



**MOUNT BARKER
DISTRICT COUNCIL**

NOTICE OF MEETING

Pursuant to Section 83 of the Local Government Act 1999 notice is hereby given that the following meeting will be held in the Council Chambers, Mount Barker Homemaker Centre, 6 Dutton Road, Mount Barker on Monday 3 February 2020.

7.00 pm

Council Meeting

A handwritten signature in black ink, appearing to read 'A. Stuart', written in a cursive style.

A. Stuart
CHIEF EXECUTIVE OFFICER

29 January 2020

ORDER OF BUSINESS

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	• adjust the 2019/20 council budget to provide funding for the transfer of land costs and enable wastewater infrastructure augmentation works to be progressed to service several land parcels fronting Bald Hills and Springs Roads, Mount Barker (see attachments A and 4); and	
	• undertake community consultation for proposed wastewater infrastructure augmentation separate rates on specified land parcels (see attachment 2).	

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1. **COUNCIL OPENING**
EXPRESSION OF FAITH
ACKNOWLEDGEMENT OF LAND
- 1.1 Leave of Absence
- 1.2 Apologies
2. **QUESTIONS FROM THE GALLERY (15 MINUTES)**
3. **CONFIRMATION OF MINUTES**
 - 3.1 **Recommendation**

That the minutes of the meeting held on 20 January 2020 as circulated to members be confirmed as a true and accurate record of proceedings.
4. **CONFLICT OF INTEREST DECLARATION**

Council Members are reminded of the requirements for disclosure by Members of material, actual or perceived conflicts of interest in relation to items listed for consideration on the agenda.
5. **DEPUTATIONS**

NIL
6. **QUESTIONS WITH NOTICE – COUNCILLORS**

NIL
7. **QUESTIONS WITHOUT NOTICE – COUNCILLORS**

8. MOTIONS ON NOTICE

**8.1 TITLE: SUSPENDED COUNCIL RATES ON FIRE AFFECTED HOMES
DATE: 3 FEBRUARY 2020
FILE: DOC/20/5925**

Background

On December 20, 2019 our district was hit with severe bushfires that originated from Cudlee Creek, spreading out and affecting residents within our Council boundary. Although our District Council has missed out on the first round of Federal Government funding, I still believe it is imperative for Local Government to provide financial assistance of its own in times like these where possible. The people that have been most severely affected by these bushfires have recently undergone quite a horrendous life experience. Some of these residents no longer have a home to reside in and should not be asked to pay Council Rates for at least a period of 12 months.

Our Council desperately requires Federal and State funding to rebuild public assets such as roads, bridges and buildings as well as to reimburse general expenditure already incurred. But until the appropriate Federal and State funding support arrives, the least we can do, at the Local level is to support our residents immediately in the form of suspending their Council Rates and providing additional assistance where possible. The amount of donations has been overwhelming but we need to give these people relief over a longer period of time to assist them in getting back on their feet and this motion is a good way towards achieving that.

Motion

I move that Council:

1. Receive a report that investigates the logistics and costings required to suspend or provide a rebate on Council Rates and Service Charges for homes destroyed or uninhabitable as a result of the Cudlee Creek Fire for a period of 12 months from the date of the fire commencing.
 - a. That the report also includes logistics and costings to provide assistance to all fire affected residents in Brukunga, Harrogate and Mount Torrens such as by waiving any late fees on the payment of Council Rates, free kerbside waste bin replacement and any other additional support options that Council could provide.

Councillor Orr
20 January 2020

Officer Comment

Council to date has provided varying forms of relief to assist our rate payers who have been affected by the Cudlee Creek Bushfire and it is acknowledged that continuing support will be required by these communities.

For example, some of the relief measures regarding Council Rates and Service Charges which have been implemented to date have included the suspension of the raising of Fines, Interest and debt collection processes for properties which have been destroyed or deemed uninhabitable.

Staff will prepare a report for the March council meeting which will provide the options available to Council to provide Rate and Service Charge relief in addition to other initiatives available to support these affected communities.

Further there are currently relief options which are available to those who have not lost their home but have still been impacted by the fires.

Rate payers affected by the Cudlee Creek Bushfire are encouraged to contact Council to discuss options which may be available to assist them in accordance with Council's Hardship Policy.

A communication to be distributed to affected properties is currently under development which will include information such as what assistance Council and other Government and not for profit organisations can provide.

All kerbside bins reported lost during the fire have been replaced free of charge by Council however further waste disposal options are being considered to support those affected.

Alexander Oulianoff
Chief Financial Officer

9. MOTIONS WITHOUT NOTICE

For

- *requesting a report*
- *a simple matter with minor impact*
- *an urgent matter that without consideration by Council would result in a detriment to Council*

10. PETITIONS

NIL

11. RECOMMENDATIONS FROM ADVISORY COMMITTEES

NIL

12. REPORTS**12.1 REPORT TITLE: WASTEWATER INFRASTRUCTURE AUGMENTATION AND PROPOSED LAND TRANSFER****DATE OF MEETING: 3 FEBRUARY 2020****FILE NUMBER: DOC/19/164290**

ATTACHMENTS:

- 1 - Council letter to land owner and their response 19/161312 and 19/163991
- A - Proposed council wastewater infrastructure augmentation
- B - Parcel of land proposed to transfer to council
- C - Land to have council wastewater service
- 2 - Proposed wastewater infrastructure augmentation separate rates 20/2304
- 3 – Adjacent council land 20/2304
- 4 – Forecast land uses and demand on the wastewater network and capital funding strategy 20/6570
- 5 - Flood plain mapping 1 in 100 Year Average Recurrence Interval 20/2201

Key Contact Brian Clancey, Deputy CEO/General Manager Governance, Strategic Projects and Wastewater/Recycled Water

Sponsor Andrew Stuart, Chief Executive Officer

Mount Barker 2035 – District Strategic Plan:

Urban Environment

Objective 5.1 Continue to build on council's reputation as a leader in wastewater management

Annual Business Plan:

Urban Environment

Continue with planning, design and early construction works for delivery of the necessary wastewater collection network expansion to service Mount Barker's growth areas.

Purpose:

To seek authority to:

- undertake the transfer of a parcel of land (see attachment B) to council in conjunction with associated wastewater infrastructure arrangements;
- adjust the 2019/20 council budget to provide funding for the transfer of land costs and enable wastewater infrastructure augmentation works to be progressed to service several land parcels fronting Bald Hills and Springs Roads, Mount Barker (see attachments A and 4); and
- undertake community consultation for proposed wastewater infrastructure augmentation separate rates on specified land parcels (see attachment 2).

Summary – Key Issues:

- Proposed transfer of vacant land on Springs Road, Mount Barker to Council and associated arrangements;
- Capital funding required in 2019/20 for the transfer of land costs and progression of wastewater infrastructure augmentation works; and
- Undertake community consultation on proposed wastewater infrastructure augmentation separate rates on specified land parcels.

Recommendation:

That Council:

1. Authorise the transfer of the ownership of the vacant parcel of land on Springs Road, Mount Barker as indicatively shown in attachment B from Mr Kevin Stephenson to council and in return, council being responsible for the installation of wastewater infrastructure to service the existing dwelling located at 361 Bald Hills Road, Mount Barker and payment by council to Mr Stephenson of \$9,500 excluding GST.
2. Determine that the parcel of land indicatively shown in attachment B be excluded from classification as community land pursuant to the Local Government Act 1999.
3. Authorise the Chief Executive Officer or nominee to finalise the required documentation and the Mayor and Chief Executive Officer to execute same to facilitate the transfer of the land indicatively shown in attachment B and the specified related matters.
4. Authorise community consultation to be undertaken on the proposed wastewater infrastructure augmentation separate rates (see attachment 2) including the preparation of the required consultation report, noting that this report will be sent by direct mail out to the owners of the three subject land parcels as shown in attachment 2.
5. Authorise the allocation of additional capital funding of \$383,334 in the 2019/20 council budget for the purposes of: (a) the estimated cost of the land transfer \$44,000; and (b) progressing the council wastewater infrastructure augmentation \$339,334 as shown in attachment A and have these changes formally reflected in Council Budget Review 3.

Background:

1. A council letter to land owner Mr Kevin Stephenson and his response in December 2019 set out the basis of the proposed arrangements (subject to a council meeting resolution) between the two parties, please see attachment 1.
2. The proposition being arrangements for, and associated with, the transfer of vacant land from Mr Stephenson to council as indicatively shown in attachment B, hereafter referred to as being the Subject Land.

3. As an interim mechanism, a licence agreement for the Subject Land (as shown in attachment B) has been executed by council and Mr Stephenson.
4. Council needs to construct wastewater infrastructure to enable council and adjacent privately owned land parcels within the 2010 Ministerial Development Plan Amendment (DPA) area to be connected to, and serviced by, the council wastewater network.
5. Provision for this purpose in the council 2019/20 capital budget wasn't made when the budget was adopted in July 2019 as insufficient work had been completed when the budget was prepared in relation to a concept design and the estimated cost, and the transfer of land proposition and associated costs were not known.

Discussion:

Proposed Land Transfer

6. The community benefits that would be derived from the transfer of the Subject Land to council are:
 - Gain a community asset;
 - Potential site for disposal of some of the surplus spoil from the regional sports hub stage 1 construction;
 - Potential site for disposal of spoil from other sites to reduce the current extent of the Subject Land being prone to flooding (see below);
 - Enables access to land required for the purposes of council wastewater infrastructure augmentation;
 - Potential to add to the attractiveness and value of the adjacent council owned land (see attachment 3); and
 - Minimises the likelihood of the Subject Land being underutilised and vesting in council to manage at a later time.
7. The Subject Land is yet to be surveyed and from a desk top analysis is around 9,300m² in area. It is proposed to be merged with the existing adjacent council land, being allotment 2, as shown in attachment 3.
8. It is also recommended that the Subject Land be excluded from classification as community land pursuant to the Local Government Act 1999 as is the case already with the adjacent council owned land.
9. The existing first right of refusal that Council has over the adjacent land parcels owned by Mr Stephenson being 361 Bald Hills Road and the balance of the Subject Land will be preserved.
10. Estimated costs to council for the proposed transfer of the Subject Land are:

Payment in lieu of an easement over the Subject Land (this cost would be incurred whether transfer occurs or not)	\$9,500 ex GST
Wastewater infrastructure to connect the dwelling at 361 Bald Hills Road	\$23,000 ex GST

Survey, legal, conveyancing, registration, stamp duty etc	\$11,500 ex GST
TOTAL	\$44,000 ex GST

Proposed Wastewater Infrastructure Augmentation

11. The objective is to provide access to the council wastewater service/network for all of the land parcels shown in attachment C.
12. To achieve this, wastewater infrastructure augmentation is required as indicatively shown in attachment A.
13. This comprises a pumping station adjacent to, and proposed to have direct access from, Springs Road, two gravity mains to the new pumping station and a rising main to connect to the existing council wastewater network on Parkview Drive/Scarborough Way.
14. The preliminary estimated capital cost is approximately \$1,150,000 including the transfer of the land and contingency provision of 20% for wastewater infrastructure augmentation but excluding the cost of finance for the required loan. The estimated cost of finance is in the order of \$160,000 - calculated on the current estimated cost of the required infrastructure and on the assumption that repayments are made annually on an approximately equal amount basis with the final payment to be made in year 10 i.e. all of the land to be serviced by this infrastructure is developed by the end of year 10. So the total estimated cost is approximately \$1,310,000.
15. This estimated total capital cost (excluding the cost of finance) would be spread over the 2019/20 and 2020/21 financial years with approximately 33% in 2019/20 (being \$383,334) and 67% in 2020/21 (being \$766,666) and would ultimately be funded by the developers of the land, including council e.g. as the developer of the regional sports hub. Hence there will be some revenue in this period being the capital contribution that is applicable to the regional sports hub site (see attachment 4). This has been provisioned within the capital budget for the regional sports hub stage 1, again to be split over 2019/20 and 2020/21.

Proposed Wastewater Infrastructure Augmentation Separate Rates

16. The proposed (subject to community consultation) declaration of wastewater augmentation separate rates is similar to the approach taken by council for other land parcels within the area of the 2010 Ministerial DPA. The simple principle being that when these land parcels are developed, the developer contributes capital funds to council to reimburse council for the wastewater infrastructure augmentation expenditure undertaken which provides a direct benefit to the land being developed.
17. The reimbursement of the council expenditure on wastewater infrastructure augmentation would be secured via the Wastewater Infrastructure Augmentation Separate Rates, as shown in attachment 2.
18. As per recommendation 4, a consultation report setting out the detail and implications of the proposed wastewater infrastructure augmentation separate rates will be prepared by council for the community consultation process.
19. The apportionment of the estimated total cost of the wastewater infrastructure augmentation across each of the land parcels shown in attachment 4 is based on the

forecast demand on the council network arising from the ultimate land use when each land parcel is developed. Whilst under the current Residential Neighbourhood zoning the highest and best use of the land (subject to constraints like flooding) is residential and/or commercial/retail, some of the land will be used for other purposes e.g. the regional sports hub.

- 20. Based on forecast land uses as best can they be assumed at this time and current cost estimates, the proposed apportionment of the estimated total wastewater infrastructure augmentation cost is as shown in attachment 4. This table reflects current forecast land uses and estimated demand that would be placed on the council wastewater network. In turn this provides a capital funding strategy based on the developer paying as they go and beneficiary pays principles.
- 21. A further agenda item for a council meeting will be prepared following the completion of the community consultation process on the proposed wastewater infrastructure augmentation separate rates.
- 22. As further information becomes available on the cost of the required wastewater infrastructure, the amounts of the wastewater infrastructure augmentation separate rates can be adjusted accordingly to reflect this. That can occur when the declaration of council rates takes place in early July 2020.
- 23. As council owned land is non-rateable, separate rates are not able to be declared over the council land. Should some of the council owned land be sold at a future time as is intended to help fund community recreational infrastructure, then the sale would include council recovering the commensurate amount from the developer of the wastewater augmentation expenditure. This recovery is in addition to the developer also paying the applicable Wastewater Infrastructure Fee which is an amount for each new allotment that is created or equivalent if a non-residential use.
- 24. The proposed wastewater infrastructure augmentation separate rates would be in addition to the existing Wastewater (Sewer) Infrastructure Mount Barker MDPA Area separate rate which applies to all land parcels (assessments) within the MDPA area as a security mechanism for payment from developers to council when undertaking development and is payable per each new allotment created.

Community Engagement:

Informing only	Except for community consultation on the proposed wastewater augmentation separate rates for which there will be a public notice, direct mail out to the owner of the three specified land parcels (all are held in the name of Mr K Stephenson with one in joint names with Mrs Y Stephenson), and information placed on the council website. This will proceed once the required consultation report has been completed.
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Policy:

Infrastructure Contributions - Separate rate relief policy.
Wastewater Infrastructure Fees and Augmentation Costs Policy.

Long Term Financial Plan:

The Adopted Long Term Financial Plan 2018-2028 included in its assumptions amounts for the expansion of the Wastewater Collection network. When developing the plan it was acknowledged that the program of works would be subject to changes driven by demand, detailed design and costing and prioritisation, all of which are assessed to ensure value for money and to meet legislative and contractual obligations.

The Adopted Long Term Financial Plan 2018-2028 also included in its assumptions forecast revenue from developers, these included amounts to be provided as developer contributions for the collection, treatment, storage and disposal of wastewater and separately for amounts recoverable for wastewater augmentation infrastructure which might be delivered by Council but funded by developers. Forecast revenue from annual service charges for sewer is more difficult to forecast as this is subject to the timing and nature of development.

The Long Term Financial Plan will be reviewed this year and will reflect the latest assumptions and forecasts for the Wastewater/Recycled Water 'business'.

Budget:

Refer above. Council is to be responsible for the reasonable costs associated with the proposed transfer of the Subject Land. This would include contract, survey, registration and conveyancing.

Statutory/Legal:

A licence agreement has recently been entered into by council and Mr Kevin Stephenson as an interim measure in relation to the Subject Land.

The Subject Land is zoned Residential Neighbourhood being located within the area of the 2010 Ministerial DPA.

A contract for the sale and purchase of the Subject Land for the consideration of \$9,500 ex GST would be prepared. Special conditions in the contract would reflect the related arrangements e.g. an easement to council over the adjacent land at 361 Bald Hills Road and the council obligation to subsequently connect the dwelling at this location to the council wastewater network.

Approvals will be required from Department of Health and Wellbeing and the SA Murray Darling Basin Natural Resources Management Board in relation to the wastewater infrastructure augmentation.

Staff Resource Requirements:

The recommendations are able to be implemented using existing staff resources, to be supplemented as required by specialist external services such as survey, conveyancing and legal.

Environmental:

Please see attachment 5 showing the flood plain mapping for a 1 in 100 year average recurrence interval.

The Subject Land also contains some significant and regulated trees.

The wastewater infrastructure will predominantly be below ground with the exception of the pumping station location which will need to be built up and has been planned so as to avoid/minimise conflict with existing significant/regulated trees.

Social:

Refer community benefits above.

Risk Assessment:

There is a risk to council that the Subject Land may contain some rock that increases the cost to council to construct the required wastewater infrastructure. However this risk would equally apply if council was to secure an easement rather than have the Subject Land transferred. Geotechnical information is being commissioned but is not scheduled to be available until mid to late February.

There is a risk that similarly the construction by council of the sewer pipe to connect the dwelling at 361 Bald Hills Road to the council wastewater network is not straightforward and ultimately costs more than the preliminary estimate of in the order of \$23,000 excluding GST but including 20% contingency.

There is a risk that the Subject Land contains contamination that may impact possible future uses. The land owner has indicated that he is not aware of any source of contamination.

Asset Management:

Under the licence agreement, council is responsible for the management of the Subject Land.

Council will also be responsible for the management of the proposed wastewater infrastructure augmentation (as indicatively shown in red and blue in attachment A) but excluding the sewer pipe to be located on the land at 361 Bald Hills Road that is solely to service the existing dwelling on that site (as indicatively shown in lime green in attachment A).

Conclusion:

Adoption of the recommendations will enable the delivery of a number of community benefits as outlined above.

Previous Decisions By/Information Reports to Council - NIL

Attachment 1 to Item 12.1



**MOUNT BARKER
DISTRICT COUNCIL**

Reference: 19/156113

16 December 2019

Mr Kevin Stephenson
PO Box 1
Mount Barker SA 5251

Dear Mr Stephenson

RE: Proposed Wastewater Infrastructure Expansion

I am writing further to previous communications and most recently our on-site discussions held on 21 November 2019 which included Mr Richard Crabb.

Further information has been obtained since that time in relation to the significant constraints that existing trees would impact on the site owned by you that was intended for council wastewater infrastructure in the form of a pumping station with associated direct vehicular access from Springs Road for operational and maintenance needs.

As a consequence of the implications of that further information, it is now preferred that the wastewater pumping station and associated vehicular access be repositioned as shown on the attached plan (attachment A). This re-positioning would avoid the significant constraints arising from the existing trees.

The proposed location of the associated wastewater infrastructure connecting to the pumping station is also shown in Attachment A.

Consistent with our on-site discussions, council now seeks your consideration of the following proposition which is provided on a without prejudice basis and is subject to your response and in turn, a future council meeting decision.

Ownership of the land that is indicatively shown in red on the attached location plan (attachment B) would transfer to council for nominal consideration.

Council would be responsible for the reasonable costs associated with the transfer.

Council would also be responsible for the installation of the wastewater infrastructure required to connect the existing Stephenson Family dwelling (shown as 361 Bald Hills Road) to the extension of the council sewer network once that is constructed, as indicatively shown by the green line on attachment A.

Once that dwelling is connected, the land owner would be required to pay council the applicable annual sewer service charge as is the case for all property that has access to the council sewer service.

Construction by council of the extension of the council sewer network at this location is intended to occur by the end of 2020 to coincide with the target timing for the completion of stage 1 of the regional sports hub.

In advance of the transfer of ownership of parcel 1, council is to be given full rights to enter, occupy and undertake works on this parcel including the provision of spoil, and would be responsible for the management of this land parcel. This can be achieved via the attached licence agreement. It is proposed that the licence fee payable to you by council be a nominal amount that is payable on demand. In return, council would reach agreement with you regarding an arrangement to achieve the adjustment of responsibility for the council rates for parcel 1 with such an arrangement to be effective from the licence commencing until the transfer of parcel 1 to council occurs. Council would be responsible for securing any required third party approvals in relation to the use of the land.

At the time of transfer of ownership of parcel 1, council would make payment to you of the sum of \$9,500 (excluding GST) being slightly above the estimated amount that would have otherwise been payable by council to you for an easement (to secure both a 6 metre wide linear strip and the area required for the wastewater pumping station) over portion of parcel 1 for the council wastewater infrastructure.

Council also seeks to secure a 6 metre wide easement over portion of parcel 2 as indicatively shown by portion of the red line in attachment A, being for the purposes of council wastewater infrastructure.

The reasonable costs associated with this easement would be the responsibility of council. Council proposes the amount of \$1,500 (excluding GST) that would be payable to you as the land owner for this easement.

As explained, the proposed wastewater infrastructure augmentation to be undertaken by council would have sufficient capacity to cater for the development of all of the land parcels shown on the plan that is attachment C.

To apply the beneficiary pays principle, council would propose to declare a wastewater infrastructure augmentation separate rate on land parcels 2, 3 and 4 as shown in attachment C.

Pursuant to the Local Government Act, this process requires community consultation and in advance of that council would need to establish what specific amounts for the separate rates are proposed for each parcel, relative to the benefit arising from the council funding the capital cost of the wastewater network infrastructure augmentation.

The wastewater infrastructure augmentation separate rates would automatically be 100% postponed each year until such time as development is undertaken on any of these land parcels. Once that occurs the developer of the land parcel would be required to pay to council the amount applicable to that particular parcel.

The amounts payable on land parcels 2, 3 and 4 would all be the subject of annual indexation in order to maintain real value over time.

Please let me know if you have any queries in relation to the above.

I look forward to your response.

Yours sincerely



Brian Clancey
Deputy CEO/General Manager, Strategic Projects and Wastewater/Recycled Water

Attachments

Attachment 1 to Item 12.1

23 December 2019

Mount Barker District Council

Attention: Brian Clancey

Dear Mr Clancey

Thank you for your letter dated 16 December 2019.

Please proceed to seek authority at the next council meeting for the proposed arrangements as outlined in your letter.

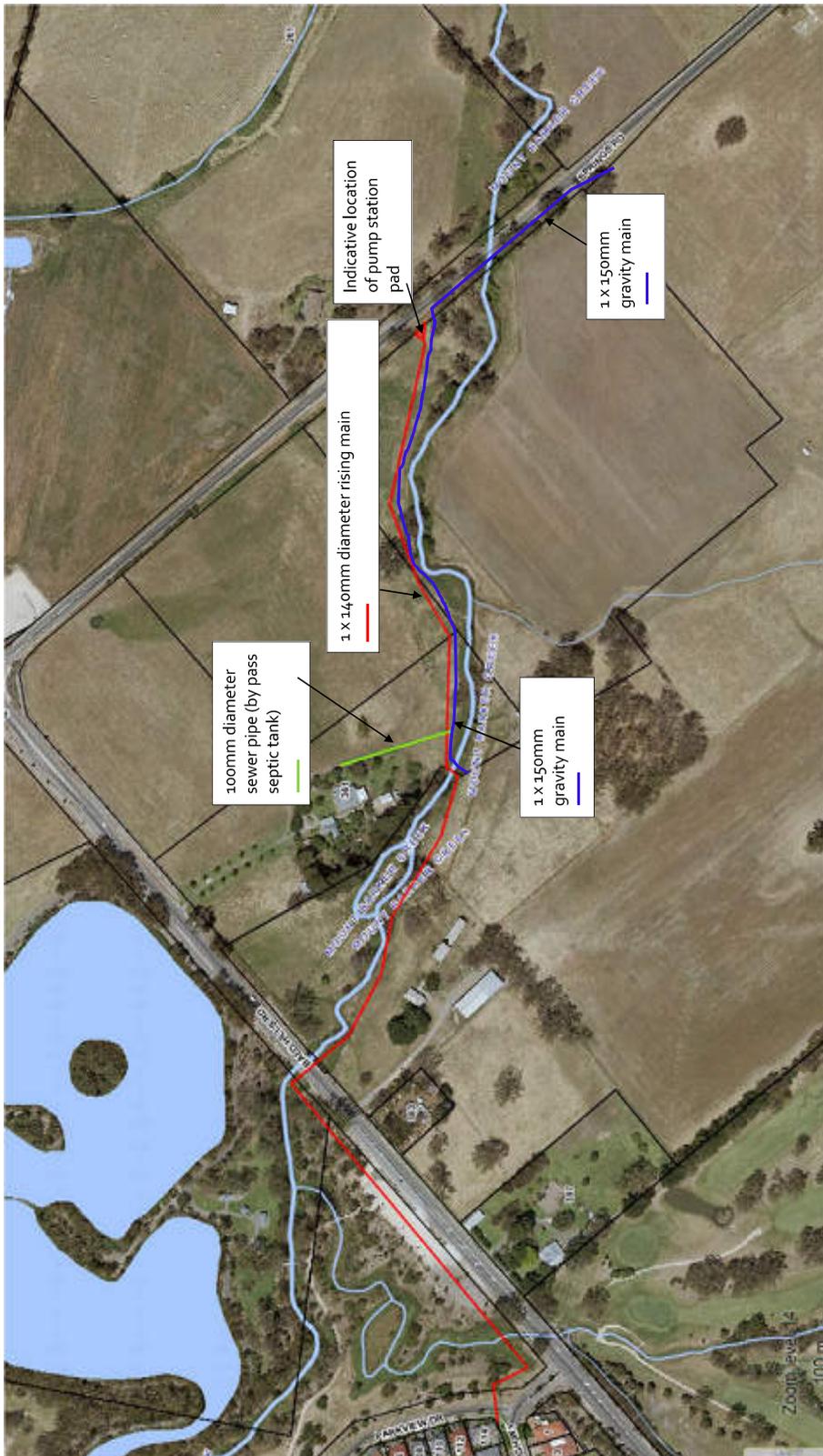
I have signed the Licence Agreement and have attached the two originals for signature by council.

Yours sincerely



Kevin Stephenson

Attachment A to Item 12.1



Attachment A (as amended)

Attachment B to Item 12.1



Attachment B

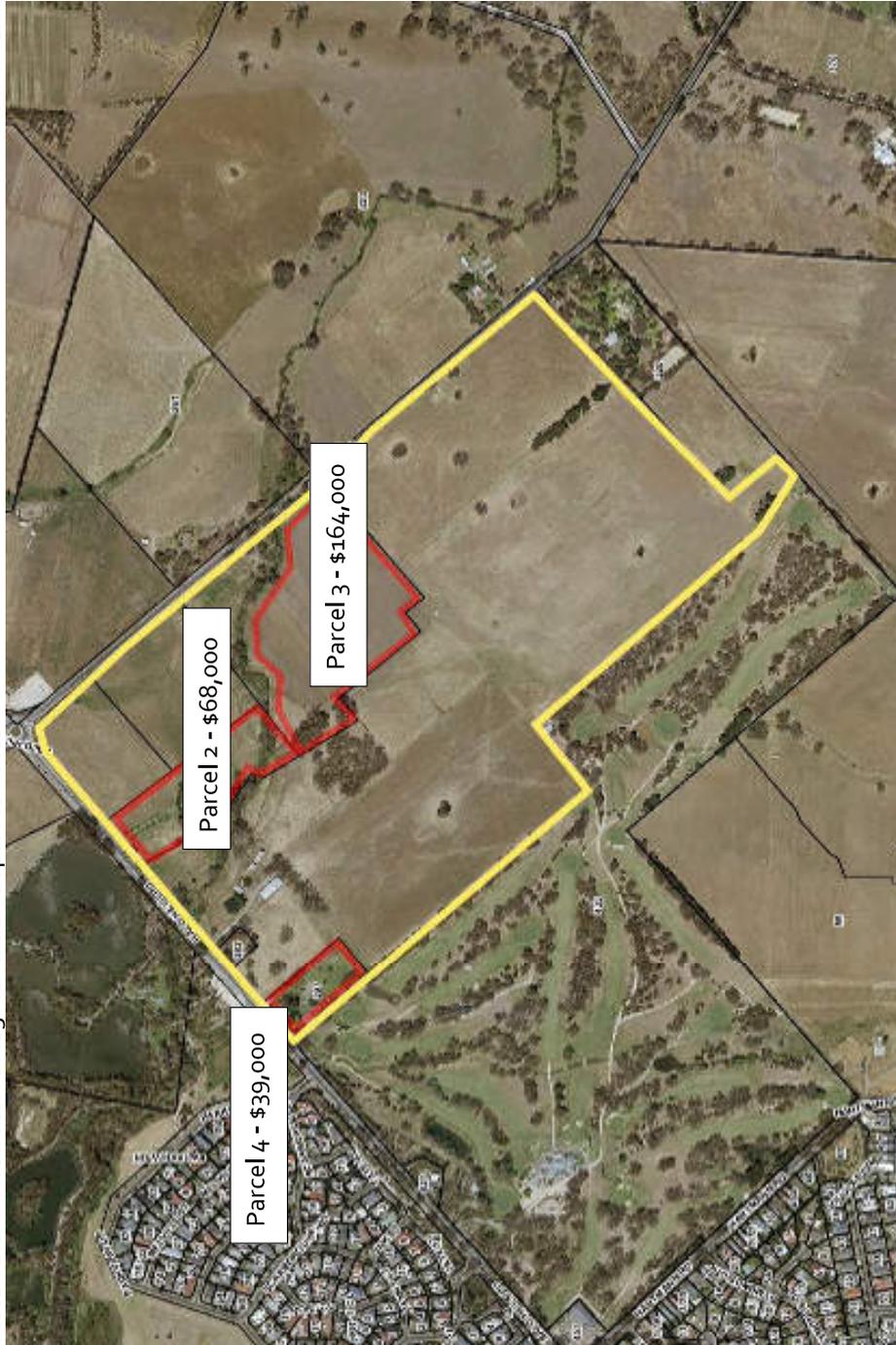
Attachment C to Item 12.1



Attachment 2 to Item 12.1

ATTACHMENT 2

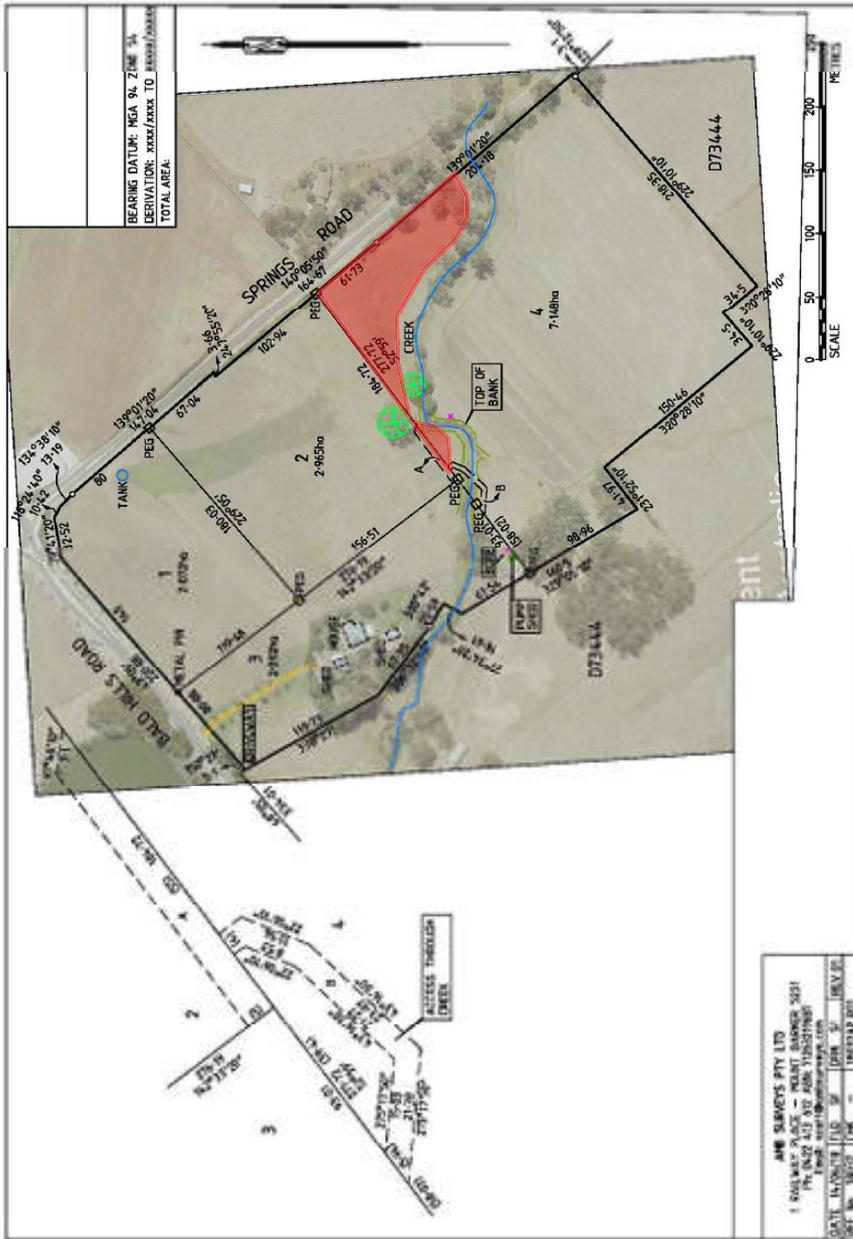
Proposed Wastewater Infrastructure Augmentation Separate Rates



Attachment 3 to Item 12.1

ATTACHMENT 3

Adjacent Council Owned Land



Attachment 4

Forecast land uses and capital funding strategy

Land Parcel Refer plan	Current Owner	Area (ha) Approx.	Forecast Use When Developed	Design Flow Litres/second	Proportion %	\$ Current estimate*	\$ Plus site specific cost estimate	Total*
6A	Council	18	Regional Sports Hub	1.6	14.04	143,860	107,000	250,860
		0.5	Commercial (Springs Road)	0.5	4.39	44,956		44,956
		1.5	Residential (adj former Runge land)	0.6	5.26	53,947		53,947
3	K Stephenson	6	Residential	1.7	14.91	152,851	13,500	166,351
1	Council	1	Commercial	0.3	2.63	26,974		26,974
5A	Council	3	Commercial	0.1	0.88	8,991		8,991
5B	Council	2.1	Commercial	0.1	0.88	8,991		8,991
2	K Stephenson	2.4	Residential	0.7	6.14	62,939		62,939
6B	Council	16.5	Commercial/Community	5.4	47.37	485,526		485,526
4	K and Y Stephenson	1.2	Residential	0.4	3.51	35,965		35,965
Total		52.2		11.4	100.00	1,025,000		1,145,500

* Excludes survey, concept design, and cost of finance

Attachment 4 to Item 12.1

Attachment 4 to Item 12.1

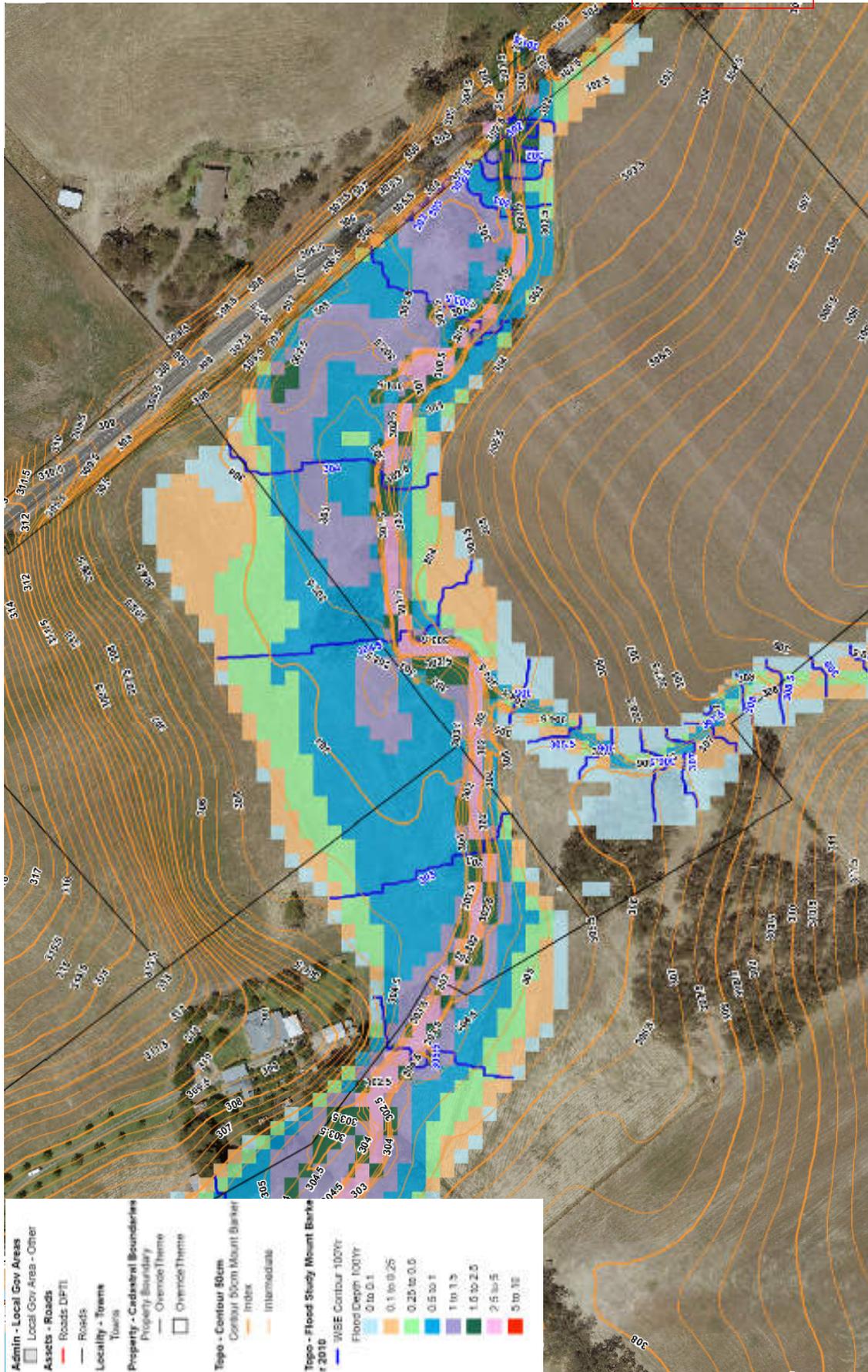


Attachment 5 to Item 12.1

ATTACHMENT 5
7-January-2020

Mt Barker Creek 100yr ARI Floodmap - Upstream of Springs Rd

Flood Plain Mapping: 1 in 100 Year Average Recurrence Internal



50 m
Scale = 1:500

6 Dutton Road
Mount Barker SA 5251
Telephone 08108817202



MOUNT BARKER
DISTRICT COUNCIL

For further information, please contact the Council's Planning and Development Services Unit, 6 Dutton Road, Mount Barker SA 5251. The Council's Planning and Development Services Unit is available to assist with all planning and development applications. For more information, please visit our website at www.mountbarker.sa.gov.au. The Council's Planning and Development Services Unit is available to assist with all planning and development applications. For more information, please visit our website at www.mountbarker.sa.gov.au.

12.2	REPORT TITLE:	TOTNESS DEVELOPMENT PLAN AMENDMENT (DPA)
	DATE OF MEETING:	3 FEBRUARY 2020
	FILE NUMBER:	DOC/20/7600
	ATTACHMENTS:	1 - TOTNESS DPA AREA (DOC/20/9565) 2 – TOTNESS DPA – THE AMENDMENT (DOC/20/9041) 3 - SUMMARY OF CONSULTATION AND PROPOSED AMENDMENTS TABLE (SCPA TABLE) (DOC/20/9046)
	<u>Key Contact</u>	Glenn Searle - Senior Policy Planner - Strategic Projects and Planning Policy
	<u>Manager/Sponsor</u>	Luke Gray – Manager Strategic Projects and Planning Policy Marc Voortman, General Manager – Planning and Development

Mount Barker 2035 – District Strategic Plan:

EP:1 Employment growth – To be an active and enthusiastic partner with government and the private sector driving regional investment and employment growth.

EP:2 District Investment and export growth – To increase investment and business growth for community benefit.

NE:3 The promotion and protection of natural areas – To respect and protect local natural areas through awareness and involvement.

Purpose:

To present to Council an updated Totness Employment Lands Development Plan Amendment (DPA) for Council endorsement and to authorise staff to forward the DPA to the Minister for Planning for approval.

Summary – Key Issues:

1. A privately funded Development Plan Amendment (DPA) has been prepared by Adelin over land in Totness, for the purpose of providing additional land suitably zoned for employment outcomes servicing the District.
2. The DPA was on public Consultation from the 31st January 2018 to the 28th March 2018.
3. On the 6th of August, 2018, Council resolved to endorse the DPA subject to finalisation of the necessary Infrastructure Deeds.
4. The Infrastructure Deeds, although complex are nearing completion after negotiation with relevant land owners.
5. Amendments to the approved DPA are now necessary following one land owner wishing to no-longer be party to the DPA.

6. A revised final version of the DPA is now presented to Council for a decision.

Recommendation:

That Council:

1. Endorse and forward the Totness Employment Lands DPA (attachment 2) to the Minister for Planning seeking approval for the DPA subject to the execution of the required Infrastructure Deeds and Land Management Agreements.
2. Authorise the Chief Executive Officer (CEO) to sign Schedule 4B of the Development Regulations 2008 stating that the Totness Employment Lands DPA is suitable for presentation to the Minister for Planning for approval.
3. Delegate authority to the Mayor and CEO to execute and affix the Council Seal to the Infrastructure Deeds and Land Management Agreements prior to the DPA being forwarded to the Minister.
4. Authorise the CEO or nominee to undertake and authorise any administrative or grammatical amendments to the Totness Employment lands DPA.

Background:

1. The need for additional industrial-zoned land was formally identified in Council's 2003 Residential and Industrial Strategy 2020: Towards Sustainability and has been supported by further audits undertaken by staff. These audits have resulted in recommendations including that to abandon the Rural Living Zone at Totness in favour of Industrial/Commercial Zoning.
2. The 30 Year Plan for Greater Adelaide also identified the subject land in Totness for 'New Strategic Employment Lands', consistent with the intent to ensure there is sufficient local employment to sustain a growing residential population.
3. The need for more local employment is also a key objective within Council's Economic Development Strategy (2014), with the availability of suitable land a key action in which to implement.
4. On 6 August 2018, Council resolved to endorse the DPA and forward it to the Minister for Planning for approval. This was subject to the execution of the required Infrastructure Deeds and Land Management Agreements, to ensure the cost of required infrastructure upgrades (wastewater, stormwater and transport) resulting from the rezoning are borne by the developer and that council has adequate security in the event of any default on delivery.
5. As these Deeds were being finalised, the property owners of Allotment 101 Milne Road (referred to as the Walsh land) have decided to remove themselves from this DPA process (see attachment 1). Council staff discussed the implications of this with the owner of this land holding at length.
6. The owners withdrawal is linked to their objection to proposed environmental and bush fire buffers to the adjoining Totness Recreation Reserve and their obligations to contribute to the upgrade of Milne Road (to be triggered by Development on the subject land).

7. Their wish to be removed from this DPA does not limit the opportunity for a further future developer funded DPA however Council staff have indicated that there may be a reluctance to undertake a similar rezoning in the near future.

Discussion:

8. The removal of Lot 101 Milne Road has necessitated the modification of the Concept Plan, Zone maps as well as the deletion of provisions relating to this parcel of land. A plan showing the removal of lot 101 Milne Road has been prepared to clearly demonstrate the amended affected area of the DPA, this is shown in attachment 1.
9. Whilst it is unfortunate that this parcel of land is not included in the DPA, the loss of this land and the modifications to the DPA do not adversely impact on Council's ability to assess development within the rezone area, request infrastructure upgrades or execute the necessary Infrastructure Deeds.
10. Further, the removal of this land from the affected area of the DPA will increase the setback of future development to the majority of the boundary with the Totness Conservation Park.
11. It is important to recognise that the DPA will still achieve goals of increasing Council's employment base through the supply of appropriately zoned industrial land, with the opportunity through the Planning and Development Code to consider the rezoning of this land in the future.

Transition to the Planning and Design Code:

12. On 1 July 2020 the State Government will introduce the Planning and Design Code which will supersede Council's Development Plan. This means that any DPA's not consolidated in the Development Plan by that date will be lost. Therefore, it is important to endorse this DPA and submit it to the Minister for Planning as soon as possible, particularly as it ensures critical Infrastructure Deeds are attached to the land, providing clarity on the developers obligations to fund the necessary upgrades.
13. Once the DPA is submitted to the Minister and consolidated in Council's Development Plan DPTI staff will transition policies from the DPA to the Code, which will see the Urban Employment Zone transition to the Employment Zone.
14. DPTI officers have indicated that they are in the initial stages of preparing transition plans to facilitate this work.

Community Engagement:

Public Consultation has been undertaken in accordance with Section 25 of the Development Act (1993) (see attachment 3). Officers from the Department of Planning, Transport and Infrastructure have confirmed that no further public or agency consultation is required as a result of the amendment to the area to be rezoned.

Policy:

The preparation and execution of the Development Plan Amendment is consistent with Council's Privately Funded DPA Policy.

Long Term Financial Plan:

Infrastructure Deeds will ensure the developer funds the necessary infrastructure upgrades required as a result of this DPA.

Budget:

The proposal is largely funded by the proponent and as such there is a very limited financial impost on Council. To note there has been some legal costs to Council as a result of drafting the Deed documentation. In addition, there would be a minor cost to Council through the involvement of Council Officer(s) in directing and overseeing the DPA, related studies, infrastructure needs assessment and statutory process.

Statutory/Legal:

The preparation and finalisation of the DPA is subject to Section 25 of the Development Act 1993. The Infrastructure Deeds and land Management Agreements are being prepared to ensure that the infrastructure requirements are tied to the land.

Staff Resource Requirements:

To be implemented using existing staff resources.

Environmental:

Any significant detrimental or positive impact on the environment, including air, soil, water, flora or fauna, noise or built form have been considered as part of studies undertaken prior to the commencement of the Development Plan Amendment process.

Social:

Increasing the total area of industry/employment lands would provide greater scope and choice in the medium to long term for the provision of locally based sustainable employment.

Risk Assessment:

Risk is appropriately managed through the Councils Privately Funded DPA Policy and the legislated DPA process administered by the Development Act 1993.

Asset Management:

Any impact on existing infrastructure or requirements for additional infrastructure has been considered as part of studies undertaken prior to the commencement of the Development Plan Amendment process.

Conclusion:

The Totness Employment Lands DPA has been amended post its endorsement in August 2018 to reflect a reduction in the area to be rezoned, brought about by the removal of a land owner, previously party to the DPA. The amended DPA represents a valuable increase in Employment Lands and subject to final execution of the necessary Infrastructure Deeds and Land Management Agreements, is suitable to be forwarded to the Minister.

Previous Decisions By/Information Reports to Council

Meeting Date	6 August 2018	HPRM Reference	FOL/17/3854
Title	Strategic Planning Development and Policy Committee recommendation		
Purpose	Recommendation to endorse the Totness Employment Lands DPA and forward it to the Minister		

Attachment 1 to Item 12.2

23-January-2020

Totness DPA Area



200 m

Scale = 6032.88

N

6 Dullon Road
Mount Barker SA 5251
Tel: 0800 091 888 / 7202

For more information on our services, visit our website at www.mountbarker.sa.gov.au or call our Customer Service Centre on 0800 091 888. For more information on our services, visit our website at www.mountbarker.sa.gov.au or call our Customer Service Centre on 0800 091 888.

MOUNT BARKER DISTRICT COUNCIL

Property Boundary (7)

HouseNo: 23
RoadName: Follett Close
AuthPCLNumber: 1617
GISREF: D33156A121
LotPlan: A121 D33156
Title: CT5066/269
AssessmentNumber: 653
VGNumber: 5810019005
AreaSqm: 5827.266156

HouseNo: 19
RoadName: Follett Close
AuthPCLNumber: 1618
GISREF: D33156A120
LotPlan: A120 D33156
Title: CT5066/268
AssessmentNumber: 661
VGNumber: 5810019507
AreaSqm: 6879.135921

HouseNo: 15
RoadName: Follett Close
AuthPCLNumber: 24332
GISREF: D68202A501
LotPlan: A501 D68202
Title: CT5959/208
AssessmentNumber: 205682
VGNumber: 5810019750
AreaSqm: 11446.987542

HouseNo: 7
RoadName: Crompton Road
AuthPCLNumber: 24333
GISREF: D68202A502
LotPlan: A502 D68202
Title: CT5959/208
AssessmentNumber: 205690
VGNumber: 5810022255
AreaSqm: 13825.509706

HouseNo: 7A
RoadName: Crompton Road
AuthPCLNumber: 24334
GISREF: D68202A503
LotPlan: A503 D68202
Title: CT16142/690
AssessmentNumber: 205708
VGNumber: 5810022503
AreaSqm: 18624.817423

HouseNo: 27
RoadName: Follett Close
AuthPCLNumber: 1616
GISREF: F10175A1

LotPlan: A1 F10175
Title: CT5489/896
AssessmentNumber: 646
VGNumber: 5810018504
AreaSqM: 37919.071512

HouseNo: 7B
RoadName: Crompton Road
AuthPCLNumber: 20554
GISREF: D54847/A51
LotPlan: A51 D54847
Title: CT6142/688
AssessmentNumber: 159905
VGNumber: 5810021850
AreaSqM: 169217.00251

Attachment 2 to Item 12.2



Mount Barker District Council

Totness Employment Lands Development Plan Amendment

The Amendment

For ~~Consultation~~ Approval

Totness Employment Lands Development Plan Amendment
Mount Barker District Council
Amendment Instructions Table

Amendment Instructions Table				
Name of Local Government Area: Mount Barker District Council				
Name of Development Plan: Mount Barker District Council Development Plan				
Name of DPA: Totness Employment Lands DPA				
<p><i>The following amendment instructions (at the time of drafting) relate to the Mount Barker District Council Development Plan consolidated on 8 August 2017.</i></p> <p><i>Where amendments to this Development Plan have been authorised after the aforementioned consolidation date, consequential changes to the following amendment instructions will be made as necessary to give effect to this amendment.</i></p>				
Amendment Instruction Number	Method of Change	Detail what in the Development Plan is to be amended, replaced, deleted or inserted. If applicable, detail what material is to be inserted and where. Use attachments for large bodies of material.	Is Renumbering required (Y/N)	Subsequent Policy cross-references requiring update (Y/N) if yes please specify.
COUNCIL WIDE / GENERAL SECTION PROVISIONS (including figures and illustrations contained in the text)				
Amendments required (Yes/No): YES				
General Section				
1.	Insert	A reference to new (w) Concept Plan Map MtB/22 – Totness Employment Lands after clause (v) in Principle of Development Control 13 under the heading Orderly and Sustainable Development	N	N
ZONE AND/OR POLICY AREA AND/OR PRECINCT PROVISIONS (including figures and illustrations contained in the text)				
Amendments required (Yes/No): Yes				
Urban Employment Zone				
2.	Insert	The contents of Attachment 'A' after the Township Zone	N	N
TABLES				
Amendments required (Yes/No): No				
Table				

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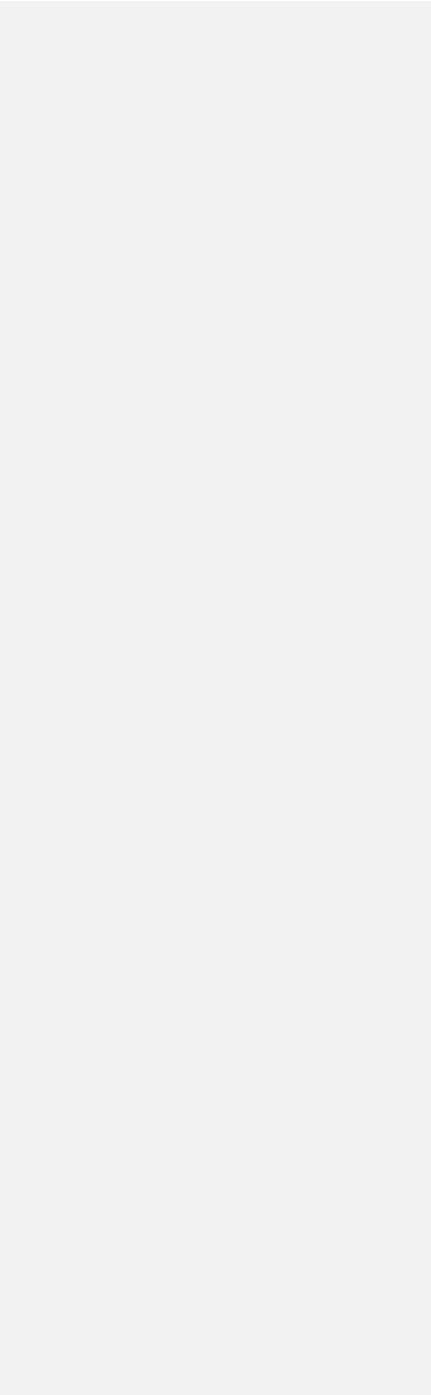
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Amendment Instructions Table

MAPPING (Structure Plans, Overlays, Enlargements, Zone Maps, Policy Area & Precinct Maps)				
Amendments required (Yes/No): Yes				
Map Reference Table				
3.	Delete	MtB/9 from Allotment 20000 Policy Area 19, Policy Area Maps	N	N
4.	Delete	MtB/9 from Rural Living Zone, Zone Maps	N	N
5.	Insert	Totness Employment Lands MtB/22 after The Cedars Precinct (Hahndorf) MtB/21, Concept Plan Maps	N	N
Map(s)				
6.	Replace	Zone Maps MtB/6 and MtB/9 with the contents of Attachment 'B'	N	N
7.	Replace	Policy Area Map MtB/9 with the contents of Attachment 'C'	N	N
8.	Insert	The contents of Attachment 'D' after Concept Plan Map MtB/21 – The Cedars Precinct (Hahndorf)	N	N

Totness Employment Lands Development Plan Amendment
Mount Barker District Council
Attachment A

Attachment A



Mount Barker District Council
Zone Section
Urban Employment Zone

Urban Employment Zone

Refer to the [Map Reference Tables](#) for a list of the maps that relate to this zone.

OBJECTIVES

- 1 A mixed use employment zone that primarily accommodates a range of industrial and commercial land uses together with other related employment and business activities that generate wealth and employment for the State.
- 2 Provision for medium to large floor plate enterprises, such as logistics and manufacturing plants, high technology and/or research and development related uses, located to take advantage of existing road infrastructure.
- 3 The effective location and management of activities at the interface of industrial/commercial activity with residential, primary production and conservation land uses that are sensitive to these operations.
- 4 A high standard of development which promotes distinctive building, landscape and streetscape design, with high visual and environmental amenity, particularly along major roads and the boundaries of adjoining zones.
- 5 Development that promotes business clusters that provide a range of economic and environmental benefits.
- 6 Coordinated and integrated development that:
 - (a) incorporates high speed information technology and telecommunications facilities and infrastructure
 - (b) contributes to the improvement of the physical, social and economic conditions of adjoining communities where appropriate.
- 7 Development that contributes to the desired character of the zone.

DESIRED CHARACTER

This zone provides for the establishment of business clusters that create opportunities for innovation, start-ups and the growth of new and emerging businesses.

Desirable land uses include a wide range of activities that generate employment, focusing on industry, commercial and similar activities, together with bulky goods outlets and industry-related educational establishments. Development should also comprise high technology and/or research and development related uses where it is compatible with adjoining uses.

Given the zone's relative proximity to the Mount Barker Central Business District, land uses and development outcomes will not undermine the retail and business functions of the Regional Town Centre Zone. To this extent, independent or stand-alone office development and smaller floor plate bulky goods outlets less than 500 square metres will not be developed in the zone.

It is, therefore, envisaged that development will take advantage of the zone's proximity ~~close proximity~~ to the Mount Barker freeway interchange ~~Primary Production Zone~~ and the South Eastern Freeway. Given the ease of access from Totness to the South Eastern Freeway, it is also expected that the majority of heavy vehicle movements will occur east of the zone towards the interchange rather than travelling through Hahndorf.

Commented [SC1]: Minor rewording

Commented [SC2]: Councillor concerns regarding increasing Hahndorf Heavy Vehicle movement traffic.

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Mount Barker District Council
Zone Section
Urban Employment Zone

~~It will be important that in particular, it is envisaged that development will capitalise on the ability to source agricultural produce locally and from the wider Adelaide Hills area. The locality lends itself well to development that focuses on include the production, processing and packaging of agricultural produce to create food, wine and other similar products, as well as ancillary and associated value adding activities, such as tasting rooms, cellar doors and shops are also envisaged.~~

Commented [SC3]: I have separated the proximity to the freeway and primary production zone. An emphasis on the zone's proximity to the interchange rather than just the freeway. Separation of the two allows for highlighting the locality in terms of access to agricultural produce and the opportunities for significant value adding.

Allotments that adjoin the boundary of the Primary Production Zone and Conservation Zone where more sensitive land uses are anticipated (such as residential development and conservation activities), will be large enough to accommodate design features, such as noise attenuation measures, subdued external lighting and as well as siting arrangements that limit impact on the adjoining zone. Appropriate separation distances and buffers, incorporating where necessary, noise attenuation measures and dense landscape plantings, will be established between new development and existing sensitive land uses outside the zone.

Commented [SC4]: Rewritten to include lighting and to consider noise and lighting as design elements – not desired buffer attributes. This is, as well as PDC 17 – response to SAMDBNRM comment.

Landscape buffers in the order of 20 metres in width will be established along Milne Road and Totness Recreation Park-Mount Barker exit ramp from the (South East Freeway), while the existing vegetation along the South Eastern Freeway will be supplemented with additional plantings. These areas will be densely planted with a variety of locally indigenous vegetation which will assist to screen views of development in the zone from surrounding areas.

Commented [SC5]: This more accurately reflects the location of vegetation buffers and screening – the firebreak is addressed elsewhere in the Desired Character Statement.

~~In addition, a 40 metre wide public reserve is to be created around along southern boundary of the Totness Recreation Park and along Milne Road to provide both a 20 metre firebreak and 20 metre vegetation buffer. The firebreak area will be planted with native grasses which respond to regular slashing while also providing an open area for woodland birds such as wrens and pardalotes while providing access for fire fighting vehicles and pedestrians. New plantings within the vegetation buffer will consist of local species of a type consistent with the pre-European plant communities in the area.~~

Commented [GS6]: Lot 102 Milne Road, Totness (land marked 'B' on original concept plan) has been removed from the DPA/Re-Zone area

Commented [SC7]: Clarification of firebreak – post consultation and DEW discussions and feedback.

Commented [SC8]:

A walking and cycling trail will be established along a revegetated creek line to provide an off-road recreational link for the public between Totness Recreation Park and Littlehampton. Additional revegetation will occur around detention basins using locally indigenous species along with the retention of semi-mature and mature trees that are part of the existing wood lot as identified on Concept Plan Map –MTB/22 –Totness Employment Lands.

Commented [SC9]: As per Councillor discussion in the briefing. Also a PDC has been inserted.

Within the public realm, street trees will be established on landscaped verges to provide shade and soften the appearance of buildings while also ensuring that potential future impacts on infrastructure and vehicle movements are minimised.

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Landscape will be carefully integrated with built form, ensuring that vegetation is sustainable, drought tolerant, locally indigenous and matched to the scale of development, while also providing a comfortable, pleasant and attractive environment. Car parking areas will include trees to provide shade and enhance visual amenity. The appearance of outdoor storage areas will also be enhanced through landscaping. Landscaping will be carefully designed to minimise opportunity for crime by ensuring passive/active surveillance and minimising places of entrapment.

~~Given the visual prominence of portions of the zone when viewed from the South Eastern Freeway and exit ramp, buildings development with visual presence to the freeway will be designed, sited, and screened with extensive vegetation plantings so as not to be visible from the South Eastern Freeway and exit ramp, to reduce their visual impact through careful siting as well as providing screening or. It is envisaged that where buildings have expansive and large blank walls architectural treatments along large blank walls will be utilised so as to visually break up the buildings mass and bulk. Building materials and colours will be non-reflective and will be subdued in tone to reflect the landscape that surrounds the zone.~~

Advertising and corporate livery will be restrained in terms of its size, colour and illumination and orientated towards the internal road network and not be visible from the South Eastern Freeway, the exit ramp, Milne Road and the Totness Recreation Park. –In addition, development on sloping land will reduce the extent of

**Mount Barker District Council
Zone Section
Urban Employment Zone**

earthworks through a mixture of cut and fill while also utilising landscaping to screen the slope and minimise erosion.

~~All open grassed areas required for firebreaks between Totness Recreation Park and the zone will be located within the zone in order to eliminate the need for vegetation clearance or thinning in the Totness Recreation Park.~~

Buildings will provide variation through a combination of materials, facade treatments, articulation and setbacks rather than appearing as large uniform buildings with blank façades. Where practicable, buildings will incorporate ~~verandahs~~~~verandahs~~, porticos or similar design features to enhance the appearance of the streetscape. Outdoor storage areas will also be screened with fencing/structures of varied materials that limit potential for vandalism.

Water Sensitive Urban Design systems, including the harvest, treatment, storage and reuse of stormwater, will be integrated throughout the area at the neighbourhood, street, site and building level. Harvested stormwater will improve the aesthetic and functional value of open spaces, including public access ways and greenways.

Stormwater ~~will~~ is to be managed in a coordinated and comprehensive manner throughout the zone and directed towards a combination of detention basin ~~or a series of and~~ retention ponds of a sufficient size to accommodate stormwater generated by development within the zone before discharging at a controlled rate to the existing stormwater system under the South Eastern Freeway. Stormwater will be managed appropriately to minimise the impact on downstream properties between the South Eastern Freeway and Hill Street.

Vehicular access will primarily occur from Follett Close ~~with a secondary access provided to Milne Road once development nears occurs in this portion of the zone and once Milne Road has been appropriately upgraded. As development in the zone proceeds, the~~ The intersection of Follett Close and Diagonal Road will be upgraded to accommodate the turning movements of semi-trailers and other heavy vehicles.

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Commented [SC10]: This has been change to reflect the latest onsite solution from WGA

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Commented [GS11]: Lot 101 Milne Road, Totness (land marked 'B' on original concept plan) has been removed from the DPA/Re-Zone area. The Re-Zone area no longer abuts Milne Road so access cannot be gained

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PRINCIPLES OF DEVELOPMENT CONTROL

Land Use

1 The following forms of development, or combination thereof, are envisaged in the zone:

- bulky goods outlet with a minimum gross leasable floor area of 500 square metres
- cellar door/tasting room ancillary to and in association with a brewery, distillery or similar use
- fuel depot
- indoor recreation centre
- industry (other than special industry)
- motor repair station
- petrol filling station
- public service depot
- road transport terminal
- service trade premises
- service industry
- training facility
- store
- warehouse.

2 Development listed as non-complying is generally inappropriate.

3 Development should be in accordance with the relevant [Concept Plan Map MTB/22- Totness Employment Lands](#).

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Mount Barker District Council
Zone Section
Urban Employment Zone

- 4 Development should not impede the operation of established land uses through encroachment, over development of sites or noise/emissions or any other harmful or nuisance-creating impact.
- 5 Office uses must be ancillary to and in association with an envisaged form of development in the zone and should not undermine the business function of the Regional Town Centre Zone.
- 6 Shops or groups of shops (other than bulky good outlets and service trade premises) should serve the local workforce within the zone and have a gross leasable floor area less than 150 square metres unless constituting a use that is ancillary and associated with an envisaged form of development in the zone.
- 7 Bulky goods outlets and service trade premises should not have any adverse impacts on heavy vehicle access or freight movements.
- 8 Short term workers accommodation, caretaker's residence or other sensitive uses within the zone should be designed and located to ensure the ongoing operation of any existing activity within the zone is not impeded.

~~9 Development should be designed and undertaken to protect existing residents from potential adverse impacts from non-residential activities.~~

Form and Character

10 Development should not be undertaken unless it is consistent with the desired character for the zone.

~~10-11 Vegetation plantings, screening and reserves should be established in accordance with Concept Plan Map -MtB/22 -Totness Employment Lands.~~

~~12 In accordance with Concept Plan Map -MtB/22 -Totness Employment Lands a public reserve should be established to provide a vegetated buffer~~

~~(a) 20 metres wide from the South Eastern Freeway exit ramp road reserve~~

~~(b) 40 metres wide from the Milne Road road reserve~~

~~(c) 40 metres around the whole perimeter along the southern boundary of the Totness Recreation Park.~~

~~13 In accordance with Concept Plan Map -MtB/22 -Totness Employment Lands a 20 metre wide fire break to be established around the whole perimeter of the Totness Recreation Park within as part of the public reserve to:~~

~~(a) be planted with native grasses that respond to regular slashing to reduce fire risk~~

~~(b) provide access for fire fighting vehicles~~

~~(c) provide access for pedestrians to the Recreation Park.~~

~~14 In accordance with Concept Plan Map -MtB/22 -Totness Employment Lands, development and associated earthworks should be setback:~~

~~(a) 10 metres from the South Eastern Freeway road reserve to~~

~~(i) maintain the health of existing vegetation adjacent to the boundary~~

~~(ii) enable supplementary plantings for screening within the road reserve~~

~~(b) 30 metres from the boundary South Eastern Freeway exit-ramp road reserve to enable supplementary plantings for screening within the vegetation buffer.~~

~~Development should be set back:~~

7

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Commented [SC12]: As per DPTI and EPA comments – given the provisions within Interface between land uses, this was considered sufficient.

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Commented [SC13]: This was done for the area above the creek, visible from the exit ramp and greater than 15 %

Commented [GS14]: Lot 101 Milne Road, Totness (land marked 'B' on original concept plan) has been removed from the DPA/Re-Zone area. Therefore the buffer is no longer required

Commented [GS15]: After the removal of Lot 101 Milne Road, the southern boundary of the Totness Recreation Park is the only portion that abuts the Urban Employment Zone

Commented [SC16]: This has been rewritten to implement the amendment to the DPA endorsed on the Council meeting 6th August 2018. This required some clarification and editing of PDCs that resulted in an additional PDC

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Mount Barker District Council
Zone Section
Urban Employment Zone

~~from Milne Road, and Totness Recreation Park to enable the establishment of a landscaped buffer in the order of 20 metres in width as identified on Concept Plan Map MtB/22~~

~~from the South Eastern Freeway to enable the establishment of additional plantings to supplement the existing vegetation within the road reserve as identified on Concept Plan Map MtB/22.~~

~~4415~~ In areas where a uniform street setback pattern has not been established, buildings should be set back in accordance with the following parameters:

Building height (metres)	Minimum setback from the primary road frontage (metres)	Minimum setback from the secondary road frontage (metres)	Minimum setback from the South Eastern Freeway frontage (metres)
6 metres	8	3	10
Greater than 6 metres	10	3	15

Field Code Changed

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~~4216~~ Building façades facing land zoned for ~~pPrimary pProduction or Cconservation~~ purposes should not contain openings or entrance ways that would result in the transmission of noise or light spillage that would adversely affect the amenity of nearby residents ~~or the conservation values of Totness Recreation Park.~~

Commented [SC17]: URPS recommendation

~~4317~~ Any plant or equipment with potential to cause an environmental nuisance (including a chimney stack or air-conditioning plant) should be sited as far as possible from adjoining allotments not zoned for employment, and should be designed to minimise its effect on the amenity of the locality.

~~4418~~ Development should control noise emissions through the use of attenuation devices and sound proofing, particularly activities requiring extended hours of operation.

~~4519~~ The hours of operation of an activity should not detract from the amenity of any residential or conservation area.

~~4620~~ Within 50 metres of a ~~pPrimary Pproduction or Cconservation~~ zone boundary:

Commented [SC18]: URPS recommendation

- (a) development (including loading and unloading activities) should:
 - (i) demonstrate appropriate acoustic performance
 - (ii) ensure that all noise sources including machinery, loading, unloading and other service areas on allotments nearest to the residential boundary are located within the building
- (b) development should be designed and constructed of a material to ensure noise emissions are minimised within acceptable standards.

~~(c) all exterior lighting should be designed and located to minimise the impact on residential amenity and native fauna.~~

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Commented [SC19]: This has been introduced as a solution to the SADB NRM response to PDC 19.

~~4721~~ Management of stormwater within and adjacent to the creek line including the construction of detention and/or retention basins should retain, where practicable, existing mature and semi mature trees in accordance with Concept Plan Map –MtB/22 –Totness Employment Lands so as to:

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Commented [SC20]: This PDC has been inserted as per the discussions in the Council members briefing – reference to woodlot in desired Character Statement.

~~(a) enhance revegetation of watercourse reserve~~

~~(b) maintain screening from the South Eastern Freeway.~~

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~~22~~ Development on sites that are highly visible from the South Eastern Freeway and exit ramp should seek to reduce visual impact by:

Mount Barker District Council
Zone Section
Urban Employment Zone

- (a) providing [vegetation screening](#) or architectural treatments along large blank walls
 - (b) utilising building materials and colours that are non-reflective and subdued in tone
 - (c) ensuring that associated advertising is restrained in terms of its size, colour and illumination [and is orientated to the internal road network](#)
 - (d) [utilising cut rather than fill in site design to reduce the visual impact of buildings](#)
- ~~4823~~ Development should not occur on land where the slope is greater than 15 degrees.
- 24 Development should be adaptable to allow for flexibility of use over time and accommodate multiple uses and shared facilities where practical, including training areas and car parking.
- 4925 Buildings should not occupy more than 50 percent of the total area of the site upon which they are located, unless it can be demonstrated that stormwater can be harvested, treated, stored and reused on the site of the development to minimise impacts on external stormwater infrastructure.
- 26 [Buildings with a total floor area greater than 500m² should provide for an independent water source for fire protection unless it can be demonstrated that the SA water flows and pressures have been upgraded.](#)
- 2927 For labour intensive industries where car parking demand exceeds the rates in [Table MtB/2 – Off Street Vehicle Parking Requirements](#), the total car parking should be provided at a rate of 0.75 spaces by the number of employees.
- 2428 For non-labour intensive industries, the rates in [Table MtB/2 – Off Street Vehicle Parking Requirements](#) can be varied having regard to the expected maximum staff and visitor levels.
- 2229 Development, including land division, within 'Area A' identified on [Concept Plan Map MtB/22](#) should not occur until the following infrastructure works have been completed or legally binding arrangements for their completion are in place:
- (a) the upgrade of:
 - (i) the intersection of Follett Close and Diagonal Road
 - (ii) Follett Close south-east of [the intersection of Follett Close and Diagonal Road to and including the entrance to the subject land vehicular access to the zone](#)

to a standard suitable for the intended vehicle types and anticipated traffic volumes;
 - (b) the provision of indented parking bays along Diagonal Road
 - (c) improvements to a section of the downstream stormwater management system south of the South Eastern Freeway to Hill Street.
- ~~2330~~ Development, including land division, within 'Area B' identified on [Concept Plan Map MtB/22](#) should not occur until the upgrade of Milne Road (from Adelaide Road to the future vehicular access to the zone) has been completed or legally binding arrangements for their completion are in place.
- 2431 Advertisements or advertising hoardings should not:
- (a) move, rotate or incorporate flashing light(s)
 - (b) have any part that projects above the walls or fascia where attached to a building
 - (c) cover more than 10 per cent of the total surface area of a wall oriented to a public road or reserve
 - (d) include bunting, streamers, flags or wind vanes

Commented [SC21]:

Commented [SC22]: Minor addition – rather than highlight area where high visibility occurs existing the freeway it was considered sufficient policy existing for built form and screening – this was added in to assist in reduced bulk.

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Commented [SC23]: AS per CFS discussion on site – to flag

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Commented [SC24]: URPS recommendation

Commented [GS25]: Land constituting 'Area B' no longer forms part of the Re-Zone area. Therefore this PDC is no longer required

**Mount Barker District Council
Zone Section
Urban Employment Zone**

32 Advertisements, advertising hoardings and corporate livery should be orientated to the internal road network and not located on walls directly facing the South Eastern Freeway and exit ramp, the Totness Recreation Reserve and Milne Road.

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Land Division

2633 Land division should:

- (a) create allotments that are of a size and shape suitable for the intended use
- (b) create allotments that respond to topography and reduces the need for extensive cut and fill.

2634 The design, layout and construction of the road network should:

- (a) provide for efficient and legible vehicle movement
- (b) respond to the existing topography
- (c) provide for a permeable pedestrian network
- (d) be of a width to allow for street tree planting and landscaping
- (e) incorporate existing native trees where practicable.

Mount Barker District Council
Zone Section
Urban Employment Zone

PROCEDURAL MATTERS

Complying Development

Complying developments are prescribed in Schedule 4 of the *Development Regulations 2008*.

Non-complying Development

Development (including building work, a change in the use of land, or division of an allotment) involving any of the following is non-complying:

Form of development	Exceptions
Amusement machine centre	
Caravan or residential park	
Consulting room	Except where ancillary to and in association with development envisaged in the zone
Dwelling	Except where: (a) caretakers residence; or (b) short term workers accommodation
Horticulture	
Intensive animal keeping	
Motel	
Nursing home	
Place of worship	
Prescribed mining operations	
Primary school	
Secondary school	
Special industry	
Shop or group of shops	Except where: (a) a bulky goods outlet; or (b) the gross leasable floor area is no greater than 150 square metres; or (c) is ancillary to and in association with development envisaged in the zone.
Stadium	
Tourist accommodation	

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**Mount Barker District Council
Zone Section
Urban Employment Zone**

Public Notification

Categories of public notification are prescribed in Schedule 9 of the *Development Regulations 2008*.

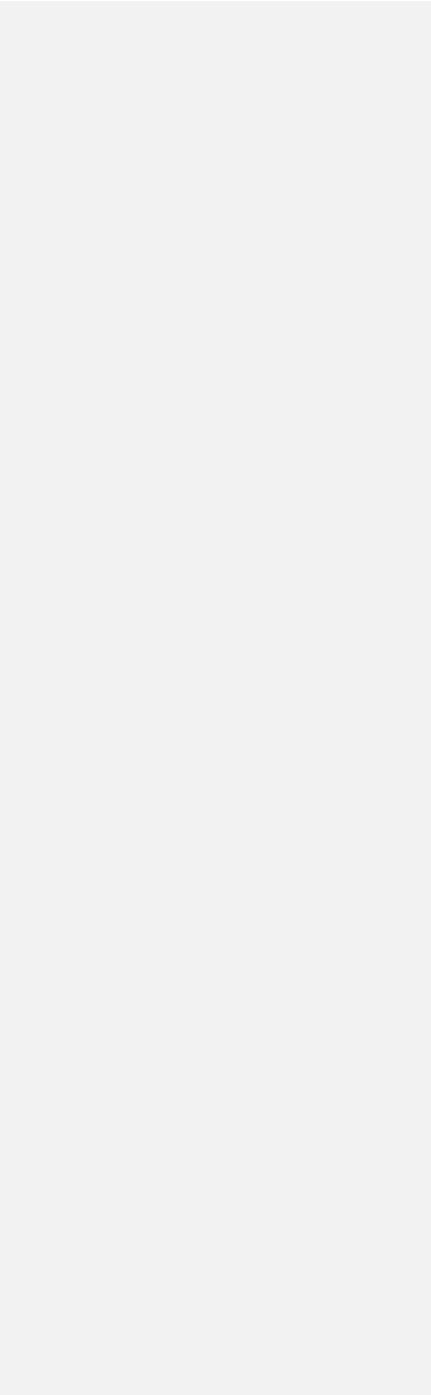
In addition, the following forms of development, or any combination thereof (except where the development is classified as non-complying), are designated:

Category 1	Category 2
All kinds of development except where the site of the proposed development is located within 60 metres of the north western boundary of Milne Road	Development where the site of the proposed development is located within 60 metres of the north western boundary of Milne Road

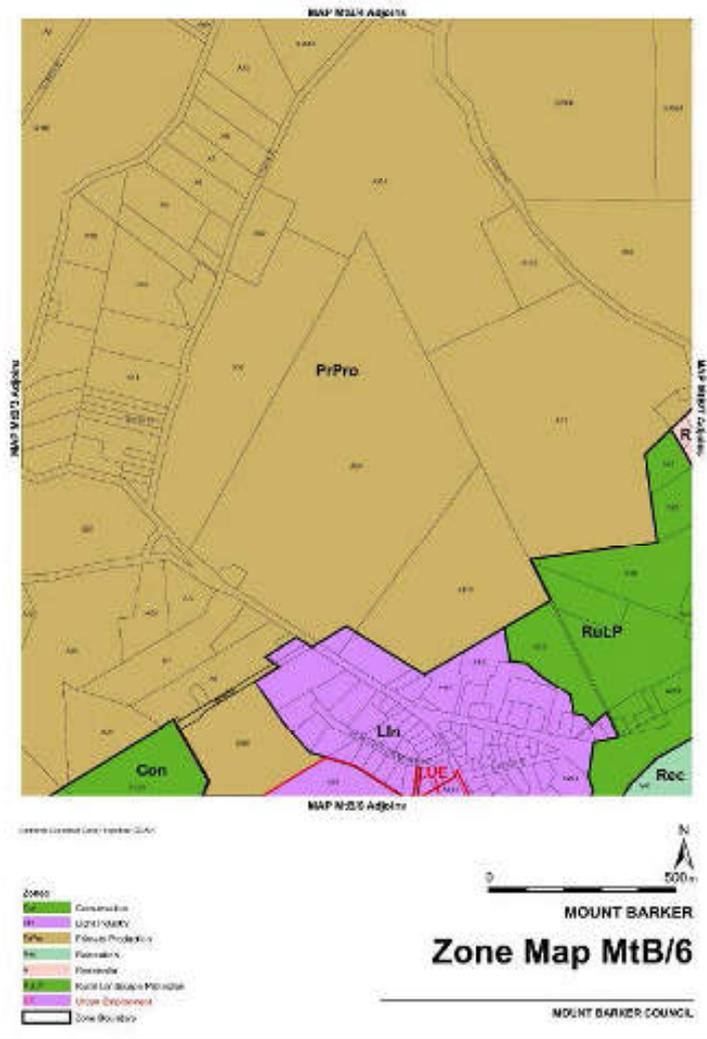
Commented [GS26]: After the removal of Lot 101 Milne Road, the boundary of the Urban Employment Zone is at least 270 metres from Milne Road.

Totness Employment Lands Development Plan Amendment
Mount Barker District Council
Attachment B

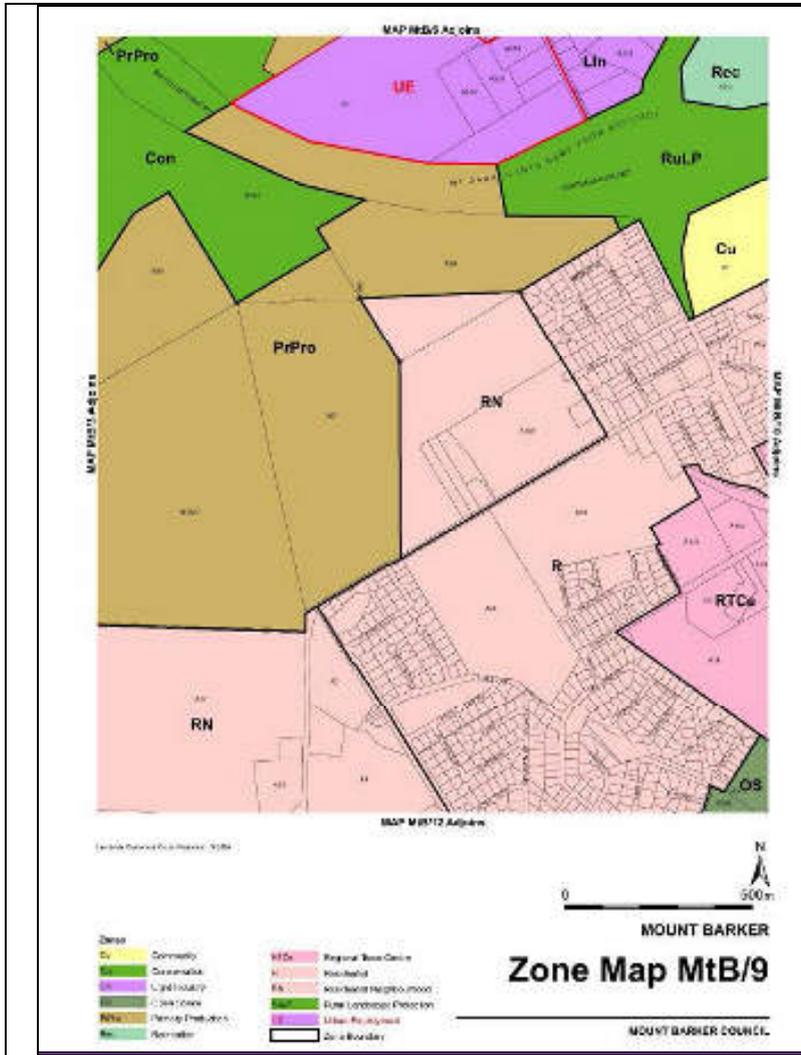
Attachment B



Totness Employment Lands Development Plan Amendment
Mount Barker District Council
Attachment B



Totness Employment Lands Development Plan Amendment
Mount Barker District Council
Attachment [6B](#)



**Totness Employment Lands Development Plan Amendment
Mount Barker District Council
Attachment B**

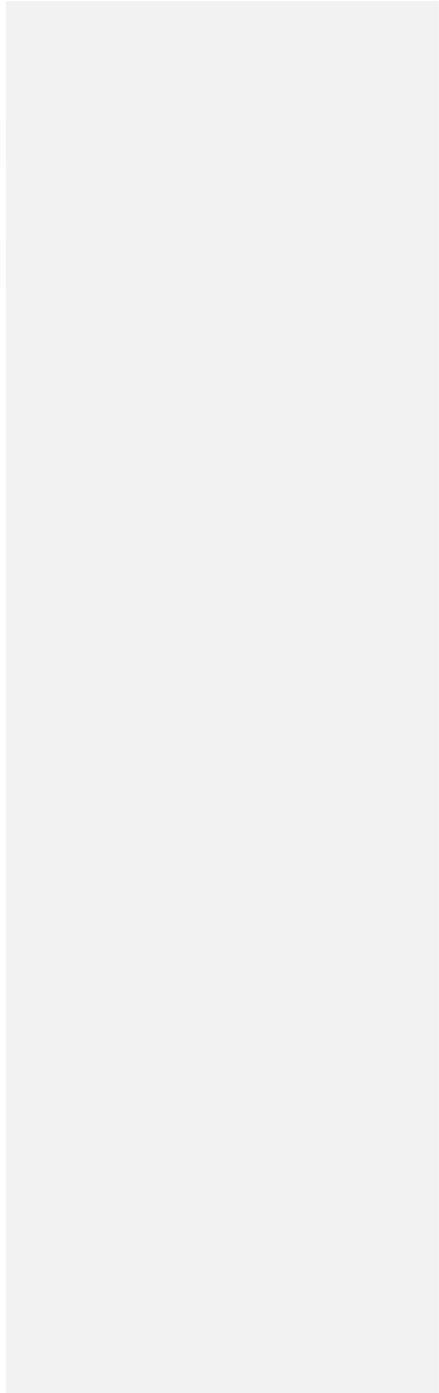
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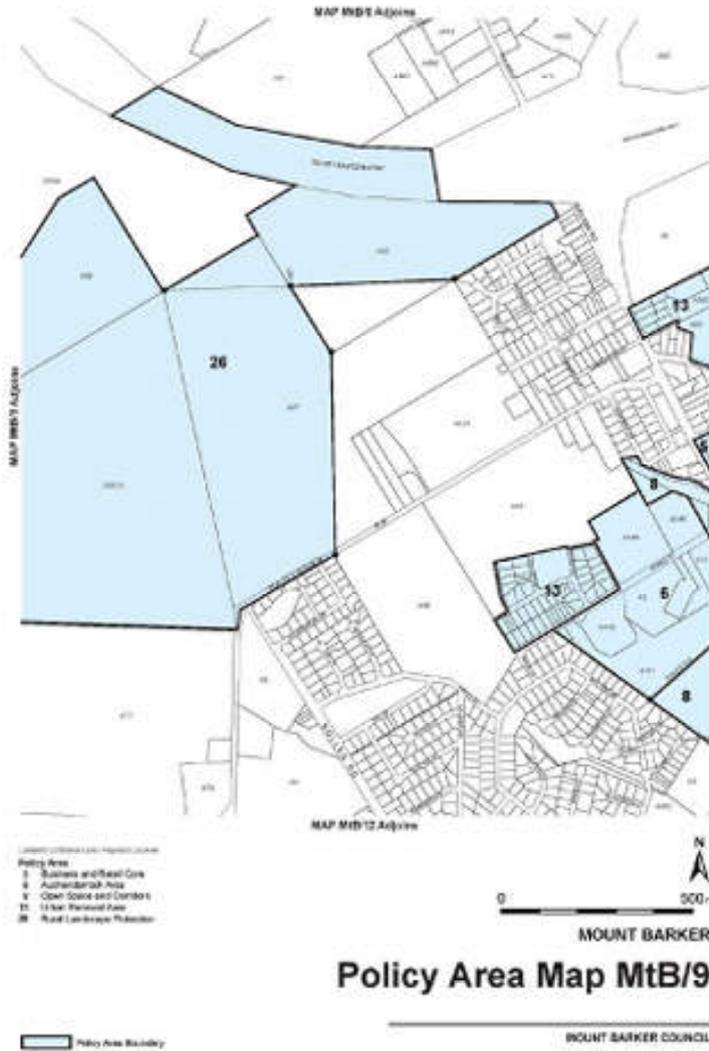
Totness Employment Lands Development Plan Amendment
Mount Barker District Council
Attachment B

Attachment C

Attachment C

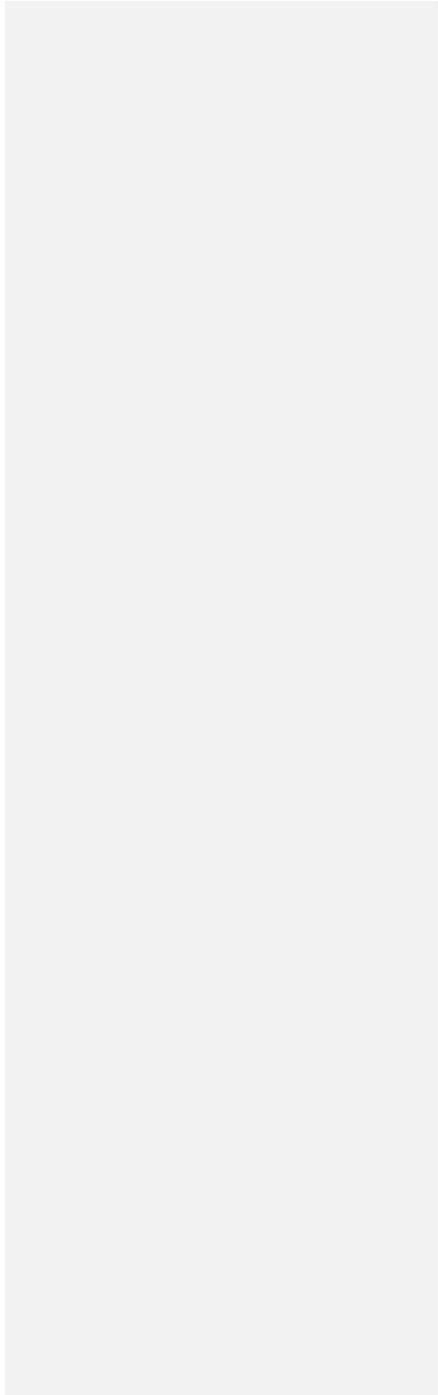


Totness Employment Lands Development Plan Amendment
Mount Barker District Council
Attachment [6C](#)



*Totness Employment Lands Development Plan Amendment
Mount Barker Council
Attachment C*

Attachment D

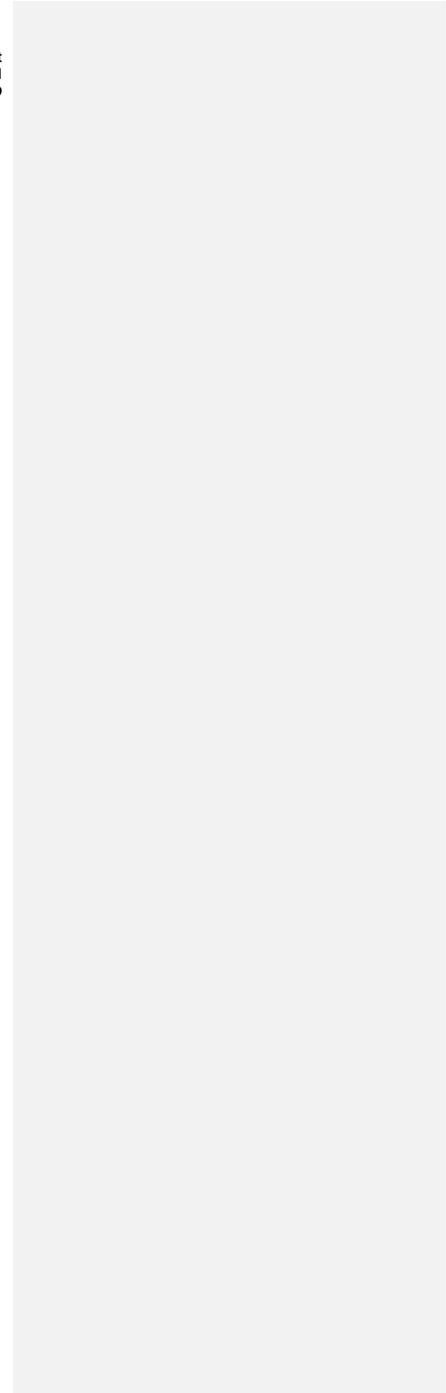




**Totness Employment Lands Development Plan Amendment
Mount Barker District Council
Attachment D**

 MOUNT BARKER DISTRICT COUNCIL

VERSION D 22/01/20



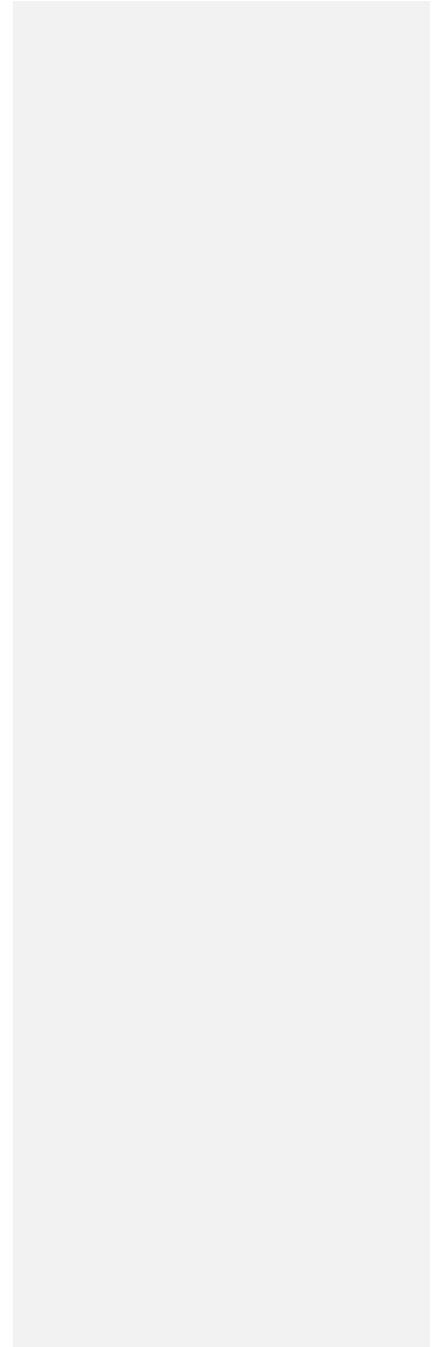


Attachment 3 to Item 12.2

Mount Barker (DC) Council

**Totness Employment Lands
Development Plan Amendment**

Summary of Consultation and Proposed Amendments (SCPA) Report



**Mount Barker Council
Totness Employment Lands DPA
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Mount Barker Council
Totness Employment lands DPA
SCPA Report

1. INTRODUCTION

This report is provided in accordance with Section 25(13) of the Development Act 1993 to identify matters raised during the consultation period and any recommended alterations to the amendment. The report also provides details of the consultation process undertaken by Council.

The SCPA Report should be read in conjunction with the consultation version of the DPA. Where relevant, any new matters arising from the consultation process are contained in this Report.

The Amendment reflects the recommendations of Council contained in this Report.

2. CONSULTATION

Consultation Process

Statutory consultation with agencies and the public was undertaken in accordance with DPA process B (consultation approval not required), and in accordance with Section 25(6) of the Development Act 1993, Regulations 10 and 11 of the Development Regulations 2008, and the agreed Statement of Intent.

The following Local Member(s) of Parliament were consulted on the DPA:

- (a) Mark Goldsworthy MP
- (b) Isobel Redmond MP
- (c) Rebecca Sherkey MP

The members of Parliament (above) did not respond.

The consultation period ran from 31 January to 28th March 2018

Public Notification

Notices were published in the 'The Courier' on 31 January 2018 and the Government Gazette on the 30 January 2018.

The DPA documents were on display at Council's offices and web site. A copy of the DPA was forwarded to the Department of Planning Transport and Infrastructure on the 25th January 2018.

3. PUBLIC AND AGENCY SUBMISSIONS

Public Submissions

Council received 22 submissions from members of the public and community groups.

Key issues raised:

- *Buffer and separation distance from the Totness Recreation Park insufficient*
- *Loss of open ground for Totness Recreation Park raptor population*
- *While potentially covered under "buffer and separation distance from the Totness Recreation Park insufficient, it is considered this issue encompasses two aspects"*
 - *The width of the landscape buffer to minimise the potential for impacts on the Park*
 - *The width of open grassed area for firebreak purposes (to the Park)*

Mount Barker Council
Totness Employment lands DPA
SCPA Report

- *The application of PDC 22 requirements for wider infrastructure works to be completed or bonded prior to development occurring in "Area A", which will also apply to existing Light Industry zoned land.*
- *Negative impact on Totness Recreation Park by future development*
- *The potential increase in traffic flow from Totness to (and through) Hahndorf*
- *Increased heavy vehicle traffic through Hahndorf*
- *Development of the Light Industry Zone at Wistow*
- *Stormwater infrastructure (downstream)*
- *Visibility from freeway*

A report on each submission (summary, comments, and action taken in response to each submission) is included in **Attachment A**.

Agency Submissions

Seven responses were received from agencies.

Key issues raised by agencies are summarised as follows:

- *Clearly defined minimum 20 metre buffer*
- *Fire break in addition to vegetated buffer*
- *Fire break –use of native grasses*
- *Defined width of plantings (in metres) for additional supplementary plantings along freeway*
- *Site coverage and siting of buildings on allotments adjacent to Totness Recreation Park*
- *Lack of policy to address interface issues with existing dwellings*
- *Introduction of policy for transition of residential uses to envisaged use (Desired Character Statement)*
- *Insufficient water flows and pressures that would support buildings over 500m² (CFS).*
- *Legally binding agreements for the provision of infrastructure are required to be in place before approval of the DPA by the Minister*
- *Contribution to the upgrade of the Totness roundabout and Mount Barker freeway Interchange.*

Review of submissions and public meeting

Copies of all submissions were made available for public review from 2nd April 2018 to 16th April 2018 at the Council offices. .

Three submitters requested to be heard, and therefore a public meeting was held on 16th April 2018. Two of the submitters indicated prior to the meeting that they were unavailable to attend. One spoke at the public meeting.

A copy of the proceedings and a summary of verbal submissions made at the public meeting are included in **Attachment B**

4. ADDITIONAL MATTERS AND INVESTIGATIONS

Public and agency submissions raised a number of matters, some of which did not form part of the original investigations. These are outlined below.

Mount Barker Council
Totness Employment lands DPA
SCPA Report

5. ADDITIONAL CONSULTATIONS

Additional consultation and meetings have been conducted with the CFS and the District Ranger, Mount Lofty Ranges NRM Board (DEW) regarding buffers and setbacks from the Totness Recreation Park Boundary. Please refer to Summary and Response to Agency Submissions for further information.

An independent review of the Development Plan Amendment, Investigations, Public and Agency submissions and Council responses was undertaken by Urban and Regional Planning Services (URPS). This was a requirement of the Privately Funded DPA agreement with Adelin Pty Ltd. A summary of recommended changes proposed in the review are below (Section 8).

6. TIMEFRAME REPORT

A summary of the timeframe of the DPA process relative to the agreed Statement of Intent timetable is located at **Attachment C**.

Delays occurred because of the significant investigations into stormwater detention and downstream flows and impacts and traffic reports and identification of future infrastructure requirements. Additional delays were as a result of multiple ownerships and the facilitation of infrastructure deeds, with the owners of the land referred to as 'Area B' now being removed from the DPA.

7. CEO'S CERTIFICATION

The consultation process has been conducted and the final amendment prepared in accordance with the requirements of the Act and Regulations as confirmed by the CEO's Certifications provided in **Attachment D** (Schedule 4A Certificate) and **Attachment E** (Schedule 4B Certificate).

8. SUMMARY OF RECOMMENDED CHANGES TO THE AMENDMENT FOLLOWING CONSULTATION

The following is a summary of the changes recommended to the Amendment following consultation and in response to public submissions and/or agency comments, and discussions with DEW and the CFS post consultation:

- (a) A number of minor editorial changes to policy and maps throughout the amendment in response to DPTI.
- (b) Additional Policy as identified by the EPA to ameliorate interface issue between existing residential land use and proposed envisage land uses.
- (c) A defined distance of 20 metres in the separation distance for a firebreak from the Totness Recreation Park Boundary.
- (d) The use of native grasses in proposed firebreaks including sufficient area for CFS vehicle access.
- (e) Retention of trees within the wood lot to maintain screening and to enhance watercourse revegetation with reference to *Concept Plan Map MtB22 Totness Employment Lands*.
- (f) Addition policy text to highlight heavy traffic direction in Desired Character Statement

Further to the above, following is a summary of the changes recommended to the Amendment following the independent review as detailed in Additional Consultations:

- (a) Change Amendment 1 to read (w) *Concept Plan Map MtB22 Totness Employment Lands*

Mount Barker Council
Totness Employment lands DPA
SCPA Report

- (b) Concept Plan Map MtB 22 Totness Employment Lands should be amended to delineate the northern section of the Totness Recreation Park.
- (c) All references to Concept Plan Map MtB 22 in Attachment A should be amended to read *Concept Plan Map MtB22 Totness Employment Lands*
- (d) Amendment of PDC 10 to clearly define the separation distance from Development to the South Eastern Freeway road reserve so as to enable the establishment of additional plantings on-site to supplement the existing vegetation within the road reserve. To be delineated on Concept Plan Map – MtB/22 – Totness Employment Lands.
- (e) Amendment of PDCs 12 and 16 to refer to Primary Production Zone and Conservation Zone
- (f) Amend PDC 22(a)(iii) to read
 - (ii) Follett Close south-east of the intersection of Follett Close and Diagonal Road to and including vehicular access to the zone
- (g) Add "short term workers accommodation" and "caretaker's residence" as exemptions to "Dwelling" in non-complying list

An amendment was made to the DPA as per the following recommendation from the Council meeting dated 6 August 2018

Moved Councillor Grosser that the General Manager Planning and Development be delegated to amend the Totness Employment Lands Development Plan Amendment to expand the public reserve around the whole perimeter of the Totness Recreation Park and along the boundary of Milne Road through the inclusion of a 20 metre vegetated buffer in addition to the 20 metre firebreak and this will be wholly contained within the rezoned private land.

Seconded Councillor Bailey CARRIED

OM20180806.06

Mount Barker Council
Totness Employment Lands DPA
Attachment A– Summary and Response to Public Submissions

ATTACHMENT A – SUMMARY AND RESPONSE TO PUBLIC SUBMISSIONS

Report on each public submission received (including summary, comments and action taken in response)

Sub No.	Name and Address	Submission Summary	Comment	Council Response
1.	Jeff Beitcher 8/16 Hereford Ave Hahndorf SA 5245	<ul style="list-style-type: none"> ▪ No reference to the exit of heavy vehicle traffic turning left and travelling through Hahndorf. This must be considered and discussed with the DPTI. ▪ 15 Jan meeting of SPDP endorsed a motion requiring further heavy vehicle traffic and its effect on tourism. ▪ Heavy vehicle traffic has significant negative impacts on dining and traffic flow. ▪ The report by Council for this DPA should have this aspect written in. 	<p>Council engineers have reviewed and requested further changes to the GTA traffic report throughout the whole DPA process.</p> <p>Council has sought and received additional traffic information from GTA and is also review traffic counts in Hahndorf from DPTI.</p> <p>Heavy Vehicle is defined by Austroads as commencing where the distance between the front and rear axles of a vehicle exceeds 3.2 metres (Classes 3-12).</p> <p>The final decision on heavy traffic movement along the Princes Highway will be made by DPTI.</p>	<p>Council staff discussed this issue with DPTI questioning heavy vehicle access through Hahndorf originating from Totness.</p> <p>Additional policy has been added in the Desired Character Statement regarding heavy vehicle movements from Follett Close and Diagonal Road onto Mount Barker Road.</p> <p><u>Feb 2020 – No change</u></p>
2.	Jacinta Callman PO Box 1144 Littlehampton SA 5250	<ul style="list-style-type: none"> • Concerns with increased noise related to the changes in land use and developments in Totness. • Already experienced a number of incidents with large trucks entering Mount Barker Road and not giving way to traffic from the proposed Totness Development. • Water run-off can the freeway drains accommodate this extra runoff. • Impacts of Reserve's flora and fauna. 	<p>Much of the noise generated from the rezoned area (the affected area) is on the opposite of the hill to Littlehampton.</p> <p>There is no traffic sign at the Follet Close intersection with the Mount Barker Road and only a give way sign at Diagonal some 20 meters before the actual intersection.</p> <p>There is an existing restriction at the bottom of the subject land to control the volume of water down below the freeway. There will be a detention basin and upgrades to the creek below the freeway.</p> <p>There will be a buffer proposed as part of the development.</p>	<p>Council will internally review whether the existing signage or lack of signage at these intersections is complaint with the relevant code and remedy.</p> <p>This will be an internal process.</p> <p><u>Feb 2020 – No change</u></p>

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Mount Barker Council
Totness Employment Lands DPA
Attachment A– Summary and Response to Public Submissions

Sub No.	Name and Address	Submission Summary	Comment	Council Response
3.	Malcolm Kentish Hahndorf Community Association Inc 21 Strempeel Ave Hahndorf SA 5245	<ul style="list-style-type: none"> Considerable concern regarding the potential traffic problems for the Main Street of Hahndorf. Hahndorf Township Plan, principles and action included investigations to find alternative routes for heavy vehicles to by-pass the main street. Increased problems caused by heavy vehicle traffic in Main Street and Pine Avenue. Infrastructure upgrades would trigger heavy vehicle traffic movement towards Hahndorf. Essential that all traffic flow be diverted back to freeway. 	<p>Noted</p> <p>Council has sought and received additional traffic information from GTA and Adelin and is also reviewing traffic counts in Hahndorf from DPTI</p> <p>Heavy Vehicle is defined by AustRoads as commencing where the distance between the front and rear axles of a vehicle exceeds 3.2 metres (Classes 3-12).</p> <p>The final decision on heavy traffic movement along the Princes Highway will be made by DPTI.</p>	<p>Council staff discussed this issue with DPTI questioning heavy vehicle access through Hahndorf originating from Totness.</p> <p>Additional policy text has been added in the Desired Character Statement regarding heavy vehicle movements from Follett Close and Diagonal Road onto Mount Barker Road.</p> <p>Feb 2020 – No change</p>
4.	John Gisham Birds SA C/ SA Museum North Terrace Adelaide SA 5000	<ul style="list-style-type: none"> Concern about the loss of grassland habitat for the existing Raptors Falcons and Sparrow Hawks), as prey is sourced from this environment. A 40 -50 metre buffer is more able to facilitate a continued feeding area for these birds – not 20 metres. The increased buffer would also act as a firebreak. 	<p>Noted</p> <p>Noted</p> <p>Additional on-site meetings have been had with the CFS and the Senior Ranger for the Mount Lofty Ranges NRM to discuss the firebreak, vegetation buffer and impact of the Recreation Park.</p>	<p>A 20 metre buffer fire break from the Park boundary was considered sufficient by National Parks. There is the opportunity for fencing to be removed where the buffer is under Council ownership and management. Thus, providing a buffer of approximately 25 metres to the existing woodland vegetation. Native grasses were recommended as they are green during the fire season.</p> <p>The open area is promoted by Parks as it offers feeding opportunities for small native birds occupying the park.</p> <p>These changes will be reflected in an amended concept plan and text policy changes.</p>

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Mount Barker Council
Totness Employment Lands DPA
Attachment A– Summary and Response to Public Submissions

Sub No.	Name and Address	Submission Summary	Comment	Council Response
5.	Anne Welsh PO Box 27 Flaxely SA 5153	<ul style="list-style-type: none"> Impact on the Totness Recreation Park The proposed recreation trail, stormwater upgrade and detention basin is supported. The proposed setback of 20 metres is inadequate. Totness Recreation Park is significant with over 180 native species including a number of declining woodland birds. The proposal requires a buffer of at least 60 metres for fire break and fire access. Proposed development should not put greater stress of fire protection measures within the park. Increase buffer are could provide additional parking for Reserve. Limited and poor parking opportunities exist on Milne Road. High visual impact on freeway and entrance to Mount Barker. Should be screened and designed in a manner to minimise impacts on park. Provide better protection to Totness Recreation Park 	<p>Noted</p> <p>Noted</p> <p>This is a common theme</p> <p>Noted</p> <p>Similar buffer distance has been proposed by other submission</p> <p>Noted</p> <p>Milne Road is Council's responsibility. Unsure of whether additional car parking would be suitable in buffer.</p> <p>Screening is proposed around the perimeter to reduced visibility form the freeway.</p> <p>Additional on-site meetings have been conducted with the CFS and the Senior Ranger for the Mount Lofty Ranges NRM to discuss the firebreak, vegetation buffer and impact of the Recreation Park.</p>	<p>A 20 metre buffer fire break from the Park boundary was considered sufficient by National Parks. There is the opportunity for fencing to be removed where the buffer is under Council ownership and management. Thus, providing a buffer of approximately 25 metres to the existing woodland vegetation. Native grasses were recommended as they are green during the fire season. Regular slashing was recommended.</p> <p>The open area is promoted by Parks as it offers feeding opportunities for small native birds occupying the park.</p> <p>These changes will be reflected in an amended concept plan and text policy changes.</p> <p><u>Feb 2020 - Due to removal of the land located within 'Area B' provisions regarding the buffer located along Milne Road and along the eastern boundary of the Totness Recreation Park have been deleted.</u></p>
6.	Jason Duffield Hahndorf Business and Tourism Association PO Box 87 Hahndorf SA 5245	<ul style="list-style-type: none"> The number of heavy vehicles passing through Hahndorf as a thoroughfare Doubling the size of the Totness Light industrial estate will exacerbate this problem if heavy vehicles are allowed to exit the estate with a left turn towards Hahndorf. Heavy trucks present a real safety issue for the tourists (particularly Asian [tourists] that have 	<p>Noted</p> <p>Council has sought and received additional traffic information from GTA and is also review traffic counts in Hahndorf from DPTI. The concerns raised by this issue will be reviewed by DPTI as part of the DPA process</p>	<p>Council staff discussed this issue with DPTI questioning heavy vehicle access through Hahndorf originating from Totness.</p> <p>Additional policy text has been added in the Desired Character Statement regarding heavy vehicle movements from Follett</p>

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Mount Barker Council
Totness Employment Lands DPA
Attachment A– Summary and Response to Public Submissions

Sub No.	Name and Address	Submission Summary	Comment	Council Response
		<p>street right of way in their own country, outside diners and motorists.</p> <ul style="list-style-type: none"> Heavy vehicles are also creating damage to our heritage buildings Is the Wellington Road (Wistow) light Industry land able to access the new bald hills interchange. 	<p>Noted</p> <p>Noted</p> <p>Until the connector road is completed all vehicles especially heavy vehicles would travel via Wellington Road, Alexandrina Road and the Bald Hills Road.</p>	<p>Close and Diagonal Road onto Mount Barker Road.</p> <p>Feb 2020 – No change</p>
7.	<p>Carol Bailey Mount Barker District Council PO Box 54 Mount Barker SA 5051</p>	<ul style="list-style-type: none"> Vegetated buffer as well as firebreak required between Totness Recreation Park and development. Potential domestic and feral animal predation. Nocturnal native raptors in park and hunt on adjacent open grassland. Baited rats will prove a significant risk to raptor population. Need for vegetation buffering from Freeway. Why more rezoning given lack of uptake at MDPA light industrial land at Wistow. Possible land swap with light industry (Wistow) back to rural land. Need to direct heavy vehicles back to Freeway 	<p>Additional on-site meetings have been conducted with the CFS and the Senior Ranger for the Mount Lofty Ranges NRM to discuss the firebreak, vegetation buffer and impact of the Recreation Park.</p> <p>Feral cat problem a matter for Animal Control and Department of Environment and Water (in park). Dogs on leash can already access park.</p> <p>Noted</p> <p>Noted</p> <p>Vegetation screening is already proposed.</p> <p>This is addressed in the explanatory Statement with reference to previous studies and that the Development Plan encourages contiguous development. Wistow is right at the edge of the MDPA lands.</p>	<p>A 20 metre buffer fire break from the Park boundary was considered sufficient by National Parks. There is the opportunity for fencing to be removed where the buffer is under Council ownership and management. Thus, providing a buffer of approximately 25 metres to the existing woodland vegetation. Native grasses were recommended as they are green during the fire season. Regular slashing was recommended.</p> <p>The open area is promoted by Parks as it offers feeding opportunities for small native birds occupying the park.</p> <p>These changes will be reflected in an amended concept plan and text policy changes.</p> <p>Council staff discussed this issue with DPTI questioning heavy vehicle access through Hahndorf originating from Totness.</p>

Mount Barker Council
Totness Employment Lands DPA
Attachment A– Summary and Response to Public Submissions

Sub No.	Name and Address	Submission Summary	Comment	Council Response
			<p>Council has sought and received additional traffic information from GTA and is also review traffic counts in Hahndorf from DPTI.</p> <p>Heavy Vehicle is defined by AustRoads as commencing where the distance between the front and rear axles of a vehicle exceeds 3.2 metres (Classes 3-12).</p> <p>The final decision on heavy traffic movement along the Princes Highway will be made by DPTI.</p>	<p>Additional policy has been added in the Desired Character Statement regarding heavy vehicle movements from Follett Close and Diagonal Road onto Mount Barker Road.</p> <p><u>Feb 2020 - Due to removal of the land located within Area B provisions regarding the buffer located along Milne Road and along the eastern boundary of the Totness Recreation Park have been deleted.</u></p>
8.	Harold & Neriba Gallasch 77 Main Street Hahndorf SA 5245	<ul style="list-style-type: none"> ▪ 40 years of viewing increased traffic in Hahndorf. ▪ Heavy vehicle traffic is greatest concern. ▪ Many years of negotiation with Council and other bodies in order to find remedy to increasingly dangerous situation. ▪ The Totness DPA can markedly exacerbate the problem. ▪ Thought has to be given how the heavy vehicle traffic from Totness can be diverted. 	<p>Noted</p> <p>Heavy Vehicle is defined by AustRoads as commencing where the distance between the front and rear axles of a vehicle exceeds 3.2 metres (Classes 3-12).</p> <p>Council has sought and received additional traffic information from GTA and Adelin and is also reviewing traffic counts in Hahndorf from DPTI.</p> <p>The final decision on heavy traffic movement along the Princes Highway will be made by DPTI.</p>	<p>Council staff discussed this issue with DPTI questioning heavy vehicle access through Hahndorf originating from Totness.</p> <p>Additional policy text has been added in the Desired Character Statement regarding heavy vehicle movements from Follett Close and Diagonal Road onto Mount Barker Road.</p> <p><u>Feb 2020 – No change</u></p>
9.	Trevor & Anne Harwood TJH Systems Pty Ltd PO Box 1600 Mount Barker SA 5051	<ul style="list-style-type: none"> ▪ Would like to have property on Crompton Road Totness included in Urban Employment Zone. 	<p>Noted. Zone boundary will remain as per draft. Not sufficient support. All employment orientated zones will be reviewed in the PDI Act transition</p>	<p>NO changes to the DPA are proposed.</p> <p><u>Feb 2020 – No change</u></p>

Mount Barker Council
Totness Employment Lands DPA
Attachment A– Summary and Response to Public Submissions

Sub No.	Name and Address	Submission Summary	Comment	Council Response
10.	Ian Grosser, Mount Barker District Council PO Box 54 Mount Barker SA 5051	<ul style="list-style-type: none"> ▪ Extension of employment zone in Totness Draft DPA has benefits of being contiguous with light industrial land and having reasonable access to SE Freeway. ▪ Also contiguous with Totness Recreation Park, concerns over inevitable impacts to native flora and fauna and recreational users of park. ▪ Totness is described as an asset in Council's Bio-diversity Strategy as having high and significant native biodiversity value. ▪ Should be provision for firebreak. ▪ Is 20 metre buffer sufficient – where will vegetation buffer be located? Abutting park boundary or buildings? ▪ Weed invasion is also a potential issue through the introduction of earthmoving equipment or inappropriate landscaping. ▪ Danger to wildlife through the potential of industrial area harbouring feral/stray cats. ▪ Loss of hunting ranger for diurnal and nocturnal raptor species living within park. ▪ Questions actual potential of wild life corridor to Anembo Park. ▪ Strongest possible measures to mitigate negative impacts of rezoning on Totness Recreation Park. ▪ Impact of industrial development on scenic amenity/entrances ▪ Appreciates some environmental benefits may accrue from application of the Concept Plan, but concerned that the Plan may be varied over time. 	<p>Noted</p> <p>Additional on-site meetings have been conducted with the CFS and the Senior Ranger for the Mount Lofy Ranges NRM to discuss the firebreak, vegetation buffer and impact on the Recreation Park.</p> <p>Noted</p> <p>This point has been raised by other submissions and has been clarified by the CFS.</p> <p>This is a common concern</p> <p>Noted</p> <p>Feral cat problem a matter for Animal Control and Department of Environment and Water (in park).</p> <p>A substantial firebreak with native grasses has been suggested and verified by the CFS.</p> <p>Noted</p> <p>Noted</p> <p>The affected area is not visible from the Old Princes Highway</p> <p>The Concept Plan can only be altered as part of a planning amendment process.</p>	<p>A 20 metre buffer fire break from the Park boundary was considered sufficient by National Parks. There is the opportunity for fencing to be removed where the buffer is under Council ownership and management. Thus, providing a buffer of approximately 25 metres to the existing woodland vegetation. Native grasses were recommended as they are green during the fire season. Regular slashing was recommended.</p> <p>The open area is promoted by Parks as it offers feeding opportunities for small native birds occupying the park.</p> <p>No additional policy is proposed regarding heavy vehicle movements from Follett Close and Diagonal Road onto Mount Barker Road.</p> <p><u>Feb 2020 - Due to removal of the land located within 'Area B' provisions regarding the buffer located along Milne Road and along the eastern boundary of the Totness Recreation Park have been deleted.</u></p>

Mount Barker Council
Totness Employment Lands DPA
Attachment A– Summary and Response to Public Submissions

Sub No.	Name and Address	Submission Summary	Comment	Council Response
11.	Ross Oke GWLAP PO Box 674 Strathalbyn SA 5255	<ul style="list-style-type: none"> Question the need for more industry land at this time and whether alternative sites were available. Guiding principles that ensure allotments adjoin sensitive zones are large enough to accommodate appropriate siting of buildings, separation distances etc. is appropriate and well considered. But there is no specific detail in relation to guidelines or rules relating to the siting of building envelopes or as to how the necessary criteria will be determined that this measure is effective. 20 metre buffer is considered to be a minimum width may not provide an adequate buffer to screen future development (particularly noise) or mitigate impacts upon flora and fauna (noise, light). Freeway plantings need to be more specifically defined, including width. Open areas for firebreaks are needed in addition to landscaped buffer. 	<p>Council's Residential and Industry Strategy in the early 2000s. It recommended that Council ensure that there was an adequate supply of industrial land. All attempts to rezone new industrial land in Mount Barker in 2006 did not succeed. Refer to the Background section of the Explanatory Statement (page 9) for greater detail.</p> <p>Noted</p> <p>A development proposal is not only assessed against the zone provisions but also against provisions in the General Section Modules of the Development Plan – such as Industrial Development and Interface between land uses.</p> <p>Additional on-site meetings have been conducted with the CFS and the Senior Ranger for the Mount Lofty Ranges NRM to discuss the firebreak, vegetation buffer and impact on the Recreation Park.</p> <p>Defining the width of freeway plantings has also been iterated by the Murray Darling Basin NRM Board (DEW) referral.</p> <p>An open area for firebreak has been recommended by both the CFS and Murray Darling Basin NRM Board (DEW) referrals.</p>	<p>A 20 metre buffer fire break from the Park boundary was considered sufficient by National Parks. There is the opportunity for fencing to be removed where the buffer is under Council ownership and management. Thus, providing a buffer of approximately 25 metres to the existing woodland vegetation. Native grasses were recommended as they are green during the fire season. Regular slashing was recommended.</p> <p>The open area is promoted by Parks as it offers feeding opportunities for small native birds occupying the park.</p> <p>These changes will be reflected in an amended concept plan and text policy changes.</p> <p><u>Feb 2020 - Due to removal of the land located within 'Area B' provisions regarding the buffer located along Milne Road and along the eastern boundary of the Totness Recreation Park have been deleted.</u></p>

Mount Barker Council
Totness Employment Lands DPA
Attachment A— Summary and Response to Public Submissions

Sub No.	Name and Address	Submission Summary	Comment	Council Response
12.	Robin & Angela Crompton PO Box 1119 Mount Barker SA 5051	<ul style="list-style-type: none"> ▪ Objects to the DPA ▪ Resides very close to the Mount Barker Road/Milne Road junction. ▪ Originally land between Milne Road and Freeway was not to be developed, rather to be left as a green space enhancing entrance to Mount Barker. ▪ Proposed screening vegetation along freeway boundary not sufficient. ▪ Proposed 40 metre buffer grossly insufficient, especially in relation to fire control. ▪ Negative impact on wildlife and natural scrub along with the fact that light industry attracts feral cats. ▪ Proposed heavy vehicle traffic from Milne Road and Follet Close. Heavy traffic dangerous form Milne Road and may encourage extra vehicle traffic through Hahndorf. ▪ The proposal will add to extra pollution from chemicals and noise. ▪ Revisit 2010 town plan which included light industry land at Wistow as well as land available in Osborne and Secker Roads. 	<p>Noted</p> <p>Noted</p> <p>Noted</p> <p>Feral cat problem a matter for Animal Control and Department of Environment and Water (in park).</p> <p>Milne Road would require and upgrade to comply with AusRoads standards.</p> <p>Noted</p> <p>Please refer to Explanatory Statement for this issue.</p> <p>Council's Residential and Industry Strategy in the early 2000s. It recommended that Council ensure that there was an adequate supply of industrial land. All attempts to rezone new industrial land in Mount Barker in 2006 did not succeed. Refer to the Background section of the Explanatory Statement (page 9) for greater detail.</p>	<p>A 20 metre buffer fire break from the Park boundary was considered sufficient by National Parks. There is the opportunity for fencing to be removed where the buffer is under Council ownership and management. Thus, providing a buffer of approximately 25 metres to the existing woodland vegetation. Native grasses were recommended as they are green during the fire season. Regular slashing was recommended.</p> <p>The open area is promoted by Parks as it offers feeding opportunities for small native birds occupying the park.</p> <p>These changes will be reflected in an amended concept plan and text policy changes.</p> <p><u>Feb 2020 - Due to removal of the land located within 'Area B' provisions regarding the buffer located along Milne Road and along the eastern boundary of the Totness Recreation Park have been deleted.</u></p> <p><u>The Urban Employment Zone is setback at least 270 metres from Milne Road.</u></p> <p><u>Milne Road is no longer accessed or abuts the Urban Employment Zone.</u></p>

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Mount Barker Council
Totness Employment Lands DPA
Attachment A– Summary and Response to Public Submissions

Sub No.	Name and Address	Submission Summary	Comment	Council Response
13.	Geof Bone 21 Franklin Street Adelaide SA 5000	<ul style="list-style-type: none"> Pursuant to current zoning his property has development right for a range of light industrial uses without any requirement for area wide infrastructure improvements. The explanatory statement does not justify the imposition of development contributions over 23 Follet close and other existing Light Industry Zone land. It is included but should not be part of the subject site, a term which demonstrates a misunderstanding by the authors that the land is somehow part of a development to which it has not part of benefit. The DPA affects the existing light Industry Zone with "Area A" imposing unjustified and inequitable proposed infrastructure contributions. The contribution in Principle 22 should not be applied to 23 Follet Close. 	<p>Noted</p> <p>Noted</p> <p>Noted. Council will review area designated for infrastructure contributions.</p>	<p>Land currently zoned Light Industry will not be included or referenced to infrastructure requirements.</p> <p>Changes to the Concept Plan mapping will be made so as not to include any allotment of part of an allotment that is currently zoned Light Industry.</p> <p>Feb 2020 – No change</p>
14.	David Tarca Tarca Timber PO Box 1030 Mount Barker SA 5051	<ul style="list-style-type: none"> Our Follet close land is not part of any "subject" land for this DPA. The DPA makes us liable for the cost of for the unknown cost of unspecified public infrastructure works but we receive no rezoned economic benefit to economically justify any contribution. We support the proposed rezoning but object to the land and the incorporation of the inequitable impositions of proposed infrastructure contributions. The DPA developer who receives an uplift in rural land value is responsible for infrastructure contributions. 	<p>Noted</p> <p>Noted</p> <p>Noted. Council will review area designated for infrastructure contributions</p>	<p>Land currently zoned Light Industry will not be included or referenced to infrastructure requirements.</p> <p>Changes to the Concept Plan mapping will be made so as not to include any allotment of part of an allotment that is currently zoned Light Industry.</p> <p>Feb 2020 – No change</p>

Mount Barker Council
Totness Employment Lands DPA
Attachment A– Summary and Response to Public Submissions

Sub No.	Name and Address	Submission Summary	Comment	Council Response
15.	Alf Brown Paramount Browns' 99 Cavan Road Gepps Cross SA 5094	<ul style="list-style-type: none"> The DPA makes us liable for the cost of for the unknown cost of unspecified public infrastructure works but we receive no rezoned economic benefit to economically justify any contribution. Opposes the proposed rezoning over the existing Light Industry Zone and the incorporation of the inequitable impositions of proposed infrastructure contributions. The DPA developer who receives an uplift in rural land value is responsible for infrastructure contributions. 	<p>Noted</p> <p>Noted. Council will review area designated for infrastructure contributions</p>	<p>Land currently zoned Light Industry will not be included or referenced to infrastructure requirements.</p> <p>Changes to the Concept Plan mapping will be made so as not to include any allotment of part of an allotment that is currently zoned Light Industry.</p> <p>Feb 2020 – No change</p>
16.	Renee Mitchell Onkaparinga Council PO Box 1 Noarlunga Centre SA 5168	<ul style="list-style-type: none"> The city of Onkaparinga commends the Mount barker district on undertaking this important piece of policy work to encourage and support economic growth and investment. Onkaparinga has taken a similar approach. 	<p>Noted</p>	<p>N/A</p>
17.	Marc Salver Adelaide Hills Council PO Box 44 Woodside SA 5244	<ul style="list-style-type: none"> This will have little or no impact on the Adelaide Hills Council area. No formal Comment to make 	<p>Noted</p>	<p>N/A</p>
18.	Dianne van Eck Mt Barker Residents Association PO Box 19 Mount Barker SA 5251	<ul style="list-style-type: none"> High quality buffer must be created within the DPA zone (affected area) Totness reserve is one of the few areas of remnant native vegetation and is important for local bird species. Industrial lands in the southern part of the MDPAs lands (Wellington Road) should be rezoned back to Primary production as an exchange for rezoning this land. 	<p>The buffer is to be within the proposed zone. The DPA has no change to Crown Land.</p> <p>Noted</p> <p>Council's submission to the MDPA rezoning argued that the proposed Land at Wistow for light Industry was not a suitable location. This was approved by the Minister. There is a long lead time before this land is likely to be developed as its located at the south-eastern extremity of the MDPAs lands</p>	<p>A 20 metre buffer fire break from the Park boundary was considered sufficient by National Parks. There is the opportunity for fencing to be removed where the buffer is under Council ownership and management. Thus, providing a buffer of approximately 25 metres to the existing woodland vegetation. Native grasses were recommended as they are green during the fire season. Regular slashing was recommended.</p>

Mount Barker Council
Totness Employment Lands DPA
Attachment A– Summary and Response to Public Submissions

Sub No.	Name and Address	Submission Summary	Comment	Council Response
		<ul style="list-style-type: none"> There are sufficient other sites within the current Town boundary for employment purpose that have not yet been developed. Question the necessity of the rezoning. Serious green buffer is required for entrance statement to Mount Barker rather than sheds. Freeway side of the hill should be greenspace. Serious issues regarding drainage Plan for value added activities Lot 15 is going to be a Paramount Brown store Does not support trucks travelling from are into Hahndorf other than via the South Eastern Freeway. 	<p>Council's Residential and Industry Strategy in the early 2000s. It recommended that Council ensure that there was an adequate supply of industrial land. All attempts to rezone new industrial land is Mount Barker in 2006 did not succeed. Refer to the Background section of the Explanatory Statement (page 9) for greater detail.</p> <p>This DPA only deals with Land along the ridge at Totness, with frontage to Milne Road, Follet Close, the Recreation Park and the SE freeway. Refer to the "AFFECTED AREA" on page 13 of the Explanatory statement.</p> <p>Both the Southfront and W&G reports deal with the issue of drainage. These reports also deal with solutions which will be part of the required infrastructure</p> <p>Value adding is envisaged and is identified in the Zone Policy</p> <p>This part of the area is already zone light Industry – Its approval has no bearing on this DPA.</p>	<p>The open area is promoted by Parks as it offers feeding opportunities for small native birds occupying the park.</p> <p>These changes will be reflected in an amended concept plan and text policy changes.</p> <p>Council staff discussed this issue with DPTI questioning heavy vehicle access through Hahndorf originating from Totness.</p> <p>Additional policy text has been added in the Desired Character Statement regarding heavy vehicle movements from Follet Close and Diagonal Road onto Mount Barker Road.</p> <p><u>Feb 2020 - Due to removal of the land located within 'Area B' provisions regarding the buffer located along Milne Road and along the eastern boundary of the Totness Recreation Park have been deleted.</u></p>
19.	Harry Seager 5 Montefiore Street Callington 5254	<ul style="list-style-type: none"> The Totness Recreation Park is significant by virtue of its size at 40.9 hectares and range of species found within its boundaries. Refuge for a number of rare and endangered species Significant area of Manna Gum community which is listed as endangered in the Mount Lofty Ranges. 	<p>Noted</p> <p>Noted</p> <p>Noted</p>	<p>A 20 metre buffer fire break from the Park boundary was considered sufficient by National Parks. There is the opportunity for fencing to be removed where the buffer is under Council ownership and management. Thus, providing a buffer of approximately 25 metres to the existing woodland vegetation. Native grasses were</p>

Mount Barker Council
Totness Employment Lands DPA
Attachment A– Summary and Response to Public Submissions

Sub No.	Name and Address	Submission Summary	Comment	Council Response
		<ul style="list-style-type: none"> ▪ Given pressures such as defacto fragmentation and weed invasion the proposed 20 metre buffer distances are seriously inadequate. ▪ Need to balance landscape buffer and adequate fire protection/management zones. ▪ 60 metre buffer created should encompass densely planted landscape buffer of 20 metres with 40 metre fire management zone of native grasses. Possible use of kangaroo grass and could include trail. ▪ Adequacy of buffer facing freeway – should provide complete screening from freeway. ▪ Loss of native tree – SEB payment not best option as funds may not be available for locality. ▪ Any restrictions regarding woodlot – i.e. carbon offset. ▪ Upgrading of downstream infrastructure should be addressed. ▪ Can detention basins be designed as ephemeral wetlands? ▪ Traffic study in 2014 dated? ▪ Increased heavy vehicle traffic through Hahndorf. • Would like more emphasis on the future design of Milne Road to create an additional access point from the outset. 	<p>Noted</p> <p>Noted</p> <p>Noted</p> <p>This has been raised by Department of Environment and Water. (DEW)</p> <p>Noted – This is through a different mechanism.</p> <p>Unknown</p> <p>Both the W&G and Southfront reports address this. The required stormwater infrastructure upgrades are to be part of a deed.</p> <p>This can be addressed as part of any land division application.</p> <p>No – a comparison against an existing 2015 DPTI traffic count in Hahndorf gives a good picture of traffic west of Totness and through Hahndorf.</p> <p>Council has sought and received additional traffic information from GTA and is also reviewing 2015 traffic counts in Hahndorf from DPTI.</p> <p>The design of Milne Road upgrade will be initiated when access to Milne Road is required as part of a land division application.</p>	<p>recommended as they are green during the fire season. Regular slashing was recommended.</p> <p>The open area is promoted by Parks as it offers feeding opportunities for small native birds occupying the park.</p> <p>These changes will be reflected in an amended concept plan and policy changes.</p> <p>Council staff discussed this issue with DPTI questioning heavy vehicle access through Hahndorf originating from Totness.</p> <p>Additional policy text has been added in the Desired Character Statement regarding heavy vehicle movements from Follett Close and Diagonal Road onto Mount Barker Road.</p> <p><u>Feb 2020 - Due to removal of the land located within Area B provisions regarding the buffer located along Milne Road and along the eastern boundary of the Totness Recreation Park have been deleted.</u></p> <p><u>Milne Road is no longer accessed or abuts the Urban Employment Zone.</u></p>

Mount Barker Council
Toiness Employment Lands DPA
Attachment A– Summary and Response to Public Submissions

Sub No.	Name and Address	Submission Summary	Comment	Council Response
20.	Daniel Hocking PO Box 471 NAIRNE SA 5252	<ul style="list-style-type: none"> ▪ Toiness Conservation Area accessible from Milne Road provides activities such as dog walking, hiking and swimming. ▪ District promotes itself as clean and green ▪ Establish an effective buffer to reduce edge effect. ▪ Set a mandate to increase the size of the existing conservation area. ▪ Agree to use stormwater runoff to provide a new wetland corridor along existing creek line and add walking trail. ▪ Buffer new site from freeway with new plantings ▪ Protect northern side of Mount Barker Road from further development and keep its Primary Production zoning ▪ Ensure developers contribute to fund that manages and improves conservation area. 	<p>Noted</p> <p>Council does this already.</p> <p>There is a proposed buffer of twenty metres. Comment is noted</p> <p>Unable to do this the Toiness Recreation Park is Crown Land</p> <p>Already proposed in DPA – detention basin and walking trail</p> <p>Already proposed</p> <p>No change foreseen – Land is within the Environment and Food Protection Area.</p> <p>The Toiness Recreation Park is owned and managed by the State Government.</p>	N/A
21.	Jeremy Board PO Box 482 Mount Barker SA 5051	<ul style="list-style-type: none"> ▪ It does not make sense to have such industrial activities: cheek by jowl" against the only NPWS reserve in the whole Mount Barker District. ▪ Council should consider other, more suitable, sites for industrial development. 	<p>It is not the only such reserve in the district. Council undertook a review of industrial land in the early 2000s. The proposed sites for light industry/commercial never proceeded due to public sentiment.</p> <p>Council's submission to the MDPA rezoning argued that the proposed Land at Wistow for light industry was not a suitable location. This was approved by the Minister. There is a long lead time before this land is likely to be developed as</p>	<p>Refer to Council response in previous submissions regarding park buffer.</p> <p><u>Feb 2020 - Due to removal of the land located within 'Area B' provisions regarding the buffer located along Milne Road and along the eastern boundary of the Toiness Recreation Park have been deleted.</u></p>

Mount Barker Council
Totness Employment Lands DPA
Attachment A– Summary and Response to Public Submissions

Sub No.	Name and Address	Submission Summary	Comment	Council Response
22.	Michael Scott	<ul style="list-style-type: none"> ▪ Remaining area of "Follet Farm" [not previously rezoned to light industry] is too small to remain as a viable agricultural enterprise. ▪ Rezoning will have no impact on Hahndorf tourism. ▪ The proposed area is not visible from the Princes Highway ▪ The area is only visible from the freeway for about 3 months in winter ▪ Recent years have seen a large influx of business to the Totness area. 	<p>its located at the south-eastern extremity of the MDPA lands.</p> <p>Noted</p> <p>Noted</p> <p>Noted</p> <p>Noted</p> <p>Noted</p> <p>Noted</p>	<p><u>Milne Road is no longer accessed or abuts the Urban Employment Zone.</u></p> <p>N/A</p>

Mount Barker Council
Totness Employment Lands DPA
Attachment B – Summary and Response to Public Meeting Submissions

ATTACHMENT B – SUMMARY AND RESPONSE TO PUBLIC MEETING SUBMISSIONS

Two submitters requested to be heard, and therefore a public meeting was held on the 10th August 2015.

Sub No.	Name of Respondent	Summary of Verbal Submission/Issues Raised	Council Response
1.	Daniel Hocking PO Box 471 NAIRNE SA 5252	<p>Use of both northern and southern sides of Totness Recreation Park for bush walking – to build there is an opportunity to build on what we have.</p> <p>Establishment of a biodiversity buffer.</p> <p>Agree to use stormwater runoff to provide a new wetland corridor along existing creek line and add walking trail.</p> <p>The southern side was burnt on Ash Wednesday.</p> <p>Mandate the expansion of the Totness Park.</p> <p>Maintain the rural area to the North.</p> <p>Make an entrance statement – be a leader in sustainable development.</p>	<p>Noted.</p> <p>The provision of a native grassed area for a fire break will also provide an open area for the woodland bird species that inhabit the park (wrens and pardalites). It is proposed that this firebreak will be in public ownership and be connected with the creek corridor.</p> <p>This is already proposed – with a walking trail along the watercourse corridor.</p> <p>The National Parks already has a fire (fuel load reduction) regime. The aim is also to maintain the park as woodland.</p> <p>The park is owned by the State Government and any proposed action to expand the park is outside the scope of this DPA.</p> <p>The Primary Production Zoned land on the northern side of Milne Road will not be changing. Primary Production land in the Adelaide Hills is also encompassed by the Environment and Food Protection Area.</p> <p>Noted</p>

Mount Barker Council
Totness Employment Lands DPA
Attachment C— SCPA Timeframe Report: Process B

ATTACHMENT C – TIMEFRAME REPORT

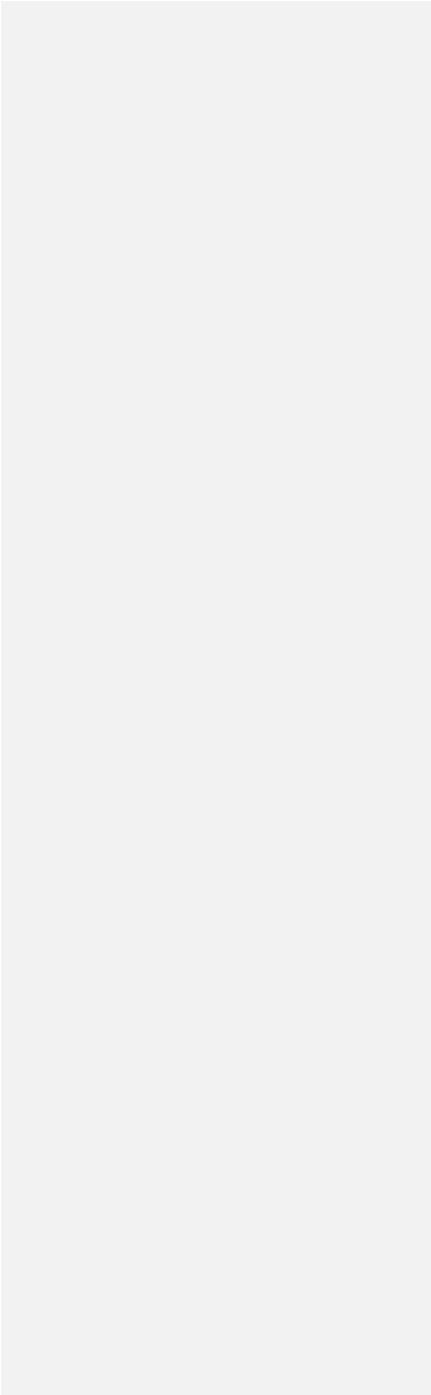
SCPA Timeframe Report: Process B – without consultation approval

The SOI was agreed by the Minister on 30 January 2015

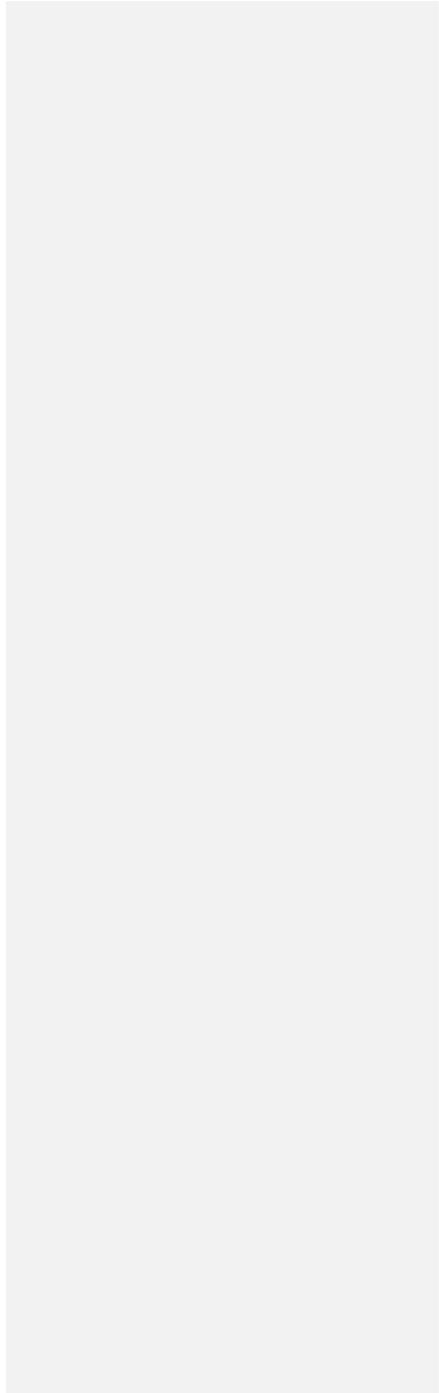
Key steps	Period agreed to in SOI	Actual time taken	Reason for difference (if applicable)
Investigations conducted, DPA prepared for agency and public consultation	32 weeks	3 years	Complex infrastructure studies undertaken and identification of Infrastructure requirements
Agency and public consultation period (report on any delays incurred by agencies)	8 weeks	8 weeks	N/A
Public Hearing held, submissions summarised and DPA amended in accordance with Council's assessment of submissions. Summary of Consultations and Proposed Amendments submitted to Minister for approval.	12 weeks	.>20 weeks	Further information sought from Government Agencies. Finalisation of Infrastructure Deeds

Mount Barker Council
Totness Employment Lands DPA
Attachment D — Schedule 4A Certificate

ATTACHMENT D – SCHEDULE 4A CERTIFICATE

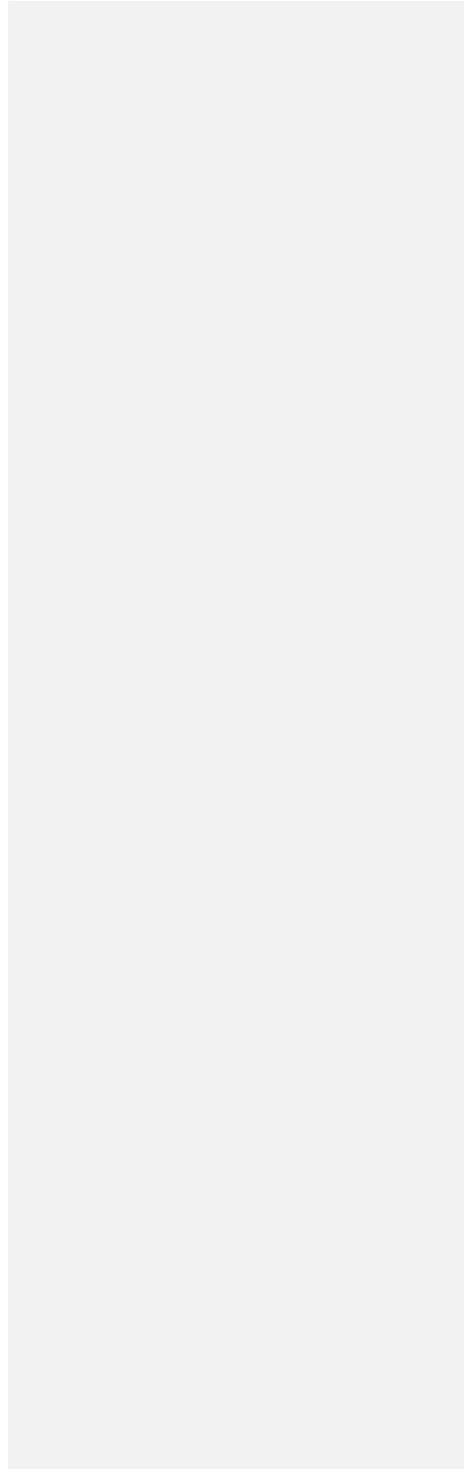


Mount Barker Council
Totness Employment Lands DPA
Attachment D — Schedule 4A Certificate



Mount Barker Council
Totness Employment Lands DPA
Attachment E – Schedule 4B Certificate

ATTACHMENT E – SCHEDULE 4B CERTIFICATE



12.3	REPORT TITLE:	COUNCIL RESPONSE IN RELATION TO THE PLANNING AND DESIGN CODE (PDI CODE) CONSULTATION
	DATE OF MEETING:	3 FEBRUARY 2020
	FILE NUMBER:	DOC/20/7593
	ATTACHMENTS:	1 – Draft Council Submission on Planning & Development Code (No Appendices) - DOC/20/11682 2 – Draft letter from the Mayor to Minister for Planning and State Planning Commission – DOC/20/9447
	<u>Key Contact</u>	Glenn Searle, Senior Strategic Planner, Strategic Projects and Planning Policy
	<u>Manager/Sponsor</u>	Marc Voortman, General Manager Planning and Development

Mount Barker 2035 – District Strategic Plan:

Our Values

Accessibility – Ready to listen to ideas and concerns of individuals, groups and institutions and respond with straightforward answers.

Involvement – Decision making processes are transparent and open to community scrutiny. Individuals and communities can be involved in influencing policies and local activities.

Strategies

GL 1.3 Provide opportunities for the community to access and participate in decision making processes.

GL 1.4 Use digital technology and social media as engagement tools

GL 1.5 Fully integrate community engagement practices into Council activities.

Governance and Leadership

GL2: Corporate capacity and leadership

GL2.1 Demonstrate accountability through clear, relevant and easily accessible policies and corporate reporting

Purpose:

To inform Council of the changes introduced in the Draft Planning and Design Code (the Code) and to seek Council endorsement for the submission of the Phase 3 Consultation response to the State Planning Commission (SPC).

Summary – Key Issues:

1. On 1 October 2019 DPTI released the Draft Planning and Design Code for a period of public consultation which closes on 28 February 2020.

2. The Code amends and removes key policy within Council's Development Plan which has been developed in partnership with the community over numerous years.
3. The Code introduces significant changes to the existing planning policy framework for the District.
4. A response to the State Planning Commission critiquing the Code and detailing solutions to major concerns has been prepared.

Recommendation:

That Council:

1. Is not supportive of the Draft Planning and Design Code in its current form.
 2. Endorse the attached submission to the draft Planning and Development Code. (Attachment 1).
 3. Authorises the Mayor to write to the Minister for Planning and Chair of the State Planning Commission (attachment 2) and provide a copy of Council's submission.
 4. Authorises the General Manager Planning and Development to undertake any administrative, or grammatical amendments or add any policy neutral amendments to the submission.
 5. Provide a copy of its submission to the Local Government Association, the Member for Kavel, the Member for Heysen and the Member for Hammond, informing them of Council's position on the Draft Planning & Design Code.
-

Background:

1. In April 2016, Parliament passed the Planning, Development and Infrastructure Act 2016 (PDI Act) to implement a new planning system to replace the current system under the Development Act 1993.
2. This new legislation introduces the biggest changes to the South Australian Planning System in 25 years.
3. Previous reports to the Council have covered aspects of the Planning Reforms such as the Community Engagement Charter, State Planning Policies and the Planning and Design Code.
4. The Planning Reforms are entering into the final stage of the implementation process with the introduction of the Draft Planning and Design Code to replace individual Council Development Plans.
5. In the attempt to provide a smooth transition to the new system the Government are implementing the Code in three separate phases covering different geographic areas of the State.
6. The Mount Barker District Council is located within Phase 3 with the Code proposed to be implemented by July 2020.

7. Consultation in relation to Phase 3 began on 1 October 2019 and concludes on the 28 February 2020.

Discussion:

8. Many of the guiding principles of the planning reforms are supported, however the implementation, community awareness of the outcomes and extent of policy change is considered to have compromised this original intent.
9. Council staff have reviewed the Code in detail and the attached document provides an analysis and critique of the Code in the context of the Mount Barker district.
10. The State Planning Commission currently indicate that the implementation of the Code for Mount Barker will occur in 1 July 2020. The overall intent of the PDI Code is to improve and streamline the South Australian planning system. It aims to achieve this by reducing and consolidating the number of zones across the State while making the planning system online. It should be noted that this online Portal has not been released with the Draft Code.
11. Without the release of this online portal our qualified and experienced staff have found the readability of the Code to be cumbersome and time consuming and this has hampered Council to road test and more thoroughly interrogate the Code and provide further feedback beyond what has been contained in this response.
12. This difficulty in reading and using the Code extends to the community who until recently have not had a community consultation session held in the district. This lack of community engagement has not been sufficient to ensure that the community understands the changes proposed. Notably the engagement that has occurred to date is not consistent with the Community Engagement Charter.
13. Planning Department staff are of the opinion that the Code legibility is not user friendly and overall we have found the Code difficult to navigate. Our review has also identified a number of errors and inconsistencies (as discussed throughout this document) and most importantly there appears to have been a lack of integration of existing local policy relevant to the Mount Barker district.
14. In addition to this lack of community engagement DPTI and the Commission had long touted that the intent of the first iteration of the Planning and Design Code has been to transition existing Development Plan policy to the Code in a like for like manner. This method was chosen to minimise major changes to long established policy settings that have directed the development of areas across the State.
15. Unfortunately, as can be seen from the attached report this has not been the case which shows that there are numerous policy shortfalls, inconsistencies, errors and assessment criteria shifts within the Code.
16. These concerns overshadow those aspects of the planning reforms (online portal) and the portions of the Code which correlate well with Council's current Development Plan.
17. Of particular concern is the where existing locally specific policy, developed and improved by Council over many years, has failed to transition into the Code. Key concerns relate to five main areas including,

- Heritage
 - Infrastructure provision (including concept plans)
 - Zoning and assessment criteria changes
 - Assessment process and:
 - Resources.
18. Some examples of how these changes will impact on the community include a significant reduction in the minimum allotment size in a number of townships, a radical increase in building heights through the main streets of townships, the removal of most concept plans, which ensure appropriate infrastructure is provided by developers and the loss of key policy areas and precincts (for example The Cedars Precinct).
19. It is critically important that the errors and inconsistencies within the Code are corrected to ensure the liveability of our District is not adversely impacted. 10 years of proactive Policy reform is in danger of being lost, with little regard for this in the draft Code. The loss of this policy puts at risk, many of the mitigated concerns of our community and the opportunities that are essential in realising this District's potential.
20. Council's submission to the State Planning Commission outlines ways in which the Code should be amended.
21. In addition to the detailed submission on the Code, a draft letter is included from the Mayor to the Minister for Planning and the chairman of State Planning Commission (attachment 2). This letter summarises Council's concerns with the Draft Planning and Design Code and also offers the assistance of Council's staff to ensure that key planning policies are not lost in the transition to the Code.

Community Engagement:

Council is responding to State Government initiated consultation. The SA Planning Portal remains the most comprehensive and effective location for information. The community are welcome to engage with the reform process through the Portal and have been provided formal avenues for comment.

Policy:

To be implemented via the Code (under the Planning, Development and Infrastructure Act) and will eventually result in policy that will be applied in this Council area in some form or another.

Long Term Financial Plan:

N/A

Budget:

N/A

Statutory/Legal:

To be implemented via the Code (under the Planning, Development and Infrastructure Act) and will eventually result in policy that will be applied in this Council area in some form or another.

Staff Resource Requirements:

N/A

Environmental:

The Code includes content that will have an impact on environmental outcomes over time.

Social:

The Code and changes to the planning system and will no doubt have an impact social outcomes over time but what extent is not known at this point in time.

Risk Assessment:

N/A

Asset Management:

N/A

Conclusion:

The intent behind the Planning Reforms and the Draft Code is to streamline and improve the South Australian planning system. However, in its current form the Code lacks much of the local planning policy specific and relevant to the Mount Barker district. Many key policies relating to allotment sizes, building heights and land uses have not been included in the Draft Code. If the Draft Code were implemented in its current form it would have a catastrophic effect on development within the Council area.

The attached submission to the State Planning Commission is recommended for Council's endorsement.

Previous Decisions By/Information Reports to Council

Meeting Date	21 January 2019	HPRM Reference	FOL/17/1980
Title	Planning, Development and Infrastructure Act 2016 implementation update		
Purpose	To inform the Councillors of the progress of the Planning, Development and Infrastructure Act 2016 transition.		

Meeting Date	3 September 2018	HPRM Reference	DOC/18/65346
Title	Draft State Planning Policies for South Australia		
Purpose	To inform and seek Council's support for a formal response to the Draft State Planning Policies for South Australia.		

Meeting Date	2 July 2018	HPRM Reference	DOC/18/65346
Title	Planning and Design Code		
Purpose	To inform and seek Council's support for staff to provide comment on the technical discussion paper, The Planning and Design Code: How will it work?		

Meeting Date	4 December 2017	HPRM Reference	FOL/17/3700
Title	The Planning Commission's Draft Community Engagement Charter		
Purpose	To inform of, and seek Council's support for the Planning Commission's draft Community Engagement Charter (The Charter).		

Attachment 1 to Item 12.3



Mount Barker District Council

RESPONSE TO THE DRAFT PLANNING AND DESIGN CODE FEB 2020

GLENN SEARLE

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Mayors Forward

Council recognises that the Planning Reforms and the Draft Planning and Design Code are a major generational change to how our district, townships and neighbourhoods develop. For this reason, Council are supportive of the intent of the planning reforms to modernise, consolidate and streamline the planning processes within the State. Furthermore, the Mount Barker District Council is committed to working with the State Government to achieve these aims and to ensure that the 10 years of proactive policy work the Council has undertaken is retained.

The Draft Code seeks to implement a consistent State-wide approach in regards to the structure, content and understanding of development policies and provisions. In Council's opinion the Code should allow for a degree of diversity through discretionary local specific policies and the reflection of local places and context. Typically, this has occurred through the use of Desired Character Statements that detail the unique and different character, history, vales and local aspirations of communities. Council would support the reintroduction of these Statements in the Code.

I note that the first iteration of the Code was meant to be policy neutral or like for like with the provisions of the Development Plan. Therefore, it is unfortunate to see that the scope and scale of change introduced by the Planning and Design Code scope is substantial, and Council have identified fundamental changes of many established Development Plan policy directions through our review and testing. Greater detail of these changes is contained in our submission.

Council notes that the consultation version of the Draft Code is a large, complex and complicated document. This complexity was meant to be dealt with by the Planning Portal, unfortunately this was not released with the Code. This lack of ePlanning integration and the sheer size and complexity of the document has hampered Council's and the communities' ability to understand the potential impacts of the Code.

For these reasons Council is not supportive of the Draft Planning and Design Code in its current form and subsequently encourages the Commission to undertake an additional period of engagement and refinement before final implementation.

In conclusion, I would like to reiterate that Council remains committed to working with the State Planning Commission in the implementation of the new Code and planning system. Including the offer in my letter dated 23 October 2019 for Council staff to attend the DPTI offices to work collaboratively. We see value in the intent of the reforms but Council urges the Commission to work collaboratively with Council to ensure the Code reflects the values, character, history and aspirations of our communities. If this necessitates a delay to the implementation date, then Council is supportive of that. Failing that Council would appreciate a chance to review and provide feedback on an amended version of Code prior to its implementation.

1. Executive Summary

Council appreciates the significant challenge in preparing and developing the Draft Planning and Design Code for the State. Council is also supportive of the objectives of the Planning Reforms to modernise and provide a simpler, quicker and online development assessment framework.

The Mount Barker District Council has over a number of years invested significant resources in creating a development policy framework that reflects the unique challenge of being both a major growth area and a region which provides for a broad range of primary production and tourism industries. Whilst Council acknowledges the benefits of a simplified and standardised approach to development policy across the State, there remains a need to continue to recognise the importance of location specific policy.

Presently the draft Code omits many of these location specific policies with structure plans for areas of greenfield development, provisions which seek to retain a unique character or identity and policies which provide for rural enterprise, value adding and tourism in rural areas having now been removed or significantly watered down.

The existing policies are the culmination of many years of work and engagement with the District's community. The extensive consultation that has occurred during the formulation of these policies has created a level of trust and understanding amongst the community and has established expectations with regard to the protection of amenity and the environment, the appropriate requirements for infrastructure upgrades in growth areas and provision for economic growth and development.

To date engagement with the Mount Baker Council District on the changes to existing development policy proposed within the new Code has been largely ineffective. The number of sessions held with community on the Code and details conveyed within these sessions has not been sufficient to ensure that the community understands the changes proposed. Notably the engagement that has occurred to date is not consistent with the Community Engagement Charter.

The Mount Barker District Council has prepared this document to summarise the most critical issues effecting the District as a result of the proposed changes brought about by Draft Code, in a view to having the relevant parts of the Code amended to be address the issues raised. Council welcomes the opportunity to assist the State Planning Commission in amending the Code to reflect the changes recommended in this report.

2. Key Issues

Mount Barker District Council have identified a number of key issues within the Draft Planning and Development Code that are detailed and elaborated upon within subsequent sections of this correspondence.

These key issues relate to the following:

- Policy changes
- Infrastructure (in particular issues relating to waste water provisions and Development Plan Concept Plans)
- Heritage
- Resourcing (Staff resources and management)

It is Councils position that these key issues need to be more appropriately addressed as they have the potential to significantly impact upon economic growth potential, the built form of the district, the liveability of the region, community expectations and engagement with the planning system.

The table below (Table 2.1) summarises the key issues with the draft Code as they relate to the Mount Barker District.

2.1. Table – Summary of Draft Code Issues

Issue Description	Township/Area Affected	Suggested Change	Page
Policy Change			
Increase in building height and dwelling density in Suburban Activity Centre Zone	Mount Barker, Littlehampton, Kanmantoo, Callington, Macclesfield, Meadows and Echunga	Change the Zone to the Township Main Street Zone	21
Removal of bespoke Zoning for the Cedars precinct	Hahndorf	Retention of concept plan and the creation of a sub-zone	18
Change of Restricted Policy Area 14 to Deferred Urban Zone reducing development potential	Mount Barker Growth Areas		24
Code Township Zone introduces land uses which are currently non-complying within the Development Plan Township Zone	Hahndorf	The Strassendorf and Hufendorf Policy Areas should be amended to a Township Main Street Zone (?) A residential only zone should be spatially located over the rest of the Township Zone	9
Brukung Mine Zone	Brukung	Retain unique policy; this may require a new subzone	32
Peri-Urban Zone	Most of the Western Section of the Council		33
Rural Zone	Most of the Eastern Section of the Council		33

Removal of minimum allotment sizes required to site CWMS and/or on-site waste disposal	All of Council	Addition of minimum allotment sizes as per PDC 30 of the Residential Zone	27
Infrastructure			
Removal of concept plans impacting the delivery of key infrastructure	Key areas within the Council including: The Growth Areas, Regional Town Centre, The Cedars, Littlehampton and Nairne		35
Waste water connections	The entire Council area		27
Council CWMS facility	Mount Barker		18
Heritage			
Public notification triggers	Whole Council		36
Heritage Statements	Whole Council		36
Heritage design guidelines	Hahndorf		15
Resources			
Public Notification triggers			38
Assessment pathways			38

3. Policy Changes

3.1. Introduction

It has long been held that the intent of the first iteration of the Planning and Design Code (Code) has been to transition existing Development Plan policy to the Code in a like for like manner. This method was chosen to minimise major changes to long established policy settings that have directed the development of areas across the State.

The Mount Barker District Council has proactively reviewed and updated the planning policy contained within the Development Plan over many years. This has facilitated many positive development outcomes for the community and state while delivering significant infrastructure, quality urban environments and a strong sense of community that is showcased in our region.

However, when reading through the Code and comparing the new zones and policy to those contained in the Development Plan it can be seen that some zones and areas have experienced a significant change in policy direction; Including:

- Land uses becoming envisaged or encouraged for zones where they were previously non-complying land uses;
- Increases in numeric values (i.e. dwelling densities, gross leasable floor areas, buildings heights, etc.);
- Deletion of bespoke policy to enable specific development outcomes to occur;
- The removal of policy enabling the provision of necessary infrastructure.

The following sections detail those Zones and specific policy that, in Council's opinion, have been changed from their original intent as written in the Development Plan. The sections explore the extent of the changes, the impact those changes will have on those areas or development applications and suggest alternative solutions (i.e. a different zone or introducing new TNV's).

3.2. Desired Character Statements

Desired Character Statements help to define the historic and current character of an area while also providing key guidance for future development. These statements have been an integral assessment tool to assist Council in delivering necessary infrastructure, providing for open space, detailing future upgrades and the overall character of an area.

As such Council recommends that these statements be summarised and included in the Code, much like Historic Area Statements.

3.3. Hahndorf Township Zone

Hahndorf is a unique township of State Heritage significance. The township is centred around a predominant strip of retail and commercial (non-residential) development along Mount Barker Road with the greater surrounding township consisting of low density residential development.

The current zoning has the town located within the Township Zone and further divided into three policy areas. These policy areas dividing the town between its historic areas and different land uses. As such the Zone provides an overview of how development should be undertaken leaving the policy areas to provide the bulk of the assessment tools. It is noted the Draft Code transitions the current Township zone to a Township zone, however it seems to miss the intent of the current zone and the policy areas completely. The policy areas deal with three unique areas; the Hufendorf pattern of development, the Strassendorf pattern of development and the surrounding residential land.

For this reason, there is a level of inconsistency between the envisaged land uses and character outlined within the Draft P&D Code's Township Zone with the current pattern of development of the township, the provisions of the current Township Zone and most importantly the three Policy Areas.

These inconsistencies fall into the following areas:

- ***Encouragement of currently non-complying land uses;***
- ***Missing TNV's (allotment sizes, building heights);***
- ***Missing concept plans and State Heritage significant patterns of land division and development (Strassendorf and Hufendorf)***
- ***Flooding overlays;***

Encouragement of non-complying uses:

It is extremely concerning to see the new Township Zone given explicit encouragement to non-residential land uses such as offices, shops, consulting rooms, light industry and warehouses within what is a historically low density residential area (Residential Policy Area 21). To introduce policies encouraging these non-residential land uses of up to 250m² in floor area is a dramatic departure from the current policy settings and will have an irrevocable impact on what is the premier tourist destination of the Adelaide Hills. It appears that this is a fundamental error on DPTI's behalf to understand how townships work, missing the emphasis placed on well-designed main streets to accommodate the towns commercial, civic and employment uses. Encouraging these non-residential land uses in areas located away from the towns traditional main street will result in these areas dying, an increase land use conflicts, car parking concerns and most importantly the reduction in the heritage image and charm of the State Heritage Area of Hahndorf.

Furthermore, to the above it is Council's opinion that this radical policy shift has been poorly communicated to the community.

Council Recommendations

- Land contained within Residential Policy Area 21 must be transitioned to either a new Zone that only permits residential land uses;
- Or a new subzone be created that adopts the provisions of Residential Policy Area 21.
- For Policy Areas 20 and 22 (Hufendorf and Strassendorf) the Commission should consider whether the Township Zone or the Township Main Street Zone is most appropriate.

A lack of TNV's, Concept plans and land division:

Council notes that there are no TNV's located over Hahndorf to address minimum allotment size, frontages or building heights. In regards to minimum allotment size the Township Zone (Code) is silent as the town is connected to a CWMS. The only policy guidance provided by the Zone is PO 3.1 which states that allotments should be of a suitable size and dimension to contribute to the housing pattern of the locality.

Township Zone PO 3.1

Allotments for residential purposes are of suitable size and dimension to contribute to a housing pattern consistent with the locality.

It should be noted that PDC 7 of Residential Policy Area 21 (Development Plan) specifies a minimum allotment dimensions of 800 square metres with a street frontage width of 20 metres.

Of greater concern is the lack of details regarding the Hufendorf or Strassendorf allotment pattern or reference to Council's current Concept Plan Map MtB/14. This concept plan shows that it is key to the original German development of the township is integral to the heritage listing of the township. This historic allotment pattern extends east and west of Mount Barker Road and into the residential areas of the township. Without a concept plan or description of what the Hufendorf or Strassendorf allotment pattern contains there is the potential for this key element to be misinterpreted.

Council Recommendations;

- TNV's for minimum allotment size and frontage must be introduced to cover the entirety of the township of Hahndorf. These TNV's should take guidance from PDC 7 of the Residential Policy Area 21 (Development Plan).
- Furthermore, the following written explanations/excerpts in addition to Concept Plan Map MtB/14 from Council's Development Plan be transitioned to the Code.

"A Strassendorf settlement is a village built around one main road, with only a few side streets".

"Hufendorf settlement is a nucleated village with strips of farmland extending behind each house".

From the Township Zone Desired Character Statement:

Pattern of Development

"The layout of Hahndorf is typical of Silesian traditions due to the early settlers originating from the provinces of Silesia, Brandenburg and Posen which were part of the Prussian Empire. It is the oldest surviving German settlement in South Australia and as such, presents a broad spectrum of the pioneer German way of life".

The historic character of Main Street and Victoria Street arises from the unique Hahndorf plan and development pattern. Hahndorf was planned in 1839 as a U-shaped Hufendorf settlement nucleated village with strips of farmland extending behind each house of small farmsteads with the Lutheran church, where St. Michael's Lutheran Church now stands, as the focus. In 1849 the original settlement was extended to

include the south eastern side of Main Street which then had the appearance of a Strassendorf village which is a village built around one main road, with only a few side streets. The original Hufendorf and Strassendorf allotment pattern is to remain or be restored.

Development will be contained within the existing township boundary. Retail and commercial activity will be concentrated along the Main Street.

This character is strengthened by the numerous 19th century buildings constructed originally in German and then through generational change, Australian styles. The rhythm of individual buildings and adjoining spaces, the street trees, intimate scale, and sense of enclosure gives the street an overall cohesion. There are a number of State Heritage Places along Main Street and Victoria Street, with both State and Local Heritage Places along Church and English streets many of which are located within a State Heritage Area.

While the process of residential and commercial expansion has, from the beginning, been an integral part of Hahndorf's development a balance between pressures for further commercial expansion and the need to preserve the historic elements of the township that forms the basis of the area's attraction as a tourist destination, is desirable. This can only be achieved if further development respects and upholds Hahndorf's important cultural significance by the careful choice of building materials, scale, juxtaposition and restrained advertising.

Built Form, Building Design and Character

Development that is compatible with the East German heritage is encouraged but in which development of Bavarian or other inappropriate built traditions is discouraged.

Development will be both compatible and complimentary to adjoining heritage places. Hahndorf will remain a town of detached, single storey buildings set on large allotments surrounded by vegetation. Dwellings will remain on large allotments, with generous boundary setbacks and outbuildings located to the rear. Dwellings will generally be single storey, with freestanding garages and carports located to the rear or side of dwellings. A mix of old and new buildings styles will prevail in the town, with a blend of materials that are consistent with the character.

Flooding overlays:

There appears to be no Hazards (Flooding) Overlay applied to Hahndorf. It should be noted that Hahndorf has multiple watercourses that bisect the township with multiple allotments subject to flooding. These watercourses are also shown on Concept Plan Map MtB/14. This omission from the P&D will have significant impacts to development if not captured.

Council Recommendations

- Incorporate creek line details from Concept Plan Map MtB/14 into the Hazards (Flooding) Overlay. Council is also exploring providing additional flooding information from a 2004 flood study undertaken into the Upper Onkaparinga Catchment.

Historic Area Statements:

Historic Area Statements were received by Council in the 23rd of December 2019. Quite simply, there was been insufficient time provided by the Commission for Council staff to write, review and seek Council endorsement of these Heritage Statements. As such these documents have been written by the Department and have been reviewed and critiqued by Council as part of this submission (see Section 5 for greater detail).

The matters raised above, along with additional concerns have been collated within the Table 3.1 within the Appendix of this document.

Council Recommendations

- Re-written Historic Area Statements will be provided prior to the close of consultation.

3.4. Regional Town Centre Zone

The Mount Barker Regional Town Centre is the historic heart of the Adelaide Hills having grown from a small country village into the pre-eminent centre within the Adelaide Hills region. To encourage this level of development Council has embarked on a policy program seeking to increase the level of retail, commercial and social activity by making the centre more attractive to local residents and visitors to the region. This culminated in the Regional Town Centre Zone DPA (2016), which was widely consulted on and accepted by the community.

The Town Centre houses a diverse range of land uses, architectural styles and building heights. To make sense of this diversity the Regional Town Centre has used Policy Areas to group historic land uses and buildings, encourage greater residential density, allow for different commercial uses and experiences, maintain open space, encourage tourist accommodation and promote community uses.

As the Regional Town Centre Zone has been split into eight different zones (following the current Policy Areas) this section will provide commentary summarising the concerns for each Policy Area / new Zone.

Community Facilities Zone (replaces RTC Zone, Auchendarroch Community Policy Area 6 and Dunn Bickle Community Policy Area 12):

It is noted that the Community Facilities Zone is closely aligned with both the Auchendarroch Community Policy Area 6 and the Dunn Bickle Community Policy Area 12. However, there are some additional envisaged uses within the Community Facilities Zone (such as consulting rooms, offices and health care facilities) which may not be appropriate in these areas as they would have the potential to compete with the town centre from a land use hierarchy perspective.

Of particular importance, tourist accommodation is not envisaged in the Community Facilities Zone. This has the potential to unreasonably restrict the existing tourist accommodation facilities located in this area including the State Heritage listed Auchendarroch House and the Mount Barker Caravan Park is located within the Dunn Bickle Policy Area 12.

Auchendarroch Community Policy Area 6 currently has a requirement for buildings to not exceed two storeys or 8 metres in height. Unfortunately, this detail has not been carried over to the new Zone, with the only guidance for building heights being PO 2.1 which allows for medium rise buildings (up to 6 storeys).

Council Recommendations

There are a range of solutions to the improve the Code and mitigate the above issues, these include:

- Consider a Zone change to the Caravan and Tourist Park Zone for the Mount Barker Caravan Park;
- Reconsider the envisaged land uses within the Community Facilities Zone removing offices, consulting rooms and health care facilities to align the Community Facilities Zone with the current (Development Plan) zoning.
- Introduce a TNV restricting the Gross Leasable Floor Area (GLA) for commercial land uses. This will resolve concerns regarding the establishment of offices, consulting rooms and health care facilities;
- Introduce a TNV over the Auchendarroch Community Policy Area 6 restricting building heights to two stories in height.

Suburban Employment Zone (replaces RTC Zone, Bulky Goods Policy Area 4)

There are some synergies between the Suburban Employment Zone and the current Bulky Goods Policy Area 4, however the proposed Suburban Employment Zone envisages more than just bulky goods outlets and service trade premises. These new land uses such as light industry, shops and offices may not be suitable for this area as they will compete with existing centre zones and dilute

the current hierarchy of centres. Council are of the opinion that there is a need to consider if there's a zone that is better suited for this function or through the introduction of a sub-zone.

Additionally, when spatially locating Zones which require servicing by heavy vehicles consideration needs to be given to whether or not the existing roads are suitable for the larger vehicles.

For some reason the Suburban Employment Zone encourages the development of tourist accommodation. This seems antithetical to the aims of the Suburban Employment Zone which encourages a range of commercial and light industry land uses. Furthermore, Council believes that tourist accommodation uses should be located closer to the town centre where the main street and small scale shops/cafes are.

This zone should support other larger floor plate uses, such as gyms, that cannot be readily accommodated within the town centre.

Council Recommendations

- Council has reviewed other commercial and employment zones contained in the Draft Planning and Design and has not found a zone that is more suitable than the Suburban Employment Zone. It appears that there has been a conscious decision of DPTI and the Commission to allow zones to contain a myriad of different land uses. For this reason, Council calls upon the Commission to consider introducing a new zone that allows solely for Bulky Goods land uses.

Urban Activity Centre Zone (replaces RTC Zone, Business and Retail Core Policy Area 5):

The envisaged land uses for the Urban Activity Centre Zone are considered to be relatively consistent with the current Business and Retail Core Policy Area 5 objectives.

However, it appears that in the transition PDC's regarding building height, building design, street activity and interface were not included as assessment provisions. Nor have these requirements been captured as TNV's (building height, frontage, etc.) for this Zone. These PDC's rely on Concept Plans which detail matters such as historic buildings and areas, car parking, pedestrian access, important views, podium and tower heights. These Concept have not been retained in the transition to the Code. This includes the removal of Precinct 1 Dunn Mill.

Council Recommendations

- Retain Concept Plan Maps MtB/11, MtB/18 and MtB/19;
- Introduce TNV's for building heights that reflect requirements listed in PDC's 17-20 of the Business and Retail Core Policy Area 5;
- Transition Precinct 1 Dunn Mill to the Code and incorporate PDC's 22 to 25.

Suburban Main Street Zone (replaces RTC Zone, Gawler Street Policy Area 7):

The Gawler Street Policy Area is the traditional main street of Mount Barker housing a range of entertainment, shopping and commercial land uses. Traditionally this has seen a range of smaller retail and commercial uses that do not require large floor areas or wide shop-front exposure such as small-scale retail, cafes, restaurants, consulting rooms and offices.

In considering the Suburban Main Street Zone against this Policy Area it is considered that provisions are suitable and comparable with the intent of the current Gawler Street Policy Area 7 and the existing streetscape. However, it is noted that the zone does lack references to the historic character of the area. This could be more appropriately resolved through the inclusion of a Historic Area Overlay.

Development within this Policy Area does rely on Table MtB/5 – Heritage Design Guidelines when considering new developments in areas of historic significance. This Table and the Design

Guidelines has not been transitioned to the Code, however this matter will be explored in greater detail in the Section 5 Heritage.

Council Recommendations

- Transition the requirements of Table MtB/5 – Heritage and Design Guidelines to the Code or combine into the Historic Area Statements

Suburban Business and Innovation Zone (replaces RTC Zone, Mixed Use Policy Area 11):

The Mixed Use Policy Area 11 envisages the redevelopment of the area to incorporate small scale retail and commercial land uses along with medium to high density residential development.

While portions of the Suburban Business and Innovation Zone policy closely aligns with the current Mixed Use Policy Area 11 the uses envisaged in this new Zone are not compatible with medium-high residential development as envisaged in the current Policy Area. These incompatible land uses include:

- light industry;
- motor repair station;
- service trade premises;
- store; and
- warehouse

As the Commission can appreciate it would be extremely difficult to not only located apartments on top of these land uses but also within close proximity to sensitive receivers. For this reason, Council considers that the introduction of the Small Business and Innovation Zone to this locality is fundamentally flawed.

Council Recommendations

- Council suggests a zone change to either the Housing Diversity Neighbourhood Zone or possibly the Business Neighbourhood Zone. However, it is noted that the Business Neighbourhood Zone seeks low rise development while the Mixed Use Policy Area allows for more generous building height limits. The Commission may wish to consider keeping these height limits (in PDC 7 of the Policy Area) as a TNV.
- If a Zone change is considered, then a TNV that restricts the GLA for commercial land uses should be considered to further align the Code policy to the current Policy Area.

Open Space Zone (replaces RTC Zone, Open Space and Corridor Policy Area 8):

Both the Open Space and Corridor Policy Area 8 and Open Space Zone are generally consistent with each other and considered appropriate.

Suburban Neighbourhood Zone (replaces RTC Zone, Residential Character Policy Area 10):

The Residential Character Policy Area 10 is unique in that it supports the sensitive redevelopment of established residential area in a manner that does not undermine the established historic character. In accomplishing this the policy supports group dwellings and semi-detached dwellings at low to medium densities.

There appears to be a level of inconsistency when comparing these zones/policy areas. The Suburban Neighbourhood Zone seems to support lower density development in general including a mix of dwelling types (such as row and terrace buildings) and non-residential land uses.

Furthermore, it is considered that proposed Code policies are very generic and do not take into account the number of heritage items/historic character and amenity of the area. A suggestion is that this could be better referenced in a Historic Area Overlay.

Council Recommendations

- Given the difference in the intent and policies of the Policy Area and the proposed Zone a Zone change is required. However, it is noted that the Code does not contain any Zones that are purely for residential purposes only. All residential / neighbourhood zones contained in the Code seek some amount of commercial development. As such it is considered that a new Zone or Sub-Zone be established that is solely focussed on maintaining and enhancing the residential character of a locality by encouraging residential developments and restricting or prohibiting commercial land uses.
- Introducing a new TNV restricting the GLA for non-residential land uses (shops, offices, consulting rooms, etc.) is also recommended.

Housing Diversity Neighbourhood Zone (replaces RTC Zone, Residential Infill Policy Area 9):

The intent of the Residential Infill Policy Area 9 is to encourage the development of higher density residential development. It should be noted that PDC 2 of the Policy Area states that non-residential development should not be developed in the Policy Area. The Housing Diversity Neighbourhood Zone encourages many different non-residential forms of development such as; shops, offices and educational facilities.

The setback requirements listed in the Housing Diversity Neighbourhood Zone are significantly less than those currently required in the Residential Infill Policy Area 9 (see PDC 12 of the Policy Area).

A TNV restricting building height to two stories and 9 metres has been spatially located over this Policy Area, which is supported.

Council Recommendations

- As with the Policy Area above Council suggests that a Zone be created that solely deals with residential development and does not seek to encourage commercial or other forms of non-residential development.
- As with other Policy Areas in the Regional Town Centre Zone the retention of Concept Plan MtB/19 is needed.
- Consideration should be given to how existing setbacks can be incorporated in the Zone, whether this be by new Zone policy, Sub-zones or TNV's.

Car Parking Fund:

An additional matter of importance for consideration is how Council manages the existing Car Parking Fund and associated payments/contributions. Currently the Car Parking Fund covers the entire Regional Town Centre Zone as referenced on Concept Plan Map MtB/10. However, it is not clear how this will be managed moving forward or if a new system will be introduced to manage car parking.

Council Recommendations

- Provide greater details and a clear pathway for Council's to transition their car parking funds to the PDI Act and the Code.

The matters raised above, along with additional concerns have been collated within the Table 3.2 within the Appendix of this document.

3.5. Rural Living Zone (Development Plan)

The current Rural Living Zone seeks to accommodate detached dwellings and ancillary small-scale rural activities, whilst maintaining an open character. The Rural Living does this through a series of Policy Areas aligning with different allotment sizes.

Under the Draft Planning and Design Code, the Rural Living Zone (Development Plan) has been split into two different Zones. Policy Areas 15, 16 and 17 (allotments 1500m², 2000m² and 3000m²) have been transitioned to the Residential Neighbourhood Zone while Policy Areas 18 and 19 (allotments between 8000 and 20000) have been transitioned to the Rural Living Zone.

The only major issue with the change of the Zone from Rural Living to Residential Neighbourhood is the loss of Principle of Development Control 3 of Policy Area 17 Allotment 3000 which restricts land division within 350 metres of the Mount Barker Community Wastewater Management Scheme effluent lagoons. This provision is re-enforced by Concept Plan MtB/13 which shows where the 350 metre separation distance extends.

PDC 3: Land within the policy area should not be divided unless all allotments resulting from the division:

(a) are located at least 350 metres from the Mount Barker Community Wastewater Management Scheme effluent lagoons

The preservation of this separation distance is a vital to the maintenance and operation of the effluent lagoons, including the EPA licence for their operation.

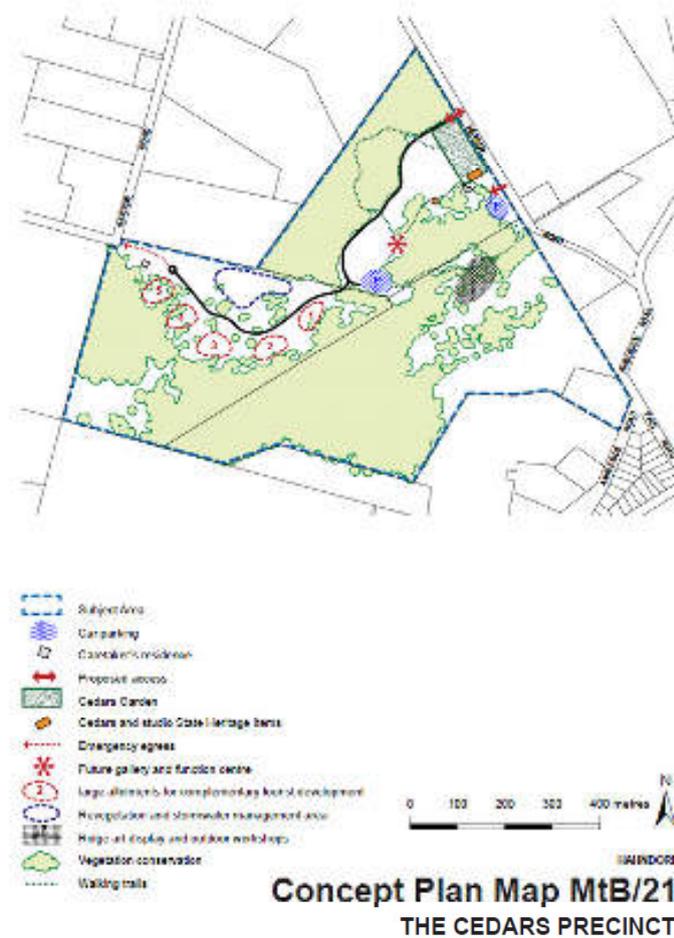
Council Recommendations

- Council strongly recommends that Concept Plan MtB/13 and PDC 3 are retained in the Code to prevent residential encroachment towards Council's CWMS lagoons and to maintain required EPA separation distances.

3.6. The Cedars Precinct

The Cedars land at Hahndorf includes historically significant buildings and gardens and is the site of the home and studio of Hans Heysen. Presently this land sits within the Primary Production Zone and is within the Hahndorf Rural Activity Policy Area 24 and The Cedars Precinct.

The Cedars Precinct aims to conserve the existing State Heritage listed buildings and their surrounds whilst also facilitating the establishment other ancillary uses in a master planned approach. The policy intends for ancillary uses such as a multipurpose gallery, restaurant and visitors centre as well as tourist accommodation site, conservation areas and parking areas. The corresponding concept plan 'Concept Plan Map MtB/21' provides a masterplan concept to the site which identifies the most appropriate location for each development element of the site.



Whilst located within the Primary Production Zone, the Cedars Precinct intends for a vastly different pattern of development identifying a number of exemption to the non-complying listing and also identifying such uses as Category 1 or 2 for public notification purposes. Also there is presently no restriction on the floor area size of a shop and contemplates land divisions to create additional allotments in accordance with the concept plan.

It should be noted that the Cedars development project has received the support from all levels of Government (Federal, State and Local).

The Draft Planning and Design Code transitions all of the above policy from a Zone, Policy Area and Precinct to the Peri-Urban Zone. The purpose of the Peri-Urban Zone is to provide for a diverse range of land uses at an appropriate scale and intensity that capitalise on the region's proximity to the metropolitan area and the tourist and lifestyle opportunities this presents while also conserving the natural and rural character, identity, biodiversity and scenic qualities of the landscape.

As can be seen the Cedars Precinct contains targeted policy that specifically relates to a proposed integrated development while the Peri-Urban Zone is a generic broad ranging Zone covering a large area and an equally diverse range of development. For this reason, Council considers that the transition to the Code misses the intent of the Precinct completely. This results in:

- The Peri-Urban Zone not including / referencing the Concept plan for the Cedars;
- The Peri-Urban Zone listing the following uses / types of development as Restricted Development (Restricted Development brings a greater level of public notification and third part appeal rights):
 - Shop with floor area greater than 250m²; and
 - land division;
- Public notification levels increasing for the following uses:
 - Function Centre
 - Shop with a gross leased floor area greater than 200m²
 - Tourist accommodation with a total floor area greater than 200m²
 - Workers accommodation

Council Recommendations

- Council believes that there are two options to solve this issue.
- Firstly, the option that leads to the least disruption to the Cedars land and project is to create a new Sub-zone over the Cedars site utilising all of the current Policy (including the Concept Plan) contained in the Cedars Precinct. This is seen as the best solution as the existing policy framework delivers a robust assessment framework whilst providing flexibility and certainty for the developer. As such the existing policy framework is considered best practice.
- Alternatively, the Tourism Development Zone could be spatially applied to the current Cedars precinct. However, this adoption of a new Zone would also require the Concept Plan to be retained and referenced in the Tourism Zone. The Tourism Zone provides some benefits over the proposed Peri-Urban in that land division is no longer a Restricted form of development. However, there are still some cons to this approach as it is not a like for like transition with most forms of development requiring public notification as the site of the development would be adjacent land in a different zone. Therefore the transition would be moving to a policy framework that delivers less than the existing policy framework which is undesirable.

Additional analysis of the Peri-Urban Zone, as it relates to the Cedars Precinct is contained in Table 3.4.

3.7. Local Centres and Neighbourhood Centres (Suburban Activity Centre Zone)

The current Local Centre Zone and Neighbourhood Centre Zone, as listed in the Development Plan, have been combined and replaced by the Suburban Activity Centre Zone in the Code.

Currently the Local Centre Zone serves as the traditional main street shopping precincts in the townships of Callington, Echunga, Littlehampton, Kanmantoo, Macclesfield, Meadows and Nairne. There is also a Local Centre Zone located on Wellington Road within Mount Barker. The Neighbourhood Centre Zone, located in Littlehampton, serves a similar main street shopping function.

As main street shopping precincts these zones have historically catered for the provision of smaller scale goods and services catering for the surrounding local communities and have not expanded to compete with the regional level centre of Mount Barker.

The core function of the Suburban Activity Centre Zone is to provide for an active retail precinct that includes neighbourhood scale shopping, business, entertainment and recreation facilities. It is a focus for business and community life and provides for most daily and weekly shopping needs of the community.

This increase in activity to neighbourhood scale and weekly shopping results in provisions calling for an increase to the intensity of land uses, additional functions and services and an increase to the numerical values compared to those listed in the Local Centre Zone and the Neighbourhood Centre Zone. This is possibly as a result of the Suburban Activity Centre Zone resulting from the combination of the Local, Neighbourhood and District Centre Zones.

For this reason, Council believes that there is a level of inconsistency between the Local Centre and Neighbourhood Centre Zones and the Suburban Activity Centre Zone. These inconsistencies fall into the following broad areas:

- ***A radical increase to building heights;***
- ***Increase to residential density;***
- ***Increase to gross leasable floor areas and new land uses;***
- ***Increase to public notification levels;***

Increase to building heights:

Building heights envisaged within the Suburban Activity Zone are medium rise which includes buildings of up to six storeys. Added to this is the 30° and 45° rules (DTS/DPF 3.2 and DTS/DPF 3.3). This is in comparison with the existing zoning which contemplates low scale development (1 and 2 storeys) compatible with surrounding residential development. As previously stated Local Centre and Neighbourhood Centre Zones are located in smaller townships. These smaller townships have historically developed over many years and each have a strong sense of identity and built form character. The potential introduction of a six storey building in the centre of Meadows, for example, is not in keeping with the character of these townships.

Increases to the heights of freestanding signs is also a concern for Council, this matter is reflected in Table 3.5 of the Appendices.

Council Recommendations

- The potential visual and amenity impact of a larger scale building with a smaller township should not be underestimated.

- A TNV for building heights should be introduced across Council's townships to restrict buildings to two storeys or nine metres in height.
- Additionally, a Zone change to the Township Main Street Zone is recommended, although this does bring its own issues as discussed later.

Increase to residential density:

Currently dwellings, except in conjunction with non-residential development are non-complying forms of land use within the Local Centre and Neighbourhood Centre Zones. However, the Suburban Activity Centre Zones not only encourages the construction of dwellings but seeks to encourage medium and high density development (see PO 1.4 and DTS/DPF 1.4 below).

PO 1.4

Where residential development is appropriate having regard to other performance outcomes of the zone, residential development achieves medium-to-high densities.

DTS/DPF 1.4

Residential development achieves a minimum net density of 35 dwelling units per hectare.

This density is a significantly higher rate than the low density that is encouraged for the Suburban Neighbourhood Zone (Code). To encourage this higher density residential development within small townships that lack metropolitan services (i.e. public transport, potable water, waste water, etc.) is ridiculous.

Council Recommendations

- A Zone change to the Township Main Street Zone is recommended as this Zone does not encourage medium and high density residential development. Although, as previously mentioned this Zone does bring its own issues.
- Introduce a minimum allotment size TNV to ensure that residential allotments meet the requirements of PDC 30 of the Residential Zone (Development Plan). Greater detail regarding this PDC and the need for it to be included in the Code is discussed in the Suburban Neighbourhood Zone.

Increase to gross leasable floor areas and new land uses:

The Suburban Activity Centre encourages the intensification of commercial uses by not contemplating a cap on the maximum gross leasable floor area (GLA) for shops or groups of shops. In comparison the Local Centre Zone which calls for a maximum GLA of 450m² for a shop or group of shops. This has the potential for these Zones to more readily compete with the higher order centres such as the Regional Town Centre Zone of Mount Barker. This approach diminishes the effectiveness and disrupts the order of the regions centre hierarchy.

Added to this concern regarding GLA's is the introduction of land uses which were previously listed as non-complying in the Local Centre and Neighbourhood Centre Zone. These land uses include:

Local Centre Zone and Neighbourhood Centre Zone

- Bus depot (see public transport terminal in the Code)
- Bus station (see public transport terminal in the Code)
- Service trade premises

Council Recommendations

- A zone change will not address the GLA issue as the Township Main Street Zone suffers from the same issue.
- Therefore, Council recommend that a new TNV for maximum GLA's be introduced into the Code (this solution is also discussed in the Regional Town Centre Zone).

- In regards to the encouragement/introduction of formerly non-complying land uses, Council notes that these land uses are not encouraged in the Township Main Street Zone.

The matters raised above, along with additional concerns have been collated within the Table 3.5 within the Appendix of this document.

3.8. Restricted Urban Policy Area

The Restricted Urban Policy Area 14 within the Residential Neighbourhood Zone is located to the South and West of Mount Barker and exists with the sole intent to maintain adequate separation distances by restricting more sensitive development (such as residential development) while the broiler sheds are still in operation. The broiler sheds are shown on Development Constraints Maps MtB/15 and MtB/20. Once the broiler sheds have been removed or cease operation (usually controlled via an LMA) residential can proceed in a similar to surrounding land located in the Residential Neighbourhood Zone. This is best demonstrated by the sub-division for the Glenlea Estate

However, the Draft Planning and Design Code appears transitions this Policy Area to the Deferred Urban Zone. Council is well aware of how a Deferred Urban Zone works as that zone is currently located at Macclesfield and Meadows. If this land (contained in the Restricted Urban Policy Area) was considered for the same purpose as the land located in the Deferred Urban Zone, then it would stand to reason that it would have been zoned for that purpose at that point in time.

The main issue that Council has with the transition from Restricted Urban Policy Area 14 to the Deferred Urban Zone is the procedural need to undertake an Amendment to change the zoning when residential development within the Growth Area moves to this locality. This is something that the current policy arrangement avoids, so for this reason, it is considered that the Deferred Urban Zone as proposed is inappropriate.

Council Recommendations

- As the land currently sits within the Mount Barker Growth Area, is currently zoned Residential Neighbourhood Zone and several land divisions have already been approved in this locality the logical solution is to extend the adjacent Master-planned Suburban Neighbourhood Zone and create a new sub-zone.
- This new sub-zone would need to closely match the current provisions of the Policy Area and allow for the eventual subdivision and residential development of the land. This would also allow an Assessment Manager to be the relevant authority (rather than SCAP) for new land division and dwellings.

For a greater in-depth analysis of this issue along with a comparison of the current and proposed policy refer to Appendix 3.6.

3.9. Master-planned Suburban Neighbourhood Zone

Through the Code it is intended to amend the existing Council's Residential Neighbourhood Zone to the Master-planned Suburban Neighbourhood Zone. The Residential Neighbourhood Zone has functioned to facilitate the urban growth of Mount Barker following the 2010 ministerial rezoning undertaken by the State Government.

Recent reviews by Council of the Residential Neighbourhood Zone have indicated that less than 10% of this growth areas have been fully developed and therefore it is imperative that there is a level of policy consistency to enable ongoing and stable growth similar to what has already occurred.

The intent behind the Residential Neighbourhood Zone is for it to become a series of interconnected neighbourhoods that are designed to promote social interaction, participation and a sense of community for all residents.

It is anticipated that the zone will accommodate at least 7000 dwellings of varying built form, density and housing preferences and style. While the dominant character is expected to be detached low to medium density housing forms of up to three storeys in height, higher density housing (including taller buildings) are envisaged within 400 metres of centres, public transport routes and areas of high public amenity including public open space.

Development within the Residential Neighbourhood Zone is underpinned by Concept Plan MtB/16 which provides a valuable structure plan for the growth areas setting out the location of Local and Neighbourhood Centres, a major connector road, areas of open space, stormwater management and key pedestrian and bicycle networks.

Most notably Council has identified the following issues within this particular proposed zoning changes:

- No provisions included with Concept Plan Map MtB/16 being a key document guiding development and infrastructure reference for the township;
- It appears that the Accepted development tables restrict certain types of development that are currently envisaged within the existing Zone;
- There is no forms of development that are 'Deemed to Satisfy' provisions due to the Code's Hazard (Medium Risk) Overlay (which relates to bushfire risk level rating); and
- Concerns regarding public notification triggers for new development within the Master-planned Suburban Neighbourhood Zone.

The absence of existing Concept Plan Map MtB/16 and all Development Plan policy that references it (namely Objectives 1, 4, Desired Character Statement references and Principles of Development Control 2, 4, 26, 40) has the potential to impact upon delivering desirable development and essential infrastructure.

Accordingly, Concept Plan Map MtB/16 and its supporting policy should be included within the Code.

It is also noted that the accepted development tables restrict certain types of development such as residential carports and outbuildings (and similar domestic structures) and this is due to the Native Vegetation Overlay. The Native Vegetation Overlay should be therefore removed to ensure this issue does not occur.

With regard to public notification any development adjacent a different zone will require public notification. This is a concern as proposed large land divisions can cover vast areas and invariably be located adjacent a different zone. Larger land divisions would facilitate the intent of the zone and yet require public notification which is considered contradictory. This notification trigger causes further concern when considering that it is not uncommon for land visions of this nature to be varied post approval and potentially these variations would also require consultation.

A potential solution would be to remove the public notification trigger from the notification table or to restrict the forms of development that will trigger this requirement.

Council Recommendations

- Add Objectives 1, 4, Desired Character Statement references and Principles of Development Control 2, 4, 26, 40 of the Residential Neighbourhood Zone to Concept Plan Map MtB/16.
- Update the Accepted Development tables to remove restrictions from carports and outbuildings (and similar domestic structures) due to the Native Vegetation Overlay.
- Update the Public Notification tables to remove the trigger for development adjacent a different zone.

3.10. Suburban Neighbourhood Zone

The Residential Zone covers a wide range of townships from the regional centre of Mount Barker to small villages such as Dawesley and Harrogate. Development within the Residential Zone is characterised by:

- Single storey detached dwellings with significant front and rear boundary setbacks and reasonable separation between the sides of dwellings;
- Development reinforcing the rural township character created by dwellings within an open space and landscaped setting which is sympathetic towards mature vegetation, water course, floodplains and natural topography;

The main challenges for development within the Residential are that townships within the Mount Barker District Council area are not connected to SA Water for potable water supply and/or sewer. Instead they dispose of their waste water either through a connection to a Community Wastewater Management System (CWMS) or through an onsite septic system. Both of these methods of waste disposal require a certain amount of land dedicate to a septic tank and (for onsite disposal) an effluent disposal area. As listed in the Desired Character Statement for the Residential Zone:

- *Development within **Mount Barker, Littlehampton, Nairne and Brukunga** is heavily influenced by the availability of mains water and a Community Wastewater Management Scheme;*
- *Development within **Callington, Kanmantoo, Dawesley and Harrogate** is heavily influenced by the availability of mains water (except for **Harrogate** which is reliant on harvesting rainwater) and the absence of a Community Wastewater Management Scheme which requires properties to provide septic tanks or other approved waste disposal system;*
- *Development within **Meadows, Macclesfield and Echunga** is heavily influenced by the absence of a mains water system requiring each property to harvest and store rainwater to meet its needs, and a Community Wastewater Management Scheme;*

To manage these issues, the Residential Zone contains a Principal of Development Control and a table (see PDC 30 below).

30 Land division to create allotments intended for detached dwellings and sites intended for group dwellings should be in accordance with the following table:

Township	Infrastructure		Minimum allotment size (excluding area of battleaxe allotment private access-way) (square metres)		
	Water Supply	Waste Disposal System	Where the slope of the subject land has a natural gradient of less than 1-in-8	Where the slope of the subject land has a natural gradient of 1-in-8 or more but less than 1-in-5	Where the slope of the subject land has a natural gradient of 1-in-5 or more
Brunkunga	Mains	CWMS	600	800	1200
Callington	Mains	Septic	1500	1500	1500
Echunga	Rainfall capture	CWMS	600	800	1200
Harrogate	Rainfall capture	Septic	1500	1500	1500
Kanmantoo	Mains	Septic	1500	1500	1500
Littlehampton	Mains	CWMS	600	800	1200
Macclesfield	Rainfall capture	CWMS	800	800	1200
Meadows	Rainfall capture	CWMS	800	800	1200
Mount Barker	Mains	CWMS	600	800	1200
Nairne	Mains	CWMS	600	800	1200

Unfortunately, the Draft Code does not locate TNV's for minimum allotment size for the townships listed in PDC 30 of the Residential Zone (Development Plan). These minimum allotment sizes reflect the smallest allotment that can be created to accommodate a dwelling and the necessary waste disposal system.

Council believes that provisions relating to land division contained in the Suburban Neighbourhood Zone, specifically PO 2.1, DTS/DPF 2.1, PO 2.2 and DTS/DPF 2.2 do not adequately address this issue.

To remedy this matter Council, recommend that the figures listed in the right hand side of the below table become a TNV for those townships.

Other issues arising from the transition to the Suburban Neighbourhood Zone for the Mount Barker District Council include:

- No Accepted Development due to the Native Vegetation Overlay;
- No Deemed to Satisfy carports due to the Hazard Medium Bushfire Overlay
- Shops up to 999m² are performance assessed, however DTS 1.3 states a maximum GLA of 100m² and DTS 1.4 states a maximum GLA of 200m². The Development Plan currently lists shops with a floor area > 80m² as a non-complying form of development;
- Public notification requirements such as:
 - Four or more additional allotments requiring public notification; and
 - Any development adjacent a different zone

Council believes that these issues have solutions which via amendments to the Code Tables or the introduction of new TNV's, including a TNV for GLA (discussed in greater detail in Section 7.3) can achieve a suitable outcome.

Townships within the Mount Barker District Council area are not connected to sewer systems provided by SA Water. Instead they dispose of their waste water either through a connection to a Community Wastewater Management System (CWMS) or through an onsite septic system. Both of

these methods of waste disposal require a certain amount of land dedicate to a septic tank and (for onsite disposal) an effluent disposal area. To manage this requirement, the Residential Zone contains a Principal of Development Control and a table (see PDC 30 below)

Unfortunately, the Draft Code does not locate TNV's for minimum allotment size for the townships listed in PDC 30 of the Residential Zone (Development Plan). These minimum allotment sizes reflect the smallest allotment that can be created to accommodate a dwelling and the necessary waste disposal system.

Site Dimensions and Land Division

PO 2.1

Allotments/sites created for residential purposes are of suitable size and dimension and are compatible with the housing pattern consistent to the locality.

DTS/DPF 2.1

Where the allotment has a slope less than 12.5% (1-in-8), development accords with the following:
n) site areas (or allotment areas in the case of land division) not less than the minimum allotment size specified in the Minimum Allotment Size Technical and Numeric Variation Overlay; and
o) site frontages not less than the minimum allotment frontage specified in the Minimum Allotment Frontage Technical and Numeric Variation Overlay.

PO 2.2

Allotments/sites created for residential purposes are of suitable size and dimension to accommodate residential development that is sensitive to the topography of the locality.

DTS/DPF 2.2

Where the allotment has a slope equal to or greater than 12.5% (1-in-8), development accords with the greater of the following:

(a) the site areas and site frontages specified in DTS/DPF 2.1; or

(b) the site areas and site frontages specified below:

Development-Type	Gradient	Minimum-Site-Area (m ²)	Minimum-Frontage (m)
All-Dwelling-Types	> 1:8 & < 1:4	1000	15
	≥ 1:4	1500	20

- Mt Barker, Littlehampton, Nairne, Brukunga 600m² min lot size 15m frontage
- Callington, Kanmantoo, Dawesley, Harrogate 1500m² min lot size 25m frontage
- Meadows, Macclesfield, Echunga 800m² min lot size 20m frontage
- Rest of zone 1500m² min lot size?

TNV's for lot sizes should follow the Residential Zone Desired Character Statement

Development within **Mount Barker, Littlehampton, Nairne** and **Brukunga** is heavily influenced by the availability of mains water and a Community Wastewater Management Scheme which permits minimum allotments of 600 square metres.

Development within **Callington, Kanmantoo, Dawesley** and **Harrogate** is heavily influenced by the availability of mains water (except for **Harrogate** which is reliant on harvesting rainwater) and the absence of a Community Wastewater Management Scheme which requires properties to provide septic tanks or other approved waste disposal system, which prohibits allotments less than 1500 square metres.

Development within **Meadows, Macclesfield** and **Echunga** is heavily influenced by the absence of a mains water system requiring each property to harvest and store rainwater to meet its needs, and a Community Wastewater Management Scheme which prohibits allotments less than 800 square metres.

Residential Zone	Suburban Neighbourhood Zone	Solutions
	No accepted development due to Native Vegetation Overlay – Carport, Outbuilding, Swimming Pool, Shade Sail, Water tank & Verandah.	Remove Native Vegetation overlay from list.
	No DTS due to Hazard (Medium Risk) Overlay.	Remove Hazard (Medium Risk) Overlay from list.
Shop over 80m ² GLA is Non-complying	Shops up to 1,000m ² performance assessed DTS 1.3 - 100m ² max GLA DTS/DPF 1.4 – 200m ² GLA when fronted to arterial/collector or adjacent a main street or Activity Centre Zone	Reduce GLA size in restricted table to 200m ² to match DTS/DPF
	Four or more additional allotments require public notification	Remove from notification table
	Any development adjacent a different zone will require public notification	Remove from notification table

Council Recommendations

- Transition the requirements of PDC 30 of the Residential Zone to a TNV for minimum allotment sizes for the townships listed in the table.
- If this does not occur Council cannot issue waste control approval for allotments smaller than those requirements.
- Add requirements for the provision of rainwater tanks for those townships not connected to mains water (as listed in PDC 30)
- Allow for carports, outbuildings, swimming pools, shade sails, water tanks and verandah’s to be Accepted Development or Deemed to Satisfy Development. They are currently excluded from these assessment pathways due to the Native Vegetation Overlay and the Hazard (Medium Bushfire) Overlay.
- Add a TNV for minimum GLA for shops restricting floor areas to 80m². This will then mirror (or be like for like) the provisions of the Development Plan.

- Amend the Public Notification table removing the need to notify developments such as:
 - Four or more additional allotments requiring public notification; and
 - Any development adjacent a different zone

3.11. Brukunga Mine Zone

The Brukunga Mine was closed in the 1970s without remediation occurring, resulting in exposed minerals contributing to water contamination. For this reason, the Brukunga Mine Zone was established to manage not only development within the former Brukunga Mine site but to also provide for the remediation and rehabilitation of the site.

Any development undertaken in the Brukunga Mine Zone will need to provide for the remediation and rehabilitation of the mine and environs through the:

- terra forming and restoration of the landscape
- treatment of contaminated water and sources of contamination
- re-vegetation of the landscape with indigenous species.

Alternatively, educational and training facilities associated with mine and mineral management and emergency services including, the Country Fire Service and SAPOL are acceptable. This issue of site contamination is treated so seriously in the Development Plan that all forms of development except for the above examples, and boundary realignment, are considered to be non-complying.

However, under the Draft Planning and Design Code the Brukunga Mine Zone transitions to the Resources Extraction Zone. This Zone allows for mineral extraction whereas, as previously explained, the Brukunga Mine Zone restricts development as the subject site is a former mine that was never remediated and has contamination issues. Encouraging new mining operations, offices, stores, farming or horse keeping in this environment would be unwise.

The only resolution that Council sees for this problem is for a subzone to be spatially located over the area with the provisions of the subzone mirroring those of the current Brukunga Mine Zone.

Council Recommendations

- Create a new subzone, over the same area as the Brukunga Mine Zone, to transition all of the provisions of the Brukunga Mine Zone.
- Without this it is likely that any development in the area will exacerbate the contamination of the area.

3.12. Peri-Urban Zone and Rural Zone

The current Primary Production Zone has been split between the Peri-Urban Zone and the Rural Zone. This zone split follows the boundary of the Mount Lofty Ranges Watershed 3.

The Primary Production Zone comprises much of the council area and has historical uses comprising grazing, fodder production, horticulture, dairying, horse keeping, intensive animal keeping and commercial forestry. The intent of the Primary Production Zone is to ensure that land use and activities securing the long term economic and environmental sustainability of farming and horticulture take precedence over other non-productive land uses.

The Primary Production Zone contains several Policy Areas following the broad agricultural land uses and soil types within the Mount Barker District Council. The Prime Agriculture Policy Area located around the townships of Mount Barker, Littlehampton and Nairne, comprises some of the most productive land, capable of supporting a wide range of agricultural activities. While the Broad Acre Agricultural Policy Area occupies the drier eastern part of the district and contains land used for broad-acre cropping and grazing practices.

Policy issues are the same for both the Peri-Urban Zone and the Rural Zone.

Issues:

Council supports policy within the Peri-Urban that supports existing primary production land uses and seeks to expand the economic base of the area through the encouragement of value adding industries. However, there are a number of concerns with policies within the Peri-Urban Zone.

Specifically, there are several types of land uses that are now envisaged (DTS/DPF 1.1) that were previously Non-Complying activities in the Mount Lofty Ranges Watershed Area 3. These activities include:

- Warehouse (where located within the Watershed Area 3)
- Industry (located in Watershed Area 3 - only if it's a service industry in association with processing of primary production including other requirements)

It is Council's position that the assessment pathways for these activities should not alter between the Development Plan and the Draft Planning and Design Code.

Council supports the inclusion of protective tree netting as an accepted type of development however it is noted that the Sloping Land Overlay excludes protective netting from that assessment pathway. This should not be an issue however this form of development is not referenced in the Deemed to Satisfy or Performance Assessed tables. This then forces any application for protective netting into the "All Other Code Assessed Development" category to be assessed against all Code policies and would also require public notification. This issue can be remedied by including protective tree netting in the Performance Assessed table.

Council is unsure how policies relating to the establishment of shops and function centres would work. DTS/DPF 6.1 states that:

DTS/DPF 6.1

Shop:

- (a) are ancillary to and located on the same allotment or adjoining allotment used for primary production or value adding;*
- (b) offer for sale or consumption produce or goods that are primarily sourced, produced or manufactured on the same allotment or from the region;*
- (c) have a gross leasable floor area not exceeding 100m²;*
- (d) have an area for the display of produce or goods external to a building not exceeding 25m²;*

(e) in the form of a restaurant, do not result in more than 75 seats for customer dining purposes.

The above provision raises many different questions for an assessment. What weight would a relevant authority place on where the produce is grown or sourced from? What happens if, once approved, the Shop or Function cannot source local produce? How would 75 dining seats fit in a gross leasable floor area?

Similar provisions and similar questions are raised for the assessment of tourist accommodation and function centres.

Council Recommendations

- Ensure that activities that are currently non-complying in the Mount Lofty Ranges Watershed Area 3 (such as warehouse and industry) are not listed as envisaged uses for the Peri-Urban Zone.
- List protective tree netting as a Deemed to Satisfy form of development where located within the Sloping Land Overlay.
- Provide greater detail on how the assessment and establishment of shops and function centres would work. What does primarily sourced produced or manufacture on the same allotment or region mean? What region would be used as the definition? Tourism Region, Planning Region, etc?
- Provide greater clarity on how 75 seats for customer dining would work in a 100m² GLA.

4. Infrastructure

Whilst metropolitan councils are largely sewered and serviced by SA Water infrastructure, regional Councils primarily comprise of onsite disposal or a septic tank connected to a Community Wastewater Management Scheme. Current Code policy relating to 'Design in Rural Areas' has a provision for Waste Control, however within the Code's 'Design in Urban Areas' there is no such equivalent provision. Some residential areas in the Mount Barker district are directed to the 'Design in Urban Areas' rather than the design in 'Design in Rural Areas' provisions which has the potential to result in allotments or even future developments without having the necessary and relevant provisions for waste control.

This goes beyond planning and is a public health issue so therefore it is critical for the SA Portal that a wastewater application would need to be approved prior to issuing any planning/development consent.

It is noted that the portal does not manage wastewater applications so it is imperative that there is a correlation and consistency of Council mapping within the portal. It would be beneficial to have a reference to the Wastewater Code to ensure allotments are developable with provision for appropriate wastewater treatment and therefore fit for purpose. This issue has previously been raised in Section 3.8 Suburban Neighbourhood Zone which recommended that PDC 30 of the Residential Zone from Council's Development Plan be incorporated into the Code.

Wastewater disposal and development go hand in hand. This is more of a regional issue as metro-based areas are largely sewered which allows high density development to occur as is sought via the Code. It would be beneficial that if a wastewater system was required there would be some form of trigger via the SA Portal requiring a wastewater approval prior to issuing consent. It is critical the Code does not inadvertently result in land that is not fit for purpose or that cannot be appropriately serviced from a wastewater perspective.

4.1. Concept Plans

Historically Concept Plans have proved to be an important strategic tools to manage and deliver infrastructure and this has been evident throughout the ongoing growth occurring in Mount Barker. A review of the Code details that the vast majority of Councils current Concept Plans have been removed. These Concept Plans are critical to ensuring that development is undertaken in an orderly and efficient manner without imposing risks of major infrastructure costs to Council.

It is noted that on page 22 of the Guide to the Draft Planning and Design Code (released during the consultation period) lists when concept plans will and will not be transitioned to the Code. When Council reviewed the Code it appeared that only 3 concept plans were transitioned and no explanation provided by DPTI as to how or why this was the case, despite the same Guide stating that DPTI had worked closely with Council. It is interesting to note that one of the Concept plans that has been transitioned does not meet the criteria set out above as the development that it relates to has been completed. The inconsistency is concerning and the financial implications for Council could be substantial.

When applying this same criterion for retaining Concept Plans Council believes that 12 Concept Plans should be retained and transitioned to the Code.

For ease of use Council has attached a table in the appendices outlining those Concept plans that can be retained and those that can be removed along with the reasons for that decision.

Council Recommendations

- Add the 12 Concept Plans listed in Appendix 7.9 and their supporting principles to the Code.

4.2. Heritage

Council acknowledges that the lists of Local and State Heritage Items will be transitioned from the Development Plan to the Code. This includes their visual representation in online mapping to make it easier for the community and developers to see where these items are located.

Contributory Items:

Council raises concerns regarding the loss of Contributory Items and their replacement by a Historic Area Overlay and Historic Area Statements. It is difficult to understand how the community and developers will know which buildings these statements relate to or whether one of those character/heritage buildings is located adjacent an allotment. This could be resolved by identifying and displaying those buildings that retain that specific character on the online mapping tool.

Historic Area Statements:

In regards to the Historic Area Statements it is unfortunate that Council staff were not offered sufficient time to write these statements and present them to Council for endorsement. Therefore, Council staff have reviewed, critiqued and re-written these statements (see Appendix for these new statements).

Assessment Pathways:

It should be noted that Assessment pathways for the demolition of State and Local heritage items have been changed for the Township Zone (covering Hahndorf) and the Regional Town Centre Zone as the demolition and total demolition of local and state heritage items is currently non-complying, these are proposed to be performance assessments (merit). It is noted that Non-complying development and restricted development are not the same thing and do not operate in the same method. While the Non-complying process acts as both an assessment pathway and a pseudo prohibited development list (prohibited in the fact that the relevant authority can give an early no to a non-complying application without undertaking a thorough assessment). Restricted development is simply an assessment pathway and informs who the relevant authority is (in this case the State Planning Commission). Restricted development also allows for the State Planning Commission to consider information not directly related to the Code provisions.

As there is no mechanism in the Planning, Development and Infrastructure Act to provide an early no to a proposal, this issue may not be able to be remedied.

Public notification:

Currently the demolition of a State or Local Heritage Place would require category 3 public notification. Alterations, additions or the redevelopment of a State or Local Heritage Place would require category 2 public notification in the Township Zone and the Regional Town Centre Zone. For some reason the Code excludes the demolition (whether total or partial) of a State Heritage Place from public notification, but would make alterations, additions or the redevelopment of that item require public notification (as this form of the development is not listed in a Zone table). This is a perverse outcome whereby the removal of an item of State significance can be removed without consulting the community while the adaptation or restoration of the building would require that. For this reason, Council suggests that the notification tables be amended to require the demolition (whether partial or total) of a State or Local Heritage Item requires public notification.

Design Guidelines:

Council has spent considerable time and effort compiling design guidelines to assist with the development of Local Heritage Places, properties located within Historic Conservation Areas and properties located within the Hahndorf State Heritage Area (see tables MtB/5 and MtB/6 of the Development Plan). These tables contain unique policy (green text) for the Mount Barker District Council that has helped to maintain the heritage character of our district and to lose them would see not only years of policy and assessment work but also the community feedback thrown out.

For this reason, Council recommends that these Development Plan tables be release by the Commission as a Practice Guideline.

Council Recommendations

- Allow Council's to maintain a list of buildings that display the attributes and characteristics listed in the Historic Area Statements. Without knowing which buildings display these attributes it is difficult for the community to understand which buildings these statements apply to. This will mean more enquires to Council and a greater reliance on gaining the advice of heritage consultants.
- Re-written Historic Area Statements will be provided to the Commission prior to the close of consultation.
- Include the demolition (whether partial or total) of a Local or State Heritage Item as a Public Notification trigger.
- Include the Heritage Design Guidelines (tables MtB/5 and MtB/6) as part of the Code.

5. Resourcing

Council has previously written to the Commission (on 1 March 2019) regarding the impact of the draft Planning, Development and Infrastructure (General) (Development Assessment Variation Regulations 2019 (Development Assessment Regulations) and draft Practice Directions. At the time Council raised concerns regarding the impact of the assignment of the Relevant Authority by the draft regulations and how this can negatively impact on Council resources, timeframes, costs (to Council and applicants) and Council resources.

At the time Council analysis showed that the, at the time current iteration of, Regulation 22 of the Draft Regulations would result in:

- A significant increase (up 700%) in the number of applications for which CAP is the relevant authority, compared to the number of applications, which are currently delegated to CAP's pursuant to each Council's delegations;
- Increased costs to both Councils and developers;
- Increased timeframes on some applications; and
- Poor planning outcomes with some applications.

It has been heartening to see that Regulation 22 has been re-written to remove these burdens from the assessment process. However, it is concerning to see a large number of omissions, errors and mistakes contained within the Performance Assessed Tables and the Notification Tables of the Code that will see development requiring public notification and therefore a requirement to be presented to the CAP.

It is acknowledged that while CAPs, as the relevant authority, can provide a delegation to an Assessment Manager pursuant to Section 100 of the *Planning, Development and Infrastructure Act* (PDI Act), this is not assured in all circumstances and is a significant risk to Councils who have well established, effective and suitable delegations. Furthermore, while an Assessment Manager can consider that a proposal is "minor" and does not warrant public notification this imposes an administrative burden on the Assessment Manager to make that decision within required timeframes and as a decision formed within the assessment of an application is open to an appeal.

As such it is recommended that DPTI consider the following list of errors and omissions and amend the Zone tables accordingly to remove the requirement for public notification and an assessment by the CAP.

Council Recommendations

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6. Other

The following section relates to general concerns with the Draft Planning and Development Code. These concerns permeate throughout the Code and the consultation process including:

- Naming conventions;
- Complexities with how the Code has been written;
- New TNV's to be added; and
- New envisaged land uses which were Non-Complying.

6.1. Naming Conventions

The new Code introduces zone names that in a rural/regional context are not familiar in the planning world. It is certainly, bewildering and out of place with established standards of zoning commonly found elsewhere and these terms will complicate matters when dealing with both local and interstate developers.

The reference to Residential focused zones as Neighbourhood Zones is confusing. The Suburban Neighbourhood Zone mistreats rural communities, which are not suburbs of metropolitan Adelaide and have no correlation with urban form in regional areas.

The Community are keen for descriptive terms which clearly define the intended character of an area and we urge a return to former naming conventions or a review of the new names to prevent confusion.

For example:

- Suburban Neighbourhood Zone is to replace Residential Zone
- Resource Extraction Zone is to replace Historic Mining Zone
- Employment Zone is to replace Industry Zone

This introduction of unfamiliar terms is confusing and will further complicate matters when dealing with the public and applicants. It is very apparent that the names have been generated with a metro-centric mindset and do not respect regional areas. Everyone can relate to the purpose of a Residential Zone.

It is suggested that the Code revert back to familiar terminology currently used in the SA Planning Library.

Council Recommendations

- Consider the impact of Zone names on people's perception of the use of that Zone and change the Zone name accordingly.
- This is especially important for the Peri-Urban Zone.

6.2. Complexity

As has been previously stated the Draft version of the Code out on public notification is not user friendly. Overall Council officers have found the Code difficult to navigate and interpret. Our review has also identified a number of errors and inconsistencies (as discussed throughout this document) and most importantly there appears to have been a lack of integration of existing local policy relevant to the Mount Barker district.

As we understand like many other Councils and agencies, our qualified and experienced staff have found the readability of the Code to be cumbersome and time consuming and this has hampered

Council to road test and more thoroughly interrogate the Code and provide further feedback beyond what has been contained in this response.

6.3. TNV

The introduction of Technical & Numeric Variations to the Code is a welcome addition as it allows for a level of flexibility to the Code when considering aspects of development that vary from Council to Council (such as allotment sizes, frontages, etc.). Council have identified several areas where TNV's have either been not spatially located even though they are mentioned in relevant Zone (in the Development Plan) or TNV's are required to restrict new requirements or limits in the Code (for example "medium rise").

These missing TNV's have been specifically mentioned in the various sections above and also in the tables in the Appendices.

One numeric value that appears to have been overlooked is Gross Leasable Floor Area (GLA's). This value appears in most residential zones, commercial/centres zones, industrial and employment zones. In most circumstances these values have been set after Council has undertaken a thorough process of community consultation. To have these values or limits dramatically increased by the State Government after this community consultation, businesses abiding by the limits and these limits being in place for lengthy periods of time is a slap in the face to the community. As such it is recommended that a TNV for GLA's be introduced to the Code to ensure that valuable policy work be retained.

Council Recommendations

- Thoroughly review Council's Development Plan to ensure that all minimum allotment sizes, minimum frontages, maximum building heights are captured by the Code.
- Introduce a new TNV for a maximum Gross Leasable Floor Area (GLA).

6.4. New envisaged land uses which were Non-Complying.

Some Code Zones introduce envisaged land uses (via DTS/DPF 1.1 of the Zone) that when cross referenced against the relevant zone in the Development Plan are listed as Non-Complying forms of development.

This is of great concern that these previously discouraged land uses will become encouraged land uses, especially when this has not been communicated to the wider community. Added to this is Council's concern that the Update Report released by DPTI states (section 8.4) that it "is proposed that envisaged land uses would be excluded from notification unless the site of the development is adjacent a different zone".

This would result in situations where formerly non-complying forms of development could be approved (whether via Deemed to Satisfy or Performance Assessed) without requiring public notification.

Appendix 7.10 provides a detailed list of those land uses which are currently non-complying but are now envisaged.

Council Recommendations

- Review Council's Development Plan to ensure that land uses which are currently non-complying do not become envisaged land uses for new Code Zones.

6.5. Conclusion & Recommendations

The Commission should be commended for undertaking a review of the planning system and proposing a modernisation of process and technology used. However, it is unfortunate that this good work is spoilt by the fact that the finished product (the Draft Planning and Design Code) is poorly presented, full of errors and excludes key assessment criteria. This is further compounded by the fact that what is an online planning system has been released for consultation in a paper based format. This has resulted in difficulties in reading and understanding the Code and a lack of road testing of Zones, assessment pathways and criteria.

In its current form the Mount Barker District Council cannot support the Draft Planning and Design Code, to do so would result in adverse outcomes for the community as evidenced in the sections above.

For this reason, the Mount Barker District Council recommend that the Commission delay the implementation of the Code until the Planning Portal has been thoroughly road tested, errors within the Code fixed and the correct zone and policy setting have been spatially located. Only once this has been completed would Council be in a position to support the Code.

7. Appendices

Appendices available in full version of submission on extranet and website as listed below.

7.	Appendices	41
7.1.	Appendix 7.1 Hahndorf Township Zone	Error! Bookmark not defined.
7.2.	Appendix 7.2 Regional Centre Zone	Error! Bookmark not defined.
7.3.	Appendix 7.3 The Cedars	Error! Bookmark not defined.
7.4.	Appendix 7.4 Local Centres and Neighbourhood Centre Zone ..	Error! Bookmark not defined.
7.5.	Appendix 7.5 Restricted Urban Policy Area 21	Error! Bookmark not defined.
7.6.	Appendix 7.6 Master planned suburban Neighbourhood Zone .	Error! Bookmark not defined.
7.7.	Appendix 7.7 Suburban Neighbourhood Zone	Error! Bookmark not defined.
7.8.	Appendix 7.8 Analysis of Concept Plans	Error! Bookmark not defined.
7.9.	Appendix 7.9 Heritage	Error! Bookmark not defined.
7.10.	Appendix 7.10 Envisaged Uses that are Currently Non-complying:	Error!

Bookmark not defined.

Attachment 2 to Item 12.3



Reference: DOC/20/9447

3 February 2020

Mr Michael Lennon
Chairman
State Planning Commission
GPO BOX 1815
ADELAIDE SA 5001

Dear Mr Lennon

RE: Submission on the Code

I write in response to the public consultation for Phase 3 of the Draft Planning and Design Code and more specifically how it applies within the Mount Barker District Council.

Council recognises that the Planning Reforms and the Draft Planning and Design Code are a major generational change to how our district, townships and neighbourhoods develop. For this reason, Council are supportive of the intent of the planning reforms to modernise, consolidate and streamline the planning processes within the State. Furthermore, the Mount Barker District Council is committed to working with the State Government to achieve these aims and to ensure that the 10 years of proactive policy work the Council has undertaken is retained.

The Draft Code seeks to implement a consistent State-wide approach in regards to the structure, content and understanding of development policies and provisions. In Council's opinion the Code should allow for a degree of diversity through discretionary local specific policies and the reflection of local places and context. Typically, this has occurred through the use of Desired Character Statements that detail the unique and different character, history, vales and local aspirations of communities. Council would support the reintroduction of these Statements in the Code.

I note that the first iteration of the Code was meant to be policy neutral or like for like with the provisions of the Development Plan. Therefore, it is unfortunate to see that the scope and scale of change introduced by the Planning and Design Code scope is substantial, and Council have identified fundamental changes of many established Development Plan policy directions through our review and testing. Greater detail of these changes is contained in our submission.

Council notes that the consultation version of the Draft Code is a large, complex and complicated document. This complexity was meant to be dealt with by the Planning

Portal, unfortunately this was not released with the Code. This lack of ePlanning integration and the sheer size and complexity of the document has hampered Council's and the communities' ability to understand the potential impacts of the Code.

For these reasons Council is not supportive of the Draft Planning and Design Code in its current form and subsequently encourages the Commission to undertake an additional period of engagement and refinement before final implementation.

In conclusion, I would like to reiterate that Council remains committed to working with the State Planning Commission in the implementation of the new Code and planning system. Including the offer in my letter dated 23 October 2019 for Council staff to attend the DPTI offices to work collaboratively. We see value in the intent of the reforms but Council urges the Commission to work collaboratively with Council to ensure the Code reflects the values, character, history and aspirations of our communities. If this necessitates a delay to the implementation date, then Council is supportive of that. Failing that Council would appreciate a chance to review and provide feedback on an amended version of Code prior to its implementation.

Please do not hesitate to contact me or Marc Voortman, General Manager Planning and Development personally should you require any further information.

Yours sincerely,

Ann Ferguson OAM
MAYOR

12.4	REPORT TITLE:	ROAD SEALING PROGRAM 2019/2020
	DATE OF MEETING:	3 FEBRUARY 2020
	FILE NUMBER:	DOC/19/161008
	ATTACHMENTS:	DOC/20/6653
	<u>Key Contact</u>	Dan Caddy, Project Manager, Infrastructure Delivery
	<u>Manager/Sponsor</u>	Phil Burton, General Manager Infrastructure

Mount Barker 2035 – District Strategic Plan:

The Urban Environment
UE:2 - Roads

Annual Business Plan 2019/2020:

5.1 Capital Project for both Roads to Recover (R2R) and Proctor Road.
R2R (WO: 2917)
Proctor Rd (WO: 2826)

Purpose:

To gain Council's authority to award contract 2019.043, Road Sealing Program 2019/2020 to Metro and Country Civil Pty Ltd ("Preferred Tenderer") at the tendered schedule of rates (SOR) and authorise an increase in budget for the 2019/20 road sealing program funded from the Federal Government's R2R Program 2019/2020.

Summary – Key Issues:

1. Council has a program to seal unsealed township roads funded under the Federal Government Roads to Recovery (R2R) program. Council has an overall project budget of \$482,000 for this program in 2019/20, which is required to increase to \$594,000 in alignment with the Roads to Recovery grant.
2. Council and Hanson Heidelberg Cement Group have agreed to a 50% cost share of the reconstruction and seal of Proctor Road, Kanmantoo. An overall project budget of \$370,000 has been approved across two years (2018/19 and 2019/20).
3. Proctor Road was added to the road sealing Request for Tender (also known as the R2R program) in order to secure a contractor to complete both programs of work at a competitive rate.
4. Following the completion of the tender evaluation, Metro and Country Civil are the preferred tenderer and applying their submitted Schedule of Rates ("SOR") the forecast construction cost is within Council's revised budget.

Recommendation:

That Council:

1. Authorises the award of the contract 2019.043 for Road Sealing Program 2019/2020 to Metro and Country Civil ("Preferred Tenderer") at the Preferred Tenderer's tendered schedule of rates.
2. Authorises the Chief Executive Officer or his delegated officer to execute contract documents between Council and the Preferred Tenderer.
3. Authorise the allocation of additional capital funding of \$112,000 for the Road Sealing Program in the 2019/20 council budget and have this change formally reflected in Council Budget Review 3.

4. Authorises the Chief Executive Officer or his delegate being the General Manager Infrastructure to approve additional justified expenditure during the contract within the approved project budget.
-

Background:

1. R2R is a 100% Federally funded program which has historically been used to fund the sealing of unsealed roads in the township areas of the Council. This assists in reducing maintenance costs of these roads. Furthermore, this program allows improvement of safety, economic and social outcomes.
2. Roads identified for the program were based on criteria below:
 - Within the current township boundaries
 - Improvements to roads that are supporting urban development
 - Sealing unsealed roads in townships reflects a suitable level of service for the urban environment as described in the Transport Asset Management Plan
3. Roads in Macclesfield, Echunga, Nairne, Hahndorf and Littlehampton were sealed in the 2018/19 financial year under this program. The R2R program of 2017/18 financial year had roads in the township of Echunga, Macclesfield and Meadows sealed.
4. Council has spent \$3.6 million between July 2015 and June 2019 on sealing of unsealed roads within township boundaries in the District. It is proposed to continue sealing unsealed roads within townships in coming years using this funding and this will be a consideration for Council as part of the 2020/21 annual business plan.
5. The list of roads identified for sealing for the 2019/20 financial year are as follows:
 - Daddow Road (Mt Barker)
 - Hart Road (Mt Barker)
 - Boomerang Road (Meadows)
 - Snelling Road (Hahndorf)
 - Mill Lane (Mt Barker)
6. Proctor Road (Kanmantoo) was identified for sealing in last year's annual business plan. Hanson operate a quarry at the end of Proctor Rd and have agreed to fund 50% of the road sealing project.
7. In 2019/20, the road was surveyed and pavement testing undertaken to confirm project scope. The road in the township area has deteriorated significantly due to heavy vehicle movements resulting in significant road noise and pot holes in the profilings.
8. A previous tender process was unsuccessful in securing a contractor to deliver the works within community expectations and budget.
9. As a result, it was decided to re-tender these works in combination with R2R but as a separable portion.

Scope of Works

10. The scope of the works for this contract is in two Separable portions as indicated below:
 - a. Separable portion 1 is the Roads to Recovery program including those roads identified in paragraph 5.
 - b. Separable portion 2 is Proctor Rd sealing.
11. Attachment 1 shows the location of the scope of works.

Procurement Strategy

12. A pre-tender estimate was calculated for the R2R Program 19/20 and Proctor Rd using the successful contractors rates for the previous 2018/19 financial year. These rates were applied to the current scope of works prior to issuing the tender.
13. To seek best value for money and maximum community benefit, the R2R and Proctor Rd projects were combined under the same contract to secure the most competitive rates. The combined contract value of works was calculated to be between \$0.9M to \$1.0M.

Tender Process

14. Pursuant to Council's Procurement policy an open market tender to secure a suitably qualified Contractor to undertake the works.
15. The request for tender ("RFT") was issued on 27 November 2019 and closed on 13 January 2020. Two (2) tenders were received.

Evaluation Overview

16. The evaluation process comprised of assessment of the following financial and qualitative criteria with pre-determined weightings as shown below:
 - a) Pricing (45%)
 - b) Organisation Structure/Management & Technical Skills/Resources (10%)
 - c) Similar experience (15%)
 - d) Methodology (20%)
 - e) Local business support (10%)
17. The tenders were evaluated by an evaluation panel ("Panel") consisting of four Council staff.
18. Minor clarifications were sought from both tender respondents. Given the volume of work for this tender, and the low technical aspect of the scope, the pricing played a major role in the evaluation. Internal and external reference checks were made to ensure that the preferred contractor is capable and suitable. Both tenderers have successfully worked on Council project in recent times.

Basis of Decision

19. Following the evaluation process and consideration of the views of the Panel, both tenderers could adequately complete the works however, the preferred tenderer was chosen for the following reasons:
 - a. offered the best value for money

- b. previous projects with council completed successfully achieving all objectives and meeting community expectations
- c. rates are competitive when compared to last year’s rates
- d. construction cost estimate within revised budget
- e. availability of resources to meet required timeframes

20. Subject to award of tender, the preferred tenderer is able to commence works in late February 2020.

Community Engagement:

Informing only	Council minutes with agreed program to be held on the councils web site. Website updates and Facebook posts will also be used to inform the public of progress. Landholders directly affected have been and will continue to be contacted directly. Hanson have been engaged throughout the project planning.
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Policy:

The tender process has been undertaken in accordance with Council’s Procurement Policy and associated procedures.

Long Term Financial Plan:

A revised Long Term Financial Plan will be developed in Quarter 3 2019/20 to include the latest version of the asset management plan that will include the future Sealed Road Program and associated Roads to Recovery funding.

Budget:

The construction forecast for Proctor Road is broadly in line with Budget Review 2. Additional funding of \$112k is required for the overall Road Sealing Program.

Statutory/Legal:

The Road Sealing Program (R2R component) of works complies with the current R2R program grant funding considerations set by the Australian Federal Government. A formal funding agreement will be secured with Hanson for the 50% of the budget as previously agreed. A formal contract will be established with the Preferred Tenderer.

Staff Resource Requirements:

This project is will be managed internally by Council staff within existing resources with specialist external support as necessary from consulting engineers who produced some design documentation. Internal project management costs are capitalised against each project and included in the budget.

Environmental:

The successful contractor must provide an Environmental Management Plan for Council approval prior to the start of construction.

Works will be conducted between 7am to 5pm, Monday through Friday, however exemptions can be made with approval.

Minor vegetation and woody weed removal required for both projects.

Social:

Social benefits for both R2R and Proctor Road to the community are improved road safety, noise and ride comfort.

The sealing of Proctor Rd considers the needs of local industry (Hanson) and safety on the road at the Proctor/Nursery roads intersection. By widening the crest at the intersection, council will increase road safety while increasing productivity for Hanson's haulage.

Risk Assessment:

Program construction risks have been accounted for by a contingency as a percentage of the construction estimate.

To minimise the risk of budget over run on Proctor Rd, the true length of seal will be calculated post bulk earthworks as rock is evident at the surface.

Inclement weather is a significant risk as works are programed to commence from late February through to June 2020. To mitigate the impact of wet weather, the program must prioritise roads that are susceptible to wet conditions earlier.

Tree removal is required on Daddow Road, Mill Lane and Proctor Road for construction. These trees were identified by the councils Urban Forest Officer and approved for removal under delegation. Communication has already commenced with residents regarding tree removal. No significant or regulated trees will be removed.

Asset Management:

The R2R program will raise the service level of the roads reconstructed which will result in higher renewal cost and greater customer satisfaction. Sealing the roads mitigates ongoing unsealed road maintenance and associated cost.

Proctor Road is frequented by heavy vehicles and sealing the road will assist in reducing maintenance cost over the design life of the asset.

The successful contractor is required to effectively manage traffic movements for local residents throughout construction.

Conclusion:

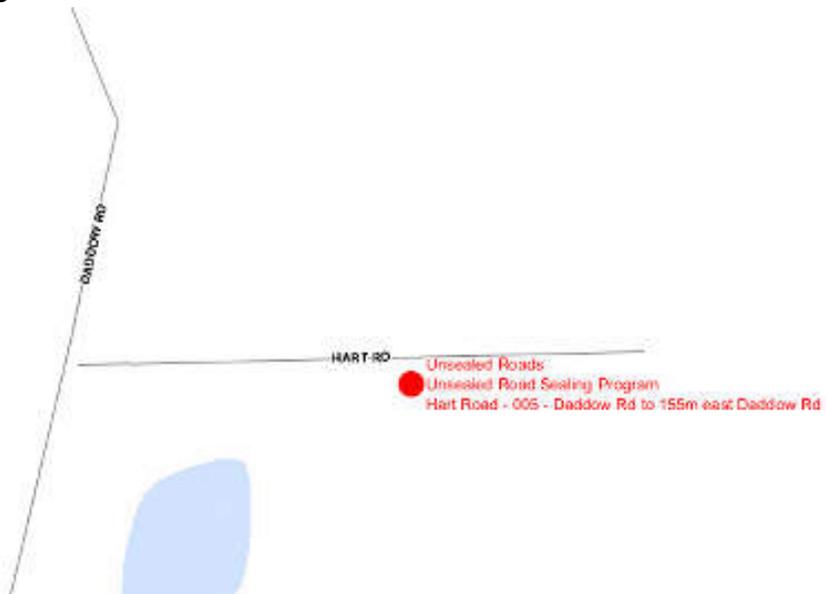
Metro and Country Civil is the recommended Tenderer on the basis that they offer the best value for money and maximum community benefit. This contractor has relevant experience and are capable of executing the works successfully.

Previous Decisions By Council

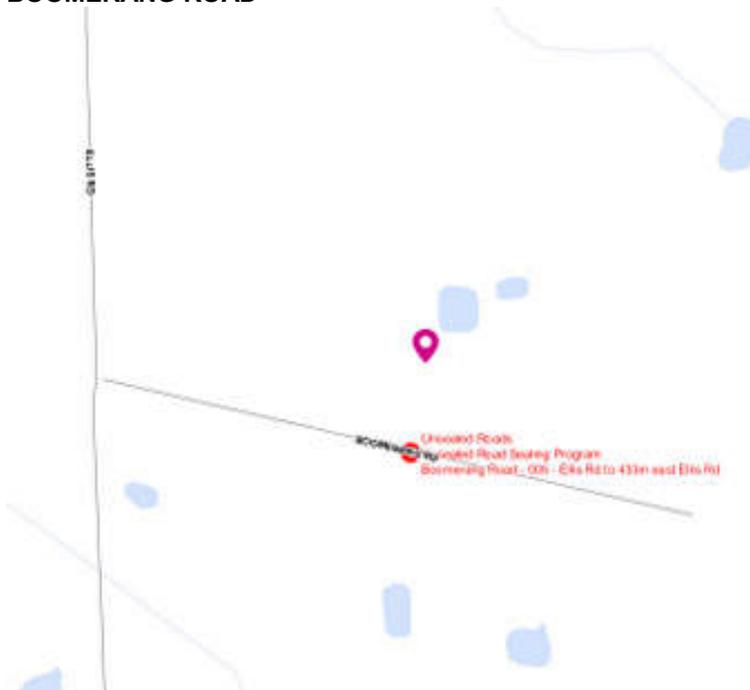
Meeting Date	2 November 2015	HPRM Reference	DOC/15/105948
Title	additional Roads to Recovery Funding		
Purpose	Seek approval to allocate additional Roads to Recovery Federal Government grant funding to upgrade roads in smaller townships.		

Meeting Date	5 NOVEMBER 2018	HPRM Reference	DOC//18/111399
Title	ROADS TO RECOVERY PROGRAM 2018/19 TENDER AWARD		
Purpose	To gain Council's authority to award contract 2018.026 2018/19 Roads to Recovery Program to Diverse Civil and Commercial Projects ("Preferred Tenderer") at the tendered schedule of rates.		

HART ROAD



BOOMERANG ROAD



12.5	REPORT TITLE:	CHIEF EXECUTIVE OFFICER'S PERFORMANCE REVIEW PROCESS AND TIMEFRAME
	DATE OF MEETING:	3 FEBRUARY 2020
	FILE NUMBER:	DOC/20/5450
	ATTACHMENTS:	Nil
	<u>Key Contact</u>	Ros McDougall, Risk & Governance Officer
	<u>Manager/Sponsor</u>	Brian Clancey, Deputy CEO/General Manager Governance, Strategic Projects, Wastewater/Recycled Water

Mount Barker 2035 – District Strategic Plan:

Governance and Leadership

GL2: Corporate capacity and leadership

GL2.2 Maintain a highly skilled and effective workforce that applies a work ethic of confident and responsive action

Annual Business Plan:

Nil

Purpose:

To provide a report that outlines the process for the Chief Executive Officer's Annual Performance Review.

Summary – Key Issues:

- Each year the Chief Executive Officer's Performance Review Panel meets to oversee the process of the performance review
- Timeframes are included in this report

Recommendation:

That Council:

- Notes the appointment of Mayor Ferguson, Deputy Mayor Jones to the Chief Executive Officer's Performance Review Panel as members for 2020 and that the Chief Executive Officer has been consulted on his selection to the Panel;
- Supports a reduced number of questions in an electronic questionnaire.

Background:

1. The CEO has a performance review that is scheduled to conclude no later than September each year. It will cover the period from July 2019 – June 2020.
2. The review evaluates the Chief Executive Officer's performance against objectives identified in the previous year's review process.
3. In 2018 Council appointed a qualified external advisor to the Panel (Dr Wayne Coonan from Corpor8olutions) for a 4 year period.

Discussion:

4. The Mayor has selected Deputy Mayor Samantha Jones and the Chief Executive Officer has been consulted to select another member as is stipulated in his employment contract.
5. The role of this Advisory Panel is to:
 - Meet with the consultant and review the questions, process and responses;
 - Once the questionnaire has been completed by all parties the Panel will receive the full de-identified results of the assessment from the Consultant
 - Annually in September (via a report from the Mayor) provide a recommendation to a Council meeting on matters related to the performance and development of the CEO; the remuneration package and conditions of employment of the CEO.
6. The Panel is assisted by the Risk and Governance Officer.
7. Feedback following the 2019 review indicated a shorter electronic questionnaire is preferred.
8. The CEOs review Panel will meet in April 2020 to review the proposed questions with the Consultant.
9. The review process will begin with a survey in June and includes a:
 - 360 degree review involving a survey/interview of Council Members, selected staff and external parties; and
 - an audit process involving an examination of a wide range of Council documents including the annual report, business plans, long term financial plan, financial reports, project reports, benchmarking and other service related reports.
10. The CEO's Review Panel will meet again in August to discuss:
 - the results of the draft report and de-identified results; and
 - appropriate remuneration
11. A precis of the Consultant's final report will then be provided as an attachment to a report from the Mayor to Council at the September 2020 meeting.

Community Engagement:

Informing only	This report is available on Council's website and in hard copy at the Local Government Centre
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Policy:

N/A

Budget:

There is a budget of \$10,000 for this review subject to CPI per annum until 2021.

Statutory/Legal:

An annual performance review is included in the CEO's contract.

Staff Resource Requirements:

There is no impact on staff resources.

Environmental:

N/A

Social:

The community are informed about the CEO's review outcomes following the Council resolution.

Risk Assessment:

Nil

Asset Management:

N/A

Conclusion:

The process and timeframe is provided in relation to the CEO’s performance measures.

Previous Decisions By/Information Reports to Council

Meeting Date	2 September 2019	HPRM Reference	DOC/19/107051
Title	Chief Executive Officer’s Performance Review 2019		
Purpose	To provide a report that details the outcomes of the Chief Executive Officer’s Annual Performance Review.		

Meeting Date	3 June 2019	HPRM Reference	DOC/19/48687
Title	Appointment to the CEO’s Review Panel		
Purpose	To advise Council of the meeting of the CEO’s Performance Review Panel and timelines of the review process.		

12.6	REPORT TITLE:	RECYCLED WATER CUSTOMER CREDIT
	DATE OF MEETING:	3 FEBRUARY 2020
	FILE NUMBER:	DOC/20/2895
	ATTACHMENTS:	Nil
	<u>Key Contact</u>	Phil Burton, General Manager Infrastructure
	<u>Manager/Sponsor</u>	Deputy CEO/General Manager – Governance, Strategic Projects and Wastewater/Recycled Water

Mount Barker 2035 – District Strategic Plan:

Governance and Leadership

GL2: Corporate capacity and leadership

GL2.1 Demonstrate accountability through clear, relevant and easily accessible policies and corporate reporting

Annual Business Plan:

Governance and Leadership -Effective management and financial sustainability

Purpose:

To advise of errors in billing for two commercial recycled water customers and seek authorisation to issue credit notes.

Summary – Key Issues:

- An incorrect recycled water meter reading for one commercial customer resulted in an overcharge where a credit note and an invoice for the correct amount will need to be issued.
- Meter faults at another commercial customer resulted in an overcharge where a credit note and an invoice for the correct amount will need to be issued.
- Both customers have been contacted and advised of the errors and as such no payments have been made.
- Council is required to authorise credit amounts over \$5000.

Recommendation:

That Council:

1. Approve the issue of credit notes to reverse the incorrect invoices created for Arney of \$103,290.91 and Hillgrove of \$154,984.31.
2. Approve the issue of corrected invoices for Arney of \$20,496.29 and Hillgrove of \$63,246.51.

Background:

1. Council enters into commercial agreements for the supply of recycled water to customers.
2. These arrangements are authorised by Council resolution.

3. Customer recycled water meters are read by staff and the information is used to create invoices for customers based on that for usage on a monthly basis.
4. Arney (Shining Rock Winery) is a customer with one recycled meter supply point and Hillgrove is a customer with three recycled water meter supply points which are separately metered.

Discussion:

5. It should be noted that on being made aware of these invoicing discrepancies all recycled water invoices have been checked and verified as correct.
6. Errors in recycled water meter readings are very infrequent and there is only one other occasion where a credit note has been raised in recent memory.

Arney (Shining Rock Winery)

7. In October 2019, an error was made when reading the recycled water meter for Arney, with a recording of 80.4298ML and invoice raised for \$103,290.91 (as shown in the table below).
8. The correct meter reading was 29.697ML with a revised charge of \$20,496.29.
9. As a result of the above, a credit noted of \$103,290.91 and a revised invoice for \$20,496.29 are required to be raised and issued to the customer.

Hillgrove

10. In November 2019, the recycled water meters were read which resulted in usage of 170.970ML. and an invoice raised of \$154,984.31 (as shown in the table below).
11. Hillgrove queried this being higher usage than expected. A review of water pumped to Callington identified that the meter reading and corresponding invoice were incorrect.
12. In December 2019, it was identified that two of the recycled water meters were recording usage, but no water was being supplied. These meters are to be serviced/repaired.
13. The correct meter reading was 69.770ML , with a revised charge of \$63,246.51.
14. As a result of the above, a credit note of \$154,984.31 and a revised invoice for \$63,246.51 are required to be raised and issued to the customer.

Customer	Original Meter Reading (ML)	Original Invoiced Amount (\$)	Revised Meter Reading (ML)	Revised Invoiced Amount (\$)	Financial Impact of Amendment (\$)
Arney (Shining Rock Winery)	80.4298	\$103,290.91	29.697	\$20,496.29	(\$82,794.62)
Hillgrove	170.97	\$154,984.31	69.770	\$63,246.51	(\$91,737.80)
Total		\$258,275.22		\$83,742.80	(\$174,532.42)

Community Engagement:

Informing only	Information on Council's website Council Meetings
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Policy:

Accounts Receivable Guideline DOC/17/40167

Long Term Financial Plan:

No impact upon the Long Term Financial Plan.

Budget:

No impact on budget. The overall revenue forecast is expected to still be within budget following these adjustments.

Statutory/Legal:

The amounts will be corrected and customers will be billed in accordance with their recycled water use agreements.

Staff Resource Requirements:

Not Applicable.

Environmental:

Not Applicable

Social:

Not Applicable.

Risk Assessment:

There is a reputational risk of not reading meters correctly and issuing customers with the correct invoices. It has potential to erode the confidence the public have in our systems. Further there is a risk of not meeting regulatory requirements.

In order to address this risk, the activity of meter reading will be added to our internal audit program for wastewater and a number of internal controls put in place to check the customer usage before invoices are raised. Smart meters will also be contemplated for a trial in 2020/21.

Asset Management:

Not Applicable.

Conclusion:

Errors were made in charging due to human error and equipment error. The faulty flow meters will be repaired/replaced and sensibility checks will be introduced to better identify errors in the future.

Previous Decisions By/Information Reports to Council - NIL

Meeting Date	HPRM Reference	DOC/
Title		
Purpose		

12.7	REPORT TITLE:	BUDGET REVIEW AS AT 31 DECEMBER 2019
	DATE OF MEETING:	3 FEBRUARY 2020
	FILE NUMBER:	DOC/19/164764
	ATTACHMENTS	DOC/20/9736 BUDGET REVIEW 2 STATEMENTS FOR THE YEAR ENDING 30 JUNE 2020 AS AT 31 DECEMBER 2019
	<u>Key Contact</u>	Julie Scoggins, Manager Financial Services
	<u>Manager/Sponsor</u>	Alexander Oulianoff, Chief Financial Officer

Mount Barker 2035 – District Strategic Plan:

Governance and Leadership

GL:1 – Manage assets and liabilities through a planned, long term approach.

Annual Business Plan 2019/2020:

Impact as included in report.

Purpose:

To provide the Council with information on the actual results compared to the budget figures for the financial year ending 30 June 2020 as at 31 December 2019.

Summary – Key Issues:

The purpose of the budget review as at 31 December 2019 is to provide Council, the community and other interested parties, a record of the budgeted financial activities and the financial position of the Council, compared to the adopted annual budget for the year ending 30 June 2020.

Recommendation:

1. That Council adopts the attached revised budget for the year ending 30 June 2020 as at 31 December 2019 (Budget Review 2).
2. Authorises an application for a new convertible cash advance debenture facility of \$10,000,000 from the Local Government Finance Authority (LGFA) for a term of 10 years, and
3. authorises the Mayor and Chief Executive Officer to sign and affix Council's common seal to all appropriate documents.

Background:

The budget adopted by Council in July 2019 had an operating surplus before capital revenue of \$2,190k, capital revenue for new assets of \$15,057k, capital expenditure of \$40,043k and net (borrowing) of (\$13,348k).

The forecast capital expenditure for 2019/20 (including carry forwards from 2018/19 and reallocation of budget for the Environmental Services Centre and the Regional Sports Hub)

was \$42,481k as adopted at the Council meeting on 2 September 2019 with a corresponding net (borrowing) of (\$15,786k).

Budget Review 1 for the end of financial year was forecast to be a net operating result before capital revenues of \$822k, (\$1,368k) lower than the adopted budget (unfavourable variance), capital revenue for new assets of \$8,087k, capital expenditure of \$37,429k, and net (borrowing) of (\$18,938k), (\$5,590k) higher than the adopted budget (unfavourable variance).

This is the second review of the budget for the 2019/20 financial year and is as at 31 December 2019.

In line with Council's 2019/20 Annual Business Plan & Budget, and Long Term Financial Plan, a managed debt strategy is planned for the provision of funds for new and upgraded capital expenditure.

Council currently has 3 cash advance facilities (CAD), and 1 fixed term debenture (DEB).

Council's Treasury Policy provides for both fixed and variable interest rate borrowings to optimally meet its policy objective of minimising net interest costs on average over the longer term and at the same time managing interest rate movement risks within acceptable limits.

The Local Government Finance Authority (LGFA) is a specialist financial body which was established for the benefit of South Australian Councils and prescribed local government bodies. Over and above the competitive rates that are offered by the LGFA, the LGFA also provide a bonus payment to participating Councils based on average deposit and loan levels. In addition to the bonus the LGFA also provide Income Tax Equivalent payments to the LGA for Local Government Research and Development. The bonus and income tax equivalent payments have totalled over \$67m since inception.

Discussion:

1. The operating result as at 31 December 2019 before capital revenue is an operating surplus of \$1,462k, capital expenditure of \$10,830k and a net (borrowing) of (\$2,905k). This report reflects the second quarter of the financial year and includes an update of operating revenue and expense and changes to the budgeted capital revenue and expenditure for the financial year.

Draft Budget Review Statement of Uniform Presentation Of Finances:

2. The Draft Budget Review for the end of financial year is now forecast to be a net operating result before capital revenues of \$695k, (\$126k) lower than the adopted Budget Review 1 (unfavourable variance), capital revenue for new assets of \$8,123k, capital expenditure of \$36,191k, and net (borrowing) of (\$17,502k), \$1,436k lower than Budget Review 1 (favourable variance).
3. The major variances contributing to the net (borrowings) are as follows:

Operating Result:

Operating Revenue – \$286k or 0.6% higher than Budget Review 1 (favourable variance) – Including the following significant variances:

- a. **Grants, Subsidies and Contributions \$62k higher than Budget Review 1 (favourable variance)** – Including Green Industries grant \$34k and LGA Workers Compensation Scheme funding \$15k.
- b. **User Charges \$100k higher than Budget Review 1 (favourable variance)** – Mount Barker Caravan Park additional revenue of \$100k based on year to date performance (partly offset by additional related expenditure).
- c. **Statutory Charges \$52k higher than Budget Review 1 (favourable variance)** – Fine revenue not anticipated at the time of the budget.
- d. **Reimbursements (\$92k) lower than Budget Review 1 (unfavourable variance)** – Mainly due to expiry of agreement of TAFE following completion of the library refurbishment (\$100k) (offset by release of provision in expenditure).
- e. **Other Income \$163k higher than Budget Review 1 (favourable variance)** – Mainly due to unbudgeted reimbursement of \$171k.

Operating Expenditure (\$412k) higher than Budget Review 1 (unfavourable variance) – Including the following significant variances:

- f. **Depreciation (\$288k) higher than budget (unfavourable variance)** – Depreciation has increased due to additional gifted assets. (\$25,203k in Budget Review 2 based on year to date actual performance compared to Budget Review 1 \$5,824k).
- g. **Finance Costs \$200k lower than Budget Review 1 (favourable variance)** – Mainly due to the timing of capital works program.
- h. **Mount Barker Tourist Park (\$40k) higher than Budget Review 1 (unfavourable variance)** – Additional costs mainly related to increased forecast revenue (based on year to date performance).
- i. **Grant/contribution/reimbursement related expenditure (\$67k) higher than Budget Review 1 (unfavourable variance)** – Additional costs relating to revenue received in 2018/19 and this financial year.
- j. **Wastewater & Recycled Water Network/Treatment Plant Maintenance Programs/Chemicals (\$119k) higher than Budget Review 1 (unfavourable variance)** – Additional costs reflecting actual performance and scheduled programming for the balance of year.
- k. **Other (\$99k) higher than Budget Review 1 (unfavourable variance)** – Including backfilling of business critical roles (\$129k), release of provision for the expiry of agreement of TAFE following completion of the library refurbishment \$100k and community engagement review and tool (\$35k).

Draft Capital Expenditure & Revenue:

Capital Expenditure \$1,238k lower than including Budget Review 1 (favourable variance) - The revised draft capital expenditure total of \$36,191k is \$1,238k lower than the Budget Review 1 (as adopted on 4 November 2019)(favourable variance) and \$3,852k lower than the original (adopted) budget (favourable variance).

Asset Class	Budget \$'000	Budget	Draft Budget	Variance to BR1
		Review 1 \$'000	Review 2 \$'000	favourable/ (unfavourable) \$'000
Bridges & Culverts	340	368	382	(14)
Buildings Asset	6,191	4,843	4,767	77
Drainage Asset	355	530	243	288
Footpaths	804	1,685	923	762
Information Technology	119	138	138	
Land Assets	1,406	3,628	3,656	(27)
Plant	1,632	1,770	1,770	
Recreational Assets	17,522	14,686	15,022	(336)
Roads	3,679	5,131	4,640	491
Unsealed Roads	1,998	1,045	1,045	
Wastewater	5,175	2,786	2,786	
Recycled Water	820	820	821	(1)
Grand Total	40,043	37,429	36,191	1,238

- i. The key drivers for the \$1,238k reduction in this year's capital works program are:
- Partially Deferred Projects \$1,567k lower than Budget Review 1 (favourable variance)** – Including Linear Trail Extension to the Regional Sports Hub \$706k, Springs Road Stage 3 \$430k, Baker to Old Princes Highway Littlehampton - Stormwater Drainage Upgrade \$280k, Nairne Village Green \$75k, Hawthorn Road - Adelaide Road to Bollen Road + Silverwood and Bollen \$46k.
 - Previous Decisions Of Council (\$410k) higher than Budget Review 1 (unfavourable variance)** – Separable portions 1 and 2 for the Regional Hub as approved by Council at meetings on 14 October 2019 and 16 December 2019.
 - Completed Projects \$99k lower than Budget Review 1 (favourable variance)** - Shared Path Hurling Drive to Laratinga Trail Stage 2 PAC's \$39k, Hurling Trail Stage 3 \$24k, and Nairne Soldiers Memorial Hall - Stormwater Improvements \$21k.

Capital Revenue \$36k higher than Budget Review 1 (favourable variance).

Draft Budget Review Financial Indicators

4. A comparison of the draft budget review key financial indicators, which measure the financial sustainability and performance of Council, is 0.3% lower than Budget Review 1 for operating and 3.8% lower than Budget Review 1 for net financial liabilities and 5.49% lower than Budget Review 1 for asset renewal funding ratio.

Financial Indicator	Budget Review 1	Forecast	Policy Target
i. Operating surplus ratio	1.65%	1.39%	0-1%
ii. Net financial liabilities ratio	40.99%	37.18%	0-80%
iii. Asset renewal funding ratio	101.80%	96.31%	100%+

Draft Budget Loan Funded Borrowings:

5. As per the Treasury Management Policy, Council has historically made use of several convertible cash advance debentures (CCAD), which require interest payments only and enable any amount of principal to be repaid or drawn down at call (within the facility limit).
6. Council requires this new loan facility of \$10,000,000 as a consequence of adopting the original 2019/20 budget to fund the overall budget including the capital works program.
7. The facility will only be drawn down as and when required to meet Councils expenditure commitments.
8. A cash advance facility allows Council to draw down on cash when inflows are low, and also to repay the principal when inflows are high (i.e. when rates revenue has been received), allowing interest expenditure to be minimised over the life of the facility.
9. The interest rate may vary from time to time (e.g. when there is a movement in official short term interest rates), and the principal outstanding is not payable until maturity.
10. The loan funded borrowings of \$19,746k forecast for the year-end at Budget Review 2 are lower than Budget Review 1 of \$20,925k.

Community Engagement:

Informing only	The budget is available on Council's website
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Policy:

The Annual Business Plan assesses the financial requirements of the Council for the financial year and sets out a summary of its proposed operating expenditure, capital expenditure and sources of revenue and takes into account Council's long-term financial plan.

Long Term Financial Plan:

The Long Term Financial Plan (LTFP) provides for borrowings to meet cash flow requirements.

Budget:

This is the second budget review for the 2019/20 financial year as at 31 December 2019.

The Net (Borrowing) will be decreased by \$1,436k to (\$17,502k) compared to Budget Review 1.

The forecast cash position of \$1,536k is \$613k higher than Budget Review 1 of \$923k.

The loan funded borrowing position at Budget Review 2 is \$19,746k, which is \$1,179k lower than the Budget Review 1 of \$20,925k.

Statutory/Legal:

The *Local Government Financial Regulations 2011* Part 2 Section 9 requires Council to reconsider its budget at least three times between 31 December and the 31 May.

Staff Resource Requirements:

As per budget/strategic plan – no comment applicable to this report.

Environmental:

As per budget/strategic plan – no comment applicable to this report.

Social:

As per budget/strategic plan – no comment applicable to this report.

Risk Assessment:

The *Local Government Act 1999* requires that Council assesses the financial requirements of the Council for the financial year and sets out a summary of its proposed operating expenditure, capital expenditure and sources of revenue and takes into account the Council's long-term financial plan and relevant issues relating to the management and development of infrastructure and major assets by the Council.

Asset Management:

The Annual Estimates address issues relating to the management and development of infrastructure and major assets of Council.

Conclusion:

It is a legislative requirement that Council reconsiders its budget at regular intervals during the year. The budget assesses the financial requirements of Council for the financial year, it provides stability and certainty of financial outcomes and ensures continuation of delivery of essential community services and the efficient operation of infrastructure while maintaining a sound financial position.

The major impacts on the budget at this review are;

- **2019/20 Operating Result** – The net impact of additional operating revenue reflecting year to date performance and lower finance costs, have been more than offset by additional expenditure including: additional depreciation from gifted assets, revenue associated expenditure and Wastewater and Recycled Water operating expenditure.
- **2019/20 Capital Expenditure Changes** - Net impact of changes to the capital works program including the partial deferrals of projects to 2020/21, partly offset by additional funding for the Regional Sports Hub.

In reviewing the budget estimates Council's financial sustainability has been monitored and maintained ensuring the key financial indicators remain within Council's adopted ratios. There will be a third Budget Review presented at the Council Meeting in May.

Previous Decisions By/Information Reports to Council

Meeting Date	4 November 2019	HPRM Reference	DOC/19/130650
Title	BUDGET REVIEW AS AT 30 SEPTEMBER 2019		
Purpose	To provide the Council with information on the actual results compared to the budget figures for the financial year ending 30 June 2020 as at 30 September 2019.		
Meeting Date	2 September 2019	HPRM Reference	DOC/19/99776
Title	CARRY FORWARD 2018/19 CAPITAL WORK IN PROGRESS BUDGETS		
Purpose	To provide the Council with the capital work in progress for the financial year ending 30 June 2019 to be carried forward to the 2019/20 budget.		

Attachment 1 to Item 12.7



MOUNT BARKER
DISTRICT COUNCIL

Budgeted Financial Statements

for the Period ended 31 December 2019

Mount Barker District Council

Statement of Comprehensive Income
for the Period ended 31 December 2019

YTD 2019	\$ '000	YTD 2020	Budget 2020	Budget Review One 2020	Draft Budget Review Two 2020
Income					
19 733	Rates Revenues	20 971	41 957	41 950	41 950
605	Statutory Charges	694	1 411	1 391	1 443
1 290	User Charges	1 501	2 328	2 378	2 478
1 504	Grants, Subsidies and Contributions	940	3 402	3 146	3 209
123	Investment Income	78	80	80	80
238	Reimbursements	223	496	496	404
194	Other Income	130	404	404	567
-	Net Gain - Equity Accounted Council Businesses	-	-	-	-
23 687	Total Income	24 538	50 077	49 845	50 131
Expenses					
7 595	Employee Costs	7 663	16 467	16 446	16 472
10 001	Materials, Contracts & Other Expenses	10 448	21 543	22 565	22 864
4 311	Depreciation, Amortisation & Impairment	4 816	9 178	9 312	9 600
159	Finance Costs	148	700	700	500
-	Net loss - Equity Accounted Council Businesses	-	-	-	-
22 067	Total Expenses	23 076	47 888	49 024	49 436
1 621	Operating Surplus / (Deficit)	1 462	2 190	822	695
220	Asset Disposal & Fair Value Adjustments	59	(1 186)	(1 186)	(1 186)
3 761	Amounts Received Specifically for New or Upgraded Assets	1 501	15 057	8 087	8 123
-	Physical Resources Received Free of Charge	25 203	5 824	5 824	25 203
5 602	Net Surplus / (Deficit)	28 226	21 885	13 547	32 836

Mount Barker District Council

Statement of Financial Position
for the Period ended 31 December 2019

2019	\$ '000	2020	Budget 2020	Budget Review One 2020	Draft Budget Review Two 2020
ASSETS					
Current Assets					
8 678	Cash & Cash Equivalents	8 506	3 978	923	1 536
5 401	Trade & Other Receivables	22 115	4 000	4 000	4 000
2	Inventories	7	7	7	7
14 081	Subtotal	30 628	7 985	4 930	5 543
2 223	Non-Current Assets Held for Sale	2 223	2 223	2 223	2 223
16 304	Total Current Assets	32 851	10 208	7 153	7 766
Non-Current Assets					
1 508	Financial Assets	1 508	1 504	1 504	1 504
407	Equity Accounted Investments In Council Business	407	271	407	407
516 369	Infrastructure, Property, Plant & Equipment	537 151	574 324	554 454	571 951
9 532	Other Non-Current Assets	19 880	3 933	3 933	3 933
527 816	Total Non-Current Assets	558 946	580 032	560 298	577 795
544 119	TOTAL ASSETS	591 797	590 240	567 450	585 561
LIABILITIES					
Current Liabilities					
7 078	Trade & Other Payables	3 903	3 401	3 401	3 401
	Revenue in Advance	21 390	17	17	17
218	Borrowings	610	218	229	1 229
2 281	Provisions	2 176	2 255	2 255	2 255
9 577	Total Current Liabilities	28 079	5 891	5 902	6 902
Non-Current Liabilities					
6 733	Non Current Borrowings	7 683	24 705	20 696	18 517
407	Non Current Provisions	407	261	261	261
7 140	Total Non-Current Liabilities	8 091	24 966	20 957	18 778
16 717	TOTAL LIABILITIES	36 170	30 857	26 859	25 680
527 402	Net Assets	555 627	559 382	540 591	559 881
EQUITY					
210 532	Accumulated Surplus	238 755	224 744	224 077	243 366
294 984	Asset Revaluation Reserves	294 985	318 258	294 985	294 985
21 886	Other Reserves	21 886	16 380	21 530	21 530
527 402	Total Council Equity	555 627	559 382	540 591	559 881

Mount Barker District Council

Statement of Cash Flows

for the Period ended 31 December 2019

2019	\$ '000	2020	Budget 2020	Budget Review One 2020	Draft Budget Review Two 2020
Cash Flows from Operating Activities					
Receipts					
47 612	Operating Receipts	29 099	50 997	51 148	51 434
201	Investment receipts	78	80	80	80
Payments					
(34 820)	Operating payment to suppliers & employees	(21 360)	(38 380)	(43 188)	(43 156)
(317)	Finance payment	(148)	(700)	(700)	(500)
12 676	Net Cash provided by (or used in) Operating Activities	7 669	11 997	7 340	7 858
Cash Flows from Investing Activities					
Receipts					
8 806	Amounts Specifically for New or Upgraded Assets	1 501	15 057	8 087	8 123
288	Proceeds from Sale of Replaced Assets	146	270	270	270
568	Proceeds from Sale of Surplus Assets				
2	Repayment of Loans by Community Groups		4	4	4
Payments					
(7 164)	Expenditure on Renewal/Replacement of Assets	(2 403)	(10 370)	(8 814)	(8 353)
(13 361)	Expenditure on New/Upgraded Assets	(8 427)	(29 673)	(28 616)	(27 838)
	Loans Made to Community Groups				
(10 862)	Net Cash provided by (or used in) Investing Activities	(9 183)	(24 712)	(29 068)	(27 794)
Cash Flows from Financing Activities					
Receipts					
	Proceeds from Borrowings	1 527	13 110	14 339	13 110
123	Proceeds from Bonds & Deposits				
Payments					
(197)	Repayment of Borrowings	(184)		(365)	(315)
(74)	Net Cash provided by (or used in) Financing Activities	1 343	13 110	13 974	12 795
1 740	Net Increase (Decrease) in Cash Held	(172)	396	(7 755)	(7 142)
6 938	Cash & Cash Equivalents at Beginning of Period	8 678	3 582	8 678	8 678
8 678	Cash & Cash Equivalents at end of period	8 506	3 978	923	1 536

Mount Barker District Council

Notes to and forming part of the
Financial Statements
for the Period ended 31 December 2019

Financial Indicators

2019	\$ '000	Draft Budget Review Two 2020	Budget 2020	Budget Review One 2020	Draft Budget Review Two 2020
<p>These Financial Indicators have been calculated in accordance with prepared as part of the LGA Financial Sustainability Program for the Local Government Association of South Australia.</p>					
1. Operating Surplus Ratio					
6.98%	Operating Surplus	695	4.37%	1.65%	1.39%
	Total Operating Revenue	50 131			
2. Net Financial Liabilities Ratio					
2.28%	Net Financial Liabilities	18 640	42.69%	40.99%	37.18%
	Total Operating Revenue	50 131			
3. Asset Renewal Funding Ratio					
78.19%	Net Asset Renewals	8 083	123.55%	101.80%	96.31%
	Infrastructure & Asset Management Plan required expenditure	8 393			

Mount Barker District Council

Notes to and forming part of the
Financial Statements
for the Period ended 31 December 2019

Uniform Presentation of Finances

2019	\$ '000	2020	Budget 2020	Budget Review One 2020	Draft Budget Review Two 2020
49 540	Income	24 538	50 077	49 845	50 131
(46 081)	less Expenses	(23 076)	(47 888)	(49 024)	(49 436)
3 459	Operating Surplus / (Deficit)	1 462	2 190	822	695
	less Net Outlays on Existing Assets				
	Capital Expenditure on Renewal and Replacement of				
(7 164)	Existing Assets	(2 403)	(10 370)	(8 814)	(8 353)
8 976	less Depreciation, Amortisation and Impairment	4 816	9 178	9 312	9 600
288	less Proceeds from Sale of Replaced Assets	146	270	270	270
2 100	Subtotal	2 560	(922)	768	1 517
	less Net Outlays on New and Upgraded Assets				
(13 361)	Capital Expenditure on New and Upgraded Assets less Amounts Received Specifically for New and	(8 427)	(29 673)	(28 616)	(27 838)
8 806	Upgraded Assets	1 501	15 057	8 087	8 123
568	less Proceeds from Sale of Surplus Assets				
(3 988)	Subtotal	(6 926)	(14 616)	(20 528)	(19 715)
1 571	Net Lending / (Borrowing) for Financial Year	(2 905)	(13 348)	(18 938)	(17 502)

Mount Barker District Council

Capital Expenditure

for the Period ended 31 December 2019

\$ '000	YTD	Budget	Budget	Draft Budget
	2020	2020	Review One 2020	Review Two 2020
Grand Total	10 830	40 043	37 429	36 191
Capital Renewal				
Bridges & Culverts	16	340	340	370
Buildings Asset	172	916	963	885
Drainage Asset		284		
Footpaths	3	383	409	416
Plant & Equipment	656	1 333	1 487	1 487
Recreational Assets	15	142	125	120
Recycled Water	15	20	20	21
Roads	1 130	3 313	4 167	3 753
Unsealed Roads	213	1 509	1 045	1 045
Wastewater	183	2 128	257	257
Total Capital Renewal	2 403	10 370	8 814	8 353
New Capital				
Bridges & Culverts			28	12
Buildings Asset	2 478	5 275	3 880	3 882
Drainage Asset	156	71	530	243
Footpaths	313	421	1 276	507
Land Assets	3 409	1 406	3 628	3 656
Plant & Equipment	327	418	421	421
Recreational Assets	779	17 380	14 560	14 902
Recycled Water	54	800	800	800
Roads	361	366	963	887
Unsealed Roads		489		
Wastewater	553	3 047	2 529	2 529
Total New Capital	8 427	29 673	28 616	27 838

Council excluding Wastewater & Recycled Water

Statement of Comprehensive Income for the Period ending 31 December 2019

YTD 2019	\$ '000	YTD 2020	Budget 2020	Draft Budget Review 2 2020
Income				
16 664	Rates Revenues	17 588	35 196	35 204
588	Statutory Charges	668	1 371	1 423
846	User Charges	987	1 828	1 920
1 504	Grants, Subsidies and Contributions	940	3 402	3 209
117	Investment Income	78	80	80
233	Reimbursements	223	496	404
194	Other Income	130	404	567
20 145	Total Income	20 615	42 776	42 807
Expenses				
7 134	Employee Costs	7 193	15 533	15 396
8 791	Materials, Contracts & Other Expenses	8 317	18 644	18 953
3 640	Depreciation, Amortisation & Impairment	4 126	7 759	8 179
159	Finance Costs	148	700	500
19 724	Total Expenses	19 785	42 636	43 028
421	Operating Surplus / (Deficit)	830	141	(221)
311	Full Cost Attribution Recovery - Wastewater	377	703	784
	Cost of Capital Recovery - Wastewater	470	363	484
732	Net Operating Surplus / (Deficit)	1 677	1 207	1 047
220	Asset Disposal & Fair Value Adjustments	59	(971)	(1 401)
1 789	Amounts Received Specifically for New or Upgraded Assets	776	12 703	5 769
	Physical Resources Received Free of Charge	19 026	4 540	19 026
2 741	Net Surplus / (Deficit)	21 539	17 479	24 442

Council excluding Wastewater & Recycled Water

Statement of Financial Position for the Period ending 31 December 2019

2019	\$ '000	2020	Budget 2020	Draft Budget Review 2 2020
ASSETS				
Current Assets				
15	Cash & Cash Equivalents	460	1 220	267
4 347	Trade & Other Receivables	21 061	2 747	2 301
2	Inventories	7	7	7
4 364	Subtotal	21 528	3 974	2 575
2 223	Non-Current Assets Held for Sale	2 223	2 223	2 223
6 587	Total Current Assets	23 751	6 197	4 798
Non-Current Assets				
1 508	Financial Assets	1 508	1 504	1 504
407	Equity Accounted Investments In Council Business	407	271	407
435 084	Infrastructure, Property, Plant & Equipment	449 560	486 789	482 088
7 897	Other Non-Current Assets	18 245	1 181	2 298
444 896	Total Non-Current Assets	469 720	489 746	486 297
451 483	TOTAL ASSETS	493 471	495 943	491 095
LIABILITIES				
Current Liabilities				
6 239	Trade & Other Payables	3 099	2 667	2 667
35	Revenue in Advance	21 390	17	17
218	Borrowings	610	218	1 229
2 200	Provisions	2 095	2 164	2 167
8 692	Total Current Liabilities	27 194	5 066	6 080
Non-Current Liabilities				
6 733	Non Current Borrowings	8 683	27 627	25 017
290	Non Current Provisions	290	143	147
7 023	Total Non-Current Liabilities	8 974	27 770	25 164
15 715	TOTAL LIABILITIES	36 168	32 836	31 244
435 768	Net Assets	457 303	463 106	459 851
EQUITY				
144 621	Accumulated Surplus	166 157	154 192	169 061
269 260	Asset Revaluation Reserves	269 262	292 534	269 262
21 886	Other Reserves	21 886	16 380	21 530
435 768	Total Council Equity	457 304	463 106	459 851

Council excluding Wastewater & Recycled Water

Statement of Cash Flows for the Period ending 31 December 2019

2019	\$ '000	2020	Budget 2020	Draft Budget Review 2 2020
Cash Flows from Operating Activities				
Receipts				
40 443	Operating Receipts	25 176	43 309	44 326
201	Investment receipts	78	80	80
483	Cost of Capital Recovery - Wastewater	470	363	484
Payments				
(30 261)	Operating payment to suppliers & employees	(18 383)	(34 549)	(37 319)
(317)	Finance payment	(148)	(700)	(500)
10 549	Net Cash provided by (or used in) Operating Activities	7 193	8 503	7 071
Cash Flows from Investing Activities				
Receipts				
5 042	Amounts Specifically for New or Upgraded Assets	776	12 703	6 197
288	Proceeds from Sale of Replaced Assets	146	270	270
568	Proceeds from Sale of Surplus Assets			
2	Repayment of Loans by Community Groups		4	4
Payments				
(4 267)	Expenditure on Renewal/Replacement of Assets	(2 204)	(8 222)	(8 075)
(13 660)	Expenditure on New/Upgraded Assets	(7 807)	(25 826)	(24 509)
(12 027)	Net Cash provided by (or used in) Investing Activities	(9 089)	(21 071)	(26 113)
Cash Flows from Financing Activities				
Receipts				
123	Proceeds from Borrowings	1 527	13 110	13 110
	Proceeds from Internal Borrowings	1 000		6 500
Payments				
(197)	Repayment of Borrowings	(184)	(322)	(315)
(74)	Net Cash provided by (or used in) Financing Activities	2 343	12 788	19 295
(1 552)	Net Increase (Decrease) in Cash Held	446	220	252
1 568	Cash & Cash Equivalents at Beginning of Period	15	1 000	15
15	Cash & Cash Equivalents at end of period	460	1 220	267

Council excluding Wastewater & Recycled Water

Notes to and forming part of the Financial Statements

for the Period ending 31 December 2019

Financial Indicators

2019	\$ '000	Draft BR2 2020	Budget 2020	Draft Budget Review 2 2020
<p>These Financial Indicators have been calculated in accordance with prepared as part of the LGA Financial Sustainability Program for the Local Government Association of South Australia.</p>				
1. Operating Surplus Ratio				
3.63%	Operating Surplus	1 047		
	Total Operating Revenue	42 807	2.82%	2.45%
	<i>revenue</i>			
2. Net Financial Liabilities Ratio				
48.87%	Net Financial Liabilities	27 172		
	Total Operating Revenue	42 807	63.97%	63.48%
3. Asset Sustainability Ratio				
72.45%	Net Asset Renewals	7 805		
	Infrastructure & Asset Management Plan required expenditure	7 173	114.62%	108.81%

Council excluding Wastewater & Recycled Water

Notes to and forming part of the Financial Statements

for the Period ending 31 December 2019

Uniform Presentation of Finances

2019	\$ '000	YTD 2020	Budget 2020	Draft Budget Review 2 2020
45 998	Income	20 615	42 777	42 807
(43 739)	less Expenses	(19 785)	(42 636)	(43 028)
311	FCA - Wastewater	377	703	784
2 570	Operating Surplus / (Deficit)	1 207	844	563
	less Net Outlays on Existing Assets			
	Capital Expenditure on Renewal and Replacement of			
(4 267)	Existing Assets	(2 204)	(8 222)	(8 075)
8 305	less Depreciation, Amortisation and Impairment	4 126	7 759	8 179
288	less Proceeds from Sale of Replaced Assets	146	270	270
4 326	Subtotal	2 069	(193)	374
	less Net Outlays on New and Upgraded Assets			
(13 660)	Capital Expenditure on New and Upgraded Assets	(7 807)	(25 826)	(24 509)
	less Amounts Received Specifically for New and Upgraded			
5 042	Assets	776	12 703	6 197
568	less Proceeds from Sale of Surplus Assets			
	Cost of Capital Recovery - Wastewater	470	363	484
(8 050)	Subtotal	(6 561)	(12 759)	(17 828)
(1 154)	Net Lending / (Borrowing) for Financial Year	(3 286)	(12 108)	(16 890)

Wastewater & Recycled Water

Statement of Comprehensive Income

for the Period ending 31 December 2019

YTD 2019	\$ '000	YTD 2020	Budget 2020	Draft Budget Review 2 2020
Income				
3 069	Rates Revenues	3 383	6 760	6 746
17	Statutory Charges	26	40	20
444	User Charges	514	500	558
6	Investment Income			
5	Reimbursements			
3 542	Total Income	3 923	7 300	7 324
Expenses				
461	Employee Costs	470	934	1 076
1 210	Materials, Contracts & Other Expenses	2 131	2 899	3 911
671	Depreciation, Amortisation & Impairment	690	1 419	1 421
2 342	Total Expenses	3 291	5 252	6 408
1 200	Operating Surplus / (Deficit)	632	2 048	916
311	Full Cost Attribution	377	703	784
	Cost of Capital	470	363	484
890	Net Operating Surplus / (Deficit)	(214)	982	(351)
	Asset Disposal & Fair Value Adjustments		(215)	215
1 972	Amounts Received Specifically for New or Upgraded Assets	725	2 354	2 354
	Physical Resources Received Free of Charge	6 177	1 284	6 177
2 863	Net Surplus / (Deficit)	6 689	4 405	8 396

Wastewater & Recycled Water

Statement of Financial Position

for the Period ending 31 December 2019

2019	\$ '000	2020	Budget 2020	Draft Budget Review 2 2020
ASSETS				
Current Assets				
8 663	Cash & Cash Equivalents	8 045	2 757	1 269
1 054	Trade & Other Receivables	1 054	1 253	1 699
9 717	Subtotal	9 099	4 010	2 967
9 717	Total Current Assets	9 099	4 010	2 967
Non-Current Assets				
	Internal Loan to Council	1 000	2 922	6 500
81 285	Infrastructure, Property, Plant & Equipment	87 591	87 535	89 863
1 635	Other Non-Current Assets	1 635	2 752	1 635
82 920	Total Non-Current Assets	90 226	93 209	97 998
92 637	TOTAL ASSETS	99 325	97 219	100 966
LIABILITIES				
Current Liabilities				
804	Trade & Other Payables	804	734	734
81	Provisions	81	91	88
885	Total Current Liabilities	885	825	822
Non-Current Liabilities				
117	Non Current Provisions	117	118	114
117	Total Non-Current Liabilities	117	118	114
1 002	TOTAL LIABILITIES	1 002	943	936
91 635	Net Assets	98 322	96 276	100 029
EQUITY				
65 911	Accumulated Surplus	72 598	70 552	74 305
25 724	Asset Revaluation Reserves	25 724	25 724	25 724
91 635	Total Council Equity	98 322	96 276	100 029

Wastewater & Recycled Water

Statement of Cash Flows

for the Period ending 31 December 2019

2019	\$ '000	2020	Budget 2020	Draft Budget Review 2 2020
Cash Flows from Operating Activities				
Receipts				
7 169	Operating Receipts	3 923	7 688	7 108
Payments				
(4 559)	Operating payment to suppliers & employees	(2 977)	(3 831)	(5 837)
(483)	Cost of Capital	(470)	(363)	(484)
2 127	Net Cash provided by (or used in) Operating Activities	476	3 494	787
Cash Flows from Investing Activities				
Receipts				
3 764	Amounts Specifically for New or Upgraded Assets	725	2 354	1 926
Payments				
(2 897)	Expenditure on Renewal/Replacement of Assets	(199)	(2 148)	(278)
299	Expenditure on New/Upgraded Assets	(620)	(3 847)	(3 329)
1 166	Net Cash provided by (or used in) Investing Activities	(94)	(3 641)	(1 681)
Cash Flows from Financing Activities				
Receipts				
	Proceeds from Internal Borrowings		322	
Payments				
	Provision of Internal Borrowings	(1 000)		(6 500)
	Net Cash provided by (or used in) Financing Activities	(1 000)	322	(6 500)
3 293	Net Increase (Decrease) in Cash Held	(618)	175	(7 394)
5 370	Cash & Cash Equivalents at Beginning of Period	8 663	2 582	8 663
8 663	Cash & Cash Equivalents at end of period	8 045	2 757	1 269

Wastewater & Recycled Water

Notes to and forming part of the Financial Statements

for the Period ending 31 December 2019

Financial Indicators

2019	\$ '000	Draft BR2 2020	Budget 2020	Draft Budget Review 2 2020
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These Financial Indicators have been calculated in accordance with prepared as part of the LGA Financial Sustainability Program for the Local Government Association of South Australia.

1. Operating Surplus Ratio

25.12%	Operating Surplus	(351)		
	Total Operating Revenue	7 324	13.45%	(4.79%)

revenue

2. Net Financial Liabilities Ratio

(246.07%)	Net Financial Liabilities	(8 532)		
	Total Operating Revenue	7 324	(82.05%)	(110.91%)

3. Asset Sustainability Ratio

	Net Asset Renewals	278		
113.81%	Infrastructure & Asset Management Plan required expenditure	1 220	176.07%	22.77%

Wastewater & Recycled Water

Notes to and forming part of the Financial Statements

for the Period ending 31 December 2019

Uniform Presentation of Finances

2019	\$ '000	YTD 2020	Budget 2020	Draft Budget Review 2 2020
3 542	Income	3 923	7 300	7 324
(2 342)	less Expenses	(3 291)	(5 252)	(6 408)
(311)	FCA - Wastewater	(377)	(703)	(784)
889	Operating Surplus / (Deficit)	255	1 346	132
	less Net Outlays on Existing Assets			
	Capital Expenditure on Renewal and Replacement of			
(2 897)	Existing Assets	(199)	(2 148)	(278)
671	less Depreciation, Amortisation and Impairment	690	1 419	1 421
(2 226)	Subtotal	491	(729)	1 143
	less Net Outlays on New and Upgraded Assets			
299	Capital Expenditure on New and Upgraded Assets	(620)	(3 847)	(3 329)
	less Amounts Received Specifically for New and Upgraded			
3 764	Assets	725	2 354	1 926
	Cost of Capital - Wastewater	(470)	(363)	(484)
4 063	Subtotal	(365)	(1 856)	(1 887)
2 726	Net Lending / (Borrowing) for Financial Year	381	(1 239)	(612)

12.8	REPORT TITLE:	WARD DONATIONS
	DATE OF MEETING:	3 FEBRUARY 2020
	FILE NUMBER:	DOC/19/110217
	ATTACHMENTS:	NIL
	<u>Key Contact</u>	Sue Miller, Executive Assistant to Chief Executive Officer & Mayor
	<u>Manager/Sponsor</u>	Andrew Stuart, Chief Executive Officer

Mount Barker 2035 – District Strategic Plan:

Governance and Leadership

Annual Business Plan:

Nil

Purpose

To allocate ward donation funds to individuals or organisations.

Summary – Key Issues

- Council has budgeted an amount for 2019/20 of \$15,951 which equates to \$1450 for each Council Member to allocate to individuals and/or groups at the Council Members’ discretion. This is known as a Ward Allowance.
- Council Members may nominate groups or individuals to receive a Ward donation from their allowance at each Council meeting.

Recommendation

That Council will make the following donations, given that each Member nominating the donation has given careful consideration to whether there is a conflict of interest:

Council Member	Amount	Group/ Individual	Purpose

Background

1. Council receives many requests for assistance from individuals, community members and community groups. Requests may be received by Council Members via telephone, letter or via email, or direct to Council.

2. Council has budgeted an amount for 2019/20 of \$15,951 which equates to \$1450 for each Council Member to allocate to individuals and groups at the Council Members' discretion. This is known as a Ward Allowance.
3. The Representation Review process (completed in September 2013) ensures equal representation (Council Member per elector) in each Ward. No change was made to the number of Councillors in each Ward. This process ensures the amount of Ward Allowance available to the community is equal between each of the Wards. A further Representation Review process is scheduled to begin in October 2020.
4. At the end of each financial year, a report of the expenditure of Ward Allowances will be reported to Council.

Ward Donation Procedures

5. Members receive a print-out indicating how much is still to be spent.
6. Individual members of the community or community groups may require small financial assistance for projects/initiatives of community interest and benefit from Council.
7. These requests should be made directly to the Mayor and/ or Council Members for their consideration / assessment.
8. Any requests received directly by Council will be acknowledged by the Executive Assistant to the Chief Executive Officer and Mayor, and advised that any such requests received will be provided to all Council Members who may choose to contribute some funds from their annual Ward Allowance.
9. When determining donations, Council Members should consider the community interest / benefit to be received and enjoyed by the community at large as a result of that donation.
10. As per section S73-75A of the Local Government Act 1999 Council Members should also consider and assess any material, actual or perceived conflict of interest as a result of making a particular donation or voting on the donations.
11. At each Council Meeting, Council Members may nominate members of the community or community groups to receive a donation from their Ward Allowance. These donations are reflected in the Council meeting minutes, available on Council's website www.mountbarker.sa.gov.au
12. Council Members are encouraged to advise the Executive Assistant to the Chief Executive Officer and Mayor as soon as possible of any requests for ward donations received in advance of Council meetings in order for such requests to be included in the Council meeting agenda. The form can be found on the extranet under Forms.
13. When making a donation in the Council Meeting, the Council Member should:
 - a. Declare who the donation is to be made to, the amount and the purpose of the donation; and
 - b. Complete and submit a Ward Donation Form to the Minute Secretary (Sue Miller).

Community Engagement

Informing only	Notification by way of Council minutes. Recipients will be notified of any donation.
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Policy

There are currently no Council Policies in relation to Ward Donations.

Long Term Financial Plan:

Nil

Budget

The budget allocation for Ward Donations is \$15,951 which equates to \$1450 recommended expenditure by each Council Member. Any unallocated ward allowance balance is not carried over to the next financial year.

Statutory/Legal

There are no statutory/legal implications or requirements in relation to Ward Donations.

Section 73-75A of the Local Government Act 1999:

However, Council Members should be mindful of material, actual or perceived conflict of interest that may arise as a result of making a ward donation.

Staff Resource Requirements

This is incorporated into the existing responsibilities of the finance staff.

Environmental

There are no environmental implications arising from this report or its recommendations.

Social

Ward donations enable individual members of the community and community groups to request small donations to assist with their endeavours.

Risk Assessment:

It is the responsibility of each Council Member to assess the risks association with the ward donations.

Asset Management:

There are no asset management implications arising from this report or its recommendations.

Conclusion

Council Members have the opportunity to make ward donations.

1. The project is to develop Council's Disability and Inclusion Plan (DaIP) to adhere with the legislative requirements of the Act.
2. The overall aim is to enable the full inclusion of people with disability in community life, providing improved access to mainstream supports and services, empowering individuals to reach their full potential as citizens and recognising the value of their contribution to society.
3. To achieve this we will need a whole of Council commitment, embedding the principles of the Act in everything we do, fostering a culture of inclusion and acceptance across the organisation. The benefits of this culture will spread beyond people with a disability, improving access and inclusion for all community members.
4. In accordance with the Act the DaIP will be developed in consultation with people with disability, those representing the interests of people with disability and members of the public.
5. The Plan will recognise the state Disability Inclusion Plan (Attachment 2) and will consider the additional disadvantage experienced by women, children, Aboriginal and Torres Strait Islander peoples and our culturally and linguistically diverse communities with disability.
6. The DaIP will establish measures to ensure people with disability can access our mainstream supports and services (and those provided on our behalf) and will develop strategies to support people with disability in the following areas:
 - a. Access to built environs, events and facilities,
 - b. Access to information and communications,
 - c. Addressing the specific needs of people with disability in our programs and services, and
 - d. Employment.
7. The outcomes will be:
 - a. Delivery of the Mount Barker Disability and Inclusion Plan 2020 – 2024 (the plan) by 31 October 2020.
 - b. Development of an Access and Inclusion Implementation Action Plan which captures the actions, related recommendations and staff development required to achieve the objectives of the plan.
 - c. Development of an Access and Inclusion Checklist to support staff in considering these elements in all that we do.

Conclusion:

Council officers will develop a DaIP which seeks to guide an increase in the ease of access and inclusion for all community members over the next 4 years. The draft plan will be developed to a point where it is considered suitable to form the basis of community consultation and will then be recommended to Council to authorise community consultation on the plan. Following community consultation the final DaIP will be presented to Council for endorsement.

Previous Decisions By/Information Reports to Council NIL

Meeting Date		HPRM Reference	DOC/
Title			
Purpose			

Version: 1.7.2018

Attachment 1 to Item 13.1

South Australia

Disability Inclusion Act 2018

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

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Interpretation
- 4 Interaction with other laws
- 5 Act to bind, and impose criminal liability on, the Crown
- 6 Part 2 etc not to create legally enforceable rights etc

Part 2—Objects and principles

- 7 Act to support United Nations Convention on the Rights of Persons with Disabilities etc
- 8 Objects
- 9 Principles

Part 3—Administration

- 10 Functions of Chief Executive
- 11 Powers of delegation
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Part 4—State Disability Inclusion Plan

- 13 State Disability Inclusion Plan
- 14 Annual report on operation of State Disability Inclusion Plan
- 15 Review of State Disability Inclusion Plan

Part 5—Disability access and inclusion plans

- 16 Disability access and inclusion plans
- 17 Annual report on operation of disability access and inclusion plan
- 18 Review of disability access and inclusion plans

Disability Inclusion Act 2018—1.7.2018Contents

Part 6—Screening of persons working with people with disability

- 19 Interpretation
- 20 Working with people with disability
- 21 Certain persons prohibited from working with people with disability
- 22 Working with people with disability without current screening check prohibited
- 23 Regulations to set out scheme for screening checks

Part 7—Community Visitor Scheme

- 24 Community Visitor Scheme

Part 8—National Disability Insurance Scheme

- 25 Regulations for the purpose of implementing etc the National Disability Insurance Scheme

Part 9—Information gathering and sharing

- 26 Chief Executive may require State authority to provide report
- 27 Sharing of information between certain persons and bodies
- 28 Interaction with *Public Sector (Data Sharing) Act 2016*

Part 10—Miscellaneous

- 29 Confidentiality
- 30 Victimisation
- 31 Service
- 32 Review of Act
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Schedule 1—Related amendments, transitional provisions and repeal**Part 1—Preliminary**

- 1 Amendment provisions

Part 2—Amendment of *Carers Recognition Act 2005*

- 2 Amendment of section 5—Meaning of carer

Part 3—Amendment of *Disability Services Act 1993*

- 3 Repeal of sections 5B and 5C

Part 4—Amendment of *Intervention Orders (Prevention of Abuse) Act 2009*

- 4 Amendment of section 3—Interpretation

Part 5—Repeal of *Disability Services Act 1993*

- 5 Repeal of *Disability Services Act 1993*

Legislative history

The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Disability Inclusion Act 2018*.

2—Commencement

- (1) This Act will come into operation on a day to be fixed by proclamation.
- (2) Section 7(5) of the *Acts Interpretation Act 1915* does not apply to this Act or to a provision of this Act.

3—Interpretation

- (1) In this Act, unless the contrary intention appears—

Chief Executive means the Chief Executive of the administrative unit of the Public Service that is responsible for assisting a Minister in the administration of this Act;

community visitor means a community visitor appointed under Part 7;

disability, in relation to a person, includes long-term physical, psycho-social, intellectual, cognitive, neurological or sensory impairment, or a combination of any of these impairments, which in interaction with various barriers may hinder the person's full and effective participation in society on an equal basis with others;

disability access and inclusion plan, in relation to a State authority, means the disability access and inclusion plan, as in force from time to time, prepared by the State authority under section 16;

National Disability Insurance Scheme or **NDIS** means the National Disability Insurance Scheme under the *National Disability Insurance Scheme Act 2013* of the Commonwealth;

State authority means—

- (a) an administrative unit (within the meaning of the *Public Sector Act 2009*); or
- (b) an agency or instrumentality of the Crown, or agency or instrumentality of the Crown of a class, prescribed by the regulations for the purposes of this paragraph; or
- (c) a local council constituted under the *Local Government Act 1999*; or
- (d) any other person or body, or person or body of a class, declared by the regulations to be included in the ambit of this paragraph for the purposes of this Act,

but does not include a person or body, or person or body of a class, declared by the regulations to be excluded from the ambit of this definition for the purposes of this Act;

State Disability Inclusion Plan means the State Disability Inclusion Plan prepared under section 13, as in force from time to time.

Disability Inclusion Act 2018—1.7.2018Part 1—Preliminary

- (2) For the purposes of this Act, a reference to *mainstream supports and services* will be taken to be a reference to supports and services (however described) that are not NDIS-funded supports and services.

4—Interaction with other laws

Except where the contrary intention appears, the provisions of this Act are in addition to, and do not derogate from, any other Act or law.

5—Act to bind, and impose criminal liability on, the Crown

- (1) This Act binds the Crown in right of this jurisdiction and, in so far as the legislative power of the Parliament permits, the Crown in all its other capacities.
- (2) The Crown is liable for an offence against this Act.
- (3) If the Crown is guilty of an offence against this Act, the penalty that may be imposed on the Crown is the penalty that may be imposed on a body corporate.

6—Part 2 etc not to create legally enforceable rights etc

Part 2 of this Act, the State Disability Inclusion Plan and disability access and inclusion plans are an expression of policy and do not in themselves—

- (a) create legally enforceable rights or entitlements; or
- (b) affect existing rights or liabilities (whether of a substantive, procedural or other nature).

Part 2—Objects and principles**7—Act to support United Nations Convention on the Rights of Persons with Disabilities etc**

It is the intention of the Parliament of South Australia that, to such an extent as may be reasonably practicable, the operation, administration and enforcement of this Act is to support and further the principles and purposes of the *United Nations Convention on the Rights of Persons with Disabilities*, as well any other relevant international human rights instruments affecting people with disability, as in force from time to time.

8—Objects

The objects of this Act include—

- (a) acknowledging that people with disability have the same human rights as other members of the community and that the State and the community have a responsibility to facilitate the exercise of those rights; and
- (b) promoting the independence and social and economic inclusion of people with disability; and
- (c) providing safeguards in relation to the delivery of all supports and services for people with disability; and
- (d) providing a framework to support a whole of Government approach to improving the inclusion of all South Australians with disability in all areas of life in this State; and

1.7.2018—Disability Inclusion Act 2018
Objects and principles—Part 2

- (e) articulating and facilitating the roles of the State during and following the transition to the National Disability Insurance Scheme.

9—Principles

- (1) The following principles are to be observed in the operation, administration and enforcement of this Act:
 - (a) people with disability have the same fundamental human rights and responsibilities, and the same right to autonomy, as other members of the community;
 - (b) people with disability have an inherent right to respect for their worth and dignity as individuals;
 - (c) people with disability have the right to participate in and contribute to social and economic life and should be supported to develop and enhance their ability to do so;
 - (d) people with disability have the right to realise their physical, social, sexual, reproductive, emotional and intellectual capacities;
 - (e) people with disability have the right to make decisions that affect their lives including decisions involving risk to the full extent of their capacity to do so;
 - (f) in cases where a person with disability wants or requires assistance in making a decision, supported decision-making is to be preferred over substituted decision-making;
 - (g) people with disability have the right to access information in a way that is appropriate for their disability and cultural background, to enable them to make informed choices;
 - (h) people with disability have the right to respect for their cultural or linguistic diversity, age, gender, sexual orientation and religious beliefs;
 - (i) people with disability have the same rights to privacy and confidentiality as other members of the community;
 - (j) people with disability have the right to live free from neglect, abuse and exploitation;
 - (k) people with disability have the same rights as other members of the community to pursue complaints and access justice;
 - (l) the crucial role of families, carers and other significant persons in the lives of people with disability, and the importance of preserving relationships with families, carers and other significant persons, is to be acknowledged and respected;
 - (m) people with disability are free to associate with families, carers and other persons as they see fit, and should be supported where necessary to engage in family, social and friendship activities;
 - (n) the needs of children with disability as they develop, and their rights as equal members of the community, are to be acknowledged and respected;
 - (o) the changing abilities, strengths, goals and needs of people with disability as they age are to be acknowledged and respected.

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- (2) In addition to the principles set out in any other provision of this section, the following risks and principles are to be acknowledged and addressed in the operation, administration and enforcement of this Act as it relates to women with disability:
- (a) many women with disability face multiple disadvantages and are potentially more vulnerable to risk of abuse or exploitation;
 - (b) the provision of mainstream supports and services to women with disability should recognise and seek to address such disadvantage and vulnerability, and should be informed by working in partnership with women with disability to enhance their lives.
- (3) In addition to the principles set out in any other provision of this section, the following risks and principles are to be acknowledged and addressed in the operation, administration and enforcement of this Act as it relates to children with disability:
- (a) children with disability have the right to a full life in conditions that ensure the child's dignity, promote self-reliance and facilitate the child's active and full participation in family, cultural and social life;
 - (b) decisions affecting children with disability under this Act should be child-centred;
 - (c) without limiting paragraph (b), the responsibilities, rights and duties of a parent or other person legally responsible for a child with disability must also be considered in relation to giving appropriate direction and guidance for the child's welfare;
 - (d) the views of a child with disability will be listened to, and they should be given developmentally appropriate opportunities to participate in decisions that affect them;
 - (e) children with disability are more vulnerable to risk of abuse or exploitation;
 - (f) the developmental needs of children with disability must be taken into account, with particular focus on critical periods in their childhood and adolescence;
 - (g) the provision of mainstream supports and services to children with disability should recognise and seek to address such risks and vulnerabilities, and should be informed by working in partnership with children with disability, and in consultation with their parents and other persons responsible for them, to enhance their lives.
- (4) In addition to the principles set out in any other provision of this section, the following risks and principles are to be acknowledged and addressed in the operation, administration and enforcement of this Act as it relates to Aboriginal and Torres Strait Islander people with disability:
- (a) Aboriginal and Torres Strait Islander people with disability have a right to respect and acknowledgment as the first peoples of Australia and for their unique history, culture and kinship relationships and connection to their traditional land and waters;
 - (b) many Aboriginal and Torres Strait Islander people with disability face multiple disadvantages;

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- (c) the provision of mainstream supports and services to Aboriginal and Torres Strait Islander people with disability should recognise and seek to address such disadvantage, and should be informed by working in partnership with Aboriginal and Torres Strait Islander people with disability to enhance their lives.
 - (5) In addition to the principles set out in any other provision of this section, the following risks and principles are to be acknowledged and addressed in the operation, administration and enforcement of this Act as it relates to people with disability from culturally and linguistically diverse backgrounds:
 - (a) cultural, language and other differences create barriers to providing supports and services to people with disability from culturally and linguistically diverse backgrounds;
 - (b) the provision of mainstream supports and services to people with disability from culturally and linguistically diverse backgrounds should recognise and seek to address those barriers, and should be informed by working in partnership with people with disability from culturally and linguistically diverse backgrounds, and in consultation with their communities, to enhance their lives.
 - (6) Each person or body engaged in the administration, operation or enforcement of this Act must exercise their powers and perform their functions so as to give effect to the principles set out in this section.

Part 3—Administration**10—Functions of Chief Executive**

- (1) The functions of the Chief Executive under this Act include—
 - (a) preparing and publishing guidelines for the purposes of this Act; and
 - (b) preparing such reports as may be required under this Act or by the Minister; and
 - (c) monitoring the extent to which the objects and principles of this Act are being achieved; and
 - (d) monitoring the extent to which the State Disability Inclusion Plan and the disability access and inclusion plans have been, or are being, implemented; and
 - (e) monitoring the compliance of State authorities with the requirements under Part 5; and
 - (f) making recommendations to the Minister in relation to the compliance of State authorities with the requirements under Part 5; and
 - (g) advising the Minister on any matters related to the operation, administration and enforcement of this Act; and
 - (h) such other functions as may be assigned to the Chief Executive under this or any other Act or by the Minister.
- (2) The Chief Executive has such powers as may be necessary or expedient for the performance of the Chief Executive's functions.

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11—Powers of delegation

- (1) The Minister or Chief Executive may delegate a function or power (other than a prescribed function or power) under this Act to a specified person or body (including a person for the time being holding or acting in a specified office or position).
- (2) A delegation under this section—
 - (a) must be by instrument in writing; and
 - (b) may be absolute or conditional; and
 - (c) does not derogate from the ability of the Minister or Chief Executive (as the case requires) to act in any matter; and
 - (d) is revocable at will.
- (3) A function or power delegated under this section may, if the instrument of delegation so provides, be further delegated.

12—Guidelines

- (1) The Minister may—
 - (a) publish guidelines in relation to the preparation and contents of disability access and inclusion plans; and
 - (b) publish such other guidelines as the Minister thinks appropriate for the purposes of this Act.
- (2) The Minister may vary, substitute or revoke guidelines under this section.
- (3) The Minister must cause guidelines under this section to be published on a website determined by the Minister.

Part 4—State Disability Inclusion Plan**13—State Disability Inclusion Plan**

- (1) There is to be a *State Disability Inclusion Plan*.
- (2) The State Disability Inclusion Plan is to be prepared by the Minister in accordance with this section.
- (3) The State Disability Inclusion Plan—
 - (a) must set out whole-of-government policies and measures for achieving the objects of this Act throughout the State (and, in particular, measures that further the goal of achieving full inclusion in the community, and the achievement of their full potential as equal citizens, of people with disability); and
 - (b) must provide for collaboration and coordination among State authorities and other entities in relation to the provision of mainstream supports and services to people with disability; and
 - (c) must contain such other provisions as may be required by the regulations.

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- (4) In preparing the State Disability Inclusion Plan, the Minister—
- (a) must, in accordance with any requirements set out in the regulations, consult with people with disability and persons or bodies representing the interests of people with disability (and may consult with any other persons or bodies that the Minister thinks fit); and
 - (b) must call for submissions from members of the public in accordance with a scheme set out in the regulations (and must have regard to the submissions made in response to the call); and
 - (c) must comply with any other requirements prescribed by the regulations.
- (5) The Minister may vary the State Disability Inclusion Plan at any time in accordance with any requirements set out in the regulations for the purposes of this subsection.
- (6) The Minister must cause the State Disability Inclusion Plan, and any variation of the plan, to be published in the Gazette.
- (7) The State Disability Inclusion Plan, and any variation of the plan, has effect from the day on which it is published in the Gazette.
- (8) The Minister must, within 6 sitting days after the State Disability Inclusion Plan or any variation is published in the Gazette, cause a copy of the State Disability Inclusion Plan, or the plan as varied, (as the case requires) to be laid before both Houses of Parliament.
- (9) The Minister must publish the State Disability Inclusion Plan, and any variation of the plan, on a website determined by the Minister.
- (10) However, a failure to comply with a provision of this section does not affect the validity of the State Disability Inclusion Plan.
- (11) Each prescribed person or body must, in carrying out its functions or exercising its powers, have regard to, and seek to give effect to, the State Disability Inclusion Plan (however, a prescribed person or body will be taken not to be in breach of this subsection if the State authority is acting in accordance with a requirement under this or any other Act or law).
- (12) In this section—
- prescribed person or body*** means—
- (a) each State authority; and
 - (b) each public sector agency (within the meaning of the *Public Sector Act 2009*); and
 - (c) any other person or body, or person or body of a class, prescribed by the regulations for the purposes of this paragraph.

14—Annual report on operation of State Disability Inclusion Plan

- (1) The Chief Executive must, on or before 31 December in each year, report to the Minister on the operation of the State Disability Inclusion Plan during the preceding financial year.
- (2) The Minister must, within 6 sitting days after receiving a report from the Chief Executive, have copies of the report laid before both Houses of Parliament.

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Part 4—State Disability Inclusion Plan

15—Review of State Disability Inclusion Plan

- (1) The Minister must cause a review of the State Disability Inclusion Plan to be undertaken at least once in each 4 year period, and a report on the review to be prepared and submitted to the Minister.
- (2) The Minister must cause a copy of the report submitted under subsection (1) to be laid before both Houses of Parliament within 6 sitting days after receiving the report.

Part 5—Disability access and inclusion plans

16—Disability access and inclusion plans

- (1) There is to be a *disability access and inclusion plan* for each State authority.
- (2) A disability access and inclusion plan is to be prepared by the relevant State authority in accordance with this section.
- (3) A disability access and inclusion plan—
 - (a) must set out the measures that the State authority intends to put in place to ensure that people with disability can access the mainstream supports and services provided by or on behalf of the State authority; and
 - (b) must explain how the State authority proposes to give effect to the objects and principles set out in Part 2; and
 - (c) must explain how the State authority proposes to give effect to the State Disability Inclusion Plan; and
 - (d) must include strategies to support people with disability in the following areas:
 - (i) access to built environs, events and facilities;
 - (ii) access to information and communications;
 - (iii) addressing the specific needs of people with disability in its programs and services;
 - (iv) employment; and
 - (e) must contain such other provisions as may be required by the guidelines published under section 12(1)(a) or the regulations.
- (4) Subject to this section, in preparing a disability access and inclusion plan, a State authority—
 - (a) must comply with the guidelines published under section 12(1)(a); and
 - (b) must, in accordance with any requirements set out in the regulations, consult with people with disability and persons or bodies representing the interests of people with disability (and may consult with any other persons or bodies that the State authority thinks fit); and
 - (c) must call for submissions from members of the public in accordance with the scheme set out in the regulations (and must have regard to the submissions made in response to the call); and
 - (d) must comply with any other requirements prescribed by the regulations.

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Disability access and inclusion plans—Part 5

- (5) Despite a preceding subsection, a local council may, with the approval of the Minister and in accordance with any requirements set out in the regulations, prepare a single disability access and inclusion plan to be the disability access and inclusion plan for—
- (a) that local council; and
 - (b) 1 or more specified local councils,
- (and the plan will, for the purposes of this Act, be taken to be the disability access and inclusion plan for each such council).
- (6) A State authority may vary its disability access and inclusion plan at any time in accordance with any requirements prescribed by the regulations.
- (7) A State authority must publish (in a format that is accessible to people with disability) its disability access and inclusion plan, and any variation of the plan, on a website determined by the State authority.

17—Annual report on operation of disability access and inclusion plan

- (1) Each State authority must, on or before 31 October in each year, report to the Chief Executive on the operation of its disability access and inclusion plan during the preceding financial year (including a summary of the extent to which the disability access and inclusion plan has been implemented by the State authority).
- (2) The Chief Executive must, on or before 31 December in each year, provide to the Minister a report summarising the reports received under subsection (1) in respect of the preceding financial year.
- (3) A report under subsection (2) may be combined with a report under section 14(1).
- (4) The Minister must, within 6 sitting days after receiving a report from the Chief Executive under subsection (2), have copies of the report laid before both Houses of Parliament (and, if the report is combined with a report under section 14(1), then the requirement of this subsection will be satisfied on the report being laid before Houses of Parliament in accordance with that section).

18—Review of disability access and inclusion plans

- (1) A State authority must cause a review of its disability access and inclusion plan to be undertaken at least once in each 4 year period, and a report on the review to be prepared and submitted to the State authority.
- (2) The State authority must cause a copy of the report submitted under subsection (1) to be provided to the Minister as soon as is reasonably practicable after receiving the report.

Part 6—Screening of persons working with people with disability

19—Interpretation

- (1) *In this Part—*

excluded person means a person, or a person of a class, declared by the regulations to be an excluded person for the purposes of this definition;

prescribed offence means an offence, or offence of a class, prescribed by the regulations for the purposes of this Part;

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prescribed position means—

- (a) *a position in which a person works, or is likely to work, with people with disability; or*
- (b) *any other position, or a position of a class, prescribed by the regulations for the purposes of this definition;*

prohibition notice means a notice prohibiting a specified person from working with people with disability issued to a person in accordance with the regulations;

screening check—see section 23(1).

- (2) *For the purposes of this Part, a reference to a person being **employed** will be taken to include a reference to a person who—*
 - (a) *is a self-employed person; or*
 - (b) *carries out work under a contract for services; or*
 - (c) *carries out work as a minister of religion or as part of the duties of a religious or spiritual vocation; or*
 - (d) *undertakes practical training as part of an educational or vocational course; or*
 - (e) *carries out work as a volunteer; or*
 - (f) *performs unpaid community work in accordance with an order of a court,**and a reference to an **employer**, **employee** or **employment** is to be construed accordingly.*

20—Working with people with disability

For the purposes of this Act, a person works with people with disability if the person—

- (a) *in the course of their employment provides a service, or undertakes an activity, of a kind prescribed by the regulations for the purposes of this section; or*
- (b) *carries on a business in the course of which an employee provides a service, or undertakes an activity, of a kind referred to in paragraph (a) (whether or not the person themselves provides such a service, or undertakes such an activity).*

21—Certain persons prohibited from working with people with disability

- (1) *The following persons (**prohibited persons**) are prohibited from working with people with disability:*
 - (a) *a person to whom a prohibition notice has been issued;*
 - (b) *a person who, under a law of the Commonwealth, or of another State or Territory, is prohibited from working with people with disability (however described);*
 - (c) *a person who has been found guilty of a prescribed offence committed as an adult.*

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- (2) *Subsection (1)(c) applies in relation to a prescribed offence—*
- (a) *whether the offence was committed before or after the commencement of this section; and*
 - (b) *whether the finding of guilt was made before or after the commencement of this section.*
- (3) *A person who works with a person with disability in contravention of subsection (1) is guilty of an offence.*
Maximum penalty: \$50 000 or imprisonment for 1 year.
- (4) *An employer who employs, or continues to employ, a prohibited person in a prescribed position is guilty of an offence.*
Maximum penalty:
- (a) *in the case of a natural person—\$50 000 or imprisonment for 1 year; or*
 - (b) *in the case of a body corporate—\$120 000.*

22—Working with people with disability without current screening check prohibited

- (1) *Subject to this section, a person must not work with people with disability unless a screening check has been conducted in relation to the person within the preceding 5 years.*
Maximum penalty:
- (a) *for a first or second offence—\$20 000;*
 - (b) *for a third or subsequent offence—\$50 000 or imprisonment for 1 year.*
- (2) *Subsection (1) does not apply to an excluded person.*

23—Regulations to set out scheme for screening checks

- (1) *The Governor may, by regulation, establish a scheme for the screening of persons working with, or who are to work with, people with disability (a **screening check**).*
- (2) *Without limiting the matters that may be the subject of regulations under this section, the regulations may make provisions—*
- (a) *requiring that screening checks be undertaken by a specified person or body;*
 - (b) *exempting a specified person, or specified class of persons, from the operation of section 22(1) in specified circumstances (including, to avoid doubt, where an application for a screening check is not processed within a specified period);*
 - (c) *prescribing information, or classes of information, that may or must, or must not, be assessed in the course of a screening check;*
 - (d) *recognising working with children checks under the Child Safety (Prohibited Persons) Act 2016, or other assessments of a person's criminal or other history under any other Act, as a screening check for the purposes of this Part;*
 - (e) *providing for, or limiting, procedural fairness to be afforded in the conduct of screening checks;*

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- (f) imposing requirements in relation to the confidentiality of information;*
 - (g) imposing requirements in respect of the keeping of records;*
 - (h) providing for reviews of, or appeals against, decisions made in the course of a screening check;*
 - (i) of an evidentiary nature relating to the operation of this Part.*
- (3) *Without limiting a preceding subsection, the regulations may make such provisions as may be necessary or appropriate to make the screening check scheme under this Part consistent with the working with children check scheme under the Child Safety (Prohibited Persons) Act 2016.*

Note—

Part 6 had not come into operation at the date of the publication of this version.

Part 7—Community Visitor Scheme**24—Community Visitor Scheme**

- (1) The Governor may, by regulation, establish a scheme for a community visitor or visitors.
- (2) Without limiting the matters that may be the subject of regulations under this section, the regulations may make provisions—
 - (a) relating to the appointment and removal of community visitors;
 - (b) conferring functions and powers on community visitors;
 - (c) providing for the delegation of the functions and powers of community visitors;
 - (d) requiring reports to be provided to the Minister on the operation of the community visitor scheme during a specified period, and requiring such reports to be laid before Parliament.

Part 8—National Disability Insurance Scheme**25—Regulations for the purpose of implementing etc the National Disability Insurance Scheme**

- (1) The Governor may make regulations providing for, or relating to, the transition to the National Disability Insurance Scheme.
- (2) Without limiting the matters that may be the subject of regulations under this section, the regulations may make provisions—
 - (a) providing for the exchange of records or information for the purposes of the NDIS;
 - (b) of a saving or transitional nature consequent on the enactment of the *National Disability Insurance Scheme Act 2013* of the Commonwealth, on the amendment of that Act or on the making of regulations under that Act.

Part 9—Information gathering and sharing

26—Chief Executive may require State authority to provide report

- (1) The Chief Executive may, if the Chief Executive is of the opinion that it is necessary or would otherwise assist in the performance of functions under this Act, require a State authority to prepare and provide a report to the Chief Executive in relation to the matters, and in accordance with any requirements, specified in the notice.
- (2) If a State authority refuses or fails to comply with a requirement under subsection (1), the Chief Executive may require the State authority to provide to the Chief Executive within a specified period a report setting out the reasons for noncompliance.
- (3) The Chief Executive may, on receiving a report under subsection (2), submit a copy of the report to the Minister setting out the views of the Chief Executive in respect of the State authority's noncompliance.
- (4) The Minister must, on receiving a report under subsection (3), prepare a report to Parliament setting out—
 - (a) the Minister's response to the Chief Executive's report; and
 - (b) any other information required by the regulations.
- (5) The Minister must, within 6 sitting days after completing a report under subsection (4), cause a copy of both the report and the Chief Executive's report under subsection (3) to be laid before both Houses of Parliament.

27—Sharing of information between certain persons and bodies

- (1) This section applies to the following persons and bodies:
 - (a) a State authority;
 - (b) a community visitor;
 - (c) any other person or body prescribed by the regulations.
- (2) Despite any other Act or law, a person or body to whom this section applies (the *provider*) may, in accordance with any requirement set out in the regulations, provide prescribed information and documents to another person or body to whom this section applies (the *recipient*) if the provider reasonably believes that the provision of the information or documents would assist the recipient—
 - (a) to perform functions relating to people with disability; or
 - (b) to manage any risk to a person with disability, or class of people with disability, that might arise in the recipient's capacity as an employer or provider of services.
- (3) Subject to this section, but despite any other Act or law, information or documents that do not directly or indirectly disclose the identity of any person may be provided by one person or body to whom this section applies to another without restriction.
- (4) Subsection (3) applies—
 - (a) whether or not the information or documents consist of or include prescribed information and documents; and

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- (b) whether or not the information or document ever disclosed the identity of a person, or has been redacted so as to de-identify it.
- (5) Information may be provided under this section whether or not the provider has been requested to provide the information.
- (6) Despite section 29, the recipient of information or documents under this section must not disclose information or documents received under this section except—
 - (a) to another person or body to whom this section applies; or
 - (b) as may be authorised by the regulations.
- (7) In this section—

prescribed information and documents means—

 - (a) information or documents relating to the health, safety, welfare or wellbeing of a particular person with disability, or class of people with disability; or
 - (b) any other information or document of a kind prescribed by the regulations for the purposes of this definition.

28—Interaction with *Public Sector (Data Sharing) Act 2016*

Nothing in this Part affects the operation of the *Public Sector (Data Sharing) Act 2016*.

Part 10—Miscellaneous**29—Confidentiality**

- (1) Subject to this Act, a person engaged or formerly engaged in the administration, operation or enforcement of this Act must not disclose personal information obtained (whether by that person or otherwise) in the course of performing functions or exercising powers under this Act except—
 - (a) as required or authorised by or under this Act or any other Act or law; or
 - (b) with the consent of the person to whom the information relates; or
 - (c) in connection with the administration or enforcement of this or any other Act; or
 - (d) for the purposes of referring the matter to a law enforcement agency, or a person or agency exercising official duties under an Act relating to the care or protection of people with disability; or
 - (e) to an agency or instrumentality of this State, the Commonwealth or another State or a Territory of the Commonwealth for the purposes of the proper performance of its functions; or
 - (f) if the disclosure is reasonably necessary for the protection of the lawful interests of that person.

Maximum penalty: \$10 000.

- (2) Subsection (1) does not prevent disclosure of statistical or other data that could not reasonably be expected to lead to the identification of any person to whom it relates.

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- (3) Information that has been disclosed under subsection (1) for a particular purpose must not be used for any other purpose by—
- (a) the person to whom the information was disclosed; or
 - (b) any other person who gains access to the information (whether properly or improperly and whether directly or indirectly) as a result of that disclosure.
- Maximum penalty: \$10 000.
- (4) The regulations may make further provision in respect of the disclosure of information obtained in the course of the administration of this Act.

30—Victimisation

- (1) A person who causes detriment to another on the ground, or substantially on the ground, that the other person or a third person has provided, or intends to provide, information under this Act commits an act of victimisation.
- (2) However, causing detriment on the ground that a person—
- (a) has made a false allegation; or
 - (b) has not acted in good faith,
- does not constitute an act of victimisation.
- (3) An act of victimisation under this Act may be dealt with—
- (a) as a tort; or
 - (b) as if it were an act of victimisation under the *Equal Opportunity Act 1984*, but, if the victim commences proceedings in a court seeking a remedy in tort, the victim cannot subsequently lodge a complaint under the *Equal Opportunity Act 1984* and, conversely, if the victim lodges a complaint under that Act, the victim cannot subsequently commence proceedings in a court seeking a remedy in tort.
- (4) If a complaint alleging an act of victimisation under this Act has been lodged with the Commissioner for Equal Opportunity and the Commissioner is of the opinion that the subject matter of the complaint has already been adequately dealt with by a competent authority, the Commissioner may decline to act on the complaint or to proceed further with action on the complaint.
- (5) In proceedings against a person seeking a remedy in tort for an act of victimisation committed by an employee or agent of the person, it is a defence to prove that the person exercised all reasonable diligence to ensure that the employee or agent would not commit an act of victimisation.
- (6) A person who personally commits an act of victimisation under this Act is guilty of an offence.
- Maximum penalty: \$10 000.
- (7) Proceedings for an offence against subsection (6) may only be commenced by a police officer or a person approved by either the Commissioner of Police or the Director of Public Prosecutions.

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(8) In this section—

detriment includes—

- (a) injury, damage or loss; or
- (b) intimidation or harassment; or
- (c) discrimination, disadvantage or adverse treatment in relation to a person's employment; or
- (d) threats of reprisal.

31—Service

Except where this Act requires otherwise, a notice or other document required or authorised to be given to or served on a person under this Act may—

- (a) be given to the person personally; or
- (b) be left for the person at the person's place of residence or business with someone apparently over the age of 16 years; or
- (c) be posted to the person at the person's last known place of residence or business; or
- (d) be transmitted by fax or email to a fax number or email address provided by the person (in which case the notice or other document will be taken to have been given or served at the time of transmission); or
- (e) if the person is a company or registered body within the meaning of the *Corporations Act 2001* of the Commonwealth, be served in accordance with that Act.

32—Review of Act

- (1) The Minister must cause a review of the operation of this Act to be conducted and a report on the review to be prepared and submitted to the Minister.
- (2) The review and the report must be completed after the third, but before the fourth, anniversary of the commencement of this Act.
- (3) The Minister must cause a copy of the report submitted under subsection (1) to be laid before both Houses of Parliament within 6 sitting days after receiving the report.

33—Regulations

- (1) The Governor may make such regulations as are contemplated by, or necessary or expedient for the purposes of, this Act.
- (2) Without limiting the generality of subsection (1), the regulations may—
 - (a) exempt a person, or a class of persons, from the operation of a specified provision or provisions of this Act; and
 - (b) fix fees or charges in respect of any matter under this Act and their payment, recovery or waiver; and
 - (c) provide for fines, not exceeding \$10 000, for offences against the regulations; and

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- (d) provide for expiation fees, not exceeding \$315, for offences against the regulations; and
 - (e) provide for the facilitation of proof of the commission of offences against the regulations.
- (3) The regulations may—
- (a) be of general or limited application; and
 - (b) make different provision according to the matters or circumstances to which they are expressed to apply; and
 - (c) make provisions of a saving or transitional nature consequent on the enactment of this Act or on the making of regulations under this Act; and
 - (d) provide that a matter or thing in respect of which regulations may be made is to be determined according to the discretion of the Minister or a specified person or body; and
 - (e) apply or incorporate, wholly or partially and with or without modification, a code, standard, policy or other document prepared or published by the Minister or a specified person or body.
- (4) If a code, standard or other document is referred to or incorporated in the regulations—
- (a) a copy of the code, standard or other document must be kept available for public inspection, without charge and during ordinary office hours, at an office or offices specified in the regulations; and
 - (b) evidence of the contents of the code, standard or other document may be given in any legal proceedings by production of a document apparently certified by the Minister to be a true copy of the code, standard or other document.

Schedule 1—Related amendments, transitional provisions and repeal

Part 1—Preliminary

1—Amendment provisions

In this Schedule, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

Part 2—Amendment of *Carers Recognition Act 2005*

2—Amendment of section 5—Meaning of carer

Section 5(1)(a)—delete "*Disability Services Act 1993*" and substitute:

Disability Inclusion Act 2018

Part 3—Amendment of *Disability Services Act 1993*

3—Repeal of sections 5B and 5C

Sections 5B and 5C—delete sections 5B and 5C

Disability Inclusion Act 2018—1.7.2018Schedule 1—Related amendments, transitional provisions and repeal

*Note—**Schedule 1 Part 3 had not come into operation at the date of the publication of this version.***Part 4—Amendment of *Intervention Orders (Prevention of Abuse) Act 2009*****4—Amendment of section 3—Interpretation**Section 3(1), definition of *relevant public sector agency*—delete "*Disability Services Act 1993*"**Part 5—Repeal of *Disability Services Act 1993*****5—Repeal of *Disability Services Act 1993****The Disability Services Act 1993 is repealed.**Note—**Schedule 1 Part 5 had not come into operation at the date of the publication of this version.*

1.7.2018—Disability Inclusion Act 2018
Legislative history

Legislative history

Notes

- In this version provisions that are uncommenced appear in italics.
- Amendments of this version that are uncommenced are not incorporated into the text.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Principal Act and amendments

New entries appear in bold.

Year	No	Title	Assent	Commencement
2018	1	<i>Disability Inclusion Act 2018</i>	14.6.2018	1.7.2018 (<i>Gazette 28.6.2018 p2618</i>) except Pt 6, Sch 1 Pts 3, 5—uncommenced
2019	9	<i>Statutes Amendment (Screening) Act 2019</i>	16.5.2019	Pt 4 (ss 18 to 25)—uncommenced

Attachment 2 to Item 13.1



(INCLUSIVE SA)

State Disability
Inclusion Plan

2019-2023



**Government of
South Australia**



Acknowledgement of Country

The South Australian Government acknowledges and respects Aboriginal people as the State's first people and recognises their traditional relationship with Country.

We acknowledge that the spiritual, social, cultural and economic practices of Aboriginal people come from their traditional lands and waters, and that the cultural and heritage beliefs, languages and laws are still of importance today.

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Inclusive SA: State Disability Inclusion Plan 2019-2023

(Minister's message)



I am proud to deliver South Australia's first State Disability Inclusion Plan – Inclusive SA, established as part of the *Disability Inclusion Act 2018 (SA)*.

South Australians living with disability and those in the service delivery sector have experienced their largest ever reforms with the recent full transition to the National Disability Insurance Scheme (NDIS). While around 30,000 people are now receiving supports, one in five report living with disability in South Australia, highlighting the importance of inclusion planning.

In this new era of disability service delivery, development of the state plan has provided the opportunity to consult with members of the community with lived experience, in order to learn more about how the State Government can foster inclusion and accessibility in new ways. I am grateful to the many hundreds of South Australians who contributed to the consultation process through forums, emails, phone calls and online discussions.

Inclusive SA paves the way for a whole-of-government approach to inclusion, and I look forward to continuing the team effort required to bring about the necessary changes. Inclusivity benefits all South Australians, and together with local councils and State Government agencies, we are committed to delivering the economic and social benefits of a more inclusive state.

A handwritten signature in blue ink that reads "Michelle Lensink".

Michelle Lensink MLC
Minister for Human Services



(Inclusive SA)

It is time for State Government to lead by example and work to improve access and inclusion for people with disability. Inclusive SA is our commitment to create a more inclusive South Australia. It is our first State Disability Inclusion Plan and it will bring State Government agencies and local councils together to reduce the barriers faced by people living with disability.

In 2018, the *Disability Inclusion Act 2018 (SA)* was passed because we recognised that a stronger commitment was needed. This plan, and the Disability Access and Inclusion Plans (DAIPs) that State Government agencies and local councils will develop, will help ensure that new strategies address barriers and promote positive action.

Inclusive SA sets out specific actions for State Government agencies and local councils ("State authorities") to achieve. These will support the implementation of the *National Disability Strategy 2010-2020 (NDS)* and the principles agreed in the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD). Inclusive SA also complements the NDIS, as it aims to address access and inclusion for all South Australians living with disability, including people who are not NDIS participants.

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

Inclusive SA: State Disability Inclusion Plan 2019-2023

(Community consultation)

More than 300 enthusiastic people generated around one thousand ideas to help us develop Inclusive SA.

The community shared examples of good practice and discussed where improvements could be made. People with lived experience of disability provided valuable input into the themes and priorities.

Working together, participants told us that people living with disability want to:

“
be treated with
respect and **dignity**
”

“
live somewhere that
feels like **home**
”

“
find **meaning** in
their lives
”

“
be able to get to **places**
”

“
receive an **education**
”

“
make their own
decisions
”

“
work
”

“
understand their **rights**
”



Participants in the community consultation considered the specific situations of people from culturally and linguistically diverse backgrounds, Aboriginal and Torres Strait Islander peoples, women and children. The actions in this plan take those considerations into account. Further and more targeted consultation with these priority groups will take place during 2020 to ensure the revised plan in 2021 responds to their specific needs.

You can read more about what we heard during consultation in the consultation report at inclusive.sa.gov.au.

Inclusive SA: State Disability Inclusion Plan 2019-2023

(Principles)

Principles are values that guide behaviour and create a shared understanding about what is important. This plan is based on the following principles for people living with disability:

- fundamental human rights, responsibility and autonomy
- individual worth and dignity
- participation in social and economic life
- the right to realise physical, social, sexual, reproductive, emotional and intellectual capacities
- the right to make decisions, including supported decisions and to take risks
- access to information in appropriate forms
- respect for cultural or linguistic diversity, age, gender, sexual orientation and religious beliefs
- rights to privacy and confidentiality
- live free from neglect, abuse and exploitation
- rights to pursue complaints and access justice
- acknowledge and respect the crucial role of families, carers and significant persons
- freedom of association and support to engage in family, social and friendship activities
- respect the needs and rights of children as they develop
- acknowledge and respect the abilities, strengths, goals and needs of people living with disability.

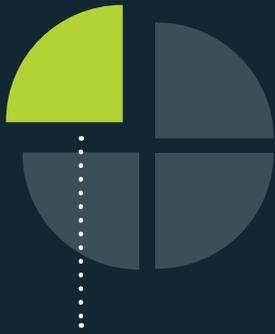
(Vision)

Our vision is an accessible and inclusive South Australia based on fairness and respect.

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



Inclusive SA: State Disability Inclusion Plan 2019-2023



(Inclusive communities for all)

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



Key words

Social inclusion
Rights
Community education and awareness
Involvement in community



I statements

I am understood and valued
I am included in the community
I know my rights



●● “Everyone has a
●● responsibility to make
●● our community inclusive”



Priority 1 Involvement in the community

Actions:

- ① Develop an event toolkit to promote accessible and inclusive practices for State authorities in community events.
- ② Explore the redesign or creation of an app (or other medium) that displays existing and future services and facilities (such as toilets, eateries, sports and recreation facilities, parks and trails, arts organisations and cultural institutions, transport services, beaches that are wheelchair and disability-access friendly).
- ③ Develop and promote inclusive play guidelines to guide local councils and other community groups in the development of accessible and inclusive playgrounds and play spaces.
- ④ Collaborate with relevant organisations to run disability access and inclusion awareness training for arts organisations, cultural institutions, sporting organisations and clubs.
- ⑤ Explore opportunities to increase the involvement of children with disability in sports and cultural activities, for example:
 - expanding the Sports Voucher program for children living with disability
 - providing extra support for children living with disability to participate in VACSWIM
 - promoting the availability of arts programs for children living with disability.

Inclusive SA: State Disability Inclusion Plan 2019-2023

●● "Attitudinal changes
●● are key to making
●● physical changes and
●● removing barriers"



Being inclusive

Grants SA: Disability Inclusion

- Department of Human Services

Disability inclusion has been included as a priority area within Grants SA funding rounds for 2019-20 to support innovation and opportunity for people living with disability.

The types of activities that may be considered to support disability inclusion include: the development of meaningful volunteer pathways; programs in regional and rural communities; improving wellbeing; improving access to community centres, venues and social/support groups; ensuring resources and communications are accessible; and investing in volunteer training and education.



Priority 2 Improving community understanding and awareness

Actions:

- 6 Work with relevant State authorities to improve community understanding and awareness that complements and leverages the national effort under the *National Disability Strategy 2010-2020* and the emerging national disability strategy for beyond 2020.
- 7 Work with the Commonwealth Government to develop data indicators that measure changes in community attitudes about the rights and needs of people living with disability.



Priority 3 Promoting the rights of people living with disability

Actions:

- 8 Review disability awareness training packages within State Government agencies, including public health settings, to establish best practice and implement for new and existing employees.
- 9 Ensure induction of new State authority employees includes information about working with people living with disability.



Inclusive SA: State Disability Inclusion Plan 2019-2023



(Leadership and collaboration)

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



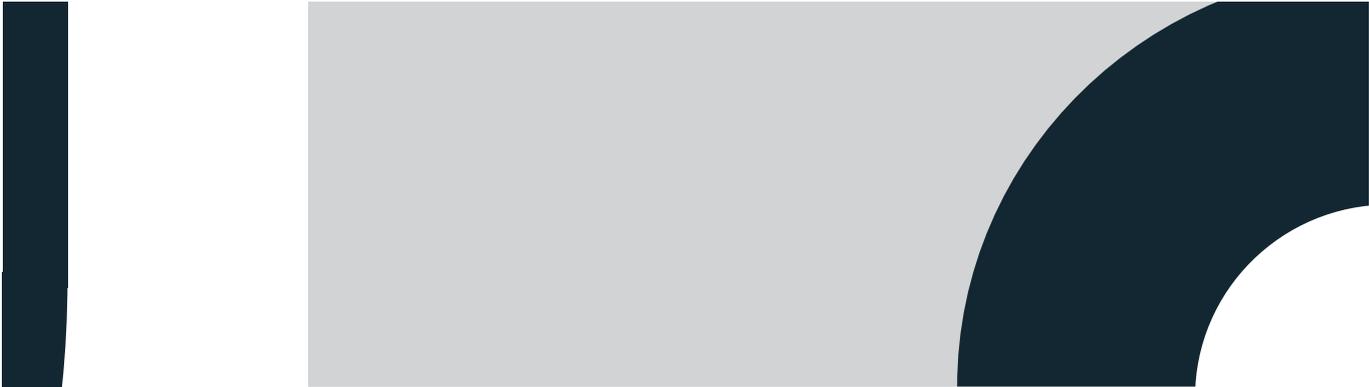
Key words

Participation
Decision-making
Engagement
Consultation
Leadership



I statements

I am truly valued
I can take action
I can make my own life choices



●●● "If you can get young people
●●● with disabilities used to being
●●● involved in decision-making,
●●● that would be a great step"



Priority 4

Participation in decision-making

Actions:

- ⑩ Share the learnings of the improved Supported Decision-Making approach for people living in State Government accommodation services with State authorities.
- ⑪ State authorities to support young people living with disability to actively participate in decision-making.



Priority 5

Leadership and raising profile

Actions:

- ⑫ Develop a communications strategy to promote BoardingCall, the South Australian Government recruitment register for boards and committees, to ensure it is promoted to people living with disability.
- ⑬ Ensure high quality and co-ordinated engagement with the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, including providing consistent, accurate and relevant information, through a dedicated response unit led by the Attorney-General's Department.

Inclusive SA: State Disability Inclusion Plan 2019-2023



Priority 6 Engagement and consultation

Actions:

- 14 Develop a toolkit that supports State authorities to consult and engage with people living with disability when developing policies and programs, which:
 - promotes and explains co-design principles
 - focuses on supports for consultation within regional South Australia.
- 15 Review the function of the Disability Engagement Group (DEG) to:
 - ensure membership is focused on people living with disability and carers
 - increase membership in rural and regional areas
 - increase the use of the DEG members in decision-making and policy initiatives
 - support members to develop advisory and leadership skills.



“Saying people were part of the discussion is not sufficient, the involvement must extend into the decision-making”



(Accessible communities)

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



Key words

Built environment	Access to services
Universal Design	Transport
Health	Housing
Wellness	Belonging
	Community

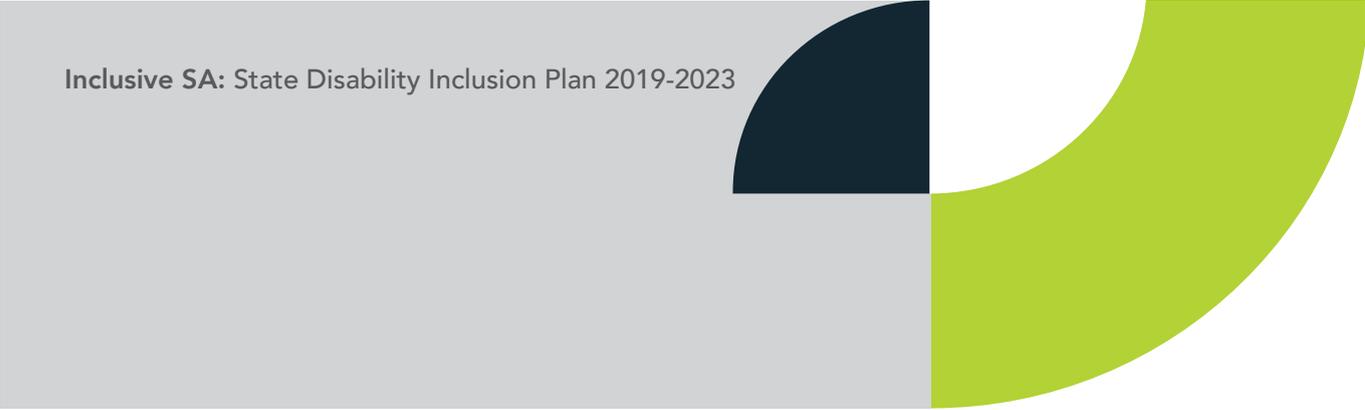


I statements

I can live the life I want in my community

I am included and can access everything I need

I can access the information I need



Inclusive SA: State Disability Inclusion Plan 2019-2023



Priority 7 **Universal Design across South Australia**

Actions:

- 16 Elevate the design quality of South Australia's built environment and public realms through promoting design quality policy and the principles of Universal Design.
- 17 Explore the feasibility of adopting Universal Design procedures across State Government (as currently used by the Department of the Premier and Cabinet) in the design, construction, maintenance and procurement of all workplace environments, customer environments, systems, intranets and websites, and programs and policies. This will include:
 - applying Universal Design principles to sport and recreation infrastructure projects to support family friendly and accessible facilities
 - considering Universal Design principles in infrastructure works and maintenance across the Department for Environment and Water managed land, infrastructure and parks
 - adopting Liveable Housing Australia design guidelines for all new build social housing stock
 - considering incorporating Universal Design principles in residential construction and maintenance specifications for SA Housing Authority houses
 - improving access for people living with disability in the redevelopment of the Sir Samuel Way and Supreme Court buildings.

**Being inclusive****State Sports Park**

- Office for Recreation, Sport and Racing

The development of the new wind tunnel facility at State Sports Park will provide world class training facilities for elite and developing athletes and para-athletes.

- 18) Contribute to the national conversation on the possibility of introducing Silver or Gold level Liveable Housing standards for all new housing to be applied through the National Construction Code from 2022.
- 19) Local council access and inclusion planning to consider consultation outcomes including:
 - incorporating Universal Design principles in criteria for all new building and public projects and planning for programs, services and events
 - developing Universal Design training plans for staff and contractors
 - review of availability of accessible car parks.

**Being inclusive****Glenthorne National Park**

- Department for Environment and Water

The State Government is creating Glenthorne National Park in Adelaide's southern suburbs. This new park is being developed using Universal Design principles and will be accessible and inclusive for the entire community. It will showcase the principles of Healthy Parks Healthy People – a partnership between the community, the Department for Environment and Water and Department for Health and Ageing that aims to improve our health and wellbeing through quality green space.

Inclusive SA: State Disability Inclusion Plan 2019-2023



Priority 8 Accessible and available information

Actions:

- 20 Create the Inclusive SA website (and consider other communication mediums) to provide key resources for people living with disability and the community to raise awareness about disability.
- 21 Develop a toolkit to support State authorities to ensure communication about their services is available in a range of accessible formats. These may include easy read, Auslan, pictorial forms, large font, audible options, braille, closed captions and voice over.
- 22 Improve online accessibility of State Government websites, including through implementation of the Online Accessibility Policy and related guidelines.



Being inclusive

Accessible website solution offered to all South Australian Government agencies

- Department of the Premier and Cabinet

Audited by Vision Australia and user tested by Royal Society for the Blind (SA), Website Design System offers all South Australian Government agencies an accessible website solution through the Office for Digital Government, Department of the Premier and Cabinet. With increased accessibility as the reason for the development of government websites, Website Design System now provides agencies with a base website made up from over 30 modules built to the Web Content Accessibility Guidelines (WCAG AA). Each module is managed centrally. Upgrades and accessibility updates are developed, tested and deployed once at the top level. They then cascade to all sites. Supported by South Australian Government's Online Accessibility Toolkit (www.accessibility.sa.gov.au), solutions like Website Design System are highly valuable for digital inclusion as it now means inclusion is part of the planning stages for digital resources. It is no longer a costly afterthought.



Inclusive SA: State Disability Inclusion Plan 2019-2023



Priority 9 **Access to services**

Actions:

- 23 Continue to work collaboratively with the Commonwealth Government and the National Disability Insurance Agency (NDIA) to develop strategies to support a diverse disability workforce, including within regional South Australia.
- 24 Further develop Auslan interpreter capacity (by drawing on people with lived experience).
- 25 Develop and promote a toolkit for signage, wayfinding and multimedia devices for State authorities to support deaf, hard of hearing, blind, vision or hearing-impaired persons.
- 26 State authorities to consider including in their infrastructure maintenance and upgrade schedules the installation of signs on the front of public buildings indicating disability access (where this has been assessed by an accredited access consultant) and installation of multimedia devices in queues at service outlets to include people who are deaf, hard of hearing, vision-impaired or blind.
- 27 Implement the Canine Court Companion pilot project to provide increased practical support and assistance to vulnerable victims and prosecution witnesses involved with the Office of the Director of Public Prosecutions (ODPP).



●● "Everyone has different
●● abilities. Make sure everyone
●● has the opportunity to use
●● their abilities"

- 28 Continue to work with the Commonwealth Government to reform the *Disability Standards for Accessible Public Transport 2002*.
- 29 Ensure the state-owned bus fleet is accessible, including disability awareness training for frontline public transport staff and the consideration of voice systems in buses that notify people of the next stop.
- 30 Promote liaison and communication links between health services and disability support services, and improve the continuity of supports, including psychosocial supports, during hospitalisation.
- 31 Consider establishing minimum standards for priority parks and reserves (including coasts, heritage places and Crown land) that improve access and inclusion for people living with disability and implement a program of priority actions, including exemplar visitor experiences.



Being inclusive

Disability housing

- SA Housing Authority

The SA Housing Authority built 100 disability homes, many with bespoke designs to meet the specific needs of individual households. The disability housing, which was built to standards incorporating Universal Design and Liveable Housing Australia design guidelines, has now been completed and transferred to community housing providers to manage.

Inclusive SA: State Disability Inclusion Plan 2019-2023



(Learning and employment)

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



Key words

Employment	Training
Education	Ability
Volunteering	Flexibility
Learning	



I statements

I can make the most of my abilities

I can contribute and know my contribution is valued

I can have a fair go



●● "I want people living with disability
●● to be given opportunities just
●● like any other person in terms of
●● education, employment, physical
●● access, etc."



Priority 10

Better supports within educational and training settings

Actions:

- 32 State education and training sectors to support inclusive education culture and practices.
- 33 State education authorities to work in partnership with children, students, parents or carers, industries and the community to provide curriculum and learning opportunities that are personalised and tailored to the individual, and prepare for life beyond school.
- 34 Determine data required to measure and track the percentage of people living with disability participating and achieving in education and training.

Inclusive SA: State Disability Inclusion Plan 2019-2023



Priority 11

Skill development through volunteering and support in navigating the pathway between learning and earning

Actions:

- 35 Explore how pathways can be improved from education and training settings to post learning.
- 36 State authorities to facilitate meaningful volunteering opportunities for people living with disability.



Being inclusive

Access for children on the autism spectrum

- SA Museum

Museums can be loud and overwhelming places for children on the autism spectrum. As part of the South Australian Museum's Building a Culture of Access Program, the museum has implemented autism-friendly family mornings. During these mornings, children on the autism spectrum can visit the museum with their families outside of regular opening hours. By making small adjustments within the museum, such as altering sound and light levels and setting up quiet spaces, a sensory-friendly experience is created, improving access for people with disability in the community.



Inclusive SA: State Disability Inclusion Plan 2019-2023



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

Actions:

- 37 Support and promote the implementation of the Office of the Commissioner for Public Sector Employment's *Public Sector Employment Strategy* across the public sector.
- 38 Increase employment opportunities across all levels in the South Australian public sector through the targeting of job opportunities for people living with disability under section 65 of the *Public Sector Act 2009 (SA)* which provides for employment opportunity programs.
- 39 Develop data measures to track the percentage of people living with disability employed and retained in State authorities.



"Trust that we can do it"

(Ensuring Inclusive SA makes a difference)

We want Inclusive SA to generate meaningful change and we also recognise there is still a lot of work ahead.

Achieving our vision will take time, extensive collaboration and ongoing reflection. This is why consultation with the community will continue, giving us the opportunity to adapt to the evolving needs of people living with disability.

Over the next year, each State authority will be developing their own Disability Access and Inclusion Plan (DAIP) and be responsible for reporting annually. To ensure synergy across local councils and State Government agencies, each DAIP will align to the priority areas set out in Inclusive SA.

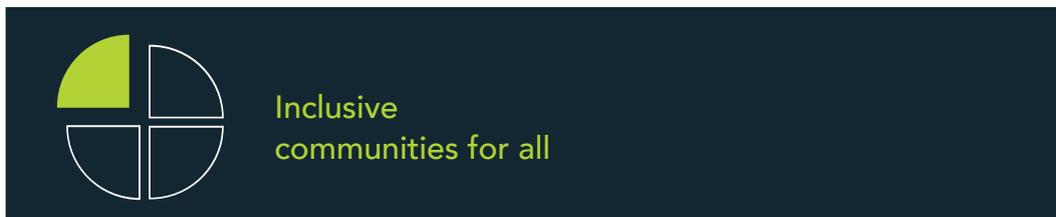
To map our progress, we will use an initial set of interim measures (Appendix 1), while we develop an outcomes framework that will align with the new national disability strategy for beyond 2020. We will also report on our progress each year.

Inclusive SA: State Disability Inclusion Plan 2019-2023

Appendix 1 (Interim measures)

Our vision is an accessible and inclusive South Australia based on fairness and respect.

To map our progress, we will use the interim measures below as we work towards developing an outcomes framework that aligns with the new national disability strategy for beyond 2020. The interim measures include indicators that are contained within existing data sources. We will continue to adapt current sources and develop new indicators in consultation with our stakeholders.



Priority	Outcome	Trend Indicators ¹
1. Involvement in the community	People living with disability actively participate in welcoming and inclusive communities	Proportion of people with disability participating in community support/social groups ² Proportion of people with disability participating in common cultural and recreational activities groups
2. Improving community understanding and awareness	The South Australian community is aware of and understands the barriers to access and inclusion faced by people living with disability	<i>For future development as part of outcomes framework</i>
3. Promoting the rights of people living with disability	People living with disability have their rights promoted, upheld and protected	<i>For future development as part of outcomes framework</i>

¹ The trend indicators are taken from the Australian Bureau of Statistics General Social Survey or Survey of Disability, Ageing and Carers. Further indicators will be developed that align with the outcome framework national disability strategy beyond 2020.

² Community support or social groups refer to active involvement in a service club, welfare organisation, education and training, parenting/children/youth, sport or physical recreation group, arts or heritage group, religious or spiritual group, craft/recreation/special interest group or social club.

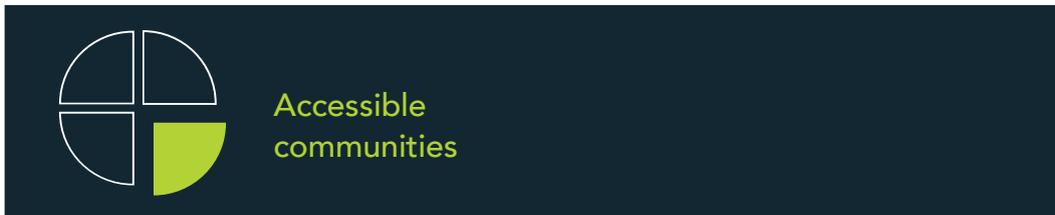
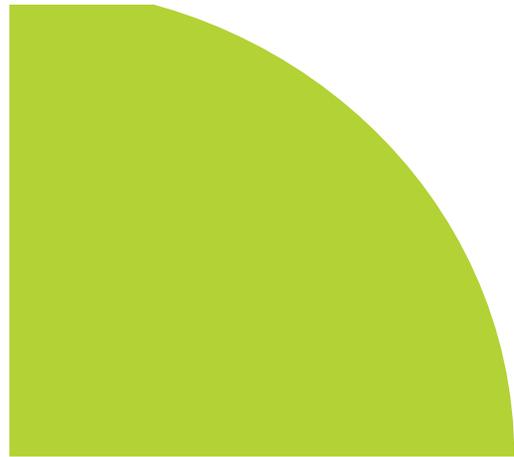



**Leadership
and collaboration**

Priority	Outcome	Trend Indicators
4. Participation in decision-making	The perspectives of people living with disability are actively sought and they are supported to participate meaningfully in government and community decision-making	Percentage of people living with disability actively involved in governance/civic groups ³
5. Leadership and raising profile	People living with disability hold positions of leadership and responsibility across all sectors	<i>For future development as part of outcomes framework</i>
6. Engagement and consultation	Consultation and engagement practices across State Government support people living with disability to influence decisions that affect their lives	<i>For future development as part of outcomes framework</i>

³ Civic participation refers to involvement in a union, professional association, political party, environmental or animal welfare group, human and civil rights group, or body corporate or tenants association.

Inclusive SA: State Disability Inclusion Plan 2019-2023



Priority	Outcome	Trend Indicators
7. Universal Design across South Australia	Built environments and public spaces are accessible to people living with disability	<i>For future development as part of outcomes framework</i>
8. Accessible and available information	People living with disability can access available information that is inclusive and accessible	<i>For future development as part of outcomes framework</i>
9. Access to services	People living with disability have access to the services and supports they need	Access to general practitioners, dental and other primary healthcare professionals for people with disability




**Learning
and employment**

Priority	Outcome	Trend Indicators
10. Better supports within educational and training settings	People living with disability have access to inclusive education and training opportunities	Educational achievement of people with disability
11. Skill development through volunteering and support in navigating the pathway between learning and earning	People living with disability have opportunities to develop their skills through volunteering, learning and employment	Proportion of people aged 15-64 with disability with non-school qualification Proportion of people with disability with post-school qualifications
12. Improved access to employment opportunities and better support within workplaces	People living with disability have opportunities to develop and succeed in flexible and sustainable employment	Proportion of people with disability participating in the labour-force Proportion of people with disability in both private and public sector employment

Inclusive SA: State Disability Inclusion Plan 2019-2023

Appendix 2 (Words and acronyms)

Best practice

A method or technique that has been generally accepted as superior to any alternatives because it produces results that are better to those achieved by other means or because it has become a standard way of doing things.

Built environment

Man-made structures, features, and facilities viewed collectively as an environment in which people live and work.

Co-design

A range of activities and processes used in the design of services and products that involve people who use or are affected by that service or product.

Commonwealth

The government of the Commonwealth of Australia – commonly referred to as the Australian Government or the Federal Government.

DAIP

Disability Access and Inclusion Plan prepared by State authorities for their own agency, department or council area.

Data indicators

A specific, observable and measurable set of information that can be used to show changes or progress being made toward achieving a specific outcome.

DHS

The South Australian Department of Human Services.

Disability Engagement Group

A DHS led register which can be used by other government agencies or councils to obtain advice from people with disability and the sector about disability issues.

Local councils

A system of government in South Australia under which elected local government bodies (councils) are constituted under the *Local Government Act 1999* (SA).

NDIA

National Disability Insurance Agency

NDIS

National Disability Insurance Scheme

NDS

National Disability Strategy 2010-2020 – the strategy is a shared commitment by all governments to work together to improve the lives of Australians with disability by guiding governments and other organisations to build the wellbeing of people with disability and their carers.

National disability strategy for 2020 and beyond

The national disability strategy that will replace the existing *National Disability Strategy 2010-2020*.

State authority

As defined in the *Disability Inclusion Act 2018* (SA) to include a government department, an agency or instrumentality of the Crown, a local council constituted under the *Local Government Act 1999* (SA) or any other person or body declared by regulations to be included.

Supported Decision-Making

A model for supporting people with disability to make significant decisions and exercise their legal capacity.

Toolkit

A suite of information documents which may include guidelines, templates and procedures, to assist in the completion of a task.

UNCRPD

United Nations Convention on the Rights of Persons with Disabilities – the convention is a human rights treaty that aims to change attitudes and approaches to people with disability. It reaffirms that all people with disability must enjoy human rights and fundamental freedoms.

Universal Design

Universal Design involves creating facilities, built environments, products and services that can be used by people of all abilities, to the greatest extent possible, without adaptations.



Alternative formats:

The information in this publication can be provided in an alternative format or another language on request by calling (08) 8415 4383.

Easy read, plain text and HTML versions of Inclusive SA are available at inclusive.sa.gov.au.



inclusive.sa.gov.au

email: dhsdisabilityinclusion@sa.gov.au

phone: (08) 8415 4383



**Government of
South Australia**

Attachment 3 to Item 13.1



Mount Barker District Council
17ADL-0369
JANUARY 2018

A large green rectangular area with a white circular graphic consisting of several concentric, slightly irregular lines, resembling a stylized 'O' or a ripple effect.

**MOUNT BARKER
DISTRICT COUNCIL
ACCESS AND INCLUSION PLAN**



Disability Access & Inclusion Plan

Lead consultant	URPS
Prepared for	Mount Barker District Council
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URPS Ref	17ADL-0369

Document history and status

Revision	Date	Reviewed	Approved	Details
Version 1	20/12/2017			Draft for Council review

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1.0 Introduction

Disability access and inclusion is being transformed across Australia through the National Disability Insurance Scheme (NDIS) and changes to legislation. In South Australia, *The Disability Services Act, 1993*, will soon be replaced by the *Disability Inclusion Bill, 2017* (currently in draft). The *Disability Inclusion Bill* represents a shift in focus – from funding providers of disability services, to promoting the rights and inclusion of South Australians living with disability.

‘It is proposed that a State Disability Inclusion Plan will be developed every four years in consultation with people with disability. It is also proposed that State Government departments, statutory authorities and local councils develop and implement a Disability Access and Inclusion Plan (DAIP) every four years in consultation with people with disability. Under the draft Bill it is proposed that State Government departments, statutory authorities and local councils report on the progress of their DAIPs on an annual basis.’ (Department for Community and Social Inclusion, 2017)

Local governments can prepare action plans that respond to the requirements of the Disability Discrimination Act 1992, and the objectives of the Draft *Disability Inclusion Bill*.

These plans are sometimes referred to as Disability Discrimination Act Action Plans, Access Plans, or Access and Inclusion Plans. They identify and address barriers to inclusion and aim to identify and action improvements that will achieve accessible and inclusive communities, agencies and practices for people living with disability.

This Disability Access and Inclusion Plan (DAIP) represents the Mount Barker District Council’s commitment and contribution towards progressing the objectives of the Act and the Government of South Australia’s Draft *Disability Inclusion Bill*.

The following information is adapted and updated from the Department for Communities and Social Inclusion, Disability Access and Inclusion Plan Tool Kit.



1.1 United Nations Convention on the Rights of Persons with Disabilities

The development of DAIPs aligns with the *United Nations Convention on the Rights of Persons with Disabilities* (UNCRPD) ratified by Australia in 2008, and the Optional Protocol signed by Australia in 2009. The convention acknowledges the value of existing and potential contributions made by people with disabilities to the overall wellbeing of their communities. It is underpinned by eight guiding principles based on respect, equality and non-discrimination.

Principles

The purpose of the [United Nations Convention on the Rights of Persons with Disabilities](#) is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity.

Article three of the convention identifies the principles as follows:

- Respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons
- Non-discrimination
- Full and effective participation and inclusion in society
- Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity
- Equality of opportunity
- Accessibility
- Equality between men and women
- Respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities.

1.2 National Disability Strategy 2010-2020

Inherent in Australia's commitment to the UNCRPD is an obligation to continually improve the lived experience of people with disability. For government, that not only means improving outcomes through the specialist disability service system but also ensuring that mainstream services, programs and infrastructure are responsive to their needs.

On 13 February 2011, the Council of Australian Governments (COAG) endorsed the *National Disability Strategy 2010–2020* (NDS). The NDS provides a shared agenda to help achieve the vision of an inclusive Australian society that enables people with disability to achieve their full potential as equal citizens.

The NDS outlines a 10 year national policy framework for all governments to address the barriers faced by Australians with disability and will ensure that services and programs including healthcare, housing, transport and education, address their needs.

The NDS will help ensure that the principles underpinning the UNCRPD are incorporated into policies and programs to improve access and outcomes for people with disability, their families and carers.

The NDS was developed in partnership with the Commonwealth, State and Territory Governments under the auspice of COAG. The Australian Local Government Association also assisted in the development of the NDS.

1.3 Strong Voices: A Blueprint to Enhance Life and Claim the Rights of People with Disability in South Australia (2012-2020)

In 2009 the Social Inclusion Board consulted widely with people living with disability, their families, carers, advocates and service providers. *Strong Voices: A Blueprint to Enhance Life and Claim the Rights of People with Disability in South Australia (2012-2020)* is the outcome of that consultation.

A universal theme of the consultation was that people living with disability 'felt undervalued as citizens and experienced difficulty finding a place in the wider community.' The report made thirty four recommendations designed to shift the way disability is viewed.

In March 2012, the SA Government endorsed the introduction of DAIPs across government in accordance with recommendation six of the report *Strong Voices: A Blueprint to Enhance Life and Claim the Rights of People with Disability in South Australia (2012-2020)*.

1.4 Disability Services Act 1993 and Disability Services (Rights, Protection and Inclusion) Amendment Act 2013

The *Strong Voices* report recommended that new rights-based legislation, aligned with the UNCRPD, be enacted to replace the *Disability Services Act 1993*. In view of the continuing relevance of this Act and the significant reforms implemented subsequently by both Commonwealth and State Governments (including the establishment of the National Disability Insurance Scheme), it was decided that alternative approaches should be considered.

Consultation and engagement with the community sector and people with disability culminated in the identification of priorities for action and ways to address these through complementary legislation or policy and program implementation.

The Department for Communities and Social Inclusion, through Disability SA, supported these consultations and the drafting of the Disability Services (Rights, Protection and Inclusion) Amendment Act 2013 which was proclaimed on 5 December 2013.

The amendments strengthened protections available to South Australians living with disability by referencing the UNCRPD and including provisions such as enshrining the right to exercise choice and control in decision-making, ensuring accessible complaints and grievance processes and protection for those who raise a complaint. State and national discrimination legislation is also referenced and safeguarding policies mandated for all disability service providers.



1.5 South Australia's Disability Access and Inclusion Plan Strategy

The Disability Access and Inclusion Plan strategy demonstrates the South Australian (SA) Government's commitment to improving the participation of people with disability across a range of areas so that they can enjoy the rights and opportunities provided to all citizens to reach their full potential. It replaces the previous access strategy, *Promoting Independence: Disability Action Plans for South Australia*.

The Disability Access and Inclusion Plan strategy provides a framework to support the development of DAIPs across state and local government. It specifies six outcome areas that align with those of the NDS. DAIPs provide a systematic approach for organisations to identify and address barriers to access and inclusion and develop strategies that meet the participation and service needs of people with disability.

This approach provides for development and implementation of a common framework that reflects the direction of current disability reforms in moving from a focus on service provision to a rights-based approach supporting individual choice, control and independence. Within this framework individual agencies can determine actions and strategies based on their own priorities and timelines.

DAIPs are active documents that recognise community and cultural diversity and acknowledge the valuable contribution of everyone to the social and economic fabric of our society.

1.6 Draft Disability Inclusion Bill, 2017

The National Disability Insurance Scheme has necessitated a change in the legislative landscape. State Government will no longer directly fund services and so the *Disability Services Act 1993* needs to be replaced.

The Draft *Disability Inclusion Bill* will reflect the South Australian Government's commitment to the NDS. It aims to strengthen current requirements for ensuring services and facilities are accessible and inclusive of people living with disability, but it ensures a whole-of-government approach that includes public transport, education, justice, healthcare, housing community events and public spaces.

Under the draft *Disability Inclusion Bill*, it is proposed that all State Government departments, statutory authorities and local councils prepare and implement DAIPs in consultation with people living with disability every four years. The draft *Disability Inclusion Bill* proposes that DAIPs will provide a mechanism for reporting on the implementation of the NDS in South Australia.

2.0 Definitions

Under federal legislation (the *Disability Discrimination Act 1992*) and SA legislation (*Equal Opportunity Act 1984*) it is against the law to discriminate against someone based on their disability. Disability discrimination happens when people with a disability are treated less fairly than people without a disability and the discriminator fails to make reasonable adjustments to rectify the situation. It also occurs when people are treated less fairly because they are relatives, friends, carers, co-workers or associates of a person with a disability.

2.1 Disability Discrimination Act 1992

The *Disability Discrimination Act 1992* defines "disability" as meaning:

- (a) total or partial loss of the person's bodily or mental functions; or
- (b) total or partial loss of a part of the body; or
- (c) the presence in the body of organisms causing disease or illness; or
- (d) the presence in the body of organisms capable of causing disease or illness; or
- (e) the malfunction, malformation or disfigurement of a part of the person's body; or
- (f) a disorder or malfunction that results in the person learning differently from a person without the disorder or malfunction; or
- (g) a disorder, illness or disease that affects a person's thought processes, perception of reality, emotions or judgment or that results in disturbed behaviour;

and includes a disability that:

- (h) presently exists; or
- (i) previously existed but no longer exists; or
- (j) may exist in the future (including because of a genetic predisposition to that disability); or
- (k) is imputed to a person.

2.2 United Nations Convention on the Rights of Persons with Disabilities Definition

The UNCRPD defines persons with disabilities as including those who have long-term physical, mental, intellectual or sensory impairments which interact with various barriers to hinder their full and effective participation in society on an equal basis with others.

This broader understanding recognises that disability may also be a product of the environment in which a person lives. Social, attitudinal, economic and cultural barriers can limit participation as can a person's individual circumstances (ie the nature and degree of impairment, capacities and skills).

The UNCRPD defines 'discrimination' on the basis of disability to mean "... any distinction, exclusion or restriction on the basis of disability which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field."



2.3 What is Disability?

The Australian Bureau of Statistics (ABS) estimates suggest that 1 in 5 Australians identify as having a disability, the incidence of disability increasing with age¹. Most of us will experience disability or will care for others with disability at some time.

“Disability” is a broad concept often not well understood. The Social Inclusion Board’s Blue Print Report² offers a good reflection on defining ‘disability’:

- Historically defining ‘disability’ relies on medical definitions where the ‘expert voice’ predominates. These definitions see disability foremost as a limitation or barrier to activity and participation.
- The United Nations Convention on the Rights of Persons with a Disability emphasises that environmental and attitudinal barriers are just as important in defining disability as an individual’s physical or intellectual impairment.
- Disability is the product of impairment of functionality and the environment that a person lives in. Social, economic and cultural barriers can limit a person with disability’s capacity to participate and be included. These barriers compound and further define the experience of disability and associated problems which need to be overcome.
- People living with disability differ, not only in the nature and degree of their impairment, but more importantly in relation to their individual circumstances, capacities and skills.

The definition of "disability" in the Disability Discrimination Act, 1992, includes:

- psychiatric – e.g. someone with mental illness, such as depression
- physical – e.g. someone who uses a wheel chair, stick or walking frame, uses a scooter, or a person with an amputation or cerebral palsy
- sensory – e.g. people who have vision impairment or who are deaf or hard of hearing
- intellectual – e.g. someone with Down’s Syndrome
- learning – e.g. problems with literacy such as dyslexia
- neurological – e.g. Multiple Sclerosis
- disease processes – e.g. Hepatitis B or HIV/AIDS.

¹ The ABS Survey of Disability, Ageing and Carers (2012) defined a person with a disability as someone who has a functional limitation, restriction or impairment which has lasted, or is likely to last, for at least six months and restricts everyday activities.

² *Strong Voices: A Blueprint to Enhance Life and Claim the Rights of People with Disability in South Australia (2012-2020)*

3.0 South Australians Living with Disability

The Australia Bureau of Statistics (ABS) *Survey of Disability, Ageing and Carers 2012* (SDAC) defines a person with disability as someone who has a functional limitation, restriction or impairment, which has lasted, or is likely to last, for at least six months and restricts everyday activities.

In SA, over one in five people (357,100 or 21.5%) reported having a disability in 2012. Of these, nearly 90% had a specific limitation or restriction that meant they were limited in the core activities of self-care, mobility or communication, or restricted in schooling or employment.

Around 32.0% of people with disability had a profound or severe limitation in one or more of the core activity areas with a further 49.5% having a moderate or mild limitation in core activity areas.

In 2012, there were 22,700 children aged less than 15 years with a disability (7.7% of all children aged less than 15 years). Of these, 54.6% had a profound or severe limitation in core activity areas and 10.6% had a moderate or mild limitation in core activity areas.

ABS findings indicate that there were 219,000 people providing informal assistance to people with disability (13.4% of population). Of these, 56,000 people identified themselves as being primary carers (3.4% of the population).

The ABS also measures the participation of people with disability in a range of activities away from home. In the previous three months, most people with disability had visited relatives or friends (88.6%).

Participation in other specific activities away from home over the previous 12 months was also measured. These include visiting a library, participating in physical activities for exercise or recreation, or attending a sporting event or movie. Nearly one in five (18.0%) South Australians with a disability aged less than 65 years did not participate in any of these activities away from home.



4.0 About the Mount Barker District

The Mount Barker District Council is a regional community of nearly 34,000 people, spread across approximately 600 square kilometres. It includes the townships of Mount Barker, Hahndorf, Echunga, Nairne, Littlehampton, Blakiston, Wistow, Flaxley, Macclesfield, Meadows, Callington, Prospect Hill, Echunga, Brukunga, Harrogate, Kanmantoo and Dawesley.

The Mount Barker District Council is located in the Adelaide Hills approximately 35 kilometres east of the Adelaide GPO and is boarded by the Councils of Alexandrina, Adelaide Hills, Onkaparinga, Murray Bridge and Mid Murray.

A map of the Mount Barker District Council is provided in Figure 2.

The population of the Mount Barker District Council was reported as 33,397 (2016 ABS Census). This represents 12% growth since the 2011 Census and is approximately double the rate of growth experienced in Greater Adelaide (6%) and South Australia (5%).

A high rate of population growth is forecast to continue, especially in the townships of Mount Barker, Littlehampton and Nairne. This trend will see increased urbanisation of previously rural parts of the district. Infrastructure planning for these areas of growth will directly effect access and inclusion outcomes for residents.

4.1 People Living with a Disability in the Mount Barker District Council

An indicator of the extent of disability experienced within a community is the proportion of people with a profound or severe disability who report that they need assistance with day to day (core) activities. 4.6% of the population or 1537 people in the Mount Barker District Council report a need for assistance. This is slightly lower than that reported for Greater Adelaide of 5.9%. (2016 ABS Census)

Far higher numbers of people provide **unpaid** assistance to a person with a disability, long-term illness or old age and so have their own lived experience of disability. In 2016, there were 3022 carers over the age of 15 undertaking this role, representing 11.3% of the total population. This is slightly lower than reported for Greater Adelaide (12.2%). (2016 ABS Census)

4.2 Age Profile

Figure 1 presents an age profile for the Mount Barker District Council. Most of the population (52%) are aged 25 to 64 years old. 14% of the population are aged 5-14 years old.

The likelihood of people experiencing disability increases with age. 15% of the population is aged 65 years and over, which is lower than for Greater Adelaide (17%) (2016 ABS Census).

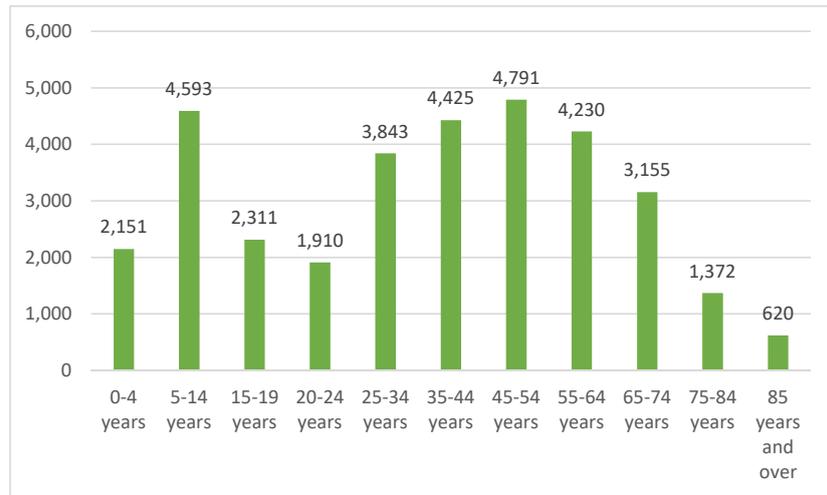
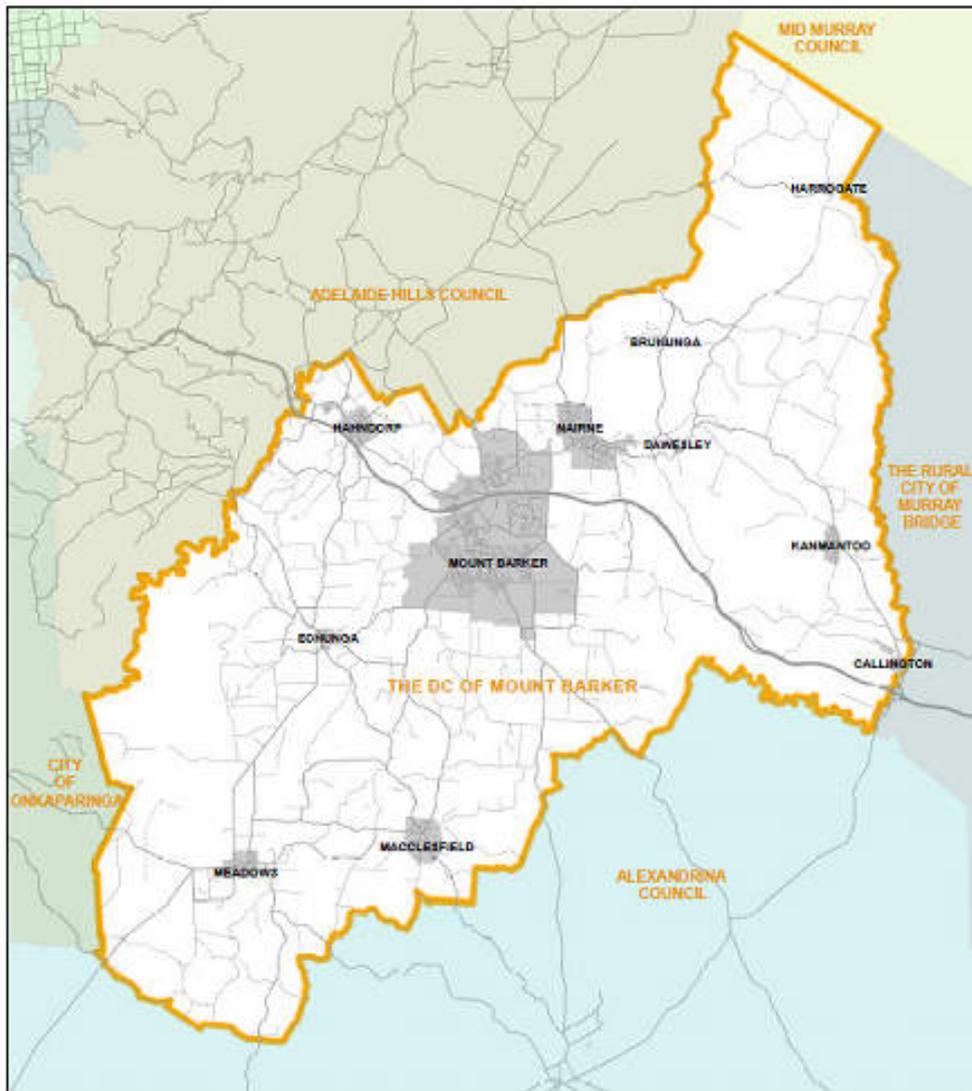


Figure 1 – The Age Profile of the District Council of Mont Barker (ABS Census 2016)

4.3 Cultural and Linguistic Diversity

The community in the Mount Barker District Council is largely of Anglo Saxon and English speaking background.

80% of the population of the Mount Barker District Council area were born in Australia. Apart from people born in the United Kingdom (7.2%), the next highest proportions of residents born overseas were from New Zealand, Germany, South Africa and the Netherlands. Of the total population, only 4% of people speak a language other than English at home, compared to 20% of people across Greater Adelaide. Of those people born overseas, only 1.1% are not proficient in English.



DISTRICT COUNCIL OF MOUNT BARKER



- District Council of Mount Barker boundary
 - Freeway
 - Arterial, collector road
 - Local road
- | | |
|-------------|------------|
| Author | URPS/URS |
| Approved by | URPS |
| Date | 11/12/2017 |
| Revision | 1 |
| Data source | URS |



Figure 2 – The Mount Barker District Council

4.4 Where do we live?

The Mount Barker District Council area is approximately 600Km² (60,000 hectares) in size. Only 5% of this area is zoned as township and residential. According to the Land Development Zones Spatial Dataset, the rest includes rural living (approx. 2%), primary production (approx. 57%) and watershed (approx. 35%) (DPTI, November 2016). While the majority of people live in Township and Residential zones, rural living is common and a number of people live in Primary Production areas.

As is the case for Greater Adelaide, most of the population of the Mount Barker District Council area live in two-person households (35% of households). People living alone (and therefore without any “live-in” support options) make up 22% of households which is lower than for Greater Adelaide (27%).

The Mount Barker District Council area is a low density community. The vast majority of dwellings (88%) are separate houses. Only 3.9% of dwellings are semi-detached and less than 1% are flats or apartments compared to 15% and 7% for Greater Adelaide respectively.

Home ownership in the Mount Barker District Council area was slightly higher (73%) than for Greater Adelaide (67%). However, of these households, marginally less were owned outright (28%) and more were paying a mortgage (45%) compared with Greater Adelaide (31% and 36% respectively).

Rentals were lower than for Greater Adelaide with only 23% of households renting compared to 29%. Social housing was also less prevalent than for Greater Adelaide with only 12% of rented properties being social housing compared to 18%.

4.5 How do we move around?

While the majority of the population resides within or adjacent to a township, significant numbers live beyond township boundaries, often on acreage.

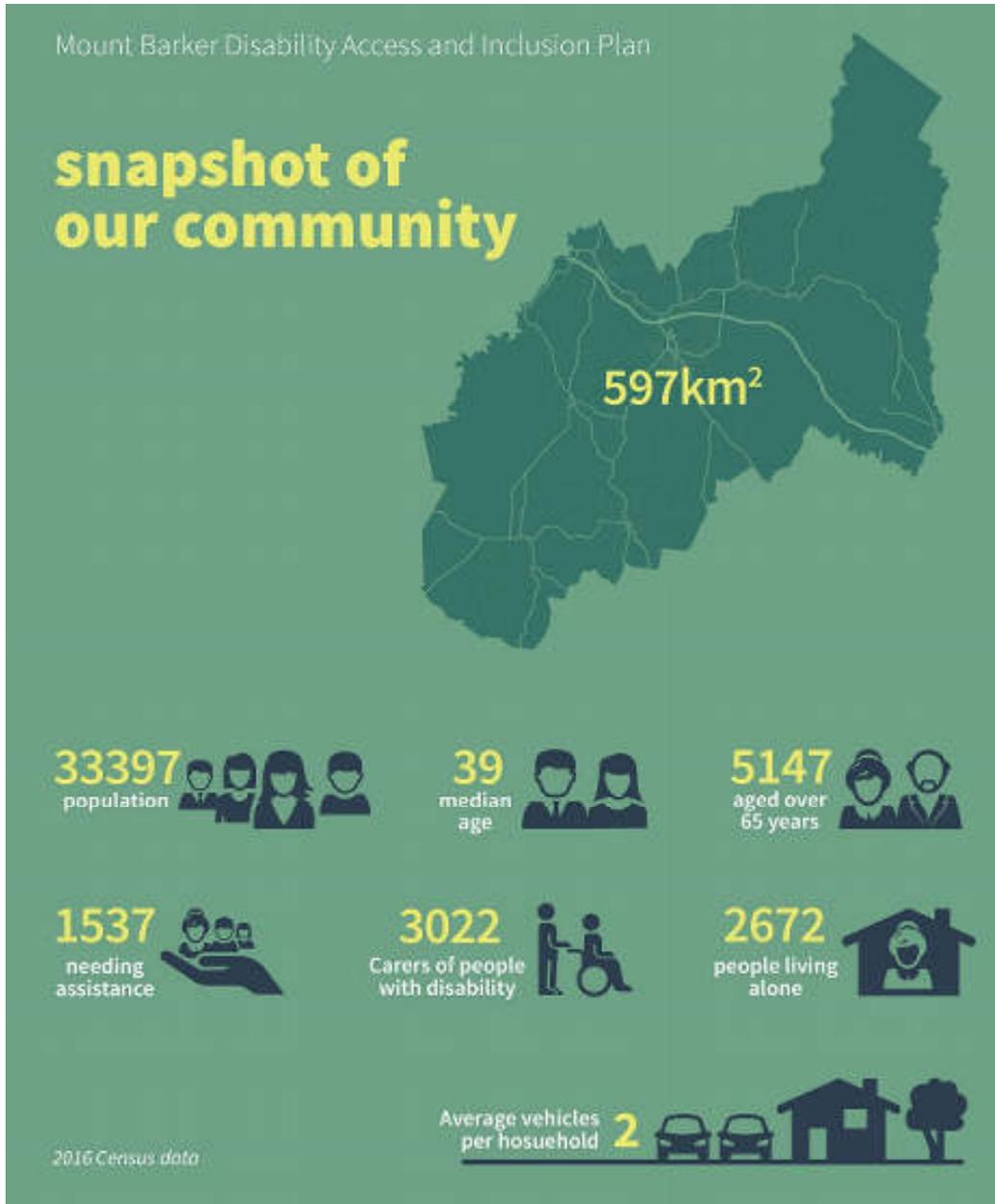
Car ownership is necessary for people living beyond the township of Mount Barker, with limited public transport services to many areas. The average number of motor vehicles per household is 2 compared to 1.7 for greater Adelaide.

Public transport services concentrate on the township of Mount Barker as the district’s centre for local government, retail and employment. Mount Barker also serves as an interchange for public transport to and from the city of Adelaide. Park ‘n’ ride facilities exist near significant transport hubs in Mt Barker for people driving in from surrounding areas.

There is no public tram or rail transport in the Mount Barker District and public transport from the Township of Mount Barker to other townships within the district and beyond is restricted. Where it exists, public transport within the district is often limited to hours that suit people commuting to work at regular hours during weekdays only.

Mount Barker District Council has a community transport service that assists people who are transport disadvantaged. This service includes a community bus that is available for hire by local community groups.

Movement of people who do not drive (the young, frail elderly and some people living with disability) may be compromised in areas of the district that lack public or community transport.



5.0 Council's Strategy Context – Relationship of DAIP to other Plans and Policies

A review was conducted of various strategic documents relevant to the Mount Barker District Council to assess how well the Disability Access and Inclusion Outcomes for Local Government (see table 6) have been considered.

The comments in the following section may state that the plan being reviewed does not specifically mention disability. This is not necessarily a deficit of the plan being reviewed. It is acknowledged that the role of some plans, such as the Strategic Plan, is to provide high level guidance for all community rather than developing targeted strategies for specific groups. Other plans, such as the Age Friendly Plan, may be focused specifically on a group and not disability. Additionally, it is acknowledge that it is not the role of any plan to do all things. For instance, some plans may only focus on community outcomes and not internal operations. It is also acknowledged that at the time of preparing the plans, the Disability Access and Inclusion Outcomes that they have been reviewed against were not known.

The review will highlight the strengths of the Council in disability access and inclusion planning to identify areas where more work or new ideas are needed. The review will then inform the development of the new Disability Access and Inclusion Plan for the Council.

The plans reviewed were:

- The Mount Barker 2035 District Strategic Plan
- Mount Barker Age Friendly Community Plan (Draft)
- Community Facilities Study and Delivery Strategy (2017)
- Mount Barker Access Action Plan (2005)
- Regional Public Health Plan for the Southern and Hills LGA (2015)

5.1 The Mount Barker 2035 District Strategic Plan

The Mount Barker 2035 District Strategic Plan was developed from extensive community engagement and provides a vision and directions for the District that reflect community issues and needs and will guide all Council operational activities and work programs.

Table 1 summaries the extent to which the Disability Access and Inclusion Outcomes for Local Government (table 6) have been considered by the Plan.



Table 1 – Level of consideration of Disability Access and Inclusion Outcomes for Local Government in the Mount Barker 2035 District Strategic Plan

Outcome	Level of consideration	Comments
Outcome 1 Inclusive Programs, Services & Events	✓✓	The Plan has a Community Wellbeing Goal and its objectives speak to providing activities and facilities that support the wellbeing and participation of the community. They do not specifically mention disability. However there is mention of facility planning and design that support <u>diversity inclusiveness</u> (CW 3.2).
Outcome 2 Accessible Physical Environment	✓✓	<p>The Plan’s Community Wellbeing Goal speaks to the provision of assets and infrastructure that support community safety (CW2.5, CW 2.6), and facilities and space that support physical activity (5.2). It speaks to a long term approach to the upgrade of facilities and infrastructure (CW 3.1) that supports <u>diversity inclusiveness</u> (CW 3.2).</p> <p>The Plan’s Urban Environment Outcome speaks to taking a considered, principled and consistent approach to the provision of open space (UE1.2, UE1.4) that increases use and outdoor activity (UE1.3).It also speaks to the provision and advocacy of transport and a transport network that enables movement through the district <u>and accessibility for all</u> (UE:2).</p>
Outcome 3 Information and Customer Service	✓✓	<p>The Plan’s Governance and Leadership Outcome speaks to the development and refinement of a corporate customer service strategy (GL2.8) and to the adoption of digital services and social media to support improved service delivery and <u>accessibility</u> for residents (GL2.4). Although it talks about improved accessibility, it doesn’t specifically mention disability or inclusion.</p> <p>The Plan’s Community Wellbeing Goal speaks to investing in people and technology in service centres to deliver face to face interaction and personalised service (CW 1.6). It doesn’t specifically mention disability or inclusion.</p>
Outcome 4 Participation in Decision Making	✓✓	The Plan’s Governance and Leadership Outcome seeks to provide opportunities for the community to access and participate in decision-making processes (GL 1.3) that are fully integrated into Council activities (GL1.5) and enable community leadership (GL 1.6). However there is to specific mention of disability.
Outcome 5 Planning and Building		The Plan’s Urban Environment Outcome seeks for buildings and streetscapes to be of a high standard and designed for current and futures uses (UE:3). However, there is no mention of development supporting accessibility, inclusion, or disability.
Outcome 6 Informed and Supportive Working Environments		The Plan’s Governance and Leadership Outcome speaks to maintaining a highly-skilled and effective workforce (GL2.2). However there is no discussion of equal opportunity employment or supportive work environments and arrangements, or specifically of disability and inclusion.

(✓ mention; ✓✓ consideration; ✓✓✓ comprehensive consideration)

5.2 Mount Barker Age Friendly Community Plan (Draft)

The Mount Barker Age Friendly Community Plan (Draft) is a comprehensive plan that builds upon Council's existing strategies that support wellbeing and community connectedness. The Plan provides strategic directions and actions to support an Age Friendly Mount Barker.

Table 2 summaries the extent to which the Disability Access and Inclusion Outcomes for Local Government (Table 6) have been considered by the Plan.

Table 2 - Level of consideration of Disability Access and Inclusion Outcomes for Local Government in the Mount Barker Age Friendly Community Plan (Draft)

Outcome	Level of consideration	Comments
Outcome 1 Inclusive Programs, Services & Events	✓✓	Goal Four of the Plan speaks to the provision and management of community facilities that support life-long learning, affordable, stimulating and enjoyable opportunities for social interaction and programs that promote and support good health and wellbeing (S6). It also includes the development of a regional dementia friendly garden with support from neighbouring Councils (6.7). The goal also speaks to services that enable the older community to stay at home either through advocacy (7.1) or provision (7.2). The goal does not specifically mention disability or inclusion.
Outcome 2 Accessible Physical Environment	✓✓✓	Goal Three of the Plan seeks to ensure that Council's public assets are designed, managed and maintained to support access for all people regardless of age or ability (S3) including by increasing compliance to DDA standards through audits of Council buildings and spaces (3.1) and reviewing infrastructure standards (3.4). It also speaks to the provision of specific features such as seating (3.6), signage (3.7) and disability parking (3.8) as well as prioritising infrastructure upgrades that adopt age-friendly criteria (3.3).
Outcome 3 Information and Customer Service	✓✓✓	Goal Four of the Plan speaks to the provision of information that is accessible, relevant, engaging and easily shared (S5) including through improving the readability and accessibility of communication (5.1), adding magnifying options to Council's website (5.1), increasing digital literacy (5.2), and adopting multiple languages (5.1) and assistive technology (5.3). Goal Five of the Plan includes directions to ensure that Council's service delivery processes are responsive to the needs of older people (S9), including through training of frontline staff (including in dementia) (9.1).
Outcome 4 Participation in Decision Making	✓	Goal Five of the Plan includes directions to ensure Council's consultation processes are responsive to the needs of older people (S9) through a review to address barriers to participation including accessible buildings, toilets and parking (9.3). There is no specific mention of engaging inclusively with people with a lived experience of disability.
Outcome 5 Planning and Building	✓✓	Goal Two of the Plan seeks to educate and provide incentives to developers (2.1, 2.2), to upskill planners (2.3), and review Council's Development Plan (2.4) to provide housing that responds to people's needs as they age (S2), including the adoption of universal design principles (2.1). However, there is no mention of development supporting accessibility, inclusion, or disability.



Outcome	Level of consideration	Comments
Outcome 6 Informed and Supportive Working Environments	✓✓	Goal Five of the Plan seeks to establish Council as an age-friendly employer that recognises the needs of older workers through flexible working arrangements, accessible and appropriate work place and skill development opportunities (8.1). It doesn’t speak broadly to inclusion and disability.

(✓ mention; ✓✓ consideration; ✓✓✓ comprehensive consideration)

5.3 Community Facilities Study and Delivery Strategy (2017)

The Community Facilities Study and Delivery Strategy identifies what community facilities are required and when to support the existing and projected population in the Mount Barker District Council area.

The Strategy talks to trends in successful community facilities provision and discusses options for how facilities and types of facilities could be distributed across the Mount Barker District in the short (up to 2021), medium (up to 2036) and long (post 2036) term.

The Strategy does not detail specific actions for the form of facilities or what the facilities could deliver and how. As such, it was not appropriate to review the Strategy against the Disability Access and Inclusion Plan Outcomes for Local Government.

It is important to note that the Strategy identifies a trend in community facility planning that the most successful facilities are those that address accessibility and community diversity (pg 46) and suggests that facilities should be readily accessible to ensure that all members of the community can use them (pg 75).

5.4 Mount Barker Access Action Plan (2005)

The Mount Barker Access Action Plan (2005) is out of date and no longer being used. Despite it being out of date, Council has been continuing and progressing efforts in the access and inclusion space.

The Action Plan is organised under functions of Council rather than by seeking particular outcomes for the community. Its recommendations focus on rewording policies, procedures and bylaws to better reference or respond to access and inclusion matters. It also includes recommendations for new initiatives.

A review of the Action Plan against the Disability Access and Inclusion Outcomes for Local Government (Table 6) provides a useful opportunity to reflect on the level of change in access and inclusion planning since 2005.

Table 3 summaries the extent to which the Disability Access and Inclusion Outcomes for Local Government (Table 6) were considered by the Action Plan.



Table 3 - Level of consideration of Disability Access and Inclusion Outcomes for Local Government in the Mount Barker Access Action Plan (2005)

Outcome	Level of consideration	Comments
Outcome 1 Inclusive Programs, Services & Events	✓✓	<p>The Action Plan sought to increase accessible leisure and recreation for all including people with disability (Rec. 84), and to ensure venues, programs and facilities were inclusive, available and accessible. It also sought to promote use of the Hills Community Passenger Transport Network and other transport options (Rec. 70), and to conduct a review of transport infrastructure in general (Rec. 80).</p> <p>The Action Plan also proposed options to improve library access (through technology, entrances and transport options) (Rec. 71-73). I</p>
Outcome 2 Accessible Physical Environment	✓✓	<p>The Action Plan proposed an audit of Council-owned playgrounds, cemeteries, parks, buildings, streetscapes and facilities, and to develop and implement DDA action plans for each (Rec. 76-79). It also sought to encourage and assist lessees of Council property to develop and implement their own Access Action Plans (Rec. 59).</p> <p>The Action Plan also proposed developing a public toilet strategy (Rec. 81), increase disability parking and deterrence approaches for inappropriate use of parking spaces (Rec. 83).</p>
Outcome 3 Information and Customer Service	✓✓	<p>The Action Plan proposed providing alternative formats of information on request (Rec. 69). It also proposed training in disability awareness and the DDA for Elected Members, staff and volunteers (Rec. 60) and to establish a register of access complaints (Rec. 68). It proposed adding a layer of information to the local tourist mapping showing the locations of toilets, car parks, ATMs, phones and amenities etc (Rec. 66).</p>
Outcome 4 Participation in Decision Making	✓✓	<p>The Action Plan sought to update Council’s consultation policy to include a statement of commitment to “genuine, <u>inclusive</u>, effective and timely community consultation on a range of issues, often exceeding the minimum consultation requirements.”, and to ensure that consultation methods provided alternative formats on request (2.6). The Action Plan also proposed engaging a consultant to inform the fit-out of the new Council chambers (xx) and to establish an Access Reference Group (Rec. 25) but the purpose of this was not clear.</p>
Outcome 5 Planning and Building	✓✓	<p>The Action Plan proposed updates to the Building Inspection Policy to ensure adequate access to buildings at the completion of works and encourage unisex accessible toilets (Rec. 14). The Action Plan also included directions for ensuring that developers are aware of DDA requirements (Rec 75).</p> <p>Further, the Action Plan suggested working with tourism and local businesses to improve the accessibility of the centre and businesses including through DDA training and access awards (Rec. 65).</p>
Outcome 6 Informed and Supportive Working Environments	✓✓	<p>The Action Plan proposed updates to HR policies to reflect that the Council was an equal opportunity employer and made recruitment decisions equitably (Rec. 10). It also proposed policy amendments to support work travel for people with disability (Rec. 13).</p>

(✓ mention ; ✓✓consideration; ✓✓✓comprehensive consideration)

5.5 Regional Public Health Plan for the Southern and Hills LGA (2015)

The Regional Public Health Plan was developed by the Southern and Hills Local Government Association on behalf of six of its member councils:

- Adelaide Hills Council
- Alexandrina Council
- Kangaroo Island Council
- Mount Barker District Council
- Victor Harbor Council
- District Council of Yankalilla

The Plan provides an understanding of the ‘State of Health’ of the various communities across the region and provides strategic direction to progress health outcomes for the region. The Plan includes an action plan for each member council.

Table 4 summaries the extent to which the Disability Access and Inclusion Outcomes for Local Government (Table 6) were considered by the District Council of Mount Barker Public Health Action Plan.

Table 4 - Level of consideration of Disability Access and Inclusion Outcomes for Local Government in the District Council of Mount Barker Public Health Action Plan (2015)

Outcome	Level of consideration	Comments
Outcome 1 Inclusive Programs, Services & Events	✓✓	<p>The Healthy Lifestyles theme of the Plan strives to develop programs and initiatives which increase the usage of open space, community and recreation facilities, and support a more diverse range of unstructured recreation activity opportunities, for people of all ages and <u>abilities</u>. Importantly, the Plan puts attention on directions that focus on achieving active communities including the Positive Ageing Strategy and a <u>Disability Action Plan</u> (7.1-7.3).</p> <p>Other than this specific mention to disability planning, the Action Plan speaks more generally about public health such as:</p> <ul style="list-style-type: none"> - the delivery of public health education programs including at Council facilities (8.1, 8.2). - developing a response for children and youth health including through the provision of open space opportunities (9.1-9.3). - increasing community connectedness through research of needs and resourcing of targeted approaches (10.1-10.4) - provision of lifelong learning and skills development opportunities (11.3) - influence public transport outcomes and to work to improve the Hills Community Transport Network (12.1-12.2). - Increasing volunteerism (11.1, 11.2) <p>Although these directions do not explicitly mention disability and inclusion, they can easily be accommodated to fit within the objectives.</p>
Outcome 2	✓✓	<p>The Healthy Environments theme of the Plan speaks to the provision of a built environment that supports active and healthy communities through a variety of planning tools and approaches providing open space, community,</p>



Outcome	Level of consideration	Comments
Accessible Physical Environment		sport and recreation facilities, education and community services; pedestrian and cycle links. Most importantly though, through infrastructure and environments <u>that enable those with special needs</u> . (1.1). The Plan places particular focus on trails, sports hubs, community/civic/cultural facilities, play spaces, and public realm in activity centres. (1.2)
Outcome 3 Information and Customer Service		-
Outcome 4 Participation in Decision Making		-
Outcome 5 Planning and Building	✓	The Healthy Environments theme of the Plan seeks to continue to plan for, and facilitate, affordable, adaptable and appropriate housing including through planning and liaising with developers on ‘ageing in place’ and improved housing choice. (3.1). Although this direction does not explicitly mention disability and inclusion, housing that supports ageing in place will need to be designed to accommodate those living with disability.
Outcome 6 Informed and Supportive Working Environments		-

(✓ mention ; ✓✓consideration; ✓✓✓comprehensive consideration)

5.6 Summary of Document review

Table 5 summarises the extent to which the Disability Access and Inclusion Outcomes for Local Government (Table 1) were considered in the plans reviewed in this section.

The outcomes which have had the strongest level of consideration across the plans are Inclusive Programs Services and Events and Accessible Physical Environments. Council's planning genuinely strives to improve the wellbeing of its community and acknowledges its role in providing public realm infrastructure and programs and services that are accessible and inclusive to do so. A new access and inclusion plan can provide more consideration of specific programs and infrastructure that could be put in place to support inclusiveness and those living with disability.

The Information and Customer Service outcome showed the next level of consideration, with the relevant plans, especially the Age Friendly Plan, demonstrating care at the customer interface. A new access and inclusion plan can provide more consideration of some additional considerations for inclusiveness and accessibility.

The Participation in Decision Making, Planning and Building, and Informed and Supportive Working Environments had the least consideration across the plans reviewed. The plans demonstrated a commitment to engaging with the Mount Barker Community in decision making. However, a new access and inclusion plan can provide more consideration of targeted engagement for inclusion and disability initiatives.

In terms of planning, the current plans provide direction primarily around the promotion of age friendly development. A new access and inclusion plan can provide more consideration of how planners can be supported to work with developers/builders to increase the adoption of and exceed DDA requirements to improve the experience of people living with disability across all age groups.

There is some acknowledgement in the plans of being an age friendly and equal opportunity employer, however a new access and inclusion plan can strengthen the commitment to creating a workplace that is understanding of difference, is flexible and provides opportunities for those living with disability.

The plans reviewed demonstrate a lot of good will around caring for community and provide the opportunity to extend the commitment demonstrated to access and inclusion planning. There is specific opportunity to hone in and tailor actions and focus projects to such communities that will also help support the higher aims of the Strategic Plan, Age Friendly Plan and Public Health Action Plan.



Table 5 – Summary of the level of consideration of Disability Access and Inclusion Outcomes for Local Government in selected Mount Barker District Council Strategic Documents.

	LEVEL OF CONSIDERATION OF DISABILITY ACCESS AND INCLUSION OUTCOMES					
	Outcome 1 Inclusive Programs, Services & Events	Outcome 2 Accessible Physical Environment	Outcome 3 Information and Customer Service	Outcome 4 Participation in Decision Making	Outcome 5 Planning and Building	Outcome 6 Informed & Supportive Working Environments
Mount Barker 2035 District Strategic Plan	✓✓	✓✓	✓✓	✓✓		
Mount Barker Age Friendly Community Plan (Draft)	✓✓	✓✓✓	✓✓✓	✓	✓✓	✓✓
Mount Barker Access Action Plan (2005)	✓✓	✓✓	✓✓	✓✓	✓✓	✓✓
District Council of Mount Barker Public Health Action Plan (2015)	✓✓	✓✓			✓	
Community Facilities Study and Delivery Strategy	-	-	-	-	-	-
Number of ticks	8	9	7	5	4	4

(✓ mention; ✓✓ consideration; ✓✓✓ comprehensive consideration)

6.0 Disability Access and Inclusion Plan (DAIP) Outcomes for State and Local Governments

Ensuring that the rights of people living with disability are upheld is the responsibility of the whole community and requires a state-wide response. Most people take the ability to go about their daily life for granted. People with disability should also be able to access and participate in all aspects of our society, including using 'mainstream' services and programs. Social inclusion is fundamental to one's quality of life and critical to achieving positive life outcomes across all domains.

Developing a DAIP illustrates that an agency recognises the importance of access and inclusion for everyone, has a welcoming attitude and employs well informed staff who are aware of the needs of people living with disability.

The following section provides an overview of the outcomes established for the South Australian DAIP and a discussion of how these outcomes relate to Local Government's roles and responsibilities. Finally, it presents a refined list of DAIP outcomes specific to Local Governments roles and responsibilities.

6.1 South Australian DAIP Outcomes

The SA DAIP strategy specifies the following outcome areas.

Outcome 1. Inclusive and accessible communities

People with disability live in accessible and well-designed communities with opportunity for full inclusion in social, economic, sporting and cultural life.

Outcome 2. Economic security and employment

People with disability, their families and carers have economic security, enabling them to plan for the future and exercise choice and control over their lives.

Outcome 3. Rights protection, justice and legislation

People with disability have their rights promoted, upheld and protected.

Outcome 4. Personal and community support

People with disability, their families and carers have access to a range of supports to assist them to live independently and actively engage in their communities.

Outcome 5. Learning and skills

People with disability achieve their full potential through their participation in an inclusive high quality education system that is responsive to their needs. People with disability have opportunities to continue learning throughout their lives.

Outcome 6. Health and wellbeing

People with disability attain the highest possible health and wellbeing outcomes throughout their lives.



6.2 Council Roles and Responsibilities

Local Government has a different set of roles and responsibilities in relation to our community, including vulnerable groups and people living with disability. Councils do not provide formal health services, schools and tertiary education and they do not make the laws. While Councils facilitate an environment where businesses are able to thrive, they do not have a primary responsibility for general economic security and employment.

Councils do play very important roles as advocates to, and partners with, State and Commonwealth service providers, non-government organisations (NGO's) and the private sector to enable their communities to have access to the services they need to live full and rewarding lives.

Councils do provide very important services and programs that contribute to social inclusion, health and well-being. Councils provide and manage libraries, community centres, open spaces for active recreation, parks and gardens for relaxation and social interaction.

The quality of the physical and built environment that supports accessibility for people living with disability is a key focus for the design and maintenance of the public realm and Council owned and managed buildings.

Councils are often the first point of contact for local residents and businesses, highlighting the importance of appropriate information provision and customer service and support.

Councils provide a range of avenues for people to participate in making decisions about matters that affect their lives. It is important that these methods recognise and respond to any particular barriers that might limit the ability of people living with disability to participate.

Land use development and building construction are regulated through Council Development Plans. This provides an opportunity to set policies that support accessibility and influence the developer's response to meeting guidelines for inclusion and access.

Councils are significant employers in most communities. Their inclusive policies and practices can provide high quality working environments for their employees and act as a model for other businesses.

Councils often have strong volunteer involvement which is another important way for people living with disability to contribute to community life.

Councils' commitment to building an inclusive, welcoming and responsive culture is reflected in its induction processes and training programs.

6.3 Refined Disability Access and Inclusion Outcomes for Local Government

Table 6 presents a list of disability access and inclusion outcomes for Local Government. These have been refined from the South Australian DAIP Strategy outcomes taking into account the discussion of the role of Local Government in section 5.3 as well as feedback from Mount Barker District Council Staff.

This discussion paper has used these outcomes as the framework for a review of the consideration of disability access and inclusion in selected Council strategic documents. They are also proposed to be used as the framework for the Access and Inclusion Plan that will be developed as a result of the review.

Table 6 – Disability Access and Inclusion Outcomes for Local Government

Outcome	Description
Outcome 1	Support for health and wellbeing through inclusive programs, services and events. Examples: Promote healthy living and enable social participation for people living with disability; Maintaining independence and wellbeing through specialised and mainstream services;
Outcome 2	Accessible buildings, streets and open spaces. Examples: Access and inclusion audits of buildings and spaces; Universal design principles incorporated into planning for physical environments
Outcome 3	Appropriate information and responsive customer service. Examples: ICT systems use accessible platforms and make alternative formats available; Centralised access to disability access and inclusion information for Council staff and community; access to assistive technologies in workplace and community
Outcome 4	Effective participation in decision making. Examples: diverse access opportunities for civic participation; Local access to learning and mentoring opportunities for people living with disability
Outcome 5	Proactive planning and building assessment processes. Examples: Policies and planning that exceed DDA requirements; processes that influence developers to deliver built environments that exceed DDA requirements
Outcome 6	Informed and supportive working environments. Examples: Disability awareness training for all staff; Ensure accessible workplaces; promote workforce diversity and become an employer of choice
Outcome 7	Leadership through partnership and advocacy
Additional Outcome for MBDC	Examples: Membership of regional working groups; advocacy to State Government around local and regional concerns.



7.0 Our Plan

The Mount Barker District Council is committed to working with all sectors of the community to embrace opportunities created by population growth over the next twenty years. Planning for disability access and inclusion is part of this commitment.

The Mount Barker District Council has developed this Plan in consultation with staff and will continue to engage with key stakeholders in the community through its implementation (Appendix A & B).

This plan will guide Council's efforts over four years in the following areas.

The Mount Barker District Council DAIP Outcomes

- Support for health and wellbeing through inclusive programs, services and events.
- Accessible buildings, streets and open spaces.
- Appropriate information and responsive customer service.
- Effective participation in decision making.
- Proactive planning and building assessment processes.
- Informed and supportive working environments.
- Leadership through partnership and advocacy

7.1 Support for Health and Wellbeing through Inclusive Programs, Services and Events

Discussion

Mount Barker District Council currently supports a range of programs, services and events that support the health and wellbeing of people living with disability.

Some of these activities are designed for people living with disability, such as Council's Commonwealth Home Support Program (CHSP), the Rokit program, the transport program, the Library's home delivery service and policy of including diverse formats in the library collection, providing assistance navigating the NDIS and access to specific funding.

Many other activities, including sport, recreation and cultural activities funded or supported by Council, are not targeted at people living with disability. While there is scope within them for specific initiatives and programs that meet the access and inclusion needs of diverse groups, there are no clear mechanisms to ensure this happens.

Health and wellbeing for people living with disability could be enhanced by planning and reporting criteria that identifies access and inclusion outcomes, and through an accessible and centralised information portal with associated social media.

Focus Area	Actions
Transport, information & community services	<ul style="list-style-type: none"> • Continue Community Transport program. • Continue Commonwealth Home Support Service (CHSP). • Continue hoarding and domestic squalor support.
Library services, collections & programming	<ul style="list-style-type: none"> • Continue delivering Library programs that maximise access & inclusion, such as home delivery, diverse format materials. • Increase the provision of health & wellbeing programs to meet diverse need of people living with disability (including carers).
Social infrastructure	<ul style="list-style-type: none"> • Continue support for men's sheds. • Continue support for Community centre. • Create a community garden space (in an existing or new garden) that is inclusive of disabilities. • Audit community buildings to identify accessibility requirements and develop a schedule of building updates to ensure compliance.
Funding and support	<ul style="list-style-type: none"> • Continue funding and in-kind support for a range of community based activities that provide opportunities for social connection and skills development to people with diverse ability. • Review and update community funding and support guidelines to include access and inclusion criteria.
Promotion	<ul style="list-style-type: none"> • Promote health and wellbeing opportunities through a centralised online portal. • Develop social media policy and practices that provide access to information, connection and participation for people living with disability. • Create a clear and engaging narrative around general health & wellbeing programs to increase participation of people living with disability (inclusive imagery and text; targeted promotion avenues). • Promote volunteering among sectors of the community living with disability, as a way to engage and contribute.

7.2 Accessible Buildings, Streets and Open Spaces

Discussion

Mount Barker District Council is currently undergoing a number of public realm upgrades and infrastructure projects that will improve accessibility for people living with disability, particularly people



living with physical mobility restrictions. The district has a number of re-charge stations for electric mobility devices and some disability play spaces. The linear trail network is a particular highlight with access characteristics built in, however there was some acknowledgement that safe crossing points needed attention.

While there is some direction in the Strategic plan around access and inclusion planning, there is a lack of clarity around implementation.

Access and inclusion objectives could be built into asset management plans (currently under development) in order to influence open space planning. An Access and inclusion audit of all public facilities, and a design review by a local access and inclusion panel would better influence access and inclusion outcomes of major projects.

Focus Area	Actions
Policy and guidelines	<ul style="list-style-type: none"> • Review Council standards for development of new infrastructure to ensure universal access principles are embedded. • Embed access & inclusion criteria into protocols for inspection, maintenance and renewal of council buildings and assets. • Embed access and inclusion objectives into asset management plans (currently under development) in order to influence open space planning.
Council buildings	<ul style="list-style-type: none"> • Undertake a targeted audit of Council owned and operated buildings and facilities to assess their compliance with DDA Standards. • Develop a schedule of building and facility upgrades that meet or exceed DDA standards. Identify access and inclusion priorities and cost these for the next 4 years. • Upgrade non-compliant shelving and furniture in Library in response to People and Places audit.
Public realm and Main streets	<ul style="list-style-type: none"> • Integrate universal design and universal access guidelines into Open Space Strategy. • Review and update design guidelines and standards to ensure access & inclusion outcomes for Nairne Main Street. • Initiate a review and upgrade schedule of playgrounds to increase access to children and families living with disability (inclusive of parents and carers with disability). • Develop a schedule of public realm upgrades and projects. Identify access and inclusion priorities and cost these for the next 4 years. • Expand audit of tourism businesses as part of the Positive Ageing Project to include disability access and inclusion.

Parks and trails	<ul style="list-style-type: none"> • Continue building linear trail network with universal access guidelines in place. • Identify safe crossing points on linear trail and road intersections and apply universal access guidelines to design. • Continue with Weld Park development, including dementia-friendly planning.
Project consultation and review	<ul style="list-style-type: none"> • Initiate a major projects review process that includes scrutiny from a disability access and inclusion panel (or similar) during the planning phase.

7.3 Appropriate Information and Responsive Customer Experience

Discussion

Mount Barker District Council is moving towards compliance with access standards in the provision of information and customer service. Information is provided in multiple languages on the Council website, community engagement aims to be respectful of different access and inclusion needs, and there is a practice of asking people how they would like to receive information.

A review of Council’s website and customer service areas would highlight various areas of potential access improvement, including information formats, information dissemination processes and physical access to service desks and computers. Combined with disability awareness training across Council, these activities will ensure a more positive experience for people living with disability when interacting with Council.

Updating community engagement procedures and plans would also ensure greater participation of people living with disability. Council could influence access and inclusion during community events by providing organisers with a list of access and inclusion tips and resources during initial set up meetings.

Focus Area	Actions
Communications policy and guidelines	<ul style="list-style-type: none"> • Develop/ update communications policy that explicitly addresses disability access and inclusion objectives. • Identify an Access and Inclusion Champion as part of an Access and Inclusion communication strategy (well known personality who will be associated with a positive message around access and inclusion).
Website design & content	<ul style="list-style-type: none"> • Review and update Council website to ensure accessible design for vision impaired and people with learning or literacy limitations, including appropriate text size and contrast and audio capability.



Customer experience	<ul style="list-style-type: none"> • Develop a centralised online portal (accessible web page with relevant internal and external links) for all access and inclusion information and opportunities in the region. • Provide diverse options for information provision to suit different needs • Create a resource for Community events organisers with tips and resources for good access and inclusion outcomes. • Review the customer service interface from an access and inclusion perspective – include front counter and referral space.
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7.4 Participation in Decision Making

Discussion

Mount Barker District Council is an active member of the Hills Positive Ageing Task Force and other regional collaborations with influence over infrastructure and service planning that might effect access and inclusion for people living with disability. Currently, the extent to which people living with disability are consulted or included in decision making processes related to regional planning is limited. Where it does occur it is likely to focus on the experience of disability that comes with ageing. This is likely to result in poorer outcomes for access and inclusion of people experiencing different types of disability and across various life stages.

While a number of older people hold positions on Council committees and as elected members, there is no clear avenue for people living with disability to influence decision making. Council also supports participation of older people in their volunteering program and through TOP HAT, a forum for seniors’ clubs and networks. Again, there is no specific support of people living with disability.

An access and inclusion stakeholder list (including organisations, groups and individuals), and an access and inclusion advisory group are both mechanisms that provide people living with disability an avenue to participate in Council discussions and an opportunity to influence decision making that effects their lives.

Consultation Protocols and a targeted social media policy can ensure people living with disability are properly represented during consultation and adequately connected to information that helps them make informed choices and decisions.

Focus Area	Actions
Representation	<ul style="list-style-type: none"> • Investigate how people living with disability can better engage with planning and project development. • Scope the possibilities and parameters of a disability access and inclusion advisory panel. *

	<ul style="list-style-type: none"> • Convene a disability access and inclusion advisory panel (or alternative structure as indicated by previous investigations).
Consultation	<ul style="list-style-type: none"> • Create community engagement guidelines that include access and inclusion processes and criteria designed to maximise diversity of voices heard. • Create and maintain a list of disability access and inclusion stakeholders.
Information	<ul style="list-style-type: none"> • Develop social media policy and practices that provide timely and useful access to information, connection and participation for people living with disability.

* See case study example from City of Adelaide (Appendix C)

7.5 Planning and Building

Discussion

Mount Barker District Council has a policy to increase housing diversity in the district. Council engineering standards for new growth areas integrate current DDA standards to ensure accessibility compliance in new and upgraded infrastructure.

Council’s Development Plan and Engineering Standards reflect accessibility standards required by the Disability Discrimination Act. Reviewing these plans to include policy that enhances accessibility beyond DDA compliance will contribute to long-term accessibility of housing and buildings.

A number of activities could support compliance with enhanced accessibility standards. The Age Friendly Living Guidelines for Residential Development available on the SA Health website reflect the World Health Organisation’s age-friendly cities checklist.

The recommended guidelines for dwelling design that is appropriate for all ages and abilities are based on the Liveable Housing Design Guidelines developed by the Commonwealth Government and The Housing SA Design Guidelines “Sustainable Housing Principles 2.3 Universal Housing Design Criteria”.

Council is in a position to facilitate accessible and sustainable design outcomes through the provision of information to developers and home buyers.

Focus Area	Actions
Development planning and assessment	<ul style="list-style-type: none"> • Review and update the Development Plan, building standards, Asset Management Plans and other documents and protocols to embed access and inclusion criteria for development, inspection, maintenance and renewal of infrastructure and Council assets.



	<ul style="list-style-type: none"> • Establish development and engineering standards for new growth areas (including key pedestrian networks, trails and open space linkages) that meet DDA standards as a minimum, and identify where exceeding the standards will contribute to access and inclusion outcomes. • Review and amend engineering standards for roll-over kerbs. • Establish a disability access and inclusion advisory panel to review plans for Council assets (building, streets, parks, parking) and other developments at the start and end of detailed design. *
<p>Influence and inform developers</p>	<ul style="list-style-type: none"> • Develop a suite of resources and processes to influence and negotiate with developers to exceed DDA minimum standards, including consideration of universal design and ageing in place sustainability of housing (consider impacts of 2-story dwellings on access over the long term). • Develop and promote access to resources that support home builders to realise the long-term benefits of accessible design.

* See case study example from City of Adelaide (Appendix C)

7.6 Informed and Supportive Working Environments

Discussion

Mount Barker District Council is an equal opportunity employer with flexible work policies and ITC arrangements that support flexible work arrangements. It has good return to work options and staff can access mental health training and personal stress and resilience training. Staff also have access to an Employee Assistance Program.

Disability Awareness Training is limited to staff working with employees with clearly stated disabilities. Since all Councils will be required to prepare Disability Access and Inclusion Plans under the new legislation, it is possible that the Local Government Association (LGASA) could be encouraged to undertake sector wide training. In lieu of this, Council could build on its current suite of training to ensure that all staff (including management) receive Disability Awareness Training and Unconscious Bias Training

‘Hidden’ barriers to employment and volunteer engagement of people living with disability can be identified through an appropriate audit. Physical barriers such as service desks, meeting rooms and office equipment that restricts participation of staff (or visitors) is a deterrent to potential applicants. Generic statements in job advertisements and job descriptions often have unnecessary requirements that exclude applicants (such as the requirement to hold a driver’s licence). Council marketing and communication could also be reviewed for the messages they send to the public about who is welcome to work at Council and who is not (are diverse abilities, ages and cultural backgrounds represented?).

Focus Area	Actions
Employment	<ul style="list-style-type: none"> • Review return to work options and identify ways to enhance return to work experiences • Review and update diversity statements on Council's employment and volunteer pages and related materials • Audit Council work environments to identify barriers to access. Develop a schedule to rectify barriers (priorities and costing) • Expand IT support for flexible working environments through development of a general policy for all staff • Celebrate diversity through images and text in internal and external marketing and communications • Redesign customer service and meeting areas - ensure desks are wheelchair friendly; install hearing loops (consider other enabling features)
Volunteers	<ul style="list-style-type: none"> • Review and edit volunteering policy and job descriptions to encourage applicants with diverse abilities and eliminate unnecessary barriers to application (eg. Driver's licence requirement) • Review objectives of volunteer program to clarify outcomes for Council and outcomes for volunteers (based on DAIP outcome areas). Amend policy and materials accordingly • Consider how refugees might be enabled to volunteer or work at Council and create a refugee statement of support for Council's website
Awareness and resilience training / Professional development	<ul style="list-style-type: none"> • Develop disability awareness training as part of induction and as professional development across all levels of staff • Continue to support the Employee Assistance Program • Develop the staff mental health program so it moves from a reactive approach (responding to a stated need) to a proactive approach (that builds resilience and checks in with staff) • Create learning and professional development opportunities that consider literacy, numeracy and learning limitations



7.7 Leadership through partnership and advocacy

Discussion

Mount Barker District Council has a Diversity and Equity Policy that supports advocacy for access and inclusion. Council has strong partnerships with disability representatives and is active across a number of regional activities that impact on the experience of people living with disability, including the Regional Public Health Plan, Regional Climate Adaptation planning and the Hills Positive Ageing Task Force.

Policy direction around Council’s role as a leader and advocate in the area of access and inclusion would help to clarify the role of Council in the Regional Public Health Network and continue to work towards implementation of the Regional Public Health Plan.

Council’s role as an information and referral provider for the NDIS is also an area where Council can take a lead.

Focus Area	Actions
Regional partnerships	<ul style="list-style-type: none"> • Clarify Council’s role in delivery of Regional Public Health Plan for the Southern and Hills LGA (2015). • Deliver on Public Health Plan actions.
NDIS	<ul style="list-style-type: none"> • Clarify Council’s role as information and referral provider for the NDIS (to individuals and NGO’s providing services). • Develop relevant policy, guidelines and training to support Council’s role as information and referral provider for the NDIS.
Advocacy	<ul style="list-style-type: none"> • Advocate to State Government for legislative change to Planning, Development and Infrastructure Act.

8.0 Implementing the Plan (draft to be discussed with Council)

Delivery of the actions in this Plan will require the efforts of multiple areas of Council.

The relevant Manager (to be confirmed with Council) will be responsible for coordinating the implementation of this plan. Specific actions will be the responsibility of a given department or team to deliver.

Implementation of the plan will involve an annual cycle of planning, delivery, reporting and improvement.

Focus area	Action
Planning	<ul style="list-style-type: none"> • In alignment with the annual business plan and budget planning process. The Manager will meet with relevant areas of Council to identify and allocate actions to be delivered that year as projects. • Relevant areas of Council incorporate the actions and required resourcing into their business plan and budget planning process (or Long Term Financial Plan or Asset Management Plan). • The Manager, in conjunction with the relevant area of Council, identifies a project to be a case study for maximising access and inclusion outcomes. • Project/actions approved by Council as part of the Annual Business Plan and Budget.
Delivery	<ul style="list-style-type: none"> • Relevant areas of Council are responsible for delivering the actions assigned to them through the planning process. • Convene a panel of members of the DAIP Stakeholder Register at least six monthly, to provide input on Council projects, plans or policy. If desired, members of the panel could be invited to participate in Task Groups for specific initiatives.
Reporting	<ul style="list-style-type: none"> • Quarterly progress updates are made by responsible staff to the Manager. • Progress in implementing the Plan is reported annually to Council by the Manager Community Development and Engagement. • Case study outcomes are promoted to the community.
Improvement	<ul style="list-style-type: none"> • Outcomes of implementation (successes and obstacles) and issues raised by the public through the Customer Request System are used to inform improvements in the way the Plan is implemented in following years and when it is reviewed.



Appendix A – Preliminary Staff Workshop Summary

PRELIMINARY STAFF WORKSHOP

A preliminary workshop was held with Community Connections staff on 7 November 2017 at the District Council of Mount Barker main offices on Dutton Road. The workshop was designed to finalise the Age Friendly Plan and initiate development of the Disability Access and Inclusion Plan.

Disability access and inclusion in the context of the Mount Barker District

The physical environment of the Mount Barker District was considered a significant challenge to access and inclusion for many residents living with disability.

Rural characteristics are particularly challenging. These include: long distances between services and homes, large properties, dirt roads, hilly terrain, inadequate or no footpaths and poor public transport to areas outside the main township of Mount Barker.

Closer to the townships, participants spoke about old building stock not being adequately accessible and a lack of open space.

Access to primary health care was also an important consideration in light of an increasing population of older people. Health resources and services are decreasing and participants thought there was an increasing need for outreach programs and travel to other places to receive services and treatment.

Disability Access and Inclusion Outcomes – Current snapshot

The following Disability access and inclusion outcomes are modified from the State Government Disability Access and Inclusion Plan guidelines to suit the Mount Barker District Council context.

Outcome 1: Health and wellbeing through inclusive programs, services and events.

- Doing well: Community Connections activities are community centred and collaborative; library access and programs; social option program for the over 60s and community transport service.
- Could develop: Cross-generation programs; identifying and addressing barriers to participation in events.
- Could influence: Increased specialist services in Mount Barker area; provision of space for services (e.g. in schools)

Outcome 2: Accessible buildings streets and public places

- Doing well: Good processes for infrastructure development are in place.
- Could develop: Outstanding infrastructure as part of new developments; expand audit of tourism businesses as part of the Positive Ageing Project to include disability access and inclusion.
- Could influence: Provision of public transport in the area; new development to exceed DDA standards.

Outcome 3: Appropriate information and responsive customer services



- Doing well: Strong local networks; Community Connections department well positioned to deliver information in a better way
- Could develop: Materials and information regarding access and inclusion with centralised access.

Outcome 4: Participation in decision making

- Doing well: Community centres and University of Third Age
- Could develop: Community participation in facilities planning; life-long learning activities across Council
- Could influence: Partnership that results in permanent home for University of the Third Age

Outcome 5: Planning and building

- Doing well: The new Council strategic framework
- Could develop: Integrate access and inclusion considerations into all Council planning
- Could influence: Commitment from developers to exceed DDA compliance.

Outcome 6: Informed and supportive work environments

- Doing well: Staff training; employee assistance program; management assist program; development of diversity policy
- Could develop: Return to work after injury processes; accessibility across Council properties; Diverse and proactive recruitment

Appendix B – Action planning Staff Workshop Summary



Appendix C – Access and Inclusion Panel: example from City of Adelaide

CITY OF ADELAIDE ACCESS AND INCLUSION ADVISORY PANEL

PURPOSE

The Access and Inclusion Advisory Panel is a key component in the effective delivery of actions associated with Council’s Access and Inclusion Strategy. The development of the Panel is one of a number of Council’s strategies for linking to people’s lived experience of the City, alongside other targeted engagement opportunities and partnerships with the disability sector. The Panel meets quarterly to help shape the access and inclusion outcomes for key projects across the City.

KEY ACTIVITIES

Involved in facilitating the annual consultation workshop:

An annual stakeholder workshop is facilitated by Council, to assist in determining priorities and actions for annual program plans. One ‘case study’ project per Council business portfolio is identified annually, to highlight and raise the profile of initiatives that improve access and inclusion in the City.

Case Study Projects:

Each year four access and inclusion case study projects are supported by the Access and Inclusion Advisory Panel. The case study projects aim to demonstrate how targeted engagement and specialist advice during the development and delivery stage of projects can lead to improved outcomes. Write ups for each case study are available by clicking on the name of the projects below.

Business as usual:

The Access and Inclusion Advisory Panel may be asked to provide feedback on significant and pressing ideas or issues as they arise. This correspondence would normally be done via email outside the normal timeframe of scheduled meetings.

CASE STUDY – ADELAIDE AQUATIC CENTRE

The Adelaide Aquatic Centre has been operating for over 40 years, beginning with a focus on training and competitions and more recently as a leisure and fitness centre. The completion of the State Swimming Centre in Marion has contributed to a change in the focus of the Centre. It is now being upgraded in stages to meet current standards, best practice and customer expectations, including accessibility requirements.

In 2011, the Centre received a major upgrade to the roof and was closed for a number of months. The next stage of upgrades began in April 2014 including retiling and installation of a ramp in the 50m pool and upgrades to the leisure pool and plant room areas. Subsequent upgrades to the Centre will be based on a long term business case and subject to funding.

The Adelaide City Council Access and Inclusion Advisory Panel were called upon to provide advice and feedback on key accessibility upgrades to the 50m pool and leisure pool. Their advice and feedback and input from other professionals including Swanbury Penglase architects, have led to access and inclusion outcomes that include disability awareness training for staff, budget for upgrade of the accessible change room, improvements to the kiosk, accessibility information on website and lighting improvements as well as a ramp into the 50m pool and lifts into the leisure pool.



Aquatic Centre staff with members of the Adelaide City Council Access and Inclusion Advisory Panel discussing the requirements of the accessible change room within the Centre



Aquatic Centre staff participating in Disability Awareness Training with Enable Development in July 2014

URPS



Appendix B – Action planning Staff Workshop Summary

Appendix C – Access and Inclusion Panel: example from
City of Adelaide

14. QUARTERLY REPORTS**Recommendation**

That the following reports be noted enbloc.

14.1	REPORT TITLE:	SOUTHERN AND HILLS LOCAL GOVERNMENT ASSOCIATION QUARTERLY REPORT
	DATE OF MEETING:	3 FEBRUARY 2020
	FILE NUMBER:	DOC/19/9050
	ATTACHMENTS:	1 - DOC/20/924 – KEY OUTCOMES SUMMARY
	<u>Key Contact</u>	Ros McDougall, Risk & Governance Officer
	<u>Manager/Sponsor</u>	Brian Clancey, Deputy CEO/General Manager Governance, Strategic Projects, Wastewater/Recycled Water

Purpose:

To provide a quarterly report on the outcomes of the Southern and Hills Local Government Association (SHLGA) meeting.

Summary – Key Issues:

- A key outcome summary is provided following each SHLGA meeting.

Background:

1. This quarterly report is provided following the December meeting of the Southern and Hills Local Government Association Board.
2. Membership of the SHLGA comprises Mayors and Chief Executive Officers of each of the constituent Councils. Cr Jones is Council's Deputy Board Member.

Discussion:

3. The attached key outcomes summary provides an update on:
 - The application to the LGA Research and Development Scheme to undertake a *Community Wellbeing Indicators for South Australia Local Government* project has been successful and a tender process is being undertaken;
 - An update on the 2020 Regional Transport Plan
 - An update on the RDA Regional Infrastructure Plan
 - An update on the Regional Climate Change Adaption Study
4. The SHLGA has appointed an Advisory Group and adopted its Terms of Reference.
5. A report about the SHLGA Charter will be considered by the Advisory Group during 2020.

Conclusion:

Quarterly reports will keep Council updated on matters involving the SHLGA.

Previous Decisions By/Information Reports to Council

Meeting Date	8 October 2019	HPRM Reference	DOC/19/120159
Title	SHLGA Quarterly Report		
Purpose	To provide a quarterly report on the outcomes of the Southern and Hills Local Government Association meeting.		

Meeting Date	1 July 2019	HPRM Reference	DOC/19/71078
Title	SHLGA Quarterly Report		
Purpose	To provide a quarterly report on the outcomes of the Southern and Hills Local Government Association meeting.		

Meeting Date	1 April 2019	HPRM Reference	DOC/19/31088
Title	SHLGA Quarterly Report		
Purpose	To provide a quarterly report on the outcomes of the SHLGA meeting.		



Southern & Hills Local Government Association

Attachment 1 to Item 14.1

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Email: graeme@shlga.sa.gov.au | www.shlga.sa.gov.au |

Adelaide Hills Council | Alexandrina Council | Mount Barker District Council | Kangaroo Island Council
| City of Victor Harbor | District Council of Yankalilla |

KEY OUTCOME SUMMARY

To: Member Councils & selected stakeholders

From: Executive Officer

Subject: Board Meeting Key Outcomes – December 2019

Date: 6 December 2019

1. KEY PROJECT STATUS UPDATE

1.1 Regional Health Plan.

The application for \$50,000 submitted to the LGA R&D scheme on behalf of S&HLGA to undertake a *Community Wellbeing Indicators for South Australian Local Government* project has been successful and a tender process is currently being undertaken with applications to close on Friday Dec 6.

In addition the S&HLGA Regional Public Health Committee has been regularly meeting (most recently on 3rd Dec) to commence the review process of the Regional Public Health Plan with a view to complying with the requirement to submit a new plan by Sept 2020.

1.2 2020 Regional Transport Plan

S&HLGA has received updated information on traffic counts and some firmer costings for the South Coast bypass. The missing piece at present is the demand profile for freight tasks in the region.

Unfortunately the RDA does not have in house capability and the estimate to outsource this project is circa \$40,000. After consultation with the RDA and HDS Australia S&HLGA has agreed to wait until the next iteration of the S&HLGA 2030 Regional Transport Plan due in 2020. This plan will incorporate an analysis of the freight task and should supply the necessary information to review the South Coast freight concept.

1.3 RDA Regional Infrastructure Plan

The RDA Regional Roadmap and Regional Infrastructure Plan Technical Reference Group consisting of each of the member Councils Economic Development Officers (or equivalent) met on 4 November 2019. The main point of discussion was to review the criteria for analysing and prioritising the regional projects. It was agreed the new criteria should incorporate:

- job creation
- Economic impact
- Environmental impact
- Social impact

- Innovation
- Deliverability

1.4 Regional Climate Change Adaptation Study

S&HLGA is progressing with the final stages of the “What we build, where we build project”. It has confirmed funding for the S&HLGA project co-ordinator until 30 June 2020. The Community energy project incorporating the Community Foundation is at a critical juncture with Councils now deliberating the requested significant seed funding.

2. S&HLGA ADVISORY GROUP TERMS OF REFERENCE

S&HLGA Advisory group Terms of Reference has been circulated to each Member Council.

RECOMMENDATION: 6.1.2/06122019

Moved CEO Andrew Stuart That the Board notes and adopts the S&HLGA Advisory Group Terms of Reference

Seconded Mayor Jan-Claire Wisdom

CARRIED UNANIMOUSLY

RECOMMENDATION: 6.1.3/06122019

Moved CEO Victoria MacKirdy That CEO Glenn Rappensberg and CEO Nigel Morris are nominated and adopted as the Committee Members of the Advisory Group Panel for the fixed term of 2 years.

Seconded Mayor Jan-Claire Wisdom

CARRIED UNANIMOUSLY

RECOMMENDATION: 6.1.4/06122019

Moved CEO Andrew Stuart that the SHLGA Board asks the Advisory Group to confirm a work program for Board endorsement, including the 3 year financial plan, charter review, EO performance and guest speakers list for the Boards ratification in the first meeting of 2020.

Seconded Mayor Jan-Claire Wisdom

CARRIED UNANIMOUSLY

3. STRATEGIC FORUM ACTION LIST UPDATE

	Action	Who & when	Status
1	Fine tune the purpose model and statement	Interface by 17 May 2019	complete
2	Review the current Charter	GM by 31 October 2019	Scheduled for Dec 2019
3	Clarify LGA funding	KP,GM by 16 May 2019	LGA have confirmed \$40k Capacity grant to the regions for 2019/20 and 2020/21 years
4	Agree future 3 year financial model for implementation at 1/7/2020	GM by 30 September 2019	complete
5	Review role, capability and resourcing of Executive Officer. Explore potential sub-	GRa, VM, AA to work with GM and present back to group by 30 June 2019	WIP Terms of Reference agreed

	Action	Who & when	Status
	committee format to provide ongoing support and direction		
6	SHLGA agenda and meeting format to be reviewed	GM,AS before next meeting	complete
7	Review style and structure of meetings. Identify opportunities to showcase respective regions thru pop up activities. Align guest speaker schedule and determine suitability	MJ,VM,GM by 31 December 2019	WIP
8	Pursue Onkaparinga as a future member of SHLGA	KP by next meeting	KP issued invitation to Mayor and CEO to attend SHLGA Dec 6 th 2019 meeting
9	That the group commit to open, constructive and respectful dialogue to foster more productive behaviours		

4. WEBSITE MIGRATION

The LGA currently hosts the S&HLGA website. This service is provided as a free service as part of our “membership and participation” in the LGA. However the LGA is migrating to the new “squiz” platform and has advised S&HLGA it will now be charged an annual fee of \$3,800 as part of their IT change if it continues to remain hosted by the LGA. S&HLGA need to make a decision by April 2020.

The EO has engaged a digital/ IT consultant (an estimated budget cost of \$600) to advise S&HLGA as to the merits of this change and to complete a desktop cost/benefit comparison with other hosting options.

5. CHARTER REVIEW

A separate report on the review of the current S&HLGA Charter was tabled and circulated to the Board. The newly comprised S&HLGA Advisory Board will consider the report and examine options for a new S&HLGA Charter during 2020.

6. GUEST SPEAKERS - TOBY BEKKERS, ANDREW HASTE

Toby Bekkers from Bekkers Wines presented to the S&HLGA Board on the research findings from his Nuffield Scholarship on “ What can agribusiness learn from luxury brands?” Specifically with an objective to drive demand and the premium paid for Australian Wine. His research examined the characteristics of luxury brands and to discover which of these is transferable to the Australian wine sector.

Luxury (a non essential item) exhibited the following key elements:

- High quality
- Price disconnected from cost of production (high margins)
- Rarity/Scarcity
- Craftsmanship and authenticity
- History and heritage
- Outstanding service

- Control of distribution and pricing

His research further distilled into three common themes from which the Australian Wine sector can incorporate into their marketing:

1. Luxury brands understand their unique brand identity
2. Luxury brands understand the emotional drivers of consumption
3. Luxury brands demonstrate consistency of image and actions

Andrew Haste from LGA procurement updated the Board on the progress of LGA Procurement and services noting in particular the win for the sector in public lighting contracts with SAPN.

14.2	REPORT TITLE:	QUARTERLY REPORT 2 – CAPITAL WORKS PROGRAM 2019/20
	DATE OF MEETING:	3 FEBRUARY 2020
	FILE NUMBER:	DOC/20/6201
	ATTACHMENTS:	ATTACHMENT A: PHOTOS OF PROJECTS COMPLETED OR UNDERWAY
	<u>Key Contact</u>	Martin Waddington, Manager Infrastructure Delivery, Infrastructure
	<u>Manager/Sponsor</u>	Phillip Burton, General Manager Infrastructure

Purpose:

To provide an update on the approved 2019/20 Capital Works Program at the end of Quarter 2.

Summary – Key Issues:

1. The 2019/20 Capital Works Program consists of 123 projects totalling a budget of \$37.4 million following Budget Review 1 (BR1).
2. At the end of Quarter 2, \$10.8 million has been spent year to date, against a year to date forecast of \$15.5 million (BR1).
3. 36 projects have been completed which include the new Environmental Service Centre, Library refurbishment and TAFE customer service hub, Littlehampton Hall toilet and Byethorne Park Nairne playground and play area improvements

Background:

1. The capital works program consists primarily of planned infrastructure works, both new and renewal, that deliver on the strategic objectives outlined in the Mount Barker 2035 District Strategic Plan.
2. This year's capital works program is a significant undertaking by Council and includes the building of Council's new regional sports hub Stage 1 which dominates the overall Capital Works Program with a budget of \$13.5 million alone (at BR1).
3. The capital works program is predominantly delivered by Council's Infrastructure Department and is mostly governed by an internal Project Control Group that has representation from staff across the organisation.

Discussion:

4. At the end of Quarter 2, \$10.8 million has been spent year to date against a year to date forecast of \$15.5 million. The key drivers are: timing for the Library Refurbishment (\$469k) and the Environmental Services Centre project expenditure, regional sports hub (\$2,679k) and Proctor Road (\$313k) project delivery. Other project underspends are largely a result of delays which have been amended at Budget Review 2 by adjusting the timing of expenditure.

5. The second quarter of this year has seen the completion of the following projects:
 1. ESC Community Storage & Facilities – this new facility located near the Laratinga Wetlands is the new home for Councils Infrastructure Department including Maintenance and Operations teams as well as their other infrastructure related functions. The facility includes a function centre for the public available for hire.
 2. Library Refurbishment & TAFE Customer Service Hub was completed around Christmas time and has received a great deal of praise from our appreciative customers.
 3. Littlehampton Hall Toilet Upgrade – A brand new replacement to an old ‘tacked on’ toilet to the side of the Littlehampton Hall. Rebuilt in the same position but very much in-keeping with the original hall architecture.
 4. Waste Transfer Station - Construct new specific waste stream shed. This shed addresses concerns of certain wastes not being kept under cover.
 5. Macclesfield Institute - Upgrade of Kitchen and Supper Room provided a much anticipated face lift and increase in functionality to this facility.
 6. Nairne Soldiers Memorial Hall - Stormwater Improvements now enables stormwater at the rear of the hall to be safely conveyed to the street.
 7. Tourist Park - Appliances Renewal has provided new washing machines and dryers.
 8. Bythorne Park Development in Nairne is a project that was funded through the “Fund my Neighbourhood” grant. The local community had heavy involvement in the design and the outcome is a magnificent play space with extensive grassed areas, playground and a nature play area.
 9. Meadows Bore Water Supply Renewal not only saw the completion of much needed renewal of pipes and valves but also the adjacent area was tidied up including the removal of a surplus to requirements concrete tank.
 10. Manhole Restoration Program was completed for this year. This is a continuing program of works aimed at ensuring the sewer manholes are kept in good condition.
 11. Mueller Close culvert replacement was an urgent project that emerged during this quarter. The culvert had suffered a major failure resulting in a dangerous situation for road users and those on foot alike. A quick intervention has resulted in the structure being repaired and not further degrading to a catastrophic failure.
 12. Meadows Bowling Club septic tank renewal was another project that emerged in the quarter. The original tank was in poor condition and too small resulting in frequent pumping out. By replacing the tank with a new large tank means that the operating costs will reduce with long term financial benefits.

6. At the end of the first quarter the following projects were either under construction or otherwise being designed or implemented:
 1. Road sealing program will commence following tender award subject to Council’s approval at its meeting 3 February 2020.
 2. The next stage of Springs Road reconstruction will occur towards the end of the financial year. The contract will include the final stages of the Springs Road reconstruction building on previously constructed stage 1 and stage 2. The contract will also include as a separable portion the future upgrade of the Environmental Service Centre access Road.

3. Reseal program will continue with Alexandrina Road commencing early February followed by Nicholas Paech Drive (Hahndorf), Eliza Court, (Hahndorf), Pyrites Rd, Military Road (Harrogate) and Military Road (Brukunga).
4. Footpath replacement program has commenced with Alexandrina Road footpath complete and remaining footpaths at Mann Street (Mt Barker), Laratinga Wetlands trail, Hawthorn Road and Hutchinson Street to be completed in the third quarter.
5. Various projects associated with the Tourist Park will continue including cabin renewal and office / managers quarters refresh.
6. The design of Childs Rd and associated footpath between the South Eastern Freeway tunnel to Hallett Road with the footpath extending to reach Anembo Park will continue to progress with consultation on the design to occur in February.
7. Review of the options to seal the last stage of Harrogate Road taking into consideration the numerous trees close to the road alignment is also nearing a conclusion. This will be presented to Council for further consideration in the March meeting of Council.
8. The Bridge renewal program has commenced with Mueller Close culvert an urgent late inclusion being addressed. Gawler Street Bridge will see some maintenance and refurbishment to stone, steel beam and concrete elements. Scour protection at two major culverts at Pyrites Road (Brukunga) and Field Road (Echunga) will be undertaken to protect these assets.
9. Baker Street to Old Princes Hwy Littlehampton Stormwater Drainage Upgrade concept design is near complete and will be tendered in time for construction in Spring 2020.
10. The Plant Renewal Program continues to be implemented.
11. The extension to the recycled water main to reach the former Polo Club site commenced construction in January. When complete this pipe will deliver recycled water to the former Polo Club site thus reducing the reliance on potable water resources.
12. The Eastern Sector trunk main has completed procurement with a contractor selected. Work is due to commence late January to early February pending the receipt of access licence from the land owner of the lower section of the trunk main.
13. The Prospect Hill playground upgrade has been taken to public consultation and a supplier identified. Erection of the new equipment is expected to occur in February with some repairs to some elements of the existing equipment already completed.
14. The undergrounding of power lines Princes Highway Littlehampton will commence in late January early February. Although this project is strictly not part of Councils capital works program (South Australia Power Network asset) it is a significant Stakeholder and financial contributor. Nevertheless the project has come up against some early obstacles with ground test results showing soil contamination in certain locations along the proposed route of the underground power cables, most notably around the roundabout at Junction Road. A further complication concerns the difficulty in securing an easement to accommodate a new switching cabinet. A number of suitable locations have been identified but to date no land owner has agreed to allow the switching cabinet to be located on their property. If no easement can be secured along Old Princes Highway then the switching cabinet would need to be located a distance down Darnley Street at an additional cost to the project, or the scope of the project could be reduced to negate the need for a switching

cabinet altogether. It is anticipated that Council will receive a report on these issues at its March meeting.

- 7. Photographs of the projects either underway or completed are included in Attachment A.
- 8. A review of the capital works program budget has been undertaken to identify any adjustments necessary to the forecast. Impacts to the budget are separately reported to Council as part of the second budget review by Councils Manager, Financial Services.

Conclusion:

The 2019/20 Capital Works Program is a significant undertaking by Council and the second quarter has seen many projects completed or well under way. A number of significant projects have commenced or will commence construction in the remaining months of summer into early autumn where whether conditions are conducive to civil works.

Previous Decisions By/Information Reports to Council

Meeting Date	4 November 2019	HPRM Reference	DOC/19/132665
Title	QUARTERLY REPORT 1 – CAPITAL WORKS PROGRAM 2019/20		
Purpose	To provide an update on the approved 2019/20 Capital Works Program at the end of Quarter 1.		

ATTACHMENT A – SOME PROJECTS COMPLETED

Macclesfield Institute Kitchen and Ceiling Replacement



Gawler Stephen Street Plaza Lighting



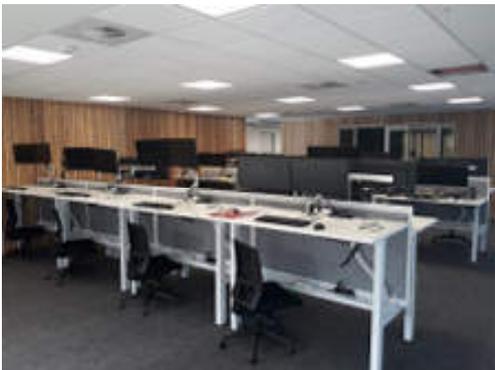
Library Refurbishment



Littlehampton Hall Toilet



Environmental Services Centre Fit Out



Footpath Hawthorn Road



Byethorne Park Nature Play



15. **MAYOR'S REPORT**

16. **MEMBERS' REPORTS**

17. **QUESTIONS ARISING FROM COUNCIL MEETING**

18. CONFIDENTIAL REPORTS**18.1 REPORT TITLE: CONFIDENTIAL: RECYCLED WATER STORAGE****DATE OF MEETING: 3 FEBRUARY 2020****Key Contact Brian Clancey, Deputy CEO/General Manager
Wastewater/Recycled Water****Manager/Sponsor Andrew Stuart, Chief Executive Officer**

That Council:

Section 90 (3) (h) Order**1. Pursuant to Section 90(3)(h)**

Pursuant to Section 90(2) of the Local Government Act 1999 the Council orders that all members of the public except the Chief Executive Officer, Deputy Chief Executive Officer/General Manager Wastewater/Recycled Water, General Manager Infrastructure, General Manager Planning and Development, General Manager Community Services, Chief Financial Officer and Minute Secretary be excluded from attendance at the meeting for Agenda Item Recycled Water Storage.

The Council is satisfied that pursuant to Section 90(3)(h) of the Act, the information to be received, discussed or considered in relation to this Agenda item is information relating to legal advice, which will be discussed with council members.

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because a Council decision has not yet been made in relation to the advice and its subject matter.