1000 metres as required, strategically located to reduce risks to group or line of residential dwellings, occupied commercial/industrial sites, critical infrastructure. Please note that Bushfire Buffer Zones usually extending from an asset protection zone when needed to increase protection for built assets, but can be detached from an asset protection zone in some circumstances, typically when placed to protect environmental assets.
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Hazards (Bushfire –Urban Interface) Overlay	<ul style="list-style-type: none"> • There are no Deemed-To-Satisfy criteria or performance assessed principles that seek for a rainwater tank for dedicated firefighting purposes. This should be considered, with a minimum acceptable tank size recommended. • Refer to comments for the Hazards – General Risk Overlay.
Hazards Overlay (Flooding)	<ul style="list-style-type: none"> • It is important to note that Council has commissioned more up-to-date flood mapping than what currently exists in the Development Plan, furthermore this mapping is not just limited to the Gawler Rivers Flood Plain, but also to localised flooding. It is considered irresponsible to include out-dated flood mapping in the new Code when new, more up-to-date mapping is available. • Land Division – new allotments created only where the flood depth would not exceed 0.3m above natural ground level and flood velocity would not exceed mm/s during a 1% AEP flood event – this detail is currently included in the Development Plan Flood Mapping with the differentiation of high, medium and low flood Hazards. Areas within the Low Risk zone would be captured by this provision. The removal of these levels makes it impossible to determine whether this Deemed-To-Satisfy criteria can be met. • The loss of existing generalised provisions relating to flooding, and the relevant authority being restricted to assessment against outdated flood mapping is likely to create additional risk for land owners and occupiers who develop within areas that are subject to flooding but not identified within the Code. Consideration needs to be given to liability of Relevant Authorities who are restricted to assessment against only those provisions listed within relevant Code tables.
Historic Area Overlay	<p>Feedback below is in addition to specific and separate comments provided to DPTI regarding draft Historic Area Statements.</p> <ul style="list-style-type: none"> • There are several references to the ‘historic area’ which are underlined, is this a reference to Historic Area Statements? This requires clarification. • The draft Practice Guideline states that not all Performance Outcomes are mandatory in the assessment of a proposal for demolition within this Overlay. This is of concern regarding the protection of non-listed items of heritage significance (Contributory Items). • Recommended that Contributory Items are transitioned to the Planning and Design Code.

	<ul style="list-style-type: none"> Concern regarding the concentration on the front elevation of the building and building façade in PO6.1. The proposed demolition controls should be strengthened to include an assessment of the overall quality of the building and not just the façade. Include illustrations to support policy and definitions to provide greater guidance to planners. Additional feedback regarding this overlay has been provided by Council's heritage advisor and is attached as comments and recommended amendments in track changes to the Historic Area Overlay. These are attached to this submission in Annexure A.
Key Railway Crossings Overlay	<ul style="list-style-type: none"> Speeds of roads should be mapped to ensure the appropriate setback from the crossing is captured.
Limited Land Division Overlay	<ul style="list-style-type: none"> TNVs should be applied to allow land division into minimum allotment sizes of 4 hectares in the Rural Zone, or 0.9 hectare in the "Affected Area" under the current Development Plan to enable like for like transition.
Local Heritage Place Overlay	<ul style="list-style-type: none"> Whilst it may be appropriate that the Overlay should apply to adjoining allotments to ensure development in proximity to the LHP is captured, there needs to be some clarity/ consistencies as to how this is spatially applied. Need to define the qualifications of a 'suitably qualified heritage expert'. Include illustrations to support policy and definitions to provide greater guidance to planners. Additional feedback regarding this overlay has been provided by Council's heritage advisor and is attached as comments and recommended amendments in track changes to the Historic Area Overlay.
Major Urban Transport Routes Overlay	<ul style="list-style-type: none"> Given many of the Deemed-To-Satisfy criteria relate to the speed of the road (i.e. to determine spacing for crossovers etc.) the online Planning Atlas should be updated to identify the speed limits for DPTI controlled roads.
Native Vegetation Overlay	<ul style="list-style-type: none"> Concern regarding the spatial application of the Native Vegetation Overlay as it captures built up residential areas and existing town centre areas. This will restrict a lot of development from being Deemed-To-Satisfy where it is very unlikely that there are areas of remnant Native Vegetation. Conflict still exists between the Regulated Trees Overlay and the Native Vegetation Overlay. Clarification required as to when each overlay would prevail over the other.

	<ul style="list-style-type: none"> • This referral is not listed within Schedule 9 of the <i>Planning, Development and Infrastructure (General) Regulations 2017</i>, therefore it is unclear what the timeframe for this referral would be. Additionally, it is unclear where the power for this referral comes from, as it is understood that the Regulations allow for the referral, with the specific application of this referral directed by the Code. • There should be a more stringent requirement to locate land divisions, tourism facilities occupied developments and critical vulnerable infrastructure on land that is substantially already cleared. The bushfire measures including the 20 metre defendable space, potential need for an asset protection zone and bushfire buffer zone to be incorporated into the assessment. •
Noise and Air Emissions Overlay	<ul style="list-style-type: none"> • No comment, like for like transition. •
Non-stop Corridors Overlay	<ul style="list-style-type: none"> • No comment, new provisions seem to capture the same intent as Schedule 8, Clause 3(2), (3) and (4) of the Development Regulations 2008. •
Prescribed Water Resource Areas Overlay	<ul style="list-style-type: none"> • No comment, new provisions seem to capture same intent as Schedule 8, Clause 3(12A) <i>Development Regulations 2008</i>. •
Prescribed Watercourses Overlay	<ul style="list-style-type: none"> • Create a new Overlay: River and Stream Overlay, to guide new infrastructure to incorporate Water Sensitive Urban design, settlement and bio filtration infrastructure before urban stormwater enters streams and rivers. •
Prescribed Wells Area Overlay	<ul style="list-style-type: none"> • No comment, new provisions seem to capture same intent as Schedule 8, Clause 3(12A) <i>Development Regulations 2008</i>. •
Regulated Tree Overlay	<ul style="list-style-type: none"> • Of concern is that within the <i>Planning, Development and Infrastructure Act 2016</i> where the kind of trees that are Regulated or Significant is declared, the definition appears to have changed. The PDI Regulations declare Regulated Trees with trunk circumference or 2m or more and 3 metres or more measured at 1m above natural ground to be Significant. Currently, trees with circumference 2m or more are declared Regulated, while 3m or more are declared Significant. It is assumed that this is an error and it is recommended that it is rectified. See Regulation 3F(1), 'significant tree' should be replaced with 'regulated tree'. • Recommend that 'all reasonable development options and design solutions' should be considered for Regulated as well as Significant trees.

	<ul style="list-style-type: none"> • A definition or practice direction should be developed to determine what constitutes a 'substantial building of value' • Clarification as to why the following provisions have been removed: <ul style="list-style-type: none"> a. Whether the tree is indigenous to the locality b. Whether the tree provides an important habitat for native fauna • In the case of Significant trees: <ul style="list-style-type: none"> a. Whether the tree is part of a wildlife corridor or a remnant area of native vegetation b. Whether the tree is important to the maintenance of biodiversity in the local environment. • Incorporate the climate adaptation role of trees in the DO, namely through cooling microclimates through evapotranspiration and shade. This would be an important step towards future sustainability and resilience in a changing climate.
Sloping Land Overlay	<ul style="list-style-type: none"> • Current provisions within the Gawler Development Plan seek for development to avoid the siting of development in watercourses, and that development on steep sites in un-sewered areas not occur unless the physical characteristics of the allotment enable proper siting and operation of an effluent drainage system suitable for the development intended. These provisions or similar should transition into the Code. • Seek to include additional policy to provide greater guidance in relation to minimising the extent of cut and fill as well as encourage land owners to work with the lay of the land. • Apply the Sloping Land Overlay across the Gawler East Development area currently identified as the Residential Hills Zone and Residential Gawler East Zone within the Gawler Development Plan. This is in order to promote better design outcomes and encourage development to work with the lay of the land as well as to discourage medium density residential development. •
State Heritage Area Overlay	<ul style="list-style-type: none"> • Whilst it may be appropriate that the Overlay should apply to adjoining allotments to ensure development in proximity to the State Heritage Area, there needs to be some clarity/ consistency as to how this is spatially applied. • Where a Draft Practice Direction has been developed to assist with the interpretation of the Local Heritage Places, Overlay Historic Area Overlay and Character Area Overlay, no such Practice Direction has been drafted for the State Heritage Area or State Heritage Places Overlay. This should be investigated. • Include illustrations to support policy and definitions to provide greater guidance to planners.

	<ul style="list-style-type: none"> Additional feedback regarding this overlay has been provided by Council's heritage advisor and is attached as comments and recommended amendments in track changes to the Historic Area Overlay.
State Heritage Place Overlay	<ul style="list-style-type: none"> Whilst it may be appropriate that the Overlay should apply to adjoining allotments to ensure development in proximity to a State Heritage Place is captured, there needs to be some clarity/ consistencies as to how this is spatially applied. Where a Draft Practice Direction has been developed to assist with the interpretation of the Local Heritage Places, Overlay Historic Area Overlay and Character Area Overlay, no such Practice Direction has been drafted for the State Heritage Area or State Heritage Places Overlay. This should be investigated. Include illustrations to support policy and definitions to provide greater guidance to planners. Additional feedback regarding this overlay has been provided by Council's heritage advisor and is attached as comments and recommended amendments in track changes to the Historic Area Overlay. These are attached to this submission in Annexure A.
Strategic Infrastructure Gas Pipeline Overlay	<ul style="list-style-type: none"> Introduce the following policy into the Strategic Infrastructure Gas Pipelines Overlay "Development in proximity to the high pressure gas transmission pipeline must have regard to the obligations of the pipeline operator in accordance with Australian Standard AS 2885 for a safe environment and should be consistent with a relevant Safety Management Study". Seek to introduce referrals to the Department for Energy and Mining for any application which seek the division of land or proposes any of the following land uses: <ul style="list-style-type: none"> educational establishment; emergency services facility; hospital; industry; pre-school; retirement facility; or supported accommodation
Traffic Generating Development Overlay	<ul style="list-style-type: none"> No comment
Urban Transport Routes Overlay	<ul style="list-style-type: none"> Given many of the Deemed-To-Satisfy criteria relate to the speed of the road (i.e. to determine spacing for crossovers etc.) the online Planning Atlas should be updated to identify the speed limits for DPTI controlled roads.

Water Resources Overlay	<ul style="list-style-type: none"> • Seek to include policy within the Overlay which promotes the retention of onsite stormwater to reduce negative effects on biodiversity, erosion and issues for downstream properties. •
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General Development Policies

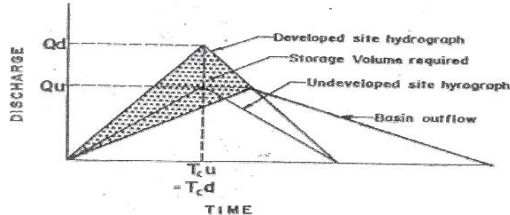
General Policies	Development	Feedback/Comments
Advertisements		<ul style="list-style-type: none"> • Include policy for heritage items or zones which provides greater guidance in relation to: <ul style="list-style-type: none"> ○ Concealment of detail, including architectural elements ○ Scale/ compatibility ○ Form ○ Colour ○ Potential for building damage ○ Consistency with Historic Area Statements • Include illustrations to support policy and definitions to provide greater guidance to planners. • Clear definitions for Advertising and Advertising Displays should be inserted into the Code, with supporting illustrations e.g. pylon, free standing, roof etc. •
Animal Keeping and Horse Keeping		<ul style="list-style-type: none"> • Include Deemed-To-Satisfy Criteria for animal keeping to provide clear guidance in relation to ideal animals per hectare densities. •
Beverage Production in Rural Areas		<ul style="list-style-type: none"> • Include policy which mitigates likely amenity impacts of visitors/customers at such facilities e.g. car parking and waste production etc. • Include definition for Cellar Door within the Planning and Design Code. •
Bulk Handling and Storage Facilities		<ul style="list-style-type: none"> • The desired outcome for Bulk Handling and Storage Facilities should become a definition within the code to limit future misinterpretation. • Minimum separation distances should be provided for all Bulk handling facilities to residential areas/uses. • Visual impacts should be minimised by integrating them into the building design and screening them from public view (such as fencing, landscaping and built form) taking into account the form of development contemplated in the relevant zone. •
Clearance from Overhead Powerlines		<ul style="list-style-type: none"> • Clearance distances to powerlines should be included within the Design Code or a reference to the Minimum Safety Clearances (or where to obtain distances). • Setback distances to underground powerlines should also be inserted into the Code. • Planting of vegetation especially trees as per DTS requirements for dwellings should include setback distances to powerlines.

	<ul style="list-style-type: none"> • The Office for the Technical Regulator specifies maximum tree heights and species guide near power lines. This information should be inserted into the Code. •
Design in Urban Areas	<ul style="list-style-type: none"> • PO 1.3 should be amended to seek that any building adjoining a public road or space should be designed so the main façade faces the primary street frontage. • PO 2.4 should include development with direct frontage or immediately adjoining public space should be designed to maximise opportunities for passive surveillance. Not only at ground level. • PO 3.1 should incorporate consideration of vertical and horizontal landscaping at an appropriate scale and size to proposed development. • Consideration of landscaping and its appropriateness in relation to its proximity to building footings should be considered. • PO 4.3 – green walls and roofs should be amended to specify landscaped roofs or walls. Could be interpreted as green in colour. • PO 7.1 (Earthworks) should consider earthworks on adjoining land. • PO 8.1 should include a measurable period where sunlight is available. The current Statement is too broad • PO 8.2 Landscaping should be included at a height to adequately screen/minimise/improve the appearance of retaining walls • PO 8.3 should be amended to read 500mm wide not deep. Deep could be interpreted as 500mm penetration into soil. Again appropriateness of landscaping near building footing needs to be considered. • PO 9.4 large blank walls should include visually interesting walls not only from a public realm perspective but areas where they are visible from neighbouring main/primary areas of Private Open Space • PO 16.3 should specify a minimum height above the flood height. • PO17.1 should read, unless adequate provision for the management of stormwater have been provided i.e. rear allotment drainage. • DTS/DPF 22.1 Retention Rainwater tanks - Providing guidelines for rainwater tanks sizing and by standardising it is a great initiative. <ul style="list-style-type: none"> ○ Hammerhead dwellings – the intention of increasing the retention rainwater tank to account for the additional runoff from impervious driveway is a good suggestion, but it is impractical because an above ground rainwater tank can only collect the roof run-off as per the requirements 1. Connect to at least 60% of the dwelling which would be exactly the same volume of runoff for the same roof size irrespective of the allotment layout. It is suggested to only have one table for both scenarios. • DTS/DPF 22.2 - 5-19 dwellings require a stormwater management system with water quality standards.

- The performance outcome states; the removal of litter, and other contaminants to the stormwater system, which triggers the litter/gross pollutant and oil/grease requirements.
- Bullet points (d) and (e) as per DTS/DPF41.1p2252 should be added.
 - - (d) 90 per cent reduction of litter/gross pollutants compared to untreated stormwater runoff; and
 - (e) no visible oils/grease for flows up to the 1 in 3 months' average return interval flood peak flow.
- This requirement will require a MUSIC model to demonstrate the water quality achievements.
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- In this size of subdivision it is almost not achievable to create the entire "treatment train" within the development. For example:
 - a. At the lowest drainage point, a Gross Pollutant Trap (GPT) is required to satisfy the 90% reduction in litter/gross pollutant. A GPT does remove a portion of the total suspended solids, a portion of phosphorous and oil/grease flows, but removes limited nitrogen.
 - b. In order to remove nitrogen, you normally require a natural treatment source such as a swale or wetland. A small wetland system, is not efficient, or maintainable. This normally connects directly into the existing council infrastructure, which discharges into open space areas, where nitrogen can be treated.

ECOSOL GPT CAPTURE EFFICIENCY PERFORMANCE SUMMARY		
Pollutants	Capture Efficiency	Details
Gross Pollutants (GP)	98%	Particulate >2000 micron
Total Suspended Solids (TSS)	61%	Particulate 20-2000 micron (mean averages)
Total Phosphorous (TP)	29%	Particulate and dissolved mean average efficiency less standard deviation
Total Nitrogen (TN)	1%	Particulate and dissolved mean average efficiency less standard deviation
Total Petroleum/Hydrocarbon (TPH)	99%	In dry weather emergency oil spill solutions
	23%	In a high flow event

- DTS22.3 Stormwater run-off for development creating 5-19 dwellings, p 2243
- Concern A:
 - The statement is too general, and can't be applied to all residential developments of a size between 5-19 dwellings.
 - The values specified under (i.) is based on the rational method of determining site run-off. This method is dependent on the area size, slope, type of vegetation, and rainfall intensity-frequency. General values cannot be used because it is site specific. Additional runoff coefficients should be provided for pavements, roofs, gardens etc. See: *Infrastructure Guidelines SA, standards and requirements for the Design and Construction of Infrastructure Assessment in South Australia.*

	<p>○ The figure below refers to the method suggested under this DTS.</p> <p>Figure 2-2</p> <p>Case 2</p>  <p>○ $Q_u = CIA$, (un-</p> <p>develop) where $C=0.35$, I is a value based on, (18.1%AEP and 30min), A= area of development,</p> <p>○ $Q_d = CIA$, where C - proportional factor between type C and area. I is the same value, and A=area of development.</p> <p>○ Therefore only the C factor varies between Q_d and Q_u.</p> <ul style="list-style-type: none"> • Concern B: <ul style="list-style-type: none"> ○ The statement does not allow the option to consult the council engineering department on the preferred solution for the development which complies with the overall stormwater master plan of the area (if one exists). • • Concern C:
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- Currently the standard guideline in the Town of Gawler's Standards and Requirements for land development/land divisions requires the proposal to detain storms up to and including a 1% AEP (1-100yr) event within the boundaries of the site, without causing inundation of dwellings and surrounding properties. Applying Town of Gawler's guidelines of post development of 1% AEP retained to an 18.1% AEP, 5min, the storage volume required is almost 3 times more than applying the methodology under the DTS provision.

Table 9 - Coefficients of Runoff

Catchment Type	Coefficient of Runoff
<i>Predevelopment conditions</i>	0.1-0.5 (0.25)
<i>Low density residential areas - lot areas >2000 m² to 4000 m²</i>	0.2-0.5 (0.3)
<i>Residential areas - lot areas > 1000 m² to 2000 m²</i>	0.3-0.7 (0.5)
<i>Residential areas - lot areas > 600 m² to 1000 m²</i>	0.4-0.8 (0.6)
<i>Residential areas - lot areas > 450 m² to 600 m²</i>	0.5-0.8 (0.75)
<i>Residential areas - lot areas > 300m² to 450m²</i>	0.6-0.9 (0.8)
<i>Residential areas - lot areas <300 m²</i>	0.7-0.9 (0.9)
<i>Residential areas (medium density i.e. Units, including potential unit Development sites)</i>	0.7-0.9 (0.9)
<i>Commercial zones</i>	0.7-0.9 (0.9)
<i>Industrial zones</i>	0.9
<i>CBD</i>	0.9
<i>Residential road reserves</i>	0.75 -0.9
<i>Landscaped areas</i>	0.2-0.5 (0.35)
<i>Paved areas</i>	0.9
<i>Swimming pools, retention/detention basin, open channels, ornamental lake/wetlands</i>	1.0

Table 8 - Average Recurrence Intervals for Stormwater Drainage in Urban Areas

Stormwater Drainage System	Capacity (Minor event)	Capacity (Major event)
Urban Residential Areas and minor Commercial centres of 10 shops or less	5 yr. ARI (18% AEP)	100 yr. ARI (1% AEP)
Local Emergency Facilities (CBD)	20 yr. ARI (4.9% AEP)	200 yr. ARI (0.5% AEP)
Industrial areas	5 yr. ARI (18% AEP)	100 yr. ARI (1% AEP)
Low points where there is no overflow path and overflow may flood properties	100 yr. ARI (1% AEP)	100 yr. ARI (1% AEP)
Commercial areas	20 yr. ARI (4.9% AEP)	100 yr. ARI (1% AEP)

DTS/DPF 23.5 Driveway design, p 2244

- It is suggested, this section should be in accordance with AS2890.1- off street car parking.
- The DTS/DPF 23.5 section should require transition sections if the average grade between boundary line and front of garage/carport is exceeding a 1:5 (20%).
 - 12.5% (1:8) for summit grade and 15% (1 in 6.7) for sag grade.
 - High side of the road. 1m transition section on both sides from the boundary and carport/garage at 12.5% (1 in 8). Ramp slope with a maximum of 20%, 1 in 4.

	<ul style="list-style-type: none"> ○ Low side of the road. 1m transition with a 10% (1 in 10) from the boundary and a maximum of 12.5% (1 in 8) to the front of the carport/garage. Ramp slope of 20% or 1 in 5. ○ Turn around areas within the property are required if the driveway exits onto a collector road. The vehicle need to exits in a forward direction. ○ Turn around areas within a property are also required when a property is located at the end of the dead end road and where there is no T-turn around provided. ○ Turn around areas should be provided for shared driveways, vehicles need to exit a shared driveway in a forward direction onto public road. <p><u>ALL NON-RESIDENTIAL DEVELOPMENT</u></p> <ul style="list-style-type: none"> • • DTS/DPF 41.1 Water quality standards <ul style="list-style-type: none"> ○ This section regarding stormwater treatment should comply with the state-wide performance target and the Environmental Protection (Water quality) policy 2003. This should be reflected above in the residential section – 5 bullets. • • DTS/DPF 41.3 – Stormwater management system <ul style="list-style-type: none"> ○ Refer to section, DTS22.3 for comments on stormwater management system. <ul style="list-style-type: none"> ○ Section (a) The runoff coefficient, of 0.35 for predevelopment is too high, it should around 0.25 as recommended by <i>Design and Construction of Infrastructure Assessment in South Australia</i>, published by local government Infrastructure Guidelines Board Inc., Table 8 p 71. This can only apply if it is a total Greenfields site. • DTS/DPF 33.3 should include the requirement for additional provision of land to accommodate letter boxes and services such as water meters separate to minimum driveway widths. • Overshadowing provisions from Renewal Housing should be included within all design sections in the code and in particular relating to all residential development. • Overshadowing - PO 15.1 Development minimises overshadowing of the private open spaces of adjoining land by ensuring that ground level open space associated with existing residential buildings receive direct sunlight for a minimum of 2 hours between 9am and 3pm on 21 June (winter solstice). •
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<p>Design in Rural Areas</p>	<ul style="list-style-type: none"> • Rural design provisions to be reconsidered, in particular sections relating to higher density residential development, small allotment provisions etc. • <p><u>RESIDENTIAL DEVELOPMENT – 3 BUILDING LEVELS OR LESS</u></p> <ul style="list-style-type: none"> • DTS 16.1 Water quality – 5- 19 dwellings - Sections (d) and (e) should be included – Refer to comments in Design in Urban Areas 22.2 DPF/DTS <ul style="list-style-type: none"> • (d) 90 per cent reduction of litter/gross pollutants compared to untreated stormwater runoff; and • (e) no visible oils/grease for flows up to the 1 in 3 months' average return interval flood peak flow. • DTS16.2 Stormwater management plan - Refer to Design in Urban Areas DTS22.3 Stormwater run-off for development creating 5-19 dwellings • DTS/DPF 17.5 Driveway - See comments under Design in Urban Areas DTS/DPF 23.5 Driveway design, • DTS/DPF 22.3 driveways that service more than one dwelling p 2265. It is recommended that dot point (D) be amended as follows: A cross over with a width of 6m by 6m is required. The length of 6m may cross into the property boundary. • <p><u>ALL NON-RESIDENTIAL DEVELOPMENTS</u></p> <ul style="list-style-type: none"> • DTS/DPF 29.1 Water Quality - Bullets (c) to (e) should be added: <ul style="list-style-type: none"> • (c) 45 per cent reduction in average annual total nitrogen. • (d) 90 per cent reduction of litter/gross pollutants compared to untreated stormwater runoff; and • (e) no visible oils/grease for flows up to the 1 in 3 months' average return interval flood peak flow. <p><u>MINOR LAND DIVISION (UNDER 20 ALLOTMENTS)</u></p> <ul style="list-style-type: none"> • DTS 5.2 – Land divisions creating 5-19 non-residential allotments – stormwater management plan • See comments on Design in Urban Areas DTS 22.2 - 5-19 dwellings require a stormwater management system with water quality standards. • • DTS 7.1 Water quality <ul style="list-style-type: none"> ○ Bullets (d) and (e) should be added. <ul style="list-style-type: none"> • (d) 90 per cent reduction of litter/gross pollutants compared to untreated stormwater runoff; and • (e) no visible oils/grease for flows up to the 1 in 3 months' average return interval flood peak flow.
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	<ul style="list-style-type: none"> • PO 7.2 and DTS/DPF 7.2 <ul style="list-style-type: none"> ◦ PO 7.2 and DTS/DPF 7.2 is the same as PO5.2 and DTS 5.2, should be omitted. •
Housing Renewal	<ul style="list-style-type: none"> • Overshadowing PO 15.1 should be included in Design in Urban Areas provisions. •
Interface between Land Uses	<ul style="list-style-type: none"> • No comment
Infrastructure and Renewable Energy Facilities	<ul style="list-style-type: none"> • Amend policy which provides guidance in relation to wind turbine setback to be more encapsulating of all urban type areas, e.g. <i>setback at least 2000 metres from defined and zoned township, settlement or urban areas (including deferred urban areas)</i>. • Seek to include policy which promotes the delivery of infrastructure in a timely manner as well set aside land identified for required infrastructure. • The Infrastructure and Renewable Energy Facilities Policy could be improved by including a Desired Outcome of selecting locations to avoid the clearance of native vegetation where possible and to minimise the impacts where this outcome is not possible • Change to: DO 1, Efficient provision of infrastructure networks and services, renewable energy facilities and ancillary development in a manner that: <ul style="list-style-type: none"> ◦ suitably manages adverse visual impacts on natural and rural landscapes and residential amenity ◦ preferably prevents the clearance of native vegetation and avoids culturally sensitive places. ◦ If avoidance of impacts is not possible, development that minimises hazard, is environmentally and culturally sensitive. • The Design Code should clarify the opportunities and constraints for the various configurations of small scale wind turbines at a high level in the code, and in more detail through a practice guideline. • Include additional PO which seeks to minimise environmental impacts upon existing areas of native vegetation. •
Intensive Animal Husbandry and Dairies	<ul style="list-style-type: none"> • Seek to include additional policy which limits particular land uses within flood prone areas, notable Rural type land uses include: <ul style="list-style-type: none"> ◦ Intensive animal keeping ◦ Cattle feedlots ◦ Land based aquaculture ◦ Chemical storage ◦ Waste treatment and storage •

<p>Land Division in Urban Areas</p>	<ul style="list-style-type: none"> • Remove Deemed-To-Satisfy criteria for land division as this will permit private certifiers/surveyors to act as relevant authorities in this regard. • Include policies which seek to achieve a co-ordinated approach to allotment configuration and the delivery and funding of physical and community infrastructure provision. This may include discussion relative to infrastructure schemes as and when detail in this space becomes clearer or commitments/security from developers via deeds. • Include policy which provides clarity in regards to the link between land division applications, built form and accompanying stormwater management plans. • Include policies which seek to promote links into and/or further expand upon walking and cycling networks to encourage active modes of travel. • Seek to include additional structure plans across all Council areas which highlight when and where a range of (traffic, stormwater, social etc.) infrastructure is required and how it will be funded. • Seek to include provisions which require allotments that are/will be connected to septic to have a greater minimum allotment size (e.g. minimum 1200sqm) • <p><u>MAJOR LAND DIVISION (20+ ALLOTMENTS)</u></p> <ul style="list-style-type: none"> • DTS/DPF 9.1 Stormwater Management - Refer to Design in Urban Areas DTS22.3 Stormwater run-off for development creating 5-19 dwellings, p 2243, comments on the post development time specification and the pre development runoff coefficient. • • PO9.2 and DTS/DPF 9.2 - Refer to Design in Urban Areas DTS22.3 Stormwater run-off for development creating 5-19 dwellings, p 2243, comments on the post development time specification and the pre development runoff coefficient. • • DTS 9.3 - Bullets (d) and (e) should be added. <ul style="list-style-type: none"> • (d) 90 per cent reduction of litter/gross pollutants compared to untreated stormwater runoff; and • (e) no visible oils/grease for flows up to the 1 in 3 months' average return interval flood peak flow. •
<p>Land Division in Rural Areas</p>	<ul style="list-style-type: none"> • Remove Deemed-To-Satisfy criteria for land division as this will permit private certifiers/surveyors to act as relevant authorities in this regard. Given that the Limited Land Division Overlay is proposed to apply throughout the proposed Town of Gawler Rural Zone, all land divisions are Restricted Development in any case. • Include the following policy 'Land division is designed to allocate adequate and suitable land for the preservation of existing vegetation of value including native vegetation, regulated and significant trees' as a Performance Outcome. •

<p>Open Space and Recreation</p>	<ul style="list-style-type: none"> • Seek to include policies which endeavour to achieve a co-ordinated approach to delivering an appropriate provision of open space. • Adopt the hierarchal system to open space identified. <ul style="list-style-type: none"> ○ Regional ○ District ○ Neighbourhood ○ Local • • Seek to include additional structure plans across all Council areas which identify where open space provision is required to adequately support the community. •
<p>Resource Extraction</p>	<ul style="list-style-type: none"> • Seek to include policy/overlays which identify and protect known economically workable deposits of minerals from incompatible development. • Include policy which seeks the inclusion of a rehabilitation plan for a more proactive approach towards reclamation. •
<p>Site Contamination</p>	<ul style="list-style-type: none"> • Seek to include policy which endeavours to identify site contamination issues, particularly in instances where more sensitive land uses are being proposed. • Seek to include policy which explores opportunities for site remediation. •
<p>Tourism Development</p>	<ul style="list-style-type: none"> • Seek to include policy which guides suitable on-site car parking for certain types of facilities e.g.: <ul style="list-style-type: none"> ○ One car parking space per 10 sites to be used for accommodation for parks with less than 100 sites ○ One car parking space per 15 sites to be used for accommodation for parks with greater than 100 sites. • In regards to tourism development occurring in areas of environmental significance, additional policy should seek to minimise/mitigate the impact which the development and its ongoing operation will have on the immediate area. • In terms of landscaping policy potentially seek to promote the use of locally indigenous species to promote increased biodiversity and environmental sustainability more generally. • Add to DO 1: Tourism development in suitable locations that caters to the needs of visitors, and the environment. •
<p>Transport, Access and Parking</p>	<ul style="list-style-type: none"> • Include policy which references current and relevant Australian Standards for parking facilities, cycling facilities and any other transport/parking infrastructure in this regard. • Include policy which aids in identifying when an independent Traffic Impact Study may be required through the Development Assessment process. Clarification that user pays principle should apply here. • Clarification as to how the Car Parking Fund will apply under the Code. •

Waste Treatment and Management Facilities	<ul style="list-style-type: none"> • Include additional policy which provides greater clarity in regards to location and interface with other zones and areas. • Identify areas in which these types of facilities should not occur within. • Seek to include policy which explores the opportunity for capturing and utilising gas emissions created for commercial use where feasible. • Seek to include policy specifically in regards to wastewater treatment being located outside of flood prone areas. •
Workers Accommodation and Settlements	<ul style="list-style-type: none"> • Seek to include policy which promotes access to local transport routes where appropriate – Including walking and cycling routes as many of these workers do not have access to private vehicles and can become isolated. •

Technical and Numeric Variations

Technical and Numeric Variations	Feedback/Comments
9 metre height maximum TNV	<ul style="list-style-type: none"> • Current policy within the Residential (Gawler East) Zone allows a maximum 5 storeys in height within the Mixed Use Policy Area 3. The proposed TNV will result any development exceeding 9 metres in height requiring Public Notification. • Current Policy within the Residential Zone allows 1-3 storeys within the Evanston Gardens/Evanston South/Hillier Policy Area, and further allows 4+ storeys near the Tambelin Railway Station. The proposed TNV will result any development exceeding 9 metres in height requiring Public Notification.
2 storey height maximum TNV	<ul style="list-style-type: none"> • Current policy within the Residential (Gawler East) Zone allows a maximum 5 storeys in height within the Mixed Use Policy Area 3. The proposed TNV will result in any development exceeding 2 storeys requiring Public Notification. • Current Policy within the Residential Zone allows 1-3 storeys within the Evanston Gardens/Evanston South/Hillier Policy Area, and further allows 4+ storeys near the Tambelin Railway Station. The proposed TNV will result in any development exceeding 2 storeys requiring Public Notification.
Lot frontage minimum TNV	<ul style="list-style-type: none"> • Consideration needs to be given to the fact that 9m frontages will not be able to accommodate a double garage, and the impact this may have on traffic and vehicle parking options. • A blanket minimum may not be practical in certain areas, especially where there is existing street infrastructure (i.e. street trees, side entry pits, stobie poles etc.)
Lot size minimum TNV	<ul style="list-style-type: none"> • 0.9ha affected area within the Rural Zone should be included • The proposed 2000m² allotment size is in line with current policy for Wheatsheaf, however for the Gawler South Policy Area this is only applicable for the area that is located on the escarpment. Existing allotment sizes in Gawler South Policy Area currently vary from 200m² to 1.2ha. The prevailing character for the portion not located on the escarpment is approximately 800m², therefore this 2000m² would restrict further development within this zone. The Gawler South Policy Area would be better serviced as Suburban Neighbourhood

	<p>as it would then be possible to apply a TNV of 2000m² for the area of the escarpment, with the rest of the policy area able to be designated a smaller allotment size.</p> <ul style="list-style-type: none"> • Technical and Numeric Variations for building height, frontage minimum and lot size minimum have been applied across the Residential (Hills) Zone and the Residential Gawler East Zone. Due to the sloping nature of the land within these Zones, it is recommended that the TNV for minimum allotment sizes be removed. It is not considered that the General Neighbourhood Zone is the most appropriate transition zone for these two Zones, and thus the TNV's will have a role to play if another zone were to be allocated (General Neighbourhood Zone lists minimum allotment sizes in the Policy rather than relying on the TNV). Much of the existing policy in the Residential Gawler East Zone and Residential (Hills) Zone seeks for development to be sensitive to the area's topography. Policy is essentially seeking for development to work with the lay of the land and to minimise cut and fill where possible. It is not considered that a 300m² allotment would necessarily allow for a good design outcome that would work with the topography of the land. •
Local Heritage Places	<ul style="list-style-type: none"> • Places of Local Heritage value identified within the DPA that is currently under investigation shall be included within this list of Local Heritage Places. • Local Heritage Places are not considered to be Technical and Numeric Variations. Considered that these should be included under their own Part. •
State Heritage Places	<ul style="list-style-type: none"> • State Heritage Places are not considered to be Technical and Numeric Variations. Considered that these should be included under their own Part. •
Significant Trees	<ul style="list-style-type: none"> • Significant Trees are not considered to be Technical and Numeric Variations. Considered that these should be included under their own Part. •
Concept Plans	<ul style="list-style-type: none"> • Recommend inclusion of existing concept and structure plans, in particular <ul style="list-style-type: none"> ○ Gawler East Structure Plan ○ Evanston Gardens/ Evanston South/Hillier Concept Plan • These will be particularly important should the Master Planned Suburban Neighbourhood Zone be applied to these Zones/Policy Areas Recommend inclusion of existing concept and structure plans •

At the time this report was being finalised it was announced that Minister Knoll advised of his intention to reintroduce a Bill to Parliament to amend the *Planning, Development and Infrastructure Act 2016*. The Bill will remove the deadline of 1 July 2020 for full implementation of the Code, enabling the timeframe to be set by proclamation in the *South Australian Government Gazette*. This decision has been touted as a recommendation of the State Planning Commission to provide councils, industry and the community more time to understand and prepare for the Code's implementation. Any extension of time is not expected to result in a further period of consultation on the Code.

In addition, it is noted that the Mayor has written to the State Planning Commission respectfully requesting that, should the extension to the Code implementation occur as mooted to September 2020, consideration be given to allowing extra time to complete the public consultation process for the impending Local Heritage Transition Development Plan Amendment (**Attachment 4**).

Undeniably the Code has an abundance of flaws and considerable room for improvement, however it is in its infancy and does provide some new and hopefully advantageous approaches to the South Australian Planning system, such as an e-planning system and state wide consistent zones. The administration is also hopeful that the anticipated extension of time will assist in resolving some of these issues and allow for additional training time.

Undoubtedly teething issues will be widespread across the state once the new system goes live. The Code refinement process is expected to continue for years to come as government authorities as well as the private sector use and become more familiar with the Code and its shortfalls and seek to improve them.

By no means is the feedback presented a perfect list of the Code's errors relative to the Council area. This process remains a moving feast as the Code is being continually revised. However, the feedback generated is considered to be extensive taking into regard the scale of the task at hand and the time limitations which were involved. This feedback has benefitted from a combined effort and input from Council planners and engineers as well as community input community workshop. If adopted by Council, it will be forwarded to DPTI and the SPC prior to 28 February 2020 for consideration as part of the Code refinement process.

COMMUNICATION (INTERNAL TO COUNCIL)

Council Assessment Panel (CAP)
 Manager Development, Environment and Regulatory Services
 Senior Development and Strategic Policy Officer
 Strategic Planner
 Development Assessment Planer
 Team Leader Asset Planning
 Senior Development Assessment Engineers
 Environment and Sustainability Officer

CONSULTATION (EXTERNAL TO COUNCIL)

Department of Planning, Transport and Infrastructure
 Local Government Association of SA

POLICY IMPLICATIONS

The Planning and Design Code will replace all Development Plans across the state, creating a central set of state-wide development policies.

RISK EVALUATION

Risk	
Identify	Mitigation
Failure to present feedback to the Department of Planning Transport and Infrastructure on the Draft Planning and Design Code will eliminate Council's chance to improve the draft development policies proposed for the Council area.	Commit appropriate resources to the analysis of the draft Planning and Design Code as well as circulate through Council and its Council Assessment Panel for comment.

Opportunity	
Identify	Maximising the Opportunity
Opportune time for the administration to try and familiarise themselves with the mechanics of the Planning and Design Code.	Ensure all relevant staff are involved through this review/critiquing process.
Provide the Department of Planning Transport and Infrastructure with feedback which ensures the Planning and Design Code will generate a like for like situation with existing development policies.	Commit appropriate resources to the analysis of the draft Planning and Design Code as well as circulate through Council and its Council Assessment Panel for comment.

STATUTORY REQUIREMENTS

The Planning and Design Code is legislated to come into effect by 1 July 2020 under the *Planning, Development and Infrastructure Act 2016*. The Planning and Design Code will replace Council's current Development Plan which operates under the *Development Act 1993*.

FINANCIAL/BUDGET IMPLICATIONS

A levy on all participating Councils was collected during the 2018/19 year to fund the development of the State's ePlanning system, which is an integral part of and will be launched with the Planning and Design Code. This levy is \$6,000 in the 2019/20 financial year and is expected to be the same for the 20/21 financial year. This fee is proportionate to the number of development applications and their value assessed by a Council.

Details in relation to how planning fees will be redistributed to Councils remain unclear and the administration understands these specifics are still being worked through by DPTI. However, the administration is currently of the view that there is likely to be an adverse impact on the net level of development application fees received by Council, which will be reflected in draft 2020/21 budget papers to be initially considered by the Audit Committee and Council in March 2020.

It is anticipated that staffing requirements and investment into technologies pertinent to planning administration for Councils will remain unchanged.

COMMUNITY PLAN

Objective 1.3: Protect and promote Gawler's unique heritage [click here](#)

Objective 2.2: Growth to be sustainable and respectful of cultural and built heritage [click here](#)

Objective 2.3: The local environment to be respected [click here](#)

Objective 2.4: Manage growth through the real connection of people and places [click here](#)





Objective 4.2: Support development that respects the environment and considers, the impacts of climate change [click here](#)

Objective 5.1: Support and encourage community teamwork [click here](#)

Objective 5.2: Be recognised as a 'best practice' Local Government organisation [click here](#)

12.7 TOWN OF GAWLER COMMUNITY PLAN 2030+**Record Number:** CC19/319;IC19/774**Author(s):** David Petruzzella, Strategic Planner**Previous Motions:** 2019:10:COU397

Attachments:

1. **Gawler Community Plan 2017-2027 CR17/53626** 
2. **Gawler Community Plan Workshop Posters CR20/9134** 
3. **Draft - Community Engagement Plan - Development of Gawler Community Plan -2020-2030 CR19/63106** 
4. **Town of Gawler Community Plan 2030+ workshop agenda 10 February 2020 CR20/11060** 

OFFICER'S RECOMMENDATION**That Council: -**

1. **Notes the Review of Community Plan 2017-2027 report.**
2. **Adopts the Community Engagement Plan presented.**

SUMMARY

Pursuant to Section 122 of the *Local Government Act 1999*, Council must develop and adopt plans for the management of its Council area. It must also review its Community Plan within 2 years of a Local Government Election. As a result, the Town of Gawler is due to review its Community Plan 2017-2027 by November 2020 to ensure it is consistent with community aspirations.

This report presents a draft Community Engagement Plan for this review process to ensure that effective communication and consultation between the Council and community has taken place and that the Gawler Community Plan 2020-2030 is a true reflection of community sentiment.

The report also provides a brief overview of information that was presented at the Council workshop held on 10 February 2020 regarding the Community Plan review.

BACKGROUND

Section 122 of the *Local Government Act 1999* requires the development of a number of specific Strategic Management Plans, and the Community Plan forms a key overarching document within this Strategic Management Plan framework.

Council must also review its Community Plan within 2 years of a Local Government Election. As a result, the Town of Gawler is due to review its Community Plan 2017-2027 to ensure it is consistent with community aspirations.

Council's Strategic Management Plan Framework is illustrated as below in the Community Plan 2017-2027:



Council's current Community Plan, the 'Gawler Community Plan 2017-2027' was adopted in October 2017 following a review that took place over approximately ten months (**Attachment 1**). The Community Plan is designed to span a 10-year period, and although it was adopted less than two years ago its implementation is progressing well. Materials developed as part of the preliminary workshop held on 10 February 2020 endeavoured to demonstrate how the Community Plan was being implemented through various council led or supported projects and initiatives (**Attachment 2**).

As previously iterated to Council the Administration are of the opinion that the review of the Gawler Community Plan 2017-2022 should not otherwise constitute a complete rewrite but more than likely a 'refinement'. Noting that the extent of change will be very much informed by Council Member, community and stakeholder feedback.

A report was presented to Council at their October 2019 meeting, notifying the Elected Body that the process to review the Community Plan was to commence shortly as well as provided an indicative methodology moving forward, with the aim being to have the review completed by October 2020. The below resolution was adopted by Council at this meeting:

RESOLUTION 2019:10:COU397

Moved: Cr D Fraser

Seconded: Cr D Hughes

That Council:-

- 1. Pursuant to Section 122 of the Local Government Act 1999 clause 4b undertake a review of Council's Community Plan to ensure it is reflective of community aspirations and proceed to formulate an updated Community Plan 2030.*
- 2. Notes that the existing Gawler Community Plan 2017-2027 was adopted in 2017 covering a 10 Year period, and its implementation is progressing accordingly.*
- 3. Notes the methodology to undertake a review of the Gawler Community Plan as detailed in the report.*

Below is the indicative methodology which was presented to Council at its meeting in October 2019, however has since been updated with revised processes and goal dates.

Process	Actions	Date
Elected Member Workshop(s)	Review of achievements to date and discussion about current and future opportunities/priorities.	February 2020
	Outcomes from discussions documented and presented back to Members.	March 2020
Preliminary round of Community Consultation	Seek to initially gauge matters of importance with the local community as well as thoughts about the existing Community Plan	March - April 2020
Updating of the Community Plan	Creation of a draft Community Plan in a word document format.	April 2020
Presentation of updated and Draft Community Plan to Council	Present draft Community Plan 2020-2030 via a Council Report seeking approval to release for Community Consultation.	April/ May 2020
Release draft document for community consultation period	Release draft Community Plan 2020-2030 for a six-week consultation period in line with Community Engagement Plan. (The timing of releasing the Plan for consultation relative to the community consultation on the draft 2020/21 Budget will be monitored and clear links between the consultation processes considered)	May 2020
Report to Council outcomes of community consultation	Update Council on outcomes of community consultation.	July 2020
Subsequent updating of draft Community Plan	Update of Community Plan based on feedback received via community consultation in word document format.	August 2020
Presentation of draft Community Plan 2020 – 2030 to Council for adoption	Present Community Plan 2020-2030 via a Council Report for adoption	September 2019
Submission of the Gawler Community Plan 2020-2030	Forward the document to the Minister for Local Government as per its obligation under Section 122 of the <i>Local Government Act 1999</i>	October 2019

COMMENTS/DISCUSSION

This report presents to Council a draft Community Engagement Plan developed as part of the Community Plan's review process (**Attachment 3**).

This Community Engagement plan aspires to take learnings from previous consultation/engagement periods and utilise creative and effective technics to ensure community sentiment is reflected through this review process and ultimately in the updated plan.

The draft Community Engagement Plan proposes a two phase approach which seeks to initially gauge matters of importance with the local community as well as thoughts about the existing Community Plan. A survey will be developed and input sought for this preliminary stage prior to release. This information will assist with the initial formulation of the Draft Plan prior to a second phase of consultation which will be utilised to consult on the Draft Community Plan 2020-2030.

The draft Community Engagement Plan endeavours to inform and engage with the community via a number of avenues, some being traditional and direct with others endeavouring to 'break the ice' with the less engaged members of our community. An example of this includes undertaking all day drop in sessions, where members of the community can review information and discuss any questions which they may have and also provide feedback via a number of mediums. This would be in addition to a more traditional style community workshop.

Effective engagement with Council Members, our local community and key stake holder groups, local Members of Parliament (State and Federal), neighbouring Councils and relevant Government organisations are all considered essential in effectively reviewing our Community Plan to ensure it remains relevant and continues to align with the community's aspirations.

A Preliminary workshop took place on 10 February 2020, agenda included in **Attachment 4**. The workshop was facilitated by Mr. Steven Nayda (from Zed Management Consulting) and sought to initiate the discussion of the current Community Plan's suitability, and commence discussions with Council Members about the strategic issues facing the Council and Community over the next 10 years.

The workshop was a constructive session which occurred over approximately two and half hours. The concept of the public value triangle was explored as well time permitted for review of existing goals, objectives and strategies. Key themes which emerged from the workshop include;

1. Opportunity to reduce overlap across objectives and strategies;
 2. Seek to make Document more succinct;
 3. Opportunity to review a number of dated objectives;
 4. Review some of the very specific objectives to allow greater flexibility; and
 5. The five goals remain relevant;
- 1.

As proposed via the draft community engagement strategy, ongoing consultation is anticipated to follow throughout this process.

This approach will seek to ensure that both community and Council Members have collective ownership of the Plan to which we will all work towards implementing.

COMMUNICATION (INTERNAL TO COUNCIL)

Executive Management Team
Strategic Planner
Community Development Officer
Youth Development Officer

CONSULTATION (EXTERNAL TO COUNCIL)

Attachment 2 is the Community Engagement Plan being proposed moving forward as part of this project to ensure that effective communication and consultation between the Council and the community is achieved.

POLICY IMPLICATIONS

Council's Community Plan is used to guide future policy development and is considered to be Council's principal overarching strategic document, one which reflects community aspirations and will be used to guide decision-making.

The Community Engagement Plan presented would be carried out in accordance with Council's Public Consultation policy.

STATUTORY REQUIREMENTS

Pursuant to Section 122 of the *Local Government Act 1999*, Council must develop and adopt plans for the management of its Council area. It must also review its Community Plan within 2 years of a Local Government general election.

FINANCIAL/BUDGET IMPLICATIONS

The review of the Community Plan 2017-2020 will be undertaken within existing staff resources and budget allocations. However, the Community Plan 2030 will inform the preparation of Council budgets over its 10-year lifespan.

COMMUNITY PLAN

Objective 5.1: Support and encourage community teamwork

Objective 5.2: Be recognised as a 'best practice' Local Government organisation

Objective 5.3: Deliver ongoing effective and efficient services, including support for regional collaboration

12.8 GRIEVANCE PROCEDURE

Record Number: CC20/57;IC19/867

Author(s): Kate Symes, Governance Coordinator

Previous Motions: Nil

Attachments:

1. **Revoked - Complaints Handling - Under Council Members Code of Conduct - 2019** 
2. **Draft Council Member Grievance Resolution Procedure (Mandatory Mediation)** 
3. **Draft Council Member Grievance Resolution Procedure (Optional Mediation)** 
4. **Legal Advice from Norman Waterhouse - Grievance Procedure** 
5. **Code of Conduct for Council Members** 

OFFICER'S RECOMMENDATION

That Council notes :-

1. The draft Grievance Procedure (Optional mediation) as per attachment 3.
2. The legal advice at per attachment 4.
3. That a future report will be presented with a final Grievance Procedure (Optional Mediation) and an updated Complaints Handling Procedure under Council Member Code of Conduct (as per Resolution 2019:12:COU456 dot point 4).

SUMMARY

In accordance with Resolution 2019:12:COU456 Council administration have prepared a draft Grievance Procedure for consideration.

RESOLUTION 2019:12:COU456

Moved: Cr I Tooley

Seconded: Cr J Vallelonga

That Council:-

1. *Directs the CEO that Resolution 2018:12:COU518 be fully honoured, complied with and actioned by council leadership, staff and Administration as described in detail in the resolution and as intended unanimously by the elected body of council....by (details actions).*
2. *Resolves that point 1 (above) includes the development of a detailed standalone Grievance Procedure Document as described and intended by Resolution 2018:12:COU518.*
3. *Resolves that the CEO will give this matter priority and will ensure that the draft Grievance Procedure Document, AND the easy to read and accompanying draft Flow Chart, are both ready in time for the elected body to consider at the December 2019 meeting of council.*
4. *Rescind Resolution 2019:09:COU366 point 3 to adopt the Complaints Handling Procedure under Council Member Code of Conduct as amended, and that this is only brought back before council for consideration once the elected members have considered the draft Grievance Procedure, and its accompanying draft Flow Chart, and have considered how they both might be integrated into the ToG Complaints Handling Procedure under Council Member Code of Conduct. 0*

BACKGROUND

Following consideration of a Motion on Notice, Council at its meeting on 18 December 2018 resolved the following:

RESOLUTION 2018:12:COU518

Moved: Cr I Tooley

Seconded: Cr C Davies

1. *That council investigate the development of a Grievance Procedure with an easy to follow flowchart to better assist in the understanding of the current formal Complaints Handling under Council Members Code of Conduct Procedure.*
2. *That the Grievance Procedure will seek to allow better articulation of the existing options available in the Complaints Handling under Council Members Code of Conduct and which may be referenced both prior to a Code of Conduct complaint being lodged and when managing a complaint prior to its possible referral to an independent investigator.*
3. *That the Grievance Procedure and flow chart include procedures for open and transparent communication to all affected parties regarding the steps being followed and options being considered in the management of a Code of Conduct Complaint.*

In accord with the above resolution Council investigated the development of a Grievance Procedure and as a result also reviewed the existing Complaints Handling Procedure under Council Member Code of Conduct.

The investigation showed that rather than develop a standalone Grievance Procedure a better approach would be to strengthen the existing Procedure by adding a newly developed flowchart to ensure that mediation was offered in all instances and to highlight the contact points throughout any complaint.

The updated Complaints Handling Procedure under Council Member Code of Conduct was presented to Council for consideration on 24 September 2019. Council endorsed the Complaints Handling Procedure under Council Member Code of Conduct (as detailed below) which incorporated a flowchart to better articulate the requirement for mediation to be offered prior to any complaint being investigated. A copy of the amended procedure is attached to this report (**Attachment 1**).

RESOLUTION 2019:09:COU366

Moved: Cr D Hughes

Seconded: Cr D Fraser

That Council adopt the:-

1. *Code of Practice for Working Groups*
2. *Mayor Seeking Legal Advice Policy*
3. *Complaints Handling Procedure under Council Member Code of Conduct as amended.*

Section 4.8 of the Procedure and as part of the newly added flow chart detailed that, if the allegation warrens investigation then mediation is offered to the parties involved. The existing Procedure does require for all parties to be willing to engage in mediation.

A subsequent Motion directing Council to develop the Standalone Grievance Procedure was considered on 17 December 2019 and the following resolved, Resolution 2019:12:COU456, as above.

COMMENTS/DISCUSSION

Council administration has developed two draft Grievance Procedures in response to Councils Resolution 2019:12:COU456. The first sets out mandatory mediation (**Attachment 2**) and the second optional mediation (**Attachment 3**).

As a result of concerns that a Mandatory Procedure would be contrary to potentially several legislative provisions, including the rights of a person to lodge a complaint under Code of Conduct, legal advice has been obtained (**Attachment 4**).

The legal advice received states that any Procedure that limits the circumstances in which a person may lodge a Code of Conduct Complaint is unlawful. The Code of Conduct for Council Members as prescribed by the *Local Government Act 1999* would take precedence over any Procedure adopted by Council.

If mediation is mandatory a complainant's identity would need to be disclosed and the ability to remain confidential would no longer be afforded to the complainant. Section 4.10 of Council's existing Complaints Handling Policy states as follows:

4.10 The Council at its discretion and as far as possible, will endeavour to keep the identity of the person making the complaint (the Complainant) confidential.

If a Council adopted the draft Grievance Procedure (Mandatory Mediation) and a Council Member did not wish to undertake mediation this action in itself would be a breach of the Code of Conduct.

Council administration has then investigated the ability for mediation to be mandated following the lodgement of a Code of Conduct Complaint. While this approach would not be unlawful under the *Local Government Act 1999*, the legal advice received does raise significant concerns in regards to the *Work Health and Safety Act 2012* and the *Public Interest Disclosure Act 2018*.

As mentioned above the amended Complaints Handling Procedure under Council Member Code of Conduct provides for mediation when all parties are willing and encourages Council Members to resolve disputes as soon as practicable in order to preserve positive working relationships.

Council administration have drafted a second Grievance Procedure (Optional Mediation). This Procedure was developed to ensure Council was presented with a legislative compliant and lawful Procedure.

If Council adopts the Grievance Procedure with optional mediation, a subsequent review of the Complaints Handling Procedure under Council Member Code of Conduct will be undertaken (particularly Section 4.8) to ensure the two Procedures work in conjunction with one another.

The below extract from the current Complaints Handling Procedure under the Code of Conduct for Council Members' adopted in September 2017 which states.

4.8 In relation to a complaint determined to be one of which falls under Part 2 of the Code, having regard to the seriousness of the allegation and information provided, the Principal Member may:

4.8.1 seek to resolve the matter internally;

4.8.2 refer the complaint to a mediator or conciliator, the Local Government Governance Panel, an independent investigator or other option provided by Council. Council will from time to time determine which of these options are available; and

4.8.3 dismiss the allegation on the basis that it is, trivial, vexatious or frivolous or not related to matters covered by the Code, or that a complaint dealing with the same matter has already been decided (unless significant new information is provided).

Changes to Section 4.8 formed part of the revision of the Complaints Handling Procedure under the Code of Conduct for Council Members presented to the 24 September 2019 Council Meeting, the amended Procedure was subsequently revoked on 17 December 2019.

COMMUNICATION (INTERNAL TO COUNCIL)

Chief Executive Officer
Governance Officers

CONSULTATION (EXTERNAL TO COUNCIL)

Norma Waterhouse

POLICY IMPLICATIONS

Complaints Handling Procedure under Council Member Code of Conduct

RISK EVALUATION

Risk	
Identify	Mitigation
Adoption of the draft Grievance Procedure would be unlawful and open to challenge.	Draft Grievance Procedure is not adopted and Council retain the existing Complaints Handling Procedure under Council Member Code of Conduct.
Opportunity	
Identify	Maximising the Opportunity
To ensure Council's Procedure is effective and adheres to current legislation	Councils existing Procedure has been strengthened to add a flowchart to show all points of contact and ensure mediation is offered in every complaint received.

STATUTORY REQUIREMENTS

Local Government Act 1999

Public Interest Disclosure Act 2018

Code of Conduct for Council Members

Work Health and Safety Act 2012

FINANCIAL/BUDGET IMPLICATIONS

There would be no additional costs incurred by Council outside of those already provided for under the Complaints Handling Procedure under Council Member Code of Conduct.

COMMUNITY PLAN

Objective 5.2: Be recognised as a 'best practice' Local Government organisation

Objective 5.4: Create a safe community environment



12.9 HERITAGE AREA STATEMENTS REVIEW AND SUBMISSION

Record Number: CC20/57;IC20/90

Author(s): Jane Strange, Senior Development and Strategic Policy Officer

Previous Motions: Council, 26/11/2019, Motion No. 2019:11:COU424;

Attachments:

1. **Draft DPTI Historic Area Statements - Showing tracked changes from Council endorsed CR20/9871** 
2. **Heritage Advisor Amendments to DPTI Draft Heritage Area Statements CR20/10005** 

[CLICK HERE TO ENTER TEXT.](#)

OFFICER'S RECOMMENDATION

That Council: -

1. **Endorses the Historic Area Statements prepared by staff and reviewed by Flightpath Architects for submission to the State Planning Commission.**
2. **Authorises the Mayor to write to the State Planning Commission advising that:**
 - a. **Council has grave concerns regarding the Historic Area Statements released as part of Phase 3 of the draft Planning and Design Code on the basis that they are insufficiently robust to adequately protect the heritage and historic character of the town of Gawler; and**
 - b. **Council requests the State Planning Commission to accept the suggested changes to the Historic Area Statements in order that they have added clarity and strength which will preserve and protect Gawler's unique heritage and historic character.**

2.

SUMMARY

The draft Planning and Design Code (Code) is currently on public consultation as part of the State Planning Reforms.

As part of the consultation on the draft Code, Historic Area Statements (Statements) were released by the Department of Planning, Transport and Infrastructure (DPTI) in December 2019.

Changes have been made by DPTI to the Council endorsed Statements, which could have a detrimental effect on the ongoing preservation of the Town of Gawler's heritage and character.

BACKGROUND

After the release of the draft Code, the Administration was advised by DPTI that Historic Area Statements will be applied in each Historic Overlay Area, acting in a similar manner to existing Desired Character Statements in the current Gawler (CT) Development Plan.

Councils state wide were invited to draft Historic Area Statements for their individual local government areas to be submitted to DPTI for inclusion in the Code by 29 November 2019.

Council at its meeting on 26 November 2019 endorsed in principle the Historic Area Statements prepared by the Administration as reflected in the below resolution:

RESOLUTION 2019:11:COU424

Moved: Cr D Fraser

Seconded: Cr C Davies

That Council:

1. *Endorses in principle the Historic Area Statements and authorises the submission of the Statements to the Department of Planning, Transport and Infrastructure on or before 29 November 2019.*
2. *Authorises the CEO to make any minor amendments to the Historic Area Statements if considered to be appropriate.*
3. *Requests an update report be presented to Council at its Ordinary Meeting in December 2019.*

COMMENTS/DISCUSSION

The draft Statements were duly forwarded to DPTI and were considered in the formulation of the Historic Area Statements section of the Planning and Design Code, which were released for public consultation on 23 December 2019. The consultation period ends on 28 February 2020, in line with that of the Planning and Design Code.

The Statements are crucial to the interpretation and implementation of the Code within current Historic (Conservation) Zones, in particular when guiding the suitability of demolition of non-listed items within these Zones, but also the form of complementary future development.

As an example, the draft Code is proposing to transition our Residential Historic (Conservation) Zone to a Suburban Neighbourhood Zone. This new Zone is a generic residential zone and does not contain any policy regarding heritage or character. This heritage policy is contained within the Historic Area Overlays, Local Heritage Places Overlay, State Heritage Places Overlay or State Heritage Area Overlay.

For non-listed items (i.e. Contributory Items) the only heritage protection offered is by way of the Historic Areas Overlay, which is to be spatially applied over all existing Historic (Conservation) Zones.

Whilst this Overlay contains most of the heritage policy for non-listed structures, it is fairly general in nature. The Overlay has been critiqued in another report in this agenda however, importantly, the policy makes specific reference to the Historic Area Statements to guide assessment of development within the Overlay.

Therefore, in order to protect buildings that are neither State nor Local Heritage Listed, but which contribute to the general character of existing Historic Conservation areas, it will be critical that these Statements are accurate and descriptive enough to capture the historic characteristics of all structures to be retained and protected.

In addition, and related to this issue, is the position of the State Planning Commission not to specifically reference Contributory Items within the new planning system. Contributory Items play an important role in an area's character and should be specifically identified within the new Code.

It is important to note that Council is currently conducting a review of all Contributory Items against the Local Heritage criteria, with the intention of converting any eligible structures to Local Heritage Status if and where appropriate.

Gawler currently has nine (9) distinct Historic Conservation Zones/Policy Areas within the Development Plan that required the creation of individual Historic Area Statements in order to capture the historic characteristics of value.

The Statements are intended to clearly identify and articulate the key elements of historic value in a particular area. The Statements presented to DPTI were modelled on the Desired Character Statements within the Town of Gawler (CT) Development Plan.

Councils will be able to evolve these statements further over time, but it is imperative that, at implementation of the Code, they are robust and afford the maximum protection possible to those Contributory Items which do not achieve Local Heritage listing via the Local Heritage Transition DPA.

The Statements released for public consultation by DPTI have been altered to the detriment of the protection of Gawler's unique heritage. These changes from those endorsed by Council are shown via tracked changes in **Attachment 1**.

Council's Heritage Advisor, Douglas Alexander of Flightpath Architects, has now reviewed the DPTI draft and has made suggestions for amendment to the Statements, which can be seen in the tracked changes in **Attachment 2**.

His opinion is that the proposed DPTI Statements, if unchanged, are deficient in clarity and strength and do not fully capture the essence of Gawler's heritage and historic character to sufficiently protect our Heritage Places and Contributory Items. This is particularly important, as both the Statements and the policy under the Overlays in the draft Planning and Design Code are required to be robust in order to truly protect our heritage built form, especially if there are no longer Contributory Items.

The importance of the Historic Area Statements cannot be underestimated. They underpin the policy in the Historic Area Overlay and there are numerous references to them throughout the Code. If they are not sufficiently detailed, there will be a limited basis upon which development assessment staff may make a decision, especially as future assessments will be Performance Assessed, which is currently Merit under the *Development Act 1993*.

It is suggested that the changes recommended for inclusion in the Statements by Council's Heritage Advisor are endorsed by Council and lodged separately from the Code submission with a letter from the Mayor which advocates their inclusion and reiterates their importance for preserving the future of the heritage and character of Gawler township.

COMMUNICATION (INTERNAL TO COUNCIL)

Chief Executive Officer
Manager Development, Environment and Regulatory Services
Senior Development and Strategic Policy Officer
Strategic Planner

CONSULTATION (EXTERNAL TO COUNCIL)

Department of Planning, Transport and Infrastructure

POLICY IMPLICATIONS

The Planning and Design Code will replace all Development Plans across the state, creating a central set of state-wide development policies.

RISK EVALUATION

Risk	
Identify	Mitigation
Demolition of buildings that do not conform with the values described in the historic areas statement.	Loss of buildings of value which will impact upon the heritage and character of Gawler.
Opportunity	
Identify	Maximising the Opportunity
Lobby vigorously with DPTI for the inclusion of the additional suggestions made by the Town of Gawler's Heritage Advisor.	Achieve acceptable level of protection to buildings of heritage and character value in the Town of Gawler.

STATUTORY REQUIREMENTS

The introduction of the Planning and Design Code has a legislated timeframe to be in effect by 1 July 2020 pursuant to Schedule 8 part 4 of the *Planning Development and Infrastructure Act 2016*. The Planning and Design Code will succeed all Development Plans across the state which operate under the *Development Act 1993*.

FINANCIAL/BUDGET IMPLICATIONS

Council staff have prepared the Historic Area Statements and costs have therefore been minimised. The Statements have been reviewed by Council's Heritage Advisor during the normal fortnightly visit and have not incurred any further costs.

COMMUNITY PLAN

Objective 1.1: Maintain a clearly defined township, one which is distinct from neighbouring areas

Objective 1.3: Protect and promote Gawler's unique heritage

Objective 2.2: Growth to be sustainable and respectful of cultural and built heritage



Objective 2.3: The local environment to be respected

Objective 4.2: Support development that respects the environment and considers, the impacts of climate change

Objective 5.1: Support and encourage community teamwork

Objective 5.2: Be recognised as a 'best practice' Local Government organisation

12.10 AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION - GENERAL ASSEMBLY**Record Number:** CC20/57;IC20/64**Author(s):** Kate Symes, Governance Coordinator**Previous Motions:** Nil**Attachments:**

1. **Response from Australian Government to Town of Gawler ALGA Motion 36** 
2. **Call for Motions Discussion Paper 2020 - ALGA NGA CR20/11837** 

OFFICER'S RECOMMENDATION**That Council:**

1. **Notes the call for Motion by the National General Assembly.**
2. **Member's forward any proposed Notices of Motion for consideration by Council for submission to the Australian Local Government Association's 2020 National General Assembly to the Chief Executive Officer, no later than 9 March 2020, for inclusion in a report to the 24 March 2020 Council meeting.**
3. **Notes the attendance of the Mayor and the Chief Executive Officer to the National General Assembly 2020 from 14 to 17 June 2020.**
4. **Notes that the Mayor and CEO will, while attending the Assembly, will hold meetings with relevant Federal Government Agencies and Ministers advocating on initiatives and funding opportunities, particularly recreation and sporting outcomes for the community.**
5. **Notes that a report will be presented to Council providing an overview following the Assembly and the advocacy efforts undertaken.**

SUMMARY

The Australian Local Government Association (ALGA) National General Assembly (NGA) will be held at the National Convention Centre, Canberra on 14-17 June 2020. The ALGA have requested Motion to be received no later than Friday 27 March 2020.

BACKGROUND

In 2016 Council submitted the following Motion to ALGA to be included in the June 2016 National General Assembly Business Papers.

The National General Assembly resolved:

Resolution 36

Town of Gawler SA

That the National General Assembly endorses the Paris Agreement under the United Nations Framework Convention on Climate Change adopted in December 2015, and requests the Australian Government to create partnerships and provide assistance to local governments to help implement the Paris Agreement including support for action:

1. By local governments to reduce their environmental impacts related to Climate Change.
2. To encourage innovation by local governments, local communities and local businesses to assist in reducing environmental impacts relating to Climate Change.
3. To help with community education to understand Climate Change and effective ways to contribute to the goals set out in the Paris Agreement.

Council Members were informed of the response from the Australian Government on 7 December 2016 (see attachment 1).

In 2014 the town of Gawler presented the following four Motions:

Strategic Motion 10

Town of Gawler, SA

Motion

The National General Assembly of Local Government call upon the Federal Government, through the Australian Taxation Office to establish a federal heritage building restoration tax credit (\$1.30 for every \$1 spent on restoration) for commercial buildings listed as National, State and Local Heritage and for all residential heritage buildings being restored, materials used and other contract costs for restoration are deemed to be exempt (or provided with a refund or other mechanism) from Goods and Services Tax (GST).

Motion 59

Town of Gawler, SA

Motion

The National General Assembly of Local Government call upon the Federal Government, through the Department of Immigration and Border Protection and Prime Minister's Office to issue an invitation to all: People still living and were born in Australia before 20 August 1986 (unless one parent was entitled to diplomatic privileges or was a consular officer of another country) People born after that date (and still alive) with at least one parent who was an Australian citizen or permanent resident at the time of their birth Children born in Australia to parents who are not Australian citizens or permanent residents, but at age 10 automatically acquire Australian citizenship on their 10th birthday, if they have lived most of their life in Australia, to nominate to receive a copy of their own Australian Citizenship Certificate. Further all Children born in Australia from 2014, who qualify to be an Australian Citizen at the time of their birth, be issued with an Australian Citizenship Certificate. That all Australian school Children in Year Seven of school, who hold an Australian Citizenship Certificate participate in an Australian Citizenship Affirmation Ceremony at their school.

Motion 63

Town of Gawler, SA

Motion

The National General Assembly of Local Government call upon the Federal Government, through the Department for Communications to commit to completing the roll out of the National Broadband Network across Australia by 2020 and in parallel work with the telecommunications industry to significantly increase the capacity and speed of the network whilst at the same time drive down significantly, the cost of broadband services to residential, business, community sector and government consumers.

Motion 81

Town of Gawler, SA

Motion

The National General Assembly of Local Government call upon the Federal Government, through the National Transport Commission (NTC) to established an Inter-Governmental Agreement in conjunction with States and Territories, to develop legislation and administrative guidelines (including compatible software) for the establishment of a National Motor Vehicle Registration Scheme covering all motor vehicle types.

The National General Assembly of Local Government (NGA) has prepared a short discussion paper to assist Councils in identify motions that address the theme of the 2020 NGA – Working Together for Our Communities, (refer to attachment 2). Motions can address one or more of the issues identified in the discussion paper.

To be eligible for inclusion in the NGA Business Papers, and subsequent debate on the floor of the NGA, motions must meet the following criteria:

1. be relevant to the work of local government nationally
2. not be focussed on a specific location or region – unless the project has national implications. You will be asked to justify why your motion has strategic importance and should be discussed at a national conference
3. be consistent with the themes of the NGA
4. complement or build on the policy objectives of your state and territory local government association
5. be submitted by a council which is a financial member of their state or territory local government association
6. propose a clear action and outcome i.e. call on the Australian Government to do something
7. not be advanced on behalf of external third parties that may seek to use the NGA to apply pressure to Board members, or to gain national political exposure for positions that are not directly relevant to the work of, or in the national interests of, local government.

COMMENTS/DISCUSSION

The National General Assembly of Local Government provides an excellent opportunity for Local Government to advocate and lobby, on behalf of the community, for both funding and increased service provision to address specific community needs and wants.

At the Council meeting held on 26 November 2019, Council resolved:

RESOLUTION 2019:11:COU448

Moved: Cr I Tooley

Seconded: Cr C Davies

9. Local Government Association of South Australia

That Council appoint Mayor Karen Redman as Delegate and Cr Brian Sambell as proxy to the Local Government Association of South Australia for a 12 month term expiring 30 November 2020.

The Local Government Association of South Australia delegate will attend the LGA AGM and OGM as the Town of Gawler voting delegate and the proxy delegate attend LGA AGM and OGM.

The National General Assembly of Local Government (NGA) 2020 is to be held in Canberra from 14 to 17 June 2020.

The Mayor, as Council's Delegate to the Local Government Association of South Australia and the Chief Executive Officer have attended the NGA in the past and as is proposed again in 2020, as this will be an opportune time to meet face-to-face with Government Ministers and and/or senior departmental staff while in Canberra. It is therefore proposed that Council write to Government Ministers, seeking a face-to-face meeting with the Mayor and Chief Executive Officer in the week of 14-17 June 2020 to:

- a) highlight opportunities and challenges for the Gawler area; and
- b) discuss the key projects outlined in the Gawler Invest Prospectus.

The Gawler Invest Prospectus will be updated, with a draft presented to a future Council meeting for approval, to position Gawler's key projects that will support greater economic prosperity and strengthening our community as investment ready.

Particular emphasis will be on securing meetings with the following Ministers to discuss the Karbeethan Reserve Master Plan opportunity and the Regional Aquatic and Sports Centre projects:

- a) Minister for Youth and Sport, Senator the Hon Richard Colbeck; and
- b) Minister for Infrastructure and Transport and Regional Development, The Hon Michael McCormack MP.

The opportunity to advocate for other key projects featured in the prospectus will also be sought with the following Ministers:

Project	Ministers Portfolio	Minister Name
Cycle Connections and Tourism	Minister for Trade Tourism and Investment,	Senator The Hon Simon Birmingham
Environmental projects: Addressing Climate Change Water Gawler's Rivers	Minister for Resources, Water and Northern Australia Minister for the Environment Minister for Energy and Emissions Reduction	The Hon Keith Pitt MP The Hon Sussan Ley MP The Hon Angus Taylor MP
Innovative Communities	Minister for Employment, Skills, Small and Family Business Minister for Regional Health, Regional Communications and Local Government	Senator The Hon Michaelia Cash The Hon Mark Coulton MP

COMMUNICATION (INTERNAL TO COUNCIL)

Chief Executive Officer
Executive Management Team
Governance Officers
Special Projects Officer

CONSULTATION (EXTERNAL TO COUNCIL)

Local Government Association of SA

POLICY IMPLICATIONS

Council Members Training and Development Policy
Council Members Allowances and Benefits Policy

RISK EVALUATION

Opportunity	
Identify	Maximising the Opportunity
Partnerships and funding.	To meet with Government Ministers and highlight opportunities and challenges for the Gawler area and discuss the key projects outlined in the Gawler Invest Prospectus.
Representation.	To ensure that the Town of Gawler is represented at a National Level and actively participate in seeking action or policy change at the Federal level

STATUTORY REQUIREMENTS

Local Government Act 1999

FINANCIAL/BUDGET IMPLICATIONSPrinting of Gawler Invest Prospectus

The cost associated with printing 500 copies of the Gawler Invest prospectus is estimated at \$1200 and will be funded within Council's existing recurrent Marketing and Communications budget.

Attendance at the National General Assembly

Attendance of the CEO and Mayor to the ALGA National General Assembly are funded within existing budgets. As Mayor Redman is on the LGA SA Board of Directors and will be attending the ALGA Board meeting prior to the National General Assembly, the LGA will be contributing funds towards Mayor Redman's expenses. The table below outlines the estimated costs to attend this event:

Expenses	Mayor Redman	Chief Executive Officer
Registration	\$1,254	\$1,254
Airfares	\$600	\$600
Travel	\$150	\$150
Accommodation	\$900	\$900
Total	\$2,904	\$2,904
	\$5,808	

COMMUNITY PLAN

Objective 1.2: Build a local community that is proud of Gawler

Objective 1.3: Protect and promote Gawler's unique heritage

Objective 1.4: Foster a vibrant and active, event-filled Council area

Objective 1.5: Promote cultural heritage and the creative sector to build community spirit pride

Objective 2.4: Manage growth through the real connection of people and places

Objective 2.5: Local economic activity to create local job opportunities and generate increased local wealth

Objective 5.2: Be recognised as a 'best practice' Local Government organisation

12.11 REVOCATION OF CONFIDENTIAL ORDERS

Record Number: CC20/57;IC20/84
Author(s): Chris Haynes, Governance Support Officer
Previous Motions: Nil
Attachments: Nil

OFFICER'S RECOMMENDATION

That Council notes the revocation of the confidential orders under delegation, by the Chief Executive Officer, relating to:

1. **Resolution 2020:01:COU0038 for Item 19.1- Walker Place Redevelopment Project - Construction Purchase Recommendation and Project Update of the Council meeting 28 January 2020. The Minutes of this item were released on 5 February 2020, the written report and attachments remain in confidence.**
2. **Motion 2017:02:66 for Item 15.2 Local Government Association of SA Business Case for a Public Lighting Service of the Council meeting 28 February 2017. The report and attachments were released on 19 February 2020. The Minutes of this item were no retained in confidence.**
3. **Motion 2017:11:453 for Item 15.2 - Public Lighting Dispute Update of the Council meeting 28 November 2017. The Minutes, report and attachments were released on 19 February 2020.**
4. **Resolution 2019:12:COU463 for Item 6.20 - Public Lighting Update of the Council meeting 17 December 2019. The Minutes, report and attachments were released on 19 February 2020.**

SUMMARY

This report provides information regarding confidential orders that have been revoked, since the last Council meeting

BACKGROUND

Pursuant to Section 91(9)(c) of the Act, the Council delegated the Chief Executive Officer the power to revoke the following orders if the matters have been partially or fully resolved. The Chief Executive Officer must then advise the Council of the revocation of the orders as soon as possible after such revocations have occurred.

COMMENTS/DISCUSSION

Council's relevant Manager and the Acting Chief Executive Officer advised on the 5 February 2020 that the trigger for the release of the following order from confidentiality has been met, being execution of the contact documentation, as follows:

RESOLUTION 2020:01:COU038

Moved: Cr C Davies

Seconded: Cr D Hughes

1. *Pursuant to Sections 91(7) and 91(9) of the Local Government Act 1999 the Council orders that the:*

- *The minutes*

associated with Item 19.1 Walker Place Redevelopment Project - Construction Purchase Recommendation and Project Update, having been considered by the Council in confidence under Section 90(3)(k) be kept confidential and not available for public inspection until the execution of associated Contract documentation for the Works has been completed by all parties and will be reviewed at least annually in accordance with the Act, on the basis that the information received, discussed and considered in relation to this agenda item is:

(k) tenders for the supply of goods, the provision of services or the carrying out of works.

Specifically, the matter relates to Tenders for Construction of Walker Place Redevelopment Project and a Purchase Recommendation.

- 2 *Further that Council delegates the power of review, but not the extension, of the confidential order to the Chief Executive Officer on a monthly basis in accordance with the provisions of Section 91(9)(c) of the Local Government Act 1999.*
3. *All confidential orders will be reviewed at least annually in accordance with the Local Government Act 1999*

The report and attachments are subject to a confidentiality order (2020:01:COU037) and remain in confidence until practical completion of the works.

On the 19 February 2020 the Local Government Association of South Australia (LGA) notified, via their CEO's Update email, that last year the LGA secured a determination from the Australian Energy Regulator that delivered a \$13 million refund for SA councils and Department of Planning Transport and Infrastructure.

This determination was the outcome of a lengthy legal process, and was primarily based on SAPN 'over-recovering' depreciation costs on its public lighting infrastructure. Now all eligible councils have received their refunds, the amount received by individual councils no longer needs to be kept confidential.

The Chief Executive Officer advised on the 19 February 2020 that the trigger for the release of the following order from confidentiality has been met, being advice from the LGA that the information is no longer confidential, as follows:

Moved by Cr A Shackley
 Seconded by Cr M Nicolson
 Motion No: 2017:02:66

That:

1. *Pursuant to Section 91(7) of the Local Government Act 1999 (the Act), the Council orders that the following document(s) (or part) shall be kept confidential, being document(s) (or part) relating to a matter dealt with by the Council on a confidential basis under Sections 90(2) and 90(3)(c) of the Act:*

- *The report and attachments item no. 15.2 of 28-02-2017*

on the grounds that the document(s) (or part) is:

(c) information the disclosure of which would reveal a trade secret;

Specifically, the present matter relates to management of public lighting by SA Power Networks and an alternative business model being considered by the Local Government Association.

2. *This order shall operate until the Local Government Association finalises consideration into this matter and is therefore no longer a confidential matter. The order will be reviewed at least annually in accordance with the Act.*

3. Pursuant to Section 91(9)(c) of the Act, the Council delegates to the Chief Executive Officer the power to revoke this order (or part thereof) at any time, and directs the Chief Executive Officer to advise the Council of the revocation of this order as soon as possible after such revocation has occurred.

Moved by Cr A Shackley
Seconded by Cr J Vallelonga
Motion No: 2017:11:453

That:

1. Pursuant to Section 91(7) of the Local Government Act 1999 (the Act), the Council orders that the following document(s) (or part) shall be kept confidential, being document(s) (or part) relating to a matter dealt with by the Council on a confidential basis under Sections 90(2) and 90(3)(l,j) of the Act:

- The minutes of item no. 15.2 of 28-11-2017
- The written report item no. 15.2 of 28-11-2017
- Attachment to the written report item no 15.2 of 28-11-2017

on the grounds that the document(s) (or part) is:

- (i) information relating to actual litigation, or litigation that the Council or Council committee believes on reasonable grounds will take place, involving the Council or an employee of the Council;

Specifically, the present matter relates to the ongoing public lighting tariff dispute legal proceedings between the Local Government Association and SA Power Networks where the Local Government Association is seeking to recover public lighting costs on behalf of 61 Councils over the timeframe from 2010 to 2015.

(j) information the disclosure of which—

- (i) would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of the Council, or a person engaged by the Council); and
- (ii) would, on balance, be contrary to the public interest;

Specifically, the present matter relates to the ongoing public lighting dispute legal proceedings between the Local Government Association (LGA) and SA Power Networks where the LGA is seeking to recover a portion of costs on behalf of 61 Councils for the 2010 to 2015 regulatory period.

This information was communicated to the Council on a confidential basis.

The Council has considered the public interest in relation to whether to make this order. The prevailing public interest in these circumstances is for the Local Government Association to act on behalf of the Town of Gawler in the public lighting tariff dispute legal proceedings. The Council considers that, on balance, disclosure would be contrary to the public interest. The release of the information provided by the Local Government Association has potential to negatively impact on the outcome to the ongoing public lighting dispute with SA Power Networks.

2. This order shall operate until advice is received from the Local Government Association that the information in this report is no longer confidential, and will be reviewed at least annually in accordance with the Act.
3. Pursuant to Section 91(9)(c) of the Act, the Council delegates to the Chief Executive Officer the power to revoke this order (or part thereof) at any time subject to advice received from the Local Government Association that the information contained in this report is no longer confidential, and directs the Chief Executive Officer to advise the Council of the revocation of this order as soon as possible after such revocation has occurred.

RESOLUTION 2019:12:COU001

Moved: Cr D Hughes

Seconded: Cr J Vallelonga

1. Pursuant to Sections 91(7) and 91(9) of the Local Government Act 1999 the Council orders that the:

- The minutes
- The written report
- Attachments to the written report

associated with Item 6.20 Public Lighting Update, having been considered by the Council in confidence under Section 90(3)(i),(j)(i) be kept confidential and not available for public inspection until When the Town of Gawler is advised by the Local Government Association of South Australia the information is not confidential., on the basis that the information received, discussed and considered in relation to this agenda item is:

- (i) information relating to actual litigation, or litigation that the Council or Council committee believes on reasonable grounds will take place, involving the council or an employee of the Council
- (j)(i) information the disclosure of which would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of the Council, or a person engaged by the Council)

Specifically, the matter relates to The Local Government Association of South Australia has requested the information relating to the legal dispute with SA Power Networks remain confidential.

2. Further that Council delegates the power of review, but not the extension, of the confidential order to the Chief Executive Officer on a monthly basis in accordance with the provisions of Section 91(9)(c) of the Local Government Act 1999.
3. All confidential orders will be reviewed at least annually in accordance with the Local Government Act 1999.

The above items are now available publicly on Council's website at <https://www.gawler.sa.gov.au/your-council/agendas-and-minutes>.

The confidential register has been updated at the time of the decision made under delegation that the items detailed above were removed from confidentiality. The register is available on Council's website.

COMMUNICATION (INTERNAL TO COUNCIL)

Chief Executive Officer

Manager Infrastructure and Engineering Services

CONSULTATION (EXTERNAL TO COUNCIL)

Nil

POLICY IMPLICATIONS

Code of Practice for Access to Council and Committee Meetings and Council Documents.

RISK EVALUATION

Risk	
Identify	Mitigation
Not meeting legislated requirements for releasing documents to the public and notification to Council.	Review all confidential orders at least annually or release as appropriate when advised a release trigger has been met.
Opportunity	
Identify	Maximising the Opportunity
Open and transparent decision making.	Public knowledge of Council decision making processes.

STATUTORY REQUIREMENTS

Local Government Act 1999

FINANCIAL/BUDGET IMPLICATIONS

There are no financial implications in releasing documents from confidentiality

COMMUNITY PLAN

Objective 5.2: Be recognised as a 'best practice' Local Government organisation

13 RECOMMENDATIONS FROM COMMITTEES**13.1 RECOMMENDATIONS FROM GAWLER YOUTH ADVISORY COMMITTEE MEETING HELD ON 3 FEBRUARY 2020**

Record Number: CC20/57;IC20/125

Author(s): Kate Symes, Governance Coordinator

Previous Motions: Nil

Attachments: Nil

FOR NOTING

RECOMMENDATION

That Council notes the adopted Motions from the Gawler Youth Advisory Committee made under Delegated Authority at the meeting held on 3 February 2020, being:

That the Gawler Youth Advisory Committee note the verbal update from the Youth Development Officer.

FOR RESOLUTION

RECOMMENDATION

That Council adopts the recommendation from the Gawler Youth Advisory Committee made at item of the meeting of that Committee meeting held on 3 February 2020, being:

That the Gawler Youth Advisory Committee recommends to Council that Tom Galgey receive \$100 from the Gawler Sports Person Sponsorship Program for his State representation in Softball.

13.2 RECOMMENDATIONS FROM AUDIT COMMITTEE MEETING HELD ON 4 FEBRUARY 2020

Record Number: CC20/57;IC20/86
Author(s): Chris Haynes, Governance Support Officer
Previous Motions: Nil
Attachments: Nil

13.2 Motions Made Under Delegated Authority for Noting

OFFICER'S RECOMMENDATION

That Council notes the adopted Motions from the Audit Committee made under Delegated Authority at the meeting held on 4 February 2020, being:

Item 6.3 - 2019/20 Audit Committee Workplan Progress Report IC20/35

That the Audit Committee note the 2019/20 Audit Committee Workplan Progress Report.

Item 6.5 - 2019/20 2nd Quarter Budget Review IC19/864

That the Audit Committee recommends to Council that the 2019/20 2nd Quarter Budget Review (as at 31 December 2019) be adopted, which estimates a revised 2019/20 operating surplus of \$94,000. (Refer Item 12.2 of this Agenda)

13.2.1 Item 6.1 - Appointment of Chair and Deputy Chair

RECOMMENDATION

That Council adopts the recommendation from the Audit Committee made at item 6.1 of the meeting of that Committee meeting held on 4 February 2020, being:

That the Audit Committee recommends to Council that Mr Peter Brass be appointed as Chairperson and Mr Peter Fairlie-Jones as Deputy Chairperson to the Audit Committee for a term expiring on 31 December 2020

13.2.2 Item 6.2 - Policy Review

RECOMMENDATION

That Council adopts the recommendation from the Audit Committee made at item 6.2 of the meeting of that Committee meeting held on 4 February 2020, being:

That the Audit Committee recommends to Council that the following Debtor Management Policy be adopted.

13.2.3 Item 6.4 - Treasury Management Review 2018/2019

RECOMMENDATION

That Council adopts the recommendation from the Audit Committee made at item 6.4 of the meeting of that Committee meeting held on 4 February 2020, being:

That the Audit Committee recommends to Council that:

1. The 2018/2019 Treasury Management Review be noted.
2. The Treasury Management Policy, as presented, be adopted.

13.3 RECOMMENDATIONS FROM GAWLER HERITAGE COLLECTION COMMITTEE MEETING HELD ON 13 FEBRUARY 2020

Record Number: CC20/57;IC20/115

Author(s): Sara Preece, Personal Assistant Business Enterprises and Communications

Previous Motions: Nil

Attachments: Nil

13.3 Motions Made Under Delegated Authority for Noting

OFFICER'S RECOMMENDATION

That Council notes the adopted Motions from the Gawler Heritage Collection Committee made under Delegated Authority at the meeting held on 13 February 2020, being:

Item 6.2 - Cultural Heritage Centre Budget Update - February 2020 IC19/832

That the Gawler Heritage Collection Committee notes:

1. **The Cultural Heritage Centre Budget Update – February 2020 report.**
2. **That Council Staff have accepted the quote of \$300 + GST to relocate the Boer War Honour Roll.**

13.3.1 Item 6.1 - Gawler Heritage Collection Enquiries: November 2019 to January 2020

RECOMMENDATION

That Council adopts the recommendation from the Gawler Heritage Collection Committee made at item 6.1 of the meeting of that Committee meeting held on 13 February 2020, being:

That the Gawler Heritage Collection Committee recommends to Council that it notes the Gawler Heritage Collections Enquiries: November 2019 to January 2020 report.

13.3.2 Item 6.3 - Workplan Update

RECOMMENDATION

That Council adopts the recommendation from the Gawler Heritage Collection Committee made at item 6.3 of the meeting of that Committee meeting held on 13 February 2020, being:

That the Gawler Heritage Collection Committee recommends to Council that it:

1. **Notes the Workplan 2019 completion/update;**
 2. **Requests Council staff to coordinate a formal launch of the eHive platform and to encourage relevant school staff to attend this launch;**
 3. **Adopts the Gawler Heritage Collection Committee Workplan for 2020, noting that it will:**
 - a. **Be refined over time to include priorities for the Gawler Heritage Collection, in conformance with the Collections Policy and associated budget allocations.**
-

b. Inform budget bids as part of the Council's Annual Budget and Business Plan Process.

13.3.3 Item 6.4 - Walker Place Heritage Interpretation

RECOMMENDATION

That Council adopts the recommendation from the Gawler Heritage Collection Committee made at item 6.4 of the meeting of that Committee meeting held on 13 February 2020, being:

That the Gawler Heritage Collection Committee recommends to Council that it:

1. Approves the following four interpretation statements for inclusion within the Walker Place redevelopment:

- a. A consignment of 30 tins, each containing 33 brown trout, arrived in Adelaide for liberation in the South Para River.
- b. An offer was made by an English miner to reduce the Old Barrage using explosives, for a sum of £10.
- c. One night the cannon was fired, and one brave lad said, "I'm off, and tell them if the Russians come I'm up the river looking for gold."
- d. A great rush of water in winter makes the South Para very dangerous.

2. Encourage Council staff to investigate the replacement of the signage on the mural currently affixed to the toilet block on Julian Terrace and to incorporate interpretation of the mural within the interactive signage of the Walker Place project.

13.4 RECOMMENDATIONS FROM INFRASTRUCTURE & ENVIRONMENTAL SERVICES COMMITTEE MEETING HELD ON 18 FEBRUARY 2020

Record Number: CC20/57;IC20/124

Author(s): Kate Symes, Governance Coordinator

Previous Motions: Nil

Attachments: Nil

13.4 FOR NOTING

OFFICER'S RECOMMENDATION

That Council notes the adopted Motions from the Infrastructure & Environmental Services Committee made under Delegated Authority at the meeting held on 18 February 2020, being:

Item 7.1 - Policy Review IC19/815

That the Infrastructure & Environmental Services Committee adopts the Footpath and Cycleways Policy as amended and taking into consideration the discussion on safety for cyclists.

Item 7.3 - Roads and Recycleables - Circular Economy Update IC19/752

That the Infrastructure & Environmental Services Committee notes the Roads and Recycleables - Circular Economy Update Report.

13.4.1**FOR RESOLUTION**

Item 7.2 - Reinstatement Methodology for Bluestone Kerbing in Church Hill State Heritage Area Update

RECOMMENDATION

That Council adopts the recommendation from the Infrastructure & Environmental Services Committee made at item 7.2 of the meeting of that Committee meeting held on 18 February 2020, being:

That the Infrastructure & Environmental Services Committee recommends to Council that it:

- 1. Notes the Reinstatement Methodology of Bluestone Kerbing in Church Hill State Heritage Area Update report.**
- 2. Supports the proposed future pram ramp locations in the Church Hill State Heritage Area in the Residential Historic (Conservation) Zone noting these are supported by the State Heritage Unit of the State Government Department for Environment and Water.**

14 EXTERNAL BODIES REPORTS

Nil

15 QUESTIONS ON NOTICE

15.1 CR TOOLEY - CEO PERFORMANCE

Record Number: CC20/57;IC20/119

Author(s): Kate Symes, Governance Coordinator

Previous Motions: Nil

Attachments: Nil

Councillor Ian Tooley gave notice of his intention to ask the following questions:

Questions

1. Resolution 2019:12:COU426 directs that Cr Sambell and Mayor Redman are tasked with collaborating to manage a process to select a consultant to conduct an external review of CEO Inat's performance.

Why did Mayor Redman state in an email to Elected Members on 22 January that she collaborated with Cr Sambell in the process to select Perks People Solutions as the consultant to conduct the external review of CEO Inat's performance when Cr Sambell has, in two emails sent on 31 Jan and 1 Feb, denied being involved at any stage of the process, and stating emphatically that Mayor Redman conducted the selection process all on her own?
2. Why did Mayor Redman ignore resolution 2019:12:COU426 and select the CEO external review consultant on her own and not in collaboration with Cr Sambell as directed by that resolution 2019:12:COU426?
3. What tender brief did Mayor Redman develop and use, and what process did she use when selecting her preferred consultant - Perks People Solutions?

Please provide a copy of the tender documents and selection process.
4. How many consultants were invited to tender to review CEO Inat's performance and how many submitted applications?
5. Have parameters been established for the scope and extent of the external performance review of the CEO and, if so:-
 - i. on what basis were they selected - please provide details?
 - ii. are they inclusive of all stakeholders-please provide details?
 - iii. do they cover all CEO Inat's KPA's-please provide details?
6. If the community is to have any confidence in the integrity of the external review of the performance of their Council CEO, particularly given all the media attention to date, please explain:-
 - i. why Cr Sambell was excluded from the consultant selection process?
 - ii. why the tender selection process was rushed through and completed between mid December 2019 and early January 2020, the period when Council was effectively in recess, when the CEO was on leave, and when most businesses had closed for the holidays, and given that CEO Inat has more than 18 months remaining on his current extended contract?
 - iii. why no members of the PMP committee, nor any elected members, were neither consulted nor involved in any part of the consultant selection process?
 - iv. why the rush, why the secrecy and why resolution 2019:12:COU426 was ignored?

7. On what basis did Mayor Redman choose Perks People Solutions as the preferred consultants to conduct the external review of CEO Inat?
8. Have Perks People Solutions been involved in any previous work for council? If so please provide details?
9. Have Perks People Solutions had any previous dealings with, or involvement with CEO Inat through either previous performance reviews or recruitment processes?
10. As Perks People Solutions are an Executive Recruitment company, is CEO Inat currently on their books as a client or has he ever been? If so, does this not compromise the process and provide a conflict of interest?
11. How can the Gawler community have any confidence in the integrity and in the quality of the selection processes used by Gawler Council when, on some occasions, only one member of the designated selection panel actually conducts and manages the selection process and then simply asks the other panelist(s) to simply rubber stamp and agree with that individuals selection? Especially when those other panelist(s) have played no part whatsoever in designing the tender/application brief/process, no part in calling for submissions/applications and no part in reading and selecting the preferred tenderer/contractor based on the applications/submissions received?

16 QUESTIONS WITHOUT NOTICE

17 MOTIONS ON NOTICE

17.1 CR IAN TOOLEY - NATIONAL CLIMATE EMERGENCY SUMMIT DECLARATION

Record Number: CC20/57;IC20/123

Attachments: Nil

Councillor Ian Tooley has given notice that he intends to move the following motion:-

MOTION

That Gawler Council becomes a signatory to the National Climate Emergency Summit Declaration

17.2 CR DIANE FRASER - ROTARY CLUB OF GAWLER**Record Number:** CC20/57;IC20/121**Attachments:** Nil

Councillor Diane Fraser has given notice that he intends to move the following motion:-

MOTION**That Council:**

- 1. Recognises and appreciates work by Rotary Club of Gawler to raise monies and awareness for and about Bushfire Relief in S.A.**
- 2. Purchases two Banners as sponsorship to advertise a bushfire fundraising Event which is in conjunction with Rotary Club of Gawler Caravan and Camping Show on the 3rd March 2020.**
- 3. Permits Banners to be erected at entrances to town on Adelaide Rd. and Lyndoch Rd.**

17.3 CR PAUL KOCH - AUDIT COMMITTEE MEMBERSHIP

Record Number: CC20/57;IC20/122

Attachments: Nil

Councillor Paul Koch has given notice that he intends to move the following motion:-

MOTION

That Cr Koch be appointed as a member of the Council's Audit Committee

18 MOTIONS WITHOUT NOTICE

19 CONFIDENTIAL REPORTS

19.1 PROPOSED LEASE - WORKSKIL AUSTRALIA LTD

Reason for Confidentiality

In accordance with Sections 83(5) and 84(6) of the Local Government Act, 1999 – the Chief Executive Officer considers that this item may be considered in confidence by the Council on the grounds set out below (and therefore will remain confidential until the Council resolves how this item is to be classified).

A further written report will be considered by Members at the Meeting after the following recommendation is carried.

OFFICER'S RECOMMENDATION

19.1 Proposed Lease - Workskil Australia Ltd

That:

1. Pursuant to Section 90(3) (d)(i) of the Local Government Act 1999 (the Act), an order is made that the public be excluded from attendance at this part of the meeting relating to Item 19.1, except the following persons:
 - Chief Executive Officer
 - Manager Development, Environment & Regulatory Services
 - Manager Infrastructure & Engineering Services
 - Manager Finance & Corporate Services
 - Manager Business Enterprises & Communications
 - Manager, Library and Community Services
 - Minute Taker

in order to receive, discuss or consider agenda Item 19.1 in confidence as the following information or matter relates to:

- (d)(i) commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party

Specifically, the matter is confidential because Commercially sensitive information

2. Accordingly, on this basis of this information, the principle that meetings should be conducted in a place open to the public has been outweighed by the need to keep the information or matter confidential.

19.2 KRIEG ROAD PROPERTY DIVESTMENT

Reason for Confidentiality

In accordance with Sections 83(5) and 84(6) of the Local Government Act, 1999 – the Chief Executive Officer considers that this item may be considered in confidence by the Council on the grounds set out below (and therefore will remain confidential until the Council resolves how this item is to be classified).

A further written report will be considered by Members at the Meeting after the following recommendation is carried.

OFFICER'S RECOMMENDATION

19.2 Krieg Road Property Divestment

That:

1. Pursuant to Section 90(3) (a),(d)(i) of the Local Government Act 1999 (the Act), the Meeting orders that the public be excluded from attendance at this part of the meeting relating to Item 19.2, excepting the following persons:
 - Chief Executive Officer
 - Manager Development, Environment & Regulatory Services
 - Manager Infrastructure & Engineering Services
 - Manager Finance & Corporate Services
 - Manager Business Enterprises & Communications
 - Manager, Library and Community Services
 - Minute Taker

to enable the Confidential Council Meeting to consider Item 19.2 in confidence on the basis that Confidential Council Meeting considers it necessary and appropriate to act in a meeting closed to the public (excepting those persons listed above) in order to receive, discuss or consider in confidence the following information or matter relating to Item 19.2:

- (a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead)
- (d)(i) commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party

Specifically, the matter relates to Krieg Road property divestment update

2. Accordingly, on this basis, the principle that meetings of the Confidential Council Meeting should be conducted in a place open to the public has been outweighed by the need to keep the information or matter confidential.

20 CLOSE

21 NEXT ORDINARY MEETING

Tuesday 24 March 2020 commencing at 7:00pm