



**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 held in the Council Chambers, Mount Barker Homemaker Centre, 6 Dutton Road, Mount Barker on Monday 19 January 2026.

7.00 pm

Council Meeting

A. Stuart
CHIEF EXECUTIVE OFFICER

13 January 2026

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1. COUNCIL OPENING**EXPRESSION OF FAITH****ACKNOWLEDGEMENT OF COUNTRY**

- 1.1 TITLE: LEAVE OF ABSENCE – COUNCILLOR ORR**
DATE OF MEETING: 19 JANUARY 2026
FILE NUMBER: DOC/25/170290

Councillor Bradley Orr has advised in an email 8 December 2025 he will be a candidate in the State election for the seat of Kavel and will be taking leave from 1 January 2026 until 21 March 2026, the conclusion of the election.

Recommendation A:**That Council:**

- 1. Grant Councillor Bradley Orr leave of absence from ordinary council meetings 19 January 2026 and 2 February 2026 pursuant to section 54(1)(d) of the Local Government Act 1999 and any special council meetings up to 26 February 2026.**

Recommendation B:**That Council:**

- 2. Note Councillor Bradley Orr will automatically be granted Leave of Absence from the office of Council Member pursuant to section 55A of the *Local Government Act 1999 (SA)* from 27 February 2026 until the conclusion of the State election to be held in March 2026.**

Officer Comment:

1. The Councillor will be granted an automatic leave of absence from office pursuant to section 55A of the *Local Government Act 1999* (LG Act) from 27 February 2026 and this will extend to a leave of absence for the March meeting given it will occur on 2 March and before the conclusion of the State election.
2. Council can only grant a leave of absence from Council meetings; this does not grant a leave from office, meaning that the person continues to occupy the role and all obligations and duties of that role.

Leave of Absence (Recommendation A)

3. A request for leave for the period commencing before the close of nominations for the State election (noting 27 February is the closing date for bulk party nominations) does not constitute a leave of absence from office as a member of the Council, only a leave of absence from Council meetings.
4. The Council has the power to grant a member a leave of absence from Council meetings pursuant to section 54(1)(d) of the LG Act.
5. During the period of the leave of absence (pursuant to section 54 of the LG Act) the Council Member is entitled to receive any allowance in respect of the Council Member's office or reimbursement of expenses that the Council Member would otherwise be entitled to under the LG Act.
6. Councillor Orr has advised administration he does not wish to be paid his allowance for the period 1 January 2026 to 21 March 2026.

Leave of absence – 27 February 2026 to 21 March 2026 (Recommendation B)

Automatic pursuant to s55A

From Office of the Council (not just council meetings)

7. Section 55A of the *Local Government Act 1999* (the LG Act) deals with the situation when a member of a Council stands as a candidate for election as a member of the Parliament of South Australia.
8. The leave of absence granted automatically to a Council member contesting a State election is a leave of absence from office as a Council member which includes, but is broader than, a leave of absence from Council meetings.
9. The leave of absence extends to all other offices held by the Council Member in their capacity as member of the Council or by virtue of being a member of the Council e.g. appointment to Council committees or Council subsidiaries or outside bodies including as a Council nominee or liaison.
10. During the period of the leave of absence (pursuant to section 55A of the LG Act) the Council Member is not entitled to receive any allowance in respect of the Council Member's office or reimbursement of expenses that the Council Member would otherwise be entitled to under the LG Act.
11. From 27 February 2026 Councillor Orr will be granted an automatic leave of absence from the office of member of the Council by operation of section 55A of the LG Act. This will include a leave of absence from Council meetings and include the 2 March 2026 council meeting.

12. From 27 February 2026 the following provision will apply regarding council facilities, service and support.

Section 55A(5) of the LG Act contains the following offence provision:

A person who is taken to have been granted leave of absence from the office of member of a council under this section must not, during the period of leave—
(a) use any facility, service or other form of support provided by the council to its members to assist the members in performing or discharging official functions and duties (not being a facility, service or form of support generally provided to members of the public by the council); or
(b) carry out any function or duty of the office of member of the council.
Maximum penalty: \$15 000.

13. Once granted a leave of absence pursuant to section 55A the Member must still comply with all their duties and the Behavioural Standards for Council Members.

Sue Miller

Team Leader Risk and Governance

1.2 APOLOGIES

2. QUESTIONS FROM THE GALLERY (15 MINUTES)

3. CONFIRMATION OF MINUTES

3.1 Recommendation

That the minutes of the council meeting held on 1 December 2025 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 a general or material conflict of interest in relation to items listed for consideration on the agenda.

Any declaration of a conflict of interest by a council member needs to include the following:

- If the conflict is general or material;
- Which agenda item the conflict relates to; and
- If a general conflict of interest is declared – whether or not the member proposes to participate in the discussion of the matter and if so, how the member intends to deal with the conflict of interest including whether the member intends to vote on the matter and their reasons for participating in the discussion of the matter.
- If a material conflict of interest is declared, the member is to leave the room for the discussion of the matter unless the Minister has granted an approval to the member to participate in the discussion of the matter.

5. DEPUTATIONS

6. QUESTIONS WITH NOTICE – COUNCILLORS

NIL

7. QUESTIONS WITHOUT NOTICE – COUNCILLORS**8. MOTIONS ON NOTICE**

NIL

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 COMMITTEES

11.1 AUDIT AND RISK COMMITTEE MEETING – 11 DECEMBER 2025

Purpose

A meeting of the Audit and Risk Committee was held on 11 December 2025 as scheduled in the Work Plan. The agenda for that meeting is available on Council's website [here](#).

The following items from the Audit and Risk Committee meeting held 11 December 2025 require a resolution of Council.

11.1.1	REPORT TITLE:	MINUTES OF SECTION 41 COMMITTEE - AUDIT AND RISK COMMITTEE MEETING 11 DECEMBER 2025
	DATE OF MEETING:	19 JANUARY 2026
	FILE NUMBER:	DOC/25/174986
	ATTACHMENTS:	1: DOC/25/179245 – AUDIT AND RISK COMMITTEE MINUTES 11 DECEMBER 2025

This attachment is provided separately on the Council's website – Audit and Risk Committee Minutes – 11 December 2025 ([click here](#)).

Purpose

To provide to Council the minutes for the Audit and Risk Committee meeting held on 11 December 2025.

Recommendation:

That Council receive the minutes of the Audit and Risk Committee meeting held 11 December 2025 as attached.

11.1.2	REPORT TITLE:	AUDIT AND RISK COMMITTEE CHAIRPERSON REPORT OF MEETING 11 DECEMBER 2025
	DATE OF MEETING:	19 JANUARY 2026
	FILE NUMBER:	DOC/25/174986

Purpose

To provide to Council the Audit and Risk Committee Chairperson's Meeting Report of the 11 December 2025 for noting.

Recommendation:

That Council note the Audit and Risk Committee Chairperson’s report for the meeting held on 11 December 2025.

Chairperson's Report to Council

The Audit and Risk Committee (the Committee) has conducted a review of their Terms of Reference. The recommended amendments to the Terms of Reference seek to reflect the role of the Committee on internal audits and also recent changes to wastewater. The Committee will continue their value adding role to monitor and review the effectiveness of Council's internal audit processes including reviewing the Internal Audit Charter (clause 1.5). Further, the Terms of Reference now reflect that GMB Water have their own audit and risk function, therefore the Committee will keep a broad oversight of GMB Water through the Council subsidiary clauses (clause 1.11)

The Sale of Land for non-payment of rates Policy was reviewed by the Committee. The Committee is satisfied that the Policy will guide Council and community in the process to escalate outstanding rate debt following the completion of standard early intervention debt recovery methods. Minor feedback on the Policy was provided, and considered by staff, during the meeting.

The Committee continue to interrogate the factors and actions taken that result in changes to Council's High and Very High Strategic Risks. The Committee discussed the implementation of mitigation measures that have resulted in a decrease in the residual risk for cyber security (risk 10), ICT (risk 15) and asset management (risk 16) related risks to medium.

Michele Bennetts
Committee Chairperson

**11.1.3 REPORT TITLE: ANNUAL REVIEW OF AUDIT AND RISK
COMMITTEE TERMS OF REFERENCE**
DATE OF MEETING: 11 DECEMBER 2025
FILE NUMBER: DOC/25/168995
**ATTACHMENTS: 1: DOC/25/168933 – DRAFT ARC TERMS OF
REFERENCE WITH TRACKED CHANGES V4**

Recommendation

That having considered the recommendations of the Committee which has read and considered the reports in the agenda, and having been provided with a copy of the minutes, Council adopts the recommendations as printed below:

That Council endorse the revised Terms of Reference for the Audit and Risk Committee (attachment 1).



Audit and Risk Committee Terms of Reference

Established pursuant to S126 & 41 of the Local Government Act 1999

1. ROLE OF THE COMMITTEE

The purpose of an Audit and Risk Committee (the Committee) established by a Council is to provide independent assurance and advice to Council on accounting, financial management, internal controls, risk management and governance matters.

1.1 Financial Reporting

1.1.1 The Committee shall monitor the integrity of the financial statements of the Council, reviewing significant financial reporting issues and judgements which they contain.

1.1.2 The Committee shall review and challenge where necessary:

- a) The consistency of, and/or any changes to, accounting policies
- b) The methods used to account for significant or unusual transactions where different approaches are possible
- c) Whether the Council has followed appropriate accounting standards and made appropriate estimates and judgements, taking into account the views of the external auditor
- d) The clarity of disclosure in the Council's financial reports and the context in which statements are made; and
- e) All material information presented with the financial statements.

1.2 Internal Controls

Having regard to the challenges and implications arising from the continuing significant population growth in the Council area, the Committee shall:

1.2.1 Review the effectiveness of Council's internal control framework, processes and systems; and

1.2.2 Review and recommend, where appropriate, any material to be included in the annual report concerning internal controls processes and systems.

1.3 Risk Management

Having regard to the challenges and implications arising from the continuing significant population growth in the Council area, the Committee shall:

- 1.3.1 Review the effectiveness of Council's risk management framework, processes and systems
- 1.3.2 Keep under review Council's overall risk appetite (relative to reward) and monitor risk exposure and management
- 1.3.3 Provide advice on the financial risk and implications to Council associated with emerging and previously identified topics such as cybersecurity and climate change mitigation and adaptation; and
- 1.3.4 Review and recommend, where appropriate, any material to be included in the annual report concerning risk management processes and systems.

1.4 Public Interest Disclosure Act 2018 ("the Act")

The Committee shall review Council's arrangements for:

- 1.4.1 Providing appropriate protection for those who make Disclosures in accordance with the Act; and
- 1.4.2 Ensuring these arrangements include investigation and reporting of such matters in accordance with the Public Interest Disclosure Act 2018.

1.5 Internal Audit

The Committee shall:

- 1.5.1 Review the Internal Audit [Program Charter](#).

[1.5.2 Oversee the planning and scoping of the risk-based Internal Audit Work Plan.](#)

- 1.5.32 Monitor and review the effectiveness of the Council's internal audit processes in the context of the Council's overall risk management system.

[1.5.43 Receive and review internal audit reports with significant findings; and Receive reports on internal audit processes and progress against internal audit recommendations, at least on a quarterly basis, and may make recommendations to the Administration and/or the Council about these reports.](#)

[1.5.5 Receive all reports in connection with work undertaken for the Internal Audit Work Plan and may make recommendations to the Administration and/or Council about these reports.](#)

1.5.6 Have the ability to meet with the person primarily responsible for the internal audit function and/or persons responsible for the preparation of reports on a confidential basis with no members or other employees of the Council present.

1.5.74 Receive Review and comment on an annual report provided by the Chief Executive Officer in relation to the policies and processes adopted by Council to evaluate and improve the effectiveness of its internal audit practices and procedures processes.

1.5.8 Consult with the Chief Executive Officer prior to the appointment of a person primarily responsible for the internal audit function or assigning such responsibility to an employee of the Council.

1.6 External Audit

The Committee shall:

1.6.1 Consider and make recommendations to Council in relation to the appointment and removal of Council's External Auditor

1.6.2 Oversee Council's relationship with the External Auditor including, but not limited to:

- a) Recommending the approval of the External Auditor's remuneration covering fees for both audit or non-audit services, and recommending whether the level of fees is appropriate to enable an adequate audit to be conducted
- b) Recommending the approval of the External Auditor's terms of engagement, including any engagement letter issued at the commencement of each audit and the scope of the audit
- c) Assessing the External Auditor's independence and objectivity taking into account relevant professional and regulatory requirements and the extent of Council's relationship with the auditor, including the provision of any non-audit services
- d) Satisfying itself that there are no relationships (such as family, employment, investment, financial or business) between the External Auditor and Council (other than in the ordinary course of business)
- e) Monitoring the External Auditor's compliance with legislative requirements on the rotation of audit partners; and
- f) Assessing the External Auditor's qualifications, expertise and resources and the effectiveness of the audit process

1.6.3 Meet as needed with the External Auditor. When requested the Committee shall meet the External Auditor at least once a year, in confidence, without management being present, to discuss the External Auditor's report and any issues arising from the audit

1.6.4 Review and make recommendations on the annual External Audit Plan and in particular its consistency with the scope of the External Audit engagement

1.6.5 Review the findings of the audit with the External Auditor. This shall include, but not be limited to, the following:

- a) A discussion of any major issues which arose during the External Audit;
- b) Any accounting and audit judgements; and
- c) Levels of errors identified during the External Audit

- 1.6.6 Review the effectiveness of the External Audit
- 1.6.7 Review any representation letter(s) requested by the External Auditor be tabled or presented to the Committee
- 1.6.8 Review the management letter and management's response to the External Auditor's findings and recommendations; and
- 1.6.9 Oversee action to follow up on matters raised by the External Auditors.

1.7 Review of Strategic Management and Business Plans

Having regard to the challenges and implications arising from the continuing significant population growth in the Council area the Committee shall:

- 1.7.1 Review and provide advice on Council's strategic management plans (at the time of their preparation and scheduled review), which include the:
 - Community Plan
 - Key principles and assumptions of the consolidated Council Long Term Financial Plan
 - Annual Business Plan and Budget
 - Asset Management Plans; and
 - Lead Strategies.
- 1.7.2 The review and provision of advice by the Committee on such plans shall include the consideration of future community needs, risks and opportunities so as to assist Council with the identification and implementation of required strategies and policies to enable the delivery of short, medium and long term objectives in relation to financial sustainability, infrastructure and services.

1.8 Value and Efficiency

- 1.8.1 The Committee shall, when necessary, review Council's value management processes, program reviews and service delivery reviews in the context of efficient and effective delivery of the Community Plan and Annual Business Plan.

1.9 Major Infrastructure Projects

- 1.9.1 The Committee shall review and provide advice on the proposed capital and recurrent funding strategies, timing, risk and due diligence, procurement strategies, governance and public engagement for infrastructure projects of major significance and the estimated cost of which triggers the requirement for a prudential report.

1.10 Prudential Reports

- 1.10.1 The Committee shall review the findings of any prudential reports prepared for Council and provide advice to Council. The amount that triggers a prudential report is as specified in the Local Government Act 1999 and reviewed with indexation and determined annually in January.

~~1.11 Wastewater and Recycled Water Strategy~~

~~1.11.1 The Committee shall provide advice on the management of strategic risk and the implications to Council associated with the provision of wastewater and recycled water services including governance and stand-alone financial reporting needs and arrangements.~~

~~1.11.2 The Committee shall annually review the Wastewater Asset Management Plan.~~

~~1.11.3 The Committee shall annually review the Wastewater Service Long Term Financial Plan.~~

~~1.11.4 The Committee shall annually review the internal reconciliations for both revenue and expenditure that substantiate both the Wastewater Infrastructure Reserve and Wastewater Maintenance Reserve, as part of year end accounting procedures.~~

~~1.11.2 Regional Council Subsidiaries~~

~~1.11.2.1 The Committee shall annually review and provide advice to Council on the management of risks and the adequacy of performance reporting associated with regional Council subsidiaries, including but not limited to regional subsidiaries and council-owned corporations, of which Council is a constituent Council.~~

~~1.11.2 The Committee shall provide oversight of governance arrangements, financial sustainability, and risk exposure of subsidiaries, including the assessment of strategic plans and annual business plans where relevant.~~

~~1.11.3 The Committee may make recommendations to Council regarding any improvements to the oversight, reporting, or strategic alignment of subsidiaries with Council objectives.~~

2. REPORTING RESPONSIBILITIES

The Committee:

- 2.1 Shall prepare an annual report that is to be presented to Council in October and be publicly available. In addition, the Committee Chairperson shall present to the Council Members on the performance of the Committee and the proposed priorities/work plan for the year ahead. This presentation can occur at a Council meeting or an Information or Briefing Session of Council Members.
- 2.2 Shall make recommendations to Council that it deems appropriate on any area within its Terms of Reference where in its view action or improvement is needed.

- 2.3 Will undertake an annual self-assessment for inclusion in the Committee's annual report.

3. FREQUENCY OF MEETINGS

- 3.1 The Committee shall meet at least six (6) times each year.
- 3.2 A schedule of meetings shall be determined by the Committee at the time of the annual review in ~~December~~ April of the Committee's work plan.
- 3.3 The Chief Executive Officer is delegated the authority to vary the meeting schedule after liaison with the Chairperson.
- 3.4 The Chief Executive Officer is delegated the authority to not call a meeting of the Committee within the meeting schedule should the Committee have no matter for consideration.
- 3.5 Special meetings of the Committee may be called in accordance with the *Local Government Act 1999*.

4. MEMBERSHIP

- 4.1 Consistent with the *Local Government (Financial Management) Regulations 2011* Council's Audit and Risk Committee comprises 5 members:
- a) 1 person who is a member of Council and who is determined by the Council to have experience relevant to the functions of the Audit and Risk Committee; and
 - b) 4 independent persons who are determined by Council to have experience relevant to the functions of the Audit and Risk Committee.
- 4.1.1 A member of Council is to be appointed as a proxy member, solely for the member of Council appointed to the Audit and Risk Committee and who is determined by the Council to have experience relevant to the functions of the Audit and Risk Committee;
- 4.2 Members of the Committee and the 1 proxy member are appointed by Council.
- 4.3 Council will determine which independent member will be the Chairperson of the Committee.
- 4.4 An Acting Chairperson will be appointed by the Committee at the commencement of the meeting where required.
- 4.5 Independent members of the Committee will receive a sitting fee that increases by the Adelaide CPI each year unless otherwise determined by Council.
- 4.6 Only members of the Committee are entitled to vote in Committee meetings. If the member of Council who is a Committee member is unable to participate in a Committee meeting, then the appointed proxy member is able to participate in the Committee meeting and is entitled to vote.

- 4.7 Members of the Committee can participate in the meeting via electronic means provided advance notice has been provided to the Chairperson and Minute Secretary. If the member of Council who is a Committee member is unable to participate in a Committee meeting, then the appointed proxy member is able to participate in the Committee meeting and may do so via electronic means provided advance notice has been provided to the Chairperson and Minute Secretary.
- 4.8 Independent member appointments will not align with timing of Council elections (to maintain membership over the Council election period). There will be a maximum period of 8 years (i.e. two x four year terms, or four x two year terms) for independent member appointments.

Committee Member	Nomination Process	Term of Office
Council Member	Endorsed by Council Resolution	Four years – until the conclusion of the next periodic Council Election
Proxy Council Member	Endorsed by Council Resolution	Four years – until the conclusion of the next periodic Council Election
Independent Members	Public notice will request application, followed by an interview process then reported to Council and determined via Council Resolution.	Up to four years

- 4.9 Members of the Committee and the proxy Council Member may be removed from office by Council resolution at any time.
- 4.10 Members of the Committee and the proxy Council Member may resign their position at any time by giving notice of their intention in writing to the Chairperson of the Committee or if the Chairperson, by notice in writing to the Chief Executive Officer.
- 4.11 If a vacancy occurs on the Committee or for the proxy Council Member then Council shall appoint a replacement Member or proxy Council Member (whichever is the case) to the Committee.

5. CHAIRPERSON'S ROLE

- 5.1 The role of the Chairperson is to:
- Oversee the orderly conduct of meetings in accordance with *Local Government Act 1999*, the *Local Government (Procedures at Meetings) Regulations 2013* and the Council's Code of Practice – for Meeting Procedures
 - Ensure that the Guiding Principles at Regulation 4 are observed and that all Committee Members have an opportunity to participate in discussions in an open and responsible manner; and

- c) Liaise with Council administration between meetings regarding the preparation of the Committee's agenda and reporting to Council.

5.2 The Chairperson has a deliberative vote and does not have a casting vote.

6. QUORUM

6.1 The quorum necessary for the transaction of business shall be three (3) members.

7. NOTICE OF MEETINGS

7.1 The Committee shall conduct its meetings in the Council Chamber, Local Government Centre, 6 Dutton Road, Mount Barker unless otherwise determined by the Committee.

7.2 In accordance with Section 87 of the Act a notice of each meeting confirming the venue, time and date, together with an agenda of items to be discussed, shall be forwarded to each member of the Committee and Council Members, no later than three (3) clear days before the date of the meetings. Supporting papers shall whenever possible be sent to Committee Members (and to other attendees as appropriate) at the same time.

7.3 Notice of meeting, agenda and supporting information will be placed on public display at the Customer Service Centre and Council's website.

8. ACCESS TO MEETINGS AND DOCUMENTS

8.1 In accordance with the principles of open, transparent and informed decision-making, Committee meetings must be conducted in a place open to the public. Members of the public are able to attend all meetings unless prohibited by resolution of the Committee under the confidentiality provisions of Section 90 of the Local Government Act 1999.

8.2 Members of the public shall have access to all documents related to the Committee unless prohibited by resolution of the Committee under the confidentiality provisions of Section 90 & 91 of the Local Government Act (1999).

9. MINUTES OF MEETINGS

9.1 The Chief Executive Officer shall ensure that the proceedings and resolutions of all meetings of the Committee, including recording the names of those Committee members present and others formally in attendance, are minuted and that the minutes otherwise comply with the requirements of the *Local Government (Procedure at Meetings) Regulations 2013*.

9.2 Minutes of Committee meetings shall be circulated within five (5) clear days after a meeting to all members of the Committee, the proxy Council Member and to all members of the Council.

- 9.3 Minutes of the Committee meeting will be placed on Council's website, on public display at the Customer Service Centre within five (5) clear days of the meeting and kept on display from the beginning of the previous year.

10. MEETING PROCEDURE

- 10.1 The Committee shall conduct meetings in accordance with the *Local Government Act 1999* and observing the provisions Part 1 – Preliminary, Part 2 – Meetings of Councils and Key Committees and Part 4 – Miscellaneous of the Local Government (Procedures at Meetings) Regulations 2013; and Council's Code of Practice for Meeting Procedures; and Code of Practice (Access to Council and Committee Meetings and Documents).
- 10.2 Conflict of Interest declarations are required pursuant to Section 73 - 75B of the Local Government Act 1999 and will be recorded in the minutes.

11. OTHER MATTERS

The Committee:

- 11.1 Shall give consideration to any investigation of activities that are within its Terms of Reference
- 11.2 Shall give consideration to any other matters referred to it by Council meeting resolution or the Chief Executive Officer.
- 11.3 Will have access to reasonable resources in order to carry out its duties
- 11.4 Be provided with appropriate and timely training, both in the form of an induction program for new members including the proxy Council Member and on an ongoing basis for all members
- 11.5 May request, or be provided with the opportunity to attend information briefings of Council Members where the Committee has a role in the matter
- 11.6 Shall give due consideration to the *Local Government Act 1999* and regulations made under the Act; and
- 11.7 Shall give due consideration to the *Statutes Amendment (Local Government Reform) Bill 2021* (the Bill) and regulations made under the Bill.

12. REVIEW

- 12.1 The Committee shall, at least every four years review its Terms of Reference, and every year review its own performance and annual work plan, so that it is operating at maximum effectiveness and recommend any changes it considers necessary to Council for approval.

- 12.2 Council may review and amend the Committee Terms of Reference at any time, providing that the Committee has an opportunity to provide Council with any concerns that arise.

13. ACCESS TO THE TERMS OF REFERENCE

The Audit and Risk Committee Terms of Reference are on the Council's website www.mountbarker.sa.gov.au and hard copies can be purchased on payment of a fee.

14. FURTHER INFORMATION

For further information on this Terms of Reference or the operations of the Audit and Risk Committee, please contact:

Title: Civic Governance Officer
Address: Mount Barker District Council
PO Box 54, Mount Barker
South Australia SA 5251
Telephone: 8391 7200
Email: council@mountbarker.sa.gov.au

11.1.4	REPORT TITLE:	DRAFT SALE OF LAND FOR NON-PAYMENT OF RATES – SECTION 184 POLICY
	DATE OF MEETING:	11 DECEMBER 2025
	FILE NUMBER:	DOC/25/166426
	ATTACHMENTS:	1. DOC/25/161724 – DRAFT SALE OF LAND FOR NON-PAYMENT OF RATES – SECTION 184 POLICY

Recommendation

That having considered the recommendations of the Committee which has read and considered the reports in the agenda, and having been provided with a copy of the minutes, Council adopts the recommendations as printed below:

That Council:

- 1. Adopts the Draft Sale of Land for Non-Payment of Rates – Section 184 Policy (attachment 1).**
- 2. Authorises the Chief Executive Officer or delegate to make any necessary administrative changes to the draft Sale of Land for Non-Payment of Rates – Section 184 Policy and incorporate any feedback arising from the Audit and Risk Committee meeting.**

Administration Note:

The Audit and Risk Committee sought to increase transparency by highlighting earlier in the Policy that the intention of correspondence throughout the process is to commence or recommence active rate payments.

Therefore, the attached draft policy reflects the following advice of the Committee, that the below dot point 2 of Step 2 be also included as a new point 5 for step 1 of the policy:

“Intention of this correspondence is commence/recommence active rate payments, either through payment plans or in full”.



MOUNT BARKER
DISTRICT COUNCIL

TITLE: SALE OF LAND FOR NON-PAYMENT OF RATES – SECTION 184

1. PURPOSE

This policy establishes the framework by which Council may initiate the sale of land for non-payment of rates, where rates have been in arrears for three years or more and the steps that will be taken prior to selling land to recover rates debts under **Section 184 of the Local Government Act 1999**.

It ensures:

- All ratepayers are treated fairly and equitably in recovering long-term rates debt.
- The broader community is not burdened by the financial impact of prolonged non-payment of rates.

2. SCOPE

This Policy is applicable to all properties within the Council area where rates have remained unpaid for **three years or more**, and all reasonable recovery efforts have failed.

3. POLICY PRINCIPLES – OUR COMMITMENT

- Compliance with the **Local Government Act 1999**.
- Fair and transparent communication with ratepayers and interested parties.
- Use of professional services (debt collectors, solicitors) where necessary.

4. POLICY PROCESS METHOD WORKFLOW

The following steps outline the minimum actions prior to initiating sale under Section 184:

Step 1 – Two Years in Arrears

- Issue written notice to the ratepayer advising Council's ability to recover rates via sale of land (without threat to proceed).
- Outline Section 184 process and consequences if debt remains unpaid beyond three years.
- Request response within one month.
- This action is to be carried out on a six (6) monthly cycle.

- Intention of this correspondence is commence/recommence active rate payments, either through payment plans or in full.

Step 2 – Three Years in Arrears

- Notify interested parties (e.g., mortgagees) and the ratepayer, allowing **30 days to respond**.
- Intention of this correspondence is commence/recommence active rate payments, either through payment plans or in full.

Step 3 – Notice of Intention to Sell

- If no arrangement exists or accepted by Council administration, the issue of a formal notice under Section 184(2) stating:
 - Period of arrears.
 - Total outstanding amount.
 - Council's intention to sell if unpaid by a specified date (minimum one month).
- Send copies of notices, that have provided to council's ratepayer, to parties with interest in the land as required under Section 184(3)

Step 4 – Final Action

- If debt remains unpaid:
 - Issue Notice Requiring Payment under Chapter 10 of the **Act**.
 - Prepare confidential report to Council under Section 90 for approval to proceed with sale.
 - Engage solicitor and commence Section 184 proceedings.
- Advise Elected Members of outcome when property is sold or debt satisfied.

5. DEFINITIONS

- **Arrears:** Rates that remain unpaid beyond their due date.
- **Section 184:** A provision in the Local Government Act 1999 that empowers Councils to sell land to recover unpaid rates after three years of arrears.
- **Notice of Intention to Sell:** A formal written notice issued under Section 184(2) advising the ratepayer and interested parties of Council's intention to sell the land if payment is not made by a specified date.
- **Notice Requiring Payment of Rates:** A notice issued under Chapter 10 of the Act requiring payment of outstanding rates before further legal action is taken.
- **Interested Parties:** Individuals or entities with a legal interest in the property, such as mortgagees or co-owners.
- **The Act** – The *Local Government Act 1999 amended*

6. ROLES & RESPONSIBILITIES

Council Members:

- Council Members must adopt the policy.

Chief Executive Officer:

- As prescribed by Section 99 of the Act, the Chief Executive Officer is responsible for ensuring that systems are in place to cause all rating to comply with legislation.

General Manager Corporate Services & Manager Financial Services:

- Will ensure policy is reviewed as legislation is amended.

Team Leader Revenue:

- The Team Leader Revenue will ensure that staff are made aware of the policy which will be on Council's website and intranet.
- Ensure the appropriate training is provided to the administration in respect to this policy.

7. POLICY STATEMENT

Council is committed to responsible financial management and equitable collection of rates. Where rates remain unpaid for more than three years, Council may proceed with the sale of land under Section 184 of the Act, following all legislative requirements and due process.

Should reasonable attempts to sell the land fail, then Section 185 of the Local Government Act 1999 may be enacted.

8. TRAINING / EDUCATION

The use of this policy will assist in the education of staff to identify when to commence the elements previously described to assist in identifying ratepayers' with long term debt and the action required.

We will ensure appropriate training of staff dealing with residential customers in hardship to enable them to treat customers with respect and without making value judgements. Training will also assist staff in the early identification of the at hand differences between long term debt with exhausted recovery method customers and hardship customers, with unestablished payment plans.

9. REVIEW

This policy will be reviewed every **four (4) years**, or earlier if legislative changes occur or deemed necessary by the Team Leader Revenue.

10. ACCESS TO THE POLICY

The Policy is available for public inspection at the Customer Service Centre, at the Local Government Centre, 6 Dutton Road, Mount Barker, South Australia and on the Council's website www.mountbarker.sa.gov.au

11. FURTHER INFORMATION

For further information on this Policy, please contact:

Title: Team Leader Revenue
 Address: PO Box 54, Mount Barker
 South Australia, SA, 5251
 Telephone: (08) 8391 7200
 Email: council@mountbarker.sa.gov.au

REFERENCE NUMBER	DOC/25/161724	
PREVIOUS DOCUMENT NUMBER:		
INTERNAL GOVERNANCE:		
Author	Team Leader Revenue	24/11/2025
Responsible Executive Lead:	General Manager Corporate Services	Date
Reviewed by CEO	Andrew Stuart	Date
REVIEWED BY CGG		Date of Meeting
APPROVED BY (DOCUMENT OWNER):	Council	
	[meeting minute #]	[meeting date]
APPLICABLE LEGISLATION AND RELATED DOCUMENTS:	Local Government Act 1999	
COMMUNITY PLAN 2044 REFERENCE:	List applicable	
REVIEW CYCLE	This Policy will be reviewed: - (if a new Policy in 6 or 12 months and then) every four years; It is recognised that from time to time circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter this document, such a change may be made administratively. Examples include a change to the name of a Council	

	department, a change to the name or a State or Federal Department, and a minor update to legislation which does not have a material impact. However, any change or update which materially alters this document must be by resolution of Council (if statutory) or the Chief Executive Officer (if administrative).		
NEXT REVIEW DATE			
DOCUMENT HISTORY:			
DOCUMENT VERSION	DATE	AUTHOR (PERSON TO WHOM CHANGES ARE TO BE RECOMMENDED)	NATURE OF CHANGE
VERSION 1.0			
VERSION 2.0			
VERSION 3.0			
DOCUMENT LOCATION:	Council website [publication date] Available for inspection, downloading or printing from our website www.mountbarker.sa.gov.au		
	This Policy is available for inspection, during business hours at: Mount Barker District Council, Level 1, 6 Dutton Road, Mount Barker		

COUNCIL POLICY INSTRUCTIONS & TEMPLATE

**** Please delete instructions once Policy has been drafted ****

Purpose:	Sets out the elected Council's position, objectives, roles and responsibilities and is used to make decisions when enacting Council's strategies. Policies that are required to be presented to Council are those required by legislation, reflect a strategic direction, and any that have a direct impact or involve Council Members.
Focus:	External / Community
Detail:	High level statements of directions, relatively short and concise and do not include the detail of information that is normally found in a procedure. A maximum of 2-3 pages.
Consultation:	Undertaken with the Council, stakeholders and relevant staff. . Risk and Governance Officer to review. The community will also be consulted where required by legislation or as provided for in the Consultation Policy.
Initial Approval and Review:	New Policies to CGG for approval prior to formally present to Audit and Risk Committee or Council for Council Resolution. New Policies reviewed in 6 or 12 months (as determined or Council)
Review:	Is the responsibility of the Document Owner. Policies required by legislation will be reviewed as required by legislation and all others will be reviewed every 3 years. An email generated from Magiq will provide documents owners with a reminder of overdue Policies. .
Ongoing Approval	Following the review of a Council Policy by CGG the Policy must be presented to either the Audit and Risk Committee (if within its Terms of Reference) or direct to Council for adoption.
Access:	Council Policies are available: • On the Council website; • On the Council's Intranet site (Insite); and • At the Customer Service Centre for inspection and purchase by the public.
Template:	Doc/21/128747

11.1.5	REPORT TITLE:	COUNCIL HIGH AND VERY HIGH STRATEGIC RISKS (EXCLUDING THE WASTEWATER SERVICE)
	DATE OF MEETING:	11 DECEMBER 2025
	FILE NUMBER:	DOC/25/167211
	ATTACHMENTS:	1. DOC/25/167584 – STRATEGIC RISK SUMMARY (EXCLUDING WASTEWATER) – 11 DECEMBER 2025 2. DOC/25/52884 – STRATEGIC RISK SUMMARY (EXCLUDING WASTEWATER) – 17 APRIL 2025

Recommendation

That having considered the recommendations of the Committee which has read and considered the reports in the agenda, and having been provided with a copy of the minutes, Council adopts the recommendations as printed below:

That Council note the High and Very High Strategic Risks Report.

Risk Overview Report

Risk Register – December 2025

High and Very High Strategic Risks

Risk ID	Risk Description	Risk Ratings		
		Inherent	Residual	Target
3	Risk 3: Workforce Planning - not having the workforce sized, skilled and role clarity in place to deliver on the Council's strategic and operational planned tasks	High	High	Medium
7	Risk 7: Financial Sustainability - Poorly considered decisions which have on impact of the financial sustainability of Council	High	High	Medium
8	Risk 8: Major Transport Infrastructure - Poor or ineffective delivery of new transport infrastructure (on time, budget or within scope/objectives)	Very High	High	Medium
20	Risk 20: Major Project - City Centre Catalyst Project - Poor or ineffective implementation of City Centre Catalyst project.	High	High	Medium
22	Risk 22: Community Engagement - Poorly planned or absence of appropriate community engagement activities	Very High	High	Low

Risk Overview Report

Risk Register – April 2025

High and Very High Stratgic Risks

Risk ID	Risk Description	Risk Ratings		
		Inherent	Residual	Target
3	Risk 3: Workforce Planning - not having the workforce sized, skilled and role clarity in place to deliver on the Council's strategic and operational planned tasks	High	High	Medium
7	Risk 7: Financial Sustainability - Poorly considered decisions which have on impact of the financial sustainability of Council	High	High	Medium
8	Risk 8: Major Transport Infrastructure - Poor or ineffective delivery of new transport infrastructure (on time, budget or within scope/objectives)	Very High	High	Medium
10	Risk 10: Cyber Security - Inability to respond and recover effectively from Cyber Security events	High	High	Medium
15	Risk 15: ICT Enabling Strategy - Council does not achieve community and organisational expectations regarding Information Technology	High	High	Medium
16	Risk 16: Asset Management - Insufficient or ineffective Asset Management Planning	Very High	High	Medium
20	Risk 20: Major Project - City Centre Catalyst Project - Poor or ineffective implementation of City Centre Catalyst project.	High	High	Medium
22	Risk 22: Community Engagement - Poorly planned or absence of appropriate community engagement activities	Very High	High	Low

12. REPORTS BY OFFICERS

12.1 REPORT TITLE: RESCISSION OF LAND MANAGEMENT AGREEMENT AT 22 MURRAY AVENUE, MOUNT BARKER

DATE OF MEETING: 19 JANUARY 2026

FILE NUMBER: DOC/25/172562

**ATTACHMENTS: 1: DOC/25/154476 –LETTER REQUESTING RESCISSION OF LAND MANAGEMENT AGREEMENT
2: DOC/25/154478 – LAND MANAGEMENT AGREEMENT NO. 9256912
3: DOC/25/154475 – CERTIFICATE OF TITLE – VOLUME 5708 FOLIO 200
4: DOC/25/154482 - DECISION NOTIFICATION FORM FOR DEVELOPMENT APPLICATION 580/302/01**

Key Contact Andrew Houlihan, Manager City Development, Planning and Community

Executive Natalie Armstrong, General Manager Planning and Community

Community Plan 2044:

The following objective/s from the Community Plan 2044 are relevant to this report:

Objective 17 Growth and Development: ensure sustainable and balanced growth while preserving the unique character and natural assets of the district.

Objective 28 Collaboration and Partnerships: foster collaboration and build strategic partnerships between Council and external stakeholders, including businesses, non-profit organisations, and community groups, to address shared challenges and achieve common goals for the betterment of the community

Annual Business Plan:

Nil

Purpose:

To seek a resolution of Council to rescind a previous decision and issue a new resolution to rectify an error in the existing resolution as regards the rescission of

a Land Management Agreement between Mount Barker District Council and the South Australian Housing Trust over the land at 22 Murray Avenue, Mount Barker.

Summary – Key Issues:

1. The 1 December 2025 council meeting resolution at item 12.7 Rescission of Land Management Agreement at 22 Murray Avenue, Mount Barker referenced the incorrect Land Management Agreement number.
2. This report seeks to correct that error by rescinding the existing resolution of Council and issuing a new resolution referencing the correct the Land Management Agreement number.
3. The request for rescission of a Land Management Agreement No. 9259612 between Mount Barker District Council and the South Australian Housing Trust as regards the land at 22 Murray Avenue Mount Barker (LMA) has been made by the SA Housing Trust.
4. The LMA restricts land division and the use of an existing building on the land as a second dwelling for a person with a disability.
5. The LMA is supported to be rescinded due to changes in planning policy.

Recommendation A:

That Council:

1. Rescinds resolution OM20251201.12 of 1 December 2025 council meeting at item 12.7 Rescission of Land Management Agreement at 22 Murray Avenue, Mount Barker :

- 1. Endorses the rescission of Land Management Agreement No. 10621947 as regards Certificate of Title Volume 5708 and Folio 200.*
- 2. Authorises the Chief Executive Officer or delegate to finalise arrangements for the rescission of the said Land Management Agreement No. 10621947*
- 3. Authorises for the affixation of the common seal of Council under the hand of the Chief Executive Officer and the Mayor to give effect to this resolution*

due to the incorrect Land Management Agreement number reference (and noting that all other details within the report and attachments were correct.)

Recommendation B:**That Council:**

- 1. Endorses the rescission of Land Management Agreement No. 9256912 as regards Certificate of Title Volume 5708 and Folio 200.**
 - 2. Authorises the Chief Executive Officer or delegate to finalise arrangements for the rescission of the said Land Management Agreement No. 9256912.**
 - 3. Authorises for the affixation of the common seal of Council under the hand of the Chief Executive Officer and the Mayor to give effect to this resolution.**
-

Background:

1. 22 Murray Avenue, Mount Barker is located within the Neighbourhood Zone and contains an existing detached dwelling and a second dwelling.
2. In 2002 the owner leased the existing dwelling on the Land to Hills and Community Options Inc which provides supported accommodation to persons with a disability.
3. Development Application 580/302/01 was submitted to Mount Barker District Council on the 20 April 2001 seeking an additional dwelling on 22 Murray Avenue, Mount Barker. This application was granted Development Approval on the 17 January 2002.
4. A Land Management Agreement was executed on the 14 January 2002 and registered to Certificate of Title Volume 5708 and Folio 200. Described as allotment 41 Deposited Plan 15964 in the area named Mount Barker Hundred of Macclesfield, and commonly known as 22 Murray Avenue, Mount Barker (LMA).
5. The LMA sought to reinforce the use of the second dwelling for its intended purpose of providing housing for a person with a disability and to restrict any division of land as a consequence of a second dwelling. More specifically,
 - a) *The owner shall not commence or proceed with or cause, suffer or permit to be commenced or proceed with any application pursuant to the Act, any Act passed in substitution of the Act, Real property Act*

1886, any Act passed in substitution of the Real Property Act 1886 or any other relevant Act, to undertake division of the Land.

b) 'The owner shall not cause suffer or permit the Proposed Development to be used as a dwelling in the event that a disabled person no longer resides on the Land.

c) In the event that a disabled person no longer resides on the Land, then the Owner shall immediately remove all sinks, taps and stores from the kitchen as depicted on Annexure "A".

6. On the 24 October 2025 the Chief Executive Officer of the Council received a letter from the SA Housing Trust requesting rescission of the LMA over 22 Murray Avenue, Mount Barker.
7. The rescission of the LMA is sought due to the proposed demolition of the second dwelling, and to provide for a clean unencumbered Certificate of Title.
8. At Council's 1 December 2025 council meeting, this item was considered and resolved, however, in preparing the rescission documentation, it was identified that the incorrect LMA number was referenced in the recommendation and resolution regarding item 12.7 Rescission of Land Management Agreement at 22 Murray Avenue, Mount Barker
9. This report seeks to correct the LMA reference number and reaffirm Council's decision of 1 December 2025.

Discussion:

10. The second dwelling subject to the development authorisation is small in size and located at the rear of the existing dwelling. The SA Housing Trust is seeking to demolish the second dwelling and therefore the LMA would be redundant.
11. In the early 2000's a second dwelling was discouraged by planning policy. The Council sought to support an additional dwelling, however reinforce the use for providing housing for a person with a disability and restrict potential for land division.
12. Should the LMA be rescinded and the dwelling not be demolished, the development authorisation would continue to support a second dwelling in perpetuity.

13. Planning policy has now changed where supported accommodation or ancillary accommodation is envisaged on allotments containing an existing dwelling. For example;

Ancillary accommodation means accommodation that:

1. *is located on the same site as an existing dwelling and is ancillary to that dwelling; and*
2. *can be (but need not be) self-contained; and*
3. *contains no more than 2 bedrooms or rooms or areas capable of being used as a bedroom.*

and;

Supported Accommodation Means;

premises in which residential accommodation is provided to persons requiring/together with regular medical and/or personal care assistance, but does not include home care.

Supported accommodation and ancillary accommodation are now desired land uses within the Neighbourhood Zone and subject to a performance assessment pathway. The current form of the accommodation could neatly fall within both the envisaged land uses.

14. Any proposed division of the land would be a performance assessed against the relevant provisions of the Planning and Design Code in accordance with the Planning, Development and Infrastructure Act 2016.
15. Council administration supports the rescission of LMA as it will have no effect on the envisaged use of the land nor needed to restrict the use of the land as this can be dealt with via development application processes under the Planning, Development and Infrastructure Act 2016.
16. The Council resolved to rescind the LMA at its meeting of 1 December 2025 however given that the incorrect LMA number was cited in the recommendation and resolution, a rescission of the previous Council resolution and a new resolution citing the correct LMA number is required.

Community Engagement:

Informing only	Council Agenda and Minutes are available on Council's website.
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Policy:

Nil

Long Term Financial Plan:

Nil

Budget:

Nil

Statutory/Legal:

Planning, Development and Infrastructure Act 2016.

Staff Resource Requirements:

The rescission of the LMA will be managed within existing staff resources noting that the SA Housing Trust will be responsible for all costs associated with the rescission.

Environmental:

Nil

Social:

Nil

Risk Assessment:

Nil

Asset Management:

Nil

Conclusion:

Rescission of the Land Management Agreement between Mount Barker District Council and the South Australian Housing Trust 9256912 as regards Certificate of Title Volume 5708 Folio 200.



24th October 2025

Mr Andrew Stuart
Chief Executive Officer
Mount Barker District Council

Property Services

GPO Box 1669
ADELAIDE SA 5001
DX 550

Tel: 131 299
ABN: 17 545 435 789

www.housing.sa.gov.au
housingcustomers@sa.gov.au

Dear Mr Stuart,

RE: 22 Murray Avenue, Mount Barker Land Management Deed No. 9256912 (CT 5708/200)

The SA Housing Trust (the Trust) is seeking the Mount Barker District Council (Council) approval to discharge the Land Management Agreement (LMA 9256912) registered over the Trust property located at 2 Murray Avenue, Mount Barker, (Certificate of Title 5708/200), which is no longer relevant. Attached is a copy of the LMA and Certificate of Title.

The LMA, dated 14 January 2002, was originally registered over the land to ensure that the site was not subdivided and that the approved ancillary dwelling (granny flat) would not be used as a separate residence should the original occupant vacate.

Current Site Profile - 22 Murray Avenue, Mount Barker

The property is currently vacant and comprises two dwellings:

- Unit 1 – A four-bedroom detached brick home in sound structural condition, requiring repairs estimated at \$60,000.
- Unit 2 – Ancillary dwelling, asbestos-clad granny flat, termite damaged, vandalised, and no longer suitable for stock for retention. The Trust Investment and Portfolio Planning group has resolved to demolish Unit 2 due to its poor condition and associated safety risks.

Future Growth and Redevelopment Constraints

The Trust Asset Management Strategy (AMS) prioritises housing growth and redevelopment opportunities in high demand areas, including Mount Barker and the surrounding area. The existing LMA unnecessarily restricts subdivision and the future redevelopment potential of this site, however the ancillary dwelling is currently scheduled for demolition, and therefore the original spirit and intent of the LMA is obsolete and no longer applicable.



Property Services

GPO Box 1669
ADELAIDE SA 5001
DX 550

Tel: 131 299
ABN: 17 545 435 789

www.housing.sa.gov.au
housingcustomers@sa.gov.au

We would appreciate your consideration and approval of the Trust's request and please do not hesitate to call me on 0401 126 323 if you have any queries or require further information. Alternatively, if you prefer, we would be more than happy to arrange a meeting to discuss in more detail.

Kind Regards,

A handwritten signature in blue ink, appearing to read "Mario Vitagliano".

Mario Vitagliano

Director, Planning and Asset Management

SA Housing Trust

0401 126 323

OFFICE
SOUTH AUSTRALIA

9256912



FORM APPROVED BY THE REGISTRAR GENERAL

BELOW THIS LINE FOR AGENT USE ONLYCERTIFIED CORRECT FOR THE PURPOSES
OF THE REAL PROPERTY ACT 1886
~~Solicitor/Registered Conveyance/Applicant~~

A. J. Power

AGENT CODE

Lodged by:

NWAM

Correction to:

NORMAN WATERHOUSE

NWAM

TITLES, CROWN LEASES, DECLARATIONS ETC. LODGED WITH
INSTRUMENT (TO BE FILLED IN BY PERSON LODGING)

1. 4252/653 ✓
2. _____
3. _____
4. _____
5. _____


Assessor

PLEASE ISSUE NEW CERTIFICATES OF TITLE AS FOLLOWS

1. _____
2. _____
3. _____

Series No.	Prefix
	AG

BELOW THIS LINE FOR OFFICE USE ONLY

Date	14 JAN 2002	Time	14.30
FEES			
R.G.O.	POSTAGE	NEW C.T.	
87			

REGISTRATION FEE \$87.00
Lands 11:11 14:29 14/01/02 135082

CORRECTION	PASSED 
------------	---

REGISTERED -7 FEB 2002  DIO REGISTRAR GENERAL
--

DELIVERY INSTRUCTIONS (Agent to complete)PLEASE DELIVER THE FOLLOWING ITEM(S) TO THE
UNDERMENTIONED AGENT(S)

ITEM(S)	AGENT CODE
4252/653	SAWT
NWAM	
5708/200	

TO: THE REGISTRAR GENERAL

THE DISTRICT COUNCIL OF MOUNT BARKER of 23 Mann Street, Mount Barker SA 5251 **HEREBY APPLIES** pursuant to the provisions of Section 57(5) of the Development Act, 1993 for the noting of the attached Deed dated the 14th day of January 2002 and made between **THE DISTRICT COUNCIL OF MOUNT BARKER** aforesaid as the Council of the one part and **SOUTH AUSTRALIAN HOUSING TRUST** of Adelaide SA 5000 as the Owner of the other part as a Land Management Agreement pursuant to Section 57(2) of the said Act. The said Deed binds the whole of the land comprised in Certificate of Title Register Book VOLUME 5708 FOLIO 200 and operates to control the future conservation preservation and management of the said land.

DATED the twenty fourth day of December 2001

THE COMMON SEAL of THE DISTRICT COUNCIL OF MOUNT BARKER was hereunto affixed in the presence of:

 Mayor

 Chief Executive Officer

The Owner **HEREBY CONSENTS** to the noting of the attached Land Management Deed.

SEALED UNDER THE AUTHORITY OF SOUTH AUSTRALIAN HOUSING TRUST:


Authorised signatory


Authorised signatory



THIS DEED is made the 14th day of January 2001
COMMISSIONER OF STATE TAXATION ✓

BETWEEN: THE DISTRICT COUNCIL OF MOUNT BARKER of 230 Main Street, #10.00
Mount Barker SA 5251 (hereinafter with its successors and assigns called "the
Council") of the one part
ORIGINAL with 2 copies
14/01/2002 10:09:27 IT13936,1 ✓
DEED

AND: SOUTH AUSTRALIAN HOUSING TRUST of Adelaide SA 5000
(hereinafter with its executors administrators successors and assigns as the case
may be called "the Owner") of the other part ✓

RECITALS:

- A. The Owner is the proprietor of an estate in fee simple in the whole of the land comprised in Certificate of Title Register Book VOLUME 5708 FOLIO 200 (hereinafter called "the Land");
- B. The Owner currently leases the existing dwelling on the Land to Hills Community Options Inc which provides supported accommodation for adult people who have an intellectual and physical disability;
- C. By a Development Application numbered 580/302/01 (hereinafter called "the Application") the Owner sought provisional development plan consent pursuant to the provisions of the Development Act, 1993 (hereinafter called "the Act"), from the Council, to develop the Land by erecting an additional dwelling on the land (hereinafter called "the Proposed Development");
- D. The Proposed Development consists of erecting a building containing a kitchen, bathroom facilities and sleeping quarters in accordance with the site layout plan annexed hereto and marked with the letter "A" ("the Plan"). Laundry facilities are to be shared with the existing dwelling. The Proposed Development is for the accommodation of a disabled person currently residing on the Land.
- E. The Council and the Owner wish to ensure that the Land is not divided and that the Proposed Development is not used as a dwelling in the event that a disabled person no longer resides on the Land.
- F. Pursuant to the provisions of Section 57(2) of the Act the Owner has agreed with the Council to enter into this Deed relating to the management preservation and conservation of the Land subject to the terms and conditions hereinafter mentioned.

NOW THIS DEED WITNESSES as follows:

1. INTERPRETATION

- 1.1 The parties acknowledge that the matters recited above are true and accurate and agree that they shall form part of the terms of this Deed.

- 1.2 In the interpretation of this Deed unless the context shall otherwise require or admit:
- 1.2.1 Words and phrases used in this Deed which are defined in the Development Act 1993 or in the Regulations made under the Act shall have the meanings ascribed to them by the Act or the Regulations as the case may be;
 - 1.2.2 References to any statute or subordinate legislation shall include all statutes and subordinate legislation amending consolidating or replacing the statute or subordinate legislation referred to;
 - 1.2.3 The term "the Owner" where the Owner is a company includes its successors, assigns and transferees and where the Owner is a person, includes his heirs, executors, administrators and transferees and where the Owner consists of more than one person or company the term includes each and every one or more of such persons or companies jointly and each of them severally and their respective successors, assigns, heirs, executors, administrators and transferees of the companies or persons being registered or entitled to be registered as the proprietor of an estate in fee simple to the Land or to each and every one of all separate allotments into which the Land may be divided after the date of this Deed subject however to such encumbrances, liens and interests as are registered and notified by memoranda endorsed on the Certificate of Title thereof;
 - 1.2.4 The term "person" shall include a corporate body;
 - 1.2.5 A person with a disability is defined as any person with an intellectual, psychiatric, cognitive, neurological, sensory or physical functional impairment that is permanent or likely to be permanent and can be episodic, regardless of casualty (e.g. injury, chronic health, congenital, age related) which impacts on the housing needs of that person including building design, amenity, proximity to support services and management of the tenancy.
 - 1.2.6 The term "the Land" shall include any part or parts of the Land;
 - 1.2.7 Any term which is defined in the statement of the names and descriptions of the parties or in the Recitals shall have the meaning there defined;
 - 1.2.8 Words importing the singular number or plural number shall be deemed to include the plural number and the singular number respectively;
 - 1.2.9 Words importing any gender shall include every gender;
 - 1.2.10 Where two or more persons are bound hereunder to observe or perform any obligation or agreement whether express or implied then they shall be bound jointly and each of them severally.

- 1.3 Clause headings are provided for reference purposes only and shall not be resorted to in the interpretation of this Deed.
- 1.4 The requirements of this Deed are at all times to be construed as additional to the requirements of the Act and any other legislation affecting the Land.

2. OWNER'S OBLIGATIONS

- 2.1 The Owner shall not commence or proceed with or cause, suffer or permit to be commenced or proceeded with any application pursuant to the Act, any Act passed in substitution for the Act, the Real Property Act 1886, any Act passed in substitution of the Real Property Act 1886 or any other relevant Act, to undertake any division of the Land.
- 2.2 The Owner shall not cause, suffer or permit the Proposed Development to be used as a dwelling in the event that a disabled person no longer resides on the Land.
- 2.3 In the event that a disabled person no longer resides on the Land, then the Owner shall immediately remove all sinks, taps and stores from the kitchen as depicted on annexure "A".

3. RESTRICTION ON LEASING AND OTHER DEALINGS

The Owner shall not grant any lease licence easement or other right of any nature whatsoever which may give any person the right to possession or control of or entry on to the Land which right would enable such person to breach any of the obligations imposed on the Owner by this Deed unless such grant:

- 3.1 is expressed in writing;
- 3.2 is made with the previous written consent of the Council; and
- 3.3 contains as an essential term a covenant by the grantee not to do or omit to do (or suffer or permit any other person to do or omit to do) any act matter or thing which would constitute a breach by the Owner of the Owner's obligations under this Deed.

4. COUNCIL'S POWERS OF ENTRY, ETC

- 4.1 The Council and any employee or agent of the Council authorised by the Council may at any reasonable time enter the Land provided appropriate notice has been given to the Owner for the purpose of:
 - 4.1.1 inspecting the Land and any building or structure thereupon;
 - 4.1.2 exercising any other powers of the Council under this Deed or pursuant to law.
- 4.2 If the Owner is in breach of any provision of this Deed, the Council may, by notice in writing served on the Owner, specify the nature of the breach and require the Owner to remedy the breach within such time as may be nominated

by the Council in the notice (being not less than twenty eight (28) days from the date of service of the notice) and if the Owner fails so to remedy the breach, the Council or its servants or agents may carry out the requirements of the notice and in doing so may enter and perform any necessary works upon the Land and recover any costs thereby incurred from the Owner.

- 4.3 If in a notice referred to in Clause 4.2 the Council requires the removal of the building or structure from the Land the Council and its servants or agents are hereby authorised and empowered by the Owner to enter and remove the building or structure from the Land and to dispose of it in any manner determined by the Council provided that if the building or structure shall have any monetary value then the Council shall use its best endeavours to realise that monetary value and shall after the disposal account to the Owner and pay to him the realised value less all expenses incurred.

- 4.4 The Council may delegate any of its powers under this Deed to any person.

5. VARIATION AND WAIVER

- 5.1 This Deed may not be varied except by a Supplementary Deed signed by the Council and the Owner.
- 5.2 The Council may waive compliance by the Owner with the whole or any part of the obligations on the Owner's part herein contained provided that no such waiver shall be effective unless expressed in writing and signed by the Council.

6. NOTICES

Notice shall for the purposes of this Deed be properly served on the Owner if it is:

- 6.1 posted to the Owner's last address known to the Council; or
- 6.2 affixed in a prominent position on the Land.

7. COSTS

The Owner hereby indemnifies the Council and agrees to keep it forever indemnified in respect of the whole of its costs and expenses (including without limitation legal costs and expenses) of and incidental to the negotiation preparation stamping and registration of this Deed.

8. REGISTRATION OF THIS DEED

Each party shall do and execute all such acts documents and things as shall be necessary to ensure that as soon as is possible after the execution of this Deed by all necessary parties this Deed is registered and a memorial thereof entered on the Certificate of Title for the Land pursuant to the provisions of Section 57(5) of the Act in priority to any other registrable interest in the Land save and except for the estate and interest of the Owner therein.

9. GOVERNING LAW

The law governing the interpretation and implementation of the provisions of this Deed shall be the law of South Australia.

10. GENERAL PROVISIONS

10.1 If any provision of this Deed shall be found by a court of competent jurisdiction to be invalid or unenforceable in law THEN and in such case the parties hereby request and direct such court to sever such provision from this Deed.

10.2 This Deed contains the whole agreement between the parties in respect of the matters referred to herein.

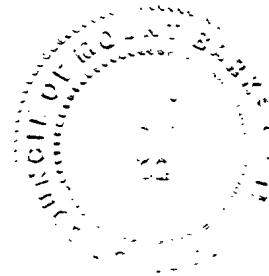
EXECUTED as a deed

**THE COMMON SEAL of
THE DISTRICT COUNCIL OF MOUNT
BARKER** was hereunto affixed
in the presence of:

)

)

)



..... Mayor

..... Chief Executive Officer

**SEALED UNDER THE AUTHORITY OF
SOUTH AUSTRALIAN HOUSING TRUST**
in the presence of:

)

)

)

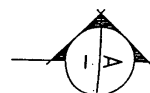
.....
Authorised signatory

.....
Authorised signatory

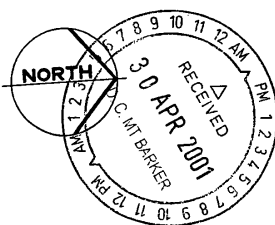


The Owner **HEREBY CERTIFIES** pursuant to Section 57(4) of the Development Act 1993 that no other person has a legal interest in the Land.

.....
For and on behalf of
SOUTH AUSTRALIAN HOUSING TRUST



Dwg. Number



DATED

2001

BETWEEN:

**THE DISTRICT COUNCIL OF MOUNT
BARKER**

of the one part

AND

SOUTH AUSTRALIAN HOUSING TRUST

of the other part

**LAND MANAGEMENT AGREEMENT
BY DEED**

NORMAN WATERHOUSE

Lawyers

Level 15

45 Pirie Street

ADELAIDE SA 5000

Telephone: 8210 1200

REAL PROPERTY ACT, 1886



The Registrar-General certifies that this Title Register Search displays the records maintained in the Register Book and other notations at the time of searching.



Certificate of Title - Volume 5708 Folio 200

Parent Title(s) CT 4252/653

Creating Dealing(s) CONVERTED TITLE

Title Issued 09/11/1999 Edition 2 Edition Issued 07/02/2002

Estate Type

FEE SIMPLE

Registered Proprietor

SOUTH AUSTRALIAN HOUSING TRUST
OF ADELAIDE SA 5000

Description of Land

ALLOTMENT 41 DEPOSITED PLAN 15964
IN THE AREA NAMED MOUNT BARKER
HUNDRED OF MACCLESFIELD

Easements

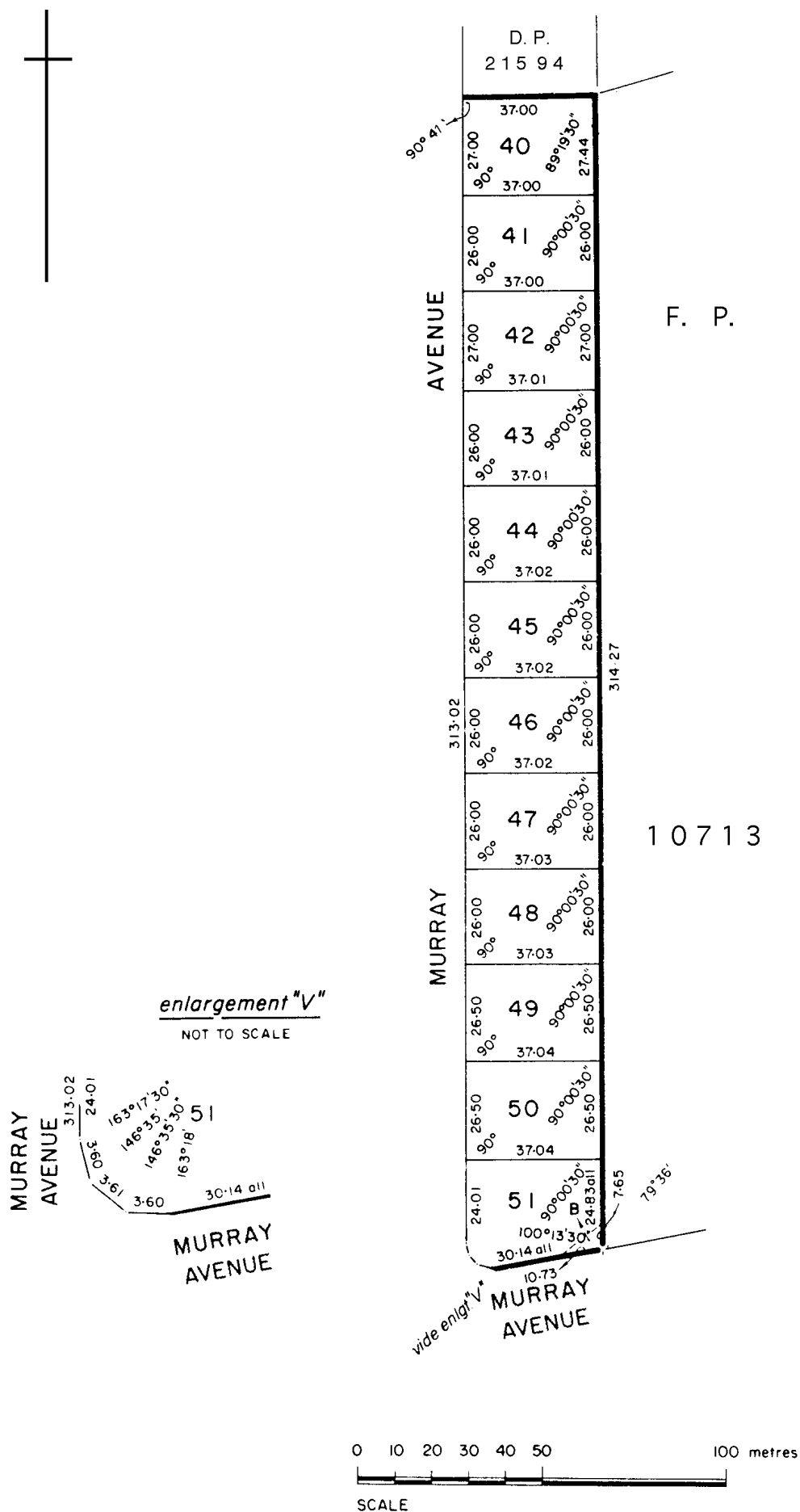
NIL

Schedule of Dealings

Dealing Number	Description
9256912	AGREEMENT UNDER DEVELOPMENT ACT, 1993 PURSUANT TO SECTION 57(2)

Notations

Dealings Affecting Title	NIL
Priority Notices	NIL
Notations on Plan	NIL
Registrar-General's Notes	NIL
Administrative Interests	NIL



DECISION NOTIFICATION FORM**COPY****Development Number****580/00302/01**

FOR DEVELOPMENT APPLICATION

DATED: **30/04/2001**REGISTERED ON: **30/04/2001****TO: Haig & Menzel Contractors Pty Ltd
17 Joseph Street
MURRAY BRIDGE SA 5253****LOCATION OF PROPOSED DEVELOPMENT:
22 Murray Avenue, MOUNT BARKER****NATURE OF PROPOSED DEVELOPMENT:
Additional Dwelling - Class 1a****From The District Council of Mount Barker**

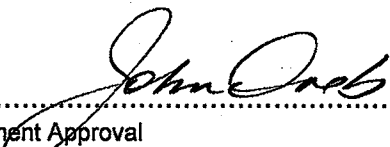
In respect of this proposed development you are informed that:

NATURE OF DECISION	CONSENT GRANTED	NO. OF CONDITIONS	CONSENT REFUSED	NOT APPLICABLE
Provisional Development Plan Consent	Granted	4		
Land Division - Requirements				N/A
Land Division (Strata) - Requirements				N/A
Provisional Building Rules Consent	Granted	7		
Public Space				N/A
Other				N/A
DEVELOPMENT APPROVAL	Granted	11		

Details of the building classification & the approved number of occupants under the Building Code are attached.
(If Applicable)

..... representation(s) from third parties concerning your category 3 proposal were received - Not Applicable

If there were third party representations, any consent/approval or consent/approval with conditions does not operate until the periods specified in the Act have expired. Reasons for this decision, any conditions imposed, and the reasons for imposing those conditions are set out on the attached sheet.

Signed: 
Development Approval
Council DelegateSigned: 
Development Approval
Council Delegate**Date of Decision: 17/01/2002****2 Sheets Attached**

Decision Notification Form**580/00302/01****PROVISIONAL DEVELOPMENT PLAN CONSENT**

The following condition(s) apply:

1. The development herein approved to be carried out in accordance with the plans and details accompanying this application (plans received 30 April 2001), except where amended by the following condition(s).

Reason: To maintain and enhance the amenity of the locality.

2. All of the carports, driveway and vehicle manoeuvring areas shall be constructed and paved or concreted in accordance with sound engineering practice prior to the occupation of any dwelling herein approved.

Reason: To maintain and enhance the amenity of the locality.

3. A septic tank effluent drainage levy of \$2,500.00 to be paid for each additional dwelling in excess of a single dwelling unit per allotment prior to Development Approval being granted.

Reason: The Common Effluent Drain has a limited design capacity and this contribution is necessary for the future upgrading of the scheme.

Reason: To maintain and enhance the amenity of the locality.

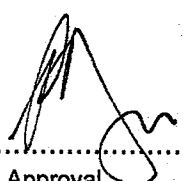
4. All stormwater to be drained into the Murray Avenue watertable prior to the occupation of the dwellings.

NB: This development was granted pursuant to the execution of a Land Management Agreement dated 24 December 2001 which amongst other things prevents the land division of this allotment.

PROVISIONAL BUILDING RULES CONSENT

The following condition(s) apply:

1. An owner who engages a licensed builder by written contract to carry out building work with an estimated value of \$5000 or more, must ensure a certificate of building indemnity insurance is submitted to Council prior to the commencement of any building work. (Regulation. 21)

Signed: 
Development Approval
Council Delegate

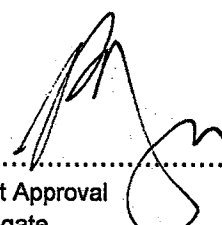
Signed: 
Development Approval
Council Delegate

Date of Decision: 17/01/2002

Decision Notification Form**580/00302/01**

2. A person must not occupy the dwelling or part of the dwelling to which this approval relates until a "Written Statement" declaring that the building work has been carried out in accordance with the approved plans, has been submitted to Council.
(Regulation 83a)
3. Smoke detectors must be installed in accordance with BCA B3.7.2.3 including the following requirements:-
 - a) When more than one smoke detector is used it is recommended that they are interconnected.
 - b) Must be hardwired to 240V mains (or equivalent) with a 9V battery backup.
 - c) Maintained and tested regularly replacing battery annually or as required.
(BCA Volume 2, Part 3.7.2)
4. Roof and site water shall be carried clear of all buildings on the site. The water shall be disposed of in such a manner that it does not flow or discharge on to land of an adjoining owner except with the prior written consent of that owner.
(B.C.A. Volume 2, Part 2.2.1)
5. All wet areas shall be constructed in accordance with BCA & Ministers Specification SA F1.7, 1998 "Waterproofing of wet areas in residential buildings".
(BCA, Volume 2, SA F1.7).
6. Treads to the stairs must have a non slip finish and a suitable non slip strip near the edge of the nosings. (BCA Vol. 2 Section 3.9.1.3G)
7. The owner/builder should be aware that the building is located in a Bushfire Prone Area and should be constructed in accordance with the AS 3959 1999 "Construction of Buildings in Bushfire Prone Areas".

Note: This approval does not imply compliance with the Electricity Trust of South Australia Act 1946, as amended or the Regulations there under. It is the responsibility of the owner and the person erecting the building to ensure compliance with this Act.

Signed: 
Development Approval
Council Delegate

Signed: 
Development Approval
Council Delegate

Date of Decision: 17/01/2002

PO BOX 54
MOUNT BARKER SA 5251

COPY

TELEPHONE: (08) 8391 1633
FACSIMILE: (08) 8391 2064

DX 51708

www.dcmfbarker.sa.gov.au

DEVELOPMENT APPLICATION FORM

Development Act, 1993

Please use BLOCK LETTERS and Black or Blue ink so that photocopies can be made of your application

DEVELOPMENT NUMBER: 580/302/01

Applicant	Owner: <u>S. A. HOUSING TRUST</u>
Postal Address: _____	Address: <u>NORTH TCE</u>
<u>A</u> P/Code: _____	<u>ADRIAN</u> P/Code: <u>5000</u>
Telephone: _____	Telephone: _____
Builder: <u>HATZ & MENZEL CONCT. P/L</u>	Contact Person: <u>JORN</u>
Address: <u>17 JOSEPH ST</u>	Address: <u>ALBRECHTSTW</u>
<u>MURRAY BRIDGE</u> P/Code: <u>5253</u>	Telephone: (H) _____ (W) <u>0418821476</u>
Telephone: <u>853 22499</u> Lic No <u>610376</u>	Facsimile: (H) _____ (W) _____

I wish to apply for: Provisional Development Plan Consent (Planning ONLY) ☐
 Provisional Building Rules Consent (Building ONLY) ☐
 Development Approval (BOTH Planning & Building) ☒

LOCATION OF PROPOSED DEVELOPMENT:

House No: 22 Lot No: _____ Street: MURRAY AVE Town: MT BARKER

Section No (full/part): _____ Hundred: _____ Volume: _____ Folio: _____

Existing Use (e.g. Vacant, Dwelling, Grazing): DWELLING

DESCRIPTION OF PROPOSED DEVELOPMENT (e.g. Dwelling, Shop, Garage):

DWELLING

BUILDING RULES CLASSIFICATION SOUGHT: 1 & 10 Present Classification: 1 & 10

If Class 5, 6, 7, 8 or 9 classification is sought, state the proposed number of employees: Male: _____ Female: _____

If Class 9a classification is sought, state the number of persons for whom accommodation is provided: _____

If Class 9b classification is sought, state the proposed number of occupants of the various spaces at the premises: _____

Does either Schedule 21 or 22 of the Development Regulations, 1993 apply? ☐ Yes ☐ No

Has the Construction Industry Training Fund Act, 1993 levy been paid? ☒ Yes ☐ No
 (applicable only when Development Cost exceeds \$15000)

DEVELOPMENT COST (do not include fitout costs): \$ 54410-00

I acknowledge that copies of this application and supporting documents may be provided to interested persons in accordance with the Development Regulations, 1993.

SIGNATURE: P. Albrecht DATE: 30-4-2001
 Applicant / Owner / Agent

****FEES, PLANS & ANY OTHER RELEVANT SUPPORTING DOCUMENTATION ARE DUE ON SUBMISSION OF THIS APPLICATION****

****PLEASE NOTE** that you may also require approval pursuant to the Public and Environmental Health Act if your development involves plumbing work and/or the installation or alteration of a septic tank (waste control system). Please contact one of Council's Environmental Health Officers if you require any further information.**

12.2	REPORT TITLE:	SECTION OF THE CONNECTOR ROAD TO BE CONSTRUCTED ON COUNCIL ROAD RESERVE (MARTIN ROAD)
	DATE OF MEETING:	19 JANUARY 2026
	FILE NUMBER:	DOC/25/171199
	ATTACHMENTS:	1. DOC/25/171477- MARTIN ROAD WORKS IDENTIFIER MAP 2. DOC/23/156263 - CONNECTOR ROAD TYPICAL CROSS SECTION
	<u>Key Contact</u>	Andrew Houlihan, Manager City Development, Planning and Community
	<u>Executive</u>	Natalie Armstrong, General Manager of Planning and Community

Community Plan 2044:

The following objective/s from the Community Plan 2044 are relevant to this report:

Objective 15. Transport and Access: Develop a safe, integrated and efficient transport network that takes into account the current and future needs of the region including isolated rural communities.

Objective 17. Growth and Development: ensure sustainable and balanced growth while preserving the unique character and natural assets of the District.

Objective 24. Infrastructure Development: Ensure the timely and effective delivery of critical infrastructure that supports the long-term growth and sustainability of the local economy.

Objective 26. Transparent and Inclusive Decision-Making: Promote transparent and inclusive decision-making that ensures active engagement of diverse stakeholders and fosters trust and confidence in governance outcomes.

Objective 27. Efficient Public Services: Enhance the efficiency and effectiveness of public services provided by Council ensuring timely delivery of services that meet the evolving needs of the community and provide value for money.

Objective 28. Collaboration and Partnerships: Foster collaboration and build strategic partnerships between Council and external stakeholders, including

businesses, non-profit organisations and community groups, to address shared challenges and achieve common goals for the betterment of the community.

Annual Business Plan:

Not applicable

Purpose:

To seek authority to proceed with the construction of a small section of the connector road (Heysen Boulevard) that is to be located within a Council road reserve (Martin Road).

Summary – Key Issues:

1. A small section of the connector road that is yet to be constructed is located within a Council road reserve (see attachment 1).
2. The Council road reserve (Martin Road) is not intended to be developed due to alignment of the connector road, existing topographical constraints and as such, there isn't a developer who is to be responsible for the construction of this small section of the connector road.
3. An adjacent section of the connector road is constructed to the west and construction is about to commence to the east by the respective developer.
4. Council has the opportunity of a partnership to proceed with construction of the small section of the connector road located within the Council road reserve to achieve both cost efficiency with procurement to deliver a continuous section of the connector road.
5. The cost of design and construction of the Council section of the connector road is to be funded from revenue that Council has received from developers within the area of the 2010 Ministerial Development Plan Amendment (MDPA) for the purposes of transport infrastructure upgrading that is required due to growth which specifically includes this small section of the connector road.

Recommendation:

That Council:

1. **Authorise the Chief Executive Officer or their delegate to finalise and execute arrangements and documentation to enable the completion of the survey, design and construction of a small section of the connector road (Heysen Boulevard) located in the Council owned Martin Road road reserve as outlined in this agenda item and shown in attachment 1;**
2. **Authorise the total cost for the completion of this section of the connector road to be fully funded from and acquitted against the**

MDPA Transport account containing revenue that council has received from developers within the area of the 2010 Ministerial Development Plan Amendment for the purposes of upgrading transport infrastructure that is required due to growth; and

- 3. Note that once the actual total project cost is known (i.e. upon project completion), the cost will be reflected in the next council budget review.**
-

Background:

1. The State Government 2010 Ministerial Development Plan Amendment (MDPA) to rezone around 1,300 hectares of land in Mount Barker and Nairne included a new connector road to be constructed in Mount Barker through the growth area.
2. The State Government mechanism for the delivery of the connector road (Heysen Boulevard) is that as and when a land parcel within the designated route of the connector road is developed, the developer of that land parcel is to fully fund and deliver that section of the connector road i.e. it is to be constructed as a patchwork quilt over an undefined timeframe.
3. There is some flexibility in the actual design providing that the Council requirements for the connector road are met as per the cross section shown in attachment 2. that enables a developer to customise the section of the connector road that they are responsible for consistent with the visual amenity of their development.
4. Within the designated route of the connector road there are two portions of Council road reserves (i.e. unmade roads) being Haines Road and Martin Road reserves that are required to be crossed over. Refer to attachment 1 for the Martin Road reserve crossing identified by the area bounded in yellow on Attachment 1, being the width of the Martin Road road reserve of approximately 20 metres.
5. Civecon Hills Pty Ltd (Civecon Hills) is progressing development of the land immediately east and adjacent to the Martin Road reserve. Civecon Hills has indicated a preparedness to include the survey, design and construction of the small section of the connector road within the Council owned Martin Road unmade road reserve with the delivery by contractors of the connector road within the Civecon Hills development. Council would be required to fully fund the small section (20m x 23m) of the connector road within the Council road reserve.

6. Council has provided a draft developer funding works agreement to Civecon Hills for review. Civecon Hills have provided initial support to enter into an agreement and costings have been provided that are under review by Council administration.
7. The proposed works are similar to that identified in the Council report dated the 4 December 2023 for section of the connector road on Haines Road road reserve. This is now under construction via an adjacent developer to be completed this year.
8. Martin Road reserve runs north to south to join Martin Road reserve running west to east. Martin Road reserve running north to south is currently unformed and contains an informal pedestrian pathway. Pedestrian access to the continuation of Martin road (running east west) can be made by utilising a pedestrian crossing point just west of the proposed works on Heysen Boulevard.

Discussion:

9. The strategic objective is to see the delivery of the entire connector road as soon as practicable. The collector road will deliver many community benefits including relieving demand/pressure on local roads that continues to mount as growth proceeds.
10. As the small section of the Martin Road reserve that includes a portion of the connector road isn't to be developed for residential purposes, by default it falls to council (as the land owner) to construct this. The most cost efficient approach is for council to seek the procurement of the construction of the adjacent section of the connector road by developers.
11. To achieve that, council officers have engaged with representatives from the Civecon Hills being the developer of the land parcel immediately east of the Martin Road reserve. A draft developer contribution funding works agreement outlining proposed arrangements for this procurement by Civecon Hills has been prepared and provided to Civecon Hills with a positive response received.
12. Civecon Hills has provided an estimated quote for the portion of the connector road within the Martin Road reserve being \$131,618 ex GST which has been reviewed by council officers and deemed appropriate. The more refined total cost of construction will be known once the works are tendered.
13. The developer contribution funding works agreement covers key points for the section of the connector road within the Martin Road reserve such as:

- a) Procurement if not undertaken in a competitive manner by the Civecon Hills will need to demonstrate value for money as assessed by Council;
 - b) Council will specify the design requirements;
 - c) Contracts will need to include the Martin Road section as a separable portion from the remainder of the project within the Civecon Hills land;
 - d) Council to sign-off on any contract variations;
 - e) Project management fee for Civecon Hills;
 - f) Defects liability period arrangements; and
 - g) Payment arrangements from Council to Civecon Hills.
14. The developer contribution funding works agreement is proposed to become a formal Agreement to be executed by Council and Civecon Hills.
15. Council has previously partnered successfully with other developers for the procurement and delivery of required infrastructure within the growth area including Haines Road reserve, Springs Road/Heysen Boulevard roundabout, and a Summit Sports and Recreation Park entrance road.
16. Funding for the project within the Martin Road reserve is available from revenue received by Council from developers within the MDPA area who have undertaken development. This revenue is for the purposes of the delivery of specific transport infrastructure, with that list including the section of the connector road located within the Martin Road reserve.
17. The transport infrastructure separate rate serves as security for this purpose and Council raises a tax invoice when a developer undertakes development unless the land is subject to a Deed between the developer and the Minister for Transport and Infrastructure in which case the developer makes their payment to the State Government and not Council. Either way the amount to be paid by the developer is calculated on the same basis.
18. The Council 2025/26 budget doesn't include funds for this project as at the time of the Council budget adoption it was not known when such works were likely to occur being dependent on the timing of the developer proceeding with the connector road within their land parcel.

Community Engagement:

Informing only	Information on the project can be available via the Council website
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Policy:

Strategic Partnership Policy
Commercial Policy

Long Term Financial Plan:

The Council Long Term Financial Plan includes forecast for further revenue from developers for the purposes of transport infrastructure upgrading required due to growth and capacity for Council expenditure on same.

Budget:

The balance of the MDPA Transport Reserve as of 30 June 2025 is \$9.4M less commitments that include contributions towards, Flaxley/Rainbird Junction, Springs Road East. Funds to be acquitted against the MDPA Transport Reserve.

Statutory/Legal:

As referenced above a formal Agreement (legally binding) between Council and the Civecon Hills would be prepared and executed.

Use by Council of funds in the reserve account for transport infrastructure upgrading accords with the specific purposes for which such funds have been raised.

Staff Resource Requirements:

Norman Waterhouse Lawyers previously assisted with the agreement for Haines Road road reserve. Consistent agreement terms will be prepared as a formal Agreement between Council and Civecon Hills. Council City Development staff will then administer the requirements of the formal Agreement including the review of design, costings and oversight of the construction and delivery.

Environmental:

Two trees of native vegetation status within the portion of Martin Road reserve are required to be removed to support the construction of the connector road. Both trees were consented for removal through the Development Application process and have obtained approval from the Native Vegetation Council and received a Section 221 permit from Council to undertake works on Council land.

Social:

Completion of further sections of the connector road will deliver significant social and traffic network benefit to the community, including during emergency situations.

Risk Assessment:

If Council doesn't proceed as recommended the risk is that the project cost to Council will increase and delivery will be delayed.

If Council does proceed as recommended, the formal Agreement to be executed between Council and the Civecon Hills will enable the required project risk management to occur.

Asset Management:

Council would be responsible for the management of this section of the connector road when completed as is the case for the entire connector road.

Conclusion:

Adoption of the recommended approach above will deliver significant community benefits, fully funded from revenue received by Council from developers for this very purpose.

Previous Decisions By/Information Reports to Council

Meeting Date	4 December 2023	CM Reference	DOC/23/149015
Title	SECTION OF THE CONNECTOR ROAD TO BE CONSTRUCTED ON COUNCIL ROAD RESERVE		
Purpose	To seek authority to proceed with the construction of a small section of the connector road (Heysen Boulevard) that is to be located within a council road reserve.		

Meeting Date	5 December 2022	CM Reference	DOC/22/149312
Title	COMPLETION OF CONSTRUCTION OF THE CONNECTOR ROAD (HEYSEN BOULEVARD)		
Purpose	To provide a further update on the advocacy of council to the State Government to expedite the completion of the construction of the remainder of the connector road (Heysen Boulevard).		

Meeting Date	4 April 2022	CM Reference	DOC/22/38939
Title	COMPLETION OF CONNECTOR ROAD/HEYSEN BOULEVARD, MOUNT BARKER		
Purpose	To provide an update on the efforts of council (over a number of years) to bring forward the delivery of the remainder of the connector road.		

Portion of unmade Road Reserve



The diagram illustrates a cross-section of a proposed road layout. Key features include:

- Property Body:** Indicated on the far left.
- Light Pole (Beyond):** Two locations marked on either side of the road.
- 23.00 ROAD RESERVE:** A horizontal line across the top.
- 0.40 BUFFER*:** Two locations marked on either side of the road.
- 0.80:** Width of the footpath on the left.
- 1.50:** Width of the footpath on the left.
- PARKING BAYS / PROTUBERANCES:** Two locations marked on either side of the road.
- 2.30:** Width of the parking bays / protuberances on either side.
- 150 BARRIER KERB (BEYOND):** Two locations marked on either side of the road.
- 1.50:** Width of the bike lane on either side.
- 3.50:** Width of the traffic lane on either side.
- 2.00:** Width of the median on either side.
- 3.50:** Width of the traffic lane on either side.
- 1.50:** Width of the bike lane on either side.
- 0.40 BUFFER*:** Two locations marked on either side of the road.
- 2.30:** Width of the parking bays / protuberances on either side.
- 2.50:** Width of the shared path on the right.
- 0.80:** Width of the footpath on the right.
- 2.0%:** Slope of the road surface on either side.
- 3.0%:** Slope of the road surface in the center.
- ROAD CENTRELINE REFERENCE POINT:** A dashed line in the center.
- MEDIAN KERB (MK1):** Two locations marked in the center.
- 600 WIDE SPOON DRAIN (600SD):** Two locations marked on either side of the road.
- 100 HIGH BARRIER KERB (100BK):** Two locations marked on either side of the road.
- STORMWATER:** A circular symbol on the left.
- RECYCLED WATER:** A circular symbol on the left.
- SEWER:** A circular symbol in the center.
- WATER MAIN:** A circular symbol on the right.
- WATER MAIN (DN450 TRUNK):** A circular symbol on the right.
- CST:** A rectangular symbol on the left.

*NOTE: BIKE LANE BUFFER ONLY REQUIRED AT INDENTED PARKING BAYS.

Plan view of the proposed road layout for the 10m wide section. The layout includes a 2.00m Footpath, 1.50m Verge, 1.50m Bike Lane, 3.50m Traffic Lane, 3.30m Right-Turn Lane, 0.30m Road Reserve, 3.50m Traffic Lane, 1.50m Bike Lane, 1.50m Verge, and 2.50m Shared Path. The total width is 23.00m. The road is marked with a 2.0% grade on the left and a 3.0% grade on the right. Key features include a 150 High Barrier Kerb & Gutter (150BKG) on the left, a 300 Wide 'Back to Back' Median Kerb (MK2) in the center, and a 150 High Barrier Kerb & Gutter (150BKG) on the right. The road is flanked by a Property Boundary on the left and a Light Pole (Beyond) on the right. The road is also marked with a Road Centreline Reference Point. The road is flanked by a Property Boundary on the left and a Light Pole (Beyond) on the right. The road is also marked with a Road Centreline Reference Point. The road is flanked by a Property Boundary on the left and a Light Pole (Beyond) on the right. The road is also marked with a Road Centreline Reference Point.

A horizontal scale bar with markings at 0, 0.5, 1, 1.5, 2, and 2.5 metres. The bar is divided into alternating black and white segments. Below the bar, the text reads "SCALE OF METRES" and "1:50 AT A1".

100 MILLIMETRES ON ORIGINAL DRAWING

12.3	REPORT TITLE:	FLAXLEY ROAD AND RAINBIRD DRIVE INTERSECTION UPGRADE CONTRIBUTION
	DATE OF MEETING:	19 JANUARY 2026
	FILE NUMBER:	DOC/25/166742
	ATTACHMENTS:	1: DOC/26/3330 – LETTER FROM DIT REQUESTING FUNDING
	<u>Key Contact</u>	Matthew Dawkins, Manager Infrastructure Planning
	<u>Manager/Sponsor</u>	Phil Burton, General Manager Infrastructure and Environment
	<u>Executive</u>	Andrew Stuart, CEO

Community Plan 2044:

15. Transport and Access: Develop a safe, integrated and efficient transport network that takes into account the current and future needs of the region including isolated rural communities.

Annual Business Plan:

Contribution to this intersection upgrade was anticipated however at a far lesser quantum than that now proposed.

Purpose:

To seek Council's approval to release funds from the MDPA Transport Infrastructure Separate Rate (TISR) reserve to fund 50% of the Flaxley Road and Rainbird Drive intersection upgrade as envisaged under the Deed with developers and approved by the Minister for Transport.

Summary – Key Issues:

1. Flaxley Road is identified as a road asset that should be upgraded as part of the Transport Deed with developers in Mount Barker.
2. Both the Minister and Council are raising revenue from developers to pay for road upgrades listed in the Deed.
3. Council previously endorsed making a 50% contribution to this intersection upgrade from the TISR in 2021 however the works were not undertaken and now the costs have escalated significantly and so the revised contribution amount is being brought to Council for approval.

Recommendation:**That Council:**

- 1. Notes that a decision to fund 50% of the intersection upgrade was carried in January 2021;**
 - 2. Notes that the intersection upgrade works did not occur and the total claimed costs have escalated significantly since 2021 to an estimate of now \$3,597,442 (excl. GST) in 2025/26;**
 - 3. Notes that the Mount Barker Road Infrastructure Advisory Committee has endorsed a 50% contribution from the Deed reserve and the Department for Infrastructure and Transport has now written to Council requesting a release of funds from the MDPA Transport (TISR) reserve as shown in Attachment 1;**
 - 4. Approves the revised 50% contribution of up to \$1,798,721 (excl. GST) from the MDPA Transport (TISR) reserve toward the intersection works, and;**
 - 5. Authorises the CEO or their delegate to execute any contractual documents pertaining to this funding agreement with the developer and the Minister for Transport.**
-

Background:

1. The 2010 Ministerial Development Plan Amendment (DPA) undertaken by the State Government requires significant upgrading of specified transport infrastructure.
2. There is a long list of the required transport infrastructure upgrades some of which have been completed (e.g. the freeway interchange at Bald Hills Road) and some are yet to commence.
3. The list includes the upgrading of approximately 2.8 kilometres of Flaxley Road and this is to be fully funded from contributions from developers. The upgrading of Flaxley Road is to include cycle lanes, protected right turn lanes where required and pedestrian refuge crossings at appropriate locations.
4. The contributions from developers are payable when development is undertaken. The amount of the contribution is calculated on a per hectare basis. In 2025/26 that amount is \$83,578 per hectare. The amount payable is indexed annually.
5. Contributions from developers are payable to the State Government where the developer has executed a Transport Infrastructure Deed with the Minister for Transport and Infrastructure (2012) which accounts for approximately 40% of the total Mount Barker Ministerial DPA area.

6. Where a Ministerial Deed is not in place (approximately 60% of the total Mount Barker Ministerial DPA area) the contributions from developers are payable to council. That obligation is secured by the declaration of the Transport Infrastructure separate rate over the land in Mount Barker that is within the area of the 2010 Ministerial DPA.
7. Forecast costs of the required transport infrastructure upgrades would see around 60% of total expenditure on the arterial road network and 40% on the local road network.
8. The shared objective of council, the State Government and developers being to facilitate the timely delivery of transport infrastructure upgrading that is required due to growth.
9. The Newenham development is being undertaken by Burke Urban Developments Pty Ltd (Burke Urban). Some of the land parcels within the Newenham development are the subject of a Ministerial Deed and some are not.
10. Arising from a previous condition of development approval, the second stage of upgrading the junction of Flaxley Road and Rainbird Drive is required to be completed when the Newenham development reaches the agreed allotment number trigger as stipulated by the Commissioner of Highways (Department for Infrastructure and Transport).
11. This junction upgrading comprises a very small portion of the overall upgrading of Flaxley Road with the balance of the Flaxley Road upgrade to occur at a future time. The junction treatment to be built by the developer provides a key sub-arterial connection between Flaxley Road and Heysen Boulevard and is aimed at bringing this section of Flaxley road up to an improved standard suitable for the traffic volumes and increased level of service required of an urban area.
12. The first stage of this upgrade was undertaken in 2017. Funding for that upgrade for \$331,871.34 (excl. GST) was approved at the council meeting held on 7 November 2017. The full cost of the upgrade was funded by developer contributions from the MDPA Transport (TISR) reserve.
13. In order to meet the development approval obligation, Burke Urban has proposed to procure the required works and upon presentation of approved monthly claims for works completed, to secure reimbursement of the approved project cost from both the Minister and Council.
14. In January 2021, Council resolved, on the basis of an estimated \$430,000 contribution, as follows:

That Council:

- 1. Commit to funding 50% of the approved total project cost for the design and construction of the upgrading of the Flaxley Road/Rainbird Drive junction – stage 2;*
 - 2. Note that the council funding contribution is expected to occur in the 2021/22 financial year and as such will be included in the draft 2021/22 budget; and*
 - 3. Acquit the actual amount of the council project contribution against the MDPA Transport Infrastructure Reserve account that is funded entirely from contributions from developers within the Mount Barker area of the 2010 Ministerial Development Plan Amendment.*
15. Burke Urban completed detailed design and cost estimates but never commenced construction as costs had escalated significantly since the original estimate in 2021. An extended period of design review and value management has occurred in consultation with DIT and Council staff.
 16. Burke Urban submitted an updated claim to the Department for Infrastructure and Transport (DIT) as Flaxley Road is an arterial road and is the responsibility of the State Government.
 17. In turn, council has now received a letter from DIT setting out the proposed funding arrangements and seeking a revised 50% Council funding commitment (attachment 1).
 18. Given this escalation, Council's support to still commit to this funding agreement as envisaged in 2021 is now being sought.

Discussion:

19. The total project cost, previously estimated to be \$250,000 in 2016, is now confirmed, through an independent quantity surveyor and recently tendered rates, to be estimated at \$3,597,442 (excluding service station works).
20. The Ministerial Advisory Committee have considered this matter and provided advice to the Minister. The Minister has approved the 50% funding from the Deed reserve.
21. DIT, acting on behalf of the Minister, has written to Council and sought allocation of funding from the Mount Barker District Council Transport Separate Rate of \$1,798,721 for construction of the intersection, in line with the Council previous resolution of 50% funding of the intersection.

22. The costs associated with the service station access at the junction (now \$227,473) will be funded outside of the Deed Fund and Separate Rate mechanism, as previously agreed.
23. The previous contribution by Council to Stage 1 of the intersection works have, to date, not been accounted for in the balance of funding between the Minister and Council. This will be raised with DIT staff in finalising the actual contributions from both parties to ensure the principles of equity are maintained.
24. By inspection, and based on experience and exposure to the value of design and construction of similar civil works projects, the value claimed is considered acceptable by both Council officers and DIT. The works are considered timely and service growth in the immediate vicinity.
25. The MDPA Transport (TISR) reserve has a current balance of \$9,439,420 and there is considered to be sufficient funds to contribute to these works at this point in time.
26. The Council has mirrored the developer funding arrangement instigated by the State Government as a result of the MDPA in good faith. The adequacy of this funding arrangement to pay for all works listed in the Deed and declared against the separate rate is not known and Council staff have sought reassurance from DIT that all works can be funded as originally intended and delivered in a timely manner to provide community benefit. See separate agenda item on the Deed and TISR annual report.
27. The likely timing for completion of the stage 2 upgrade works is mid-late 2026.

Community Engagement:

Informing only	Council report published on website.
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Policy:

In accordance with Council's Transport Infrastructure In-Kind Contribution Policy and Infrastructure Contributions Separate Rate Relief Policy.

Long Term Financial Plan:

Only \$513,000 was provisioned in the LTFP for this intersection upgrade however Council has adequate funds in the MDPA Transport (TISR) reserve to contribute to these works. Longer term modelling on the cost of future works and the ability for the TISR reserve to fund these works needs to be completed however it can be foreseen that there will be insufficient funds to cover all works and this forms part of Council's advocacy to State Government to fund the gap.

Budget:

Currently there is nothing in the 2025/26 budget. If endorsed by Council, subject to timing of the works, this will be updated at the next budget review.

Statutory/Legal:

A funding agreement will be entered into with Burke Urban and the Minister for Transport

Staff Resource Requirements:

The recommendations can be actioned via the use of existing staff resources. The works will be undertaken by the developer and overseen by a DIT project manager.

Environmental:

N/A

Social:

The works will deliver improved road infrastructure to the community on a key arterial road thereby improving safety and reducing congestion.

Risk Assessment:

There is a risk that the works will not be delivered as expected however this will be mitigated by having a contract with the developer and this contract being managed by DIT staff. Council understands that the works have been tendered and that the tendered prices have been used to quantify the costs. These costs have also been validated by an external independent Quantity Surveyor.

Asset Management:

The works are to be undertaken on a DIT arterial road and the majority of assets will be vested in the State Government.

Conclusion:

The Flaxley Road and Rainbird Drive intersection is a key junction on an arterial road that has been identified as being eligible for upgrade under the Deed with developers. The cost to upgrade this intersection has increased significantly since the last decision by Council to co-fund this intersection with the State Government and hence Council's approval is sought to release funds from the MDPA Transport (TSIR) reserve to match the amount to be approved by the Minister for Transport.

Previous Decisions By/Information Reports to Council

Meeting Date	18 January 2021	CM Reference	DOC/21/3096
Title	Funding for Stage 2 Upgrade of Flaxley Road and Rainbird Drive Junction		
Purpose	To seek authority to commit council to a 50% funding contribution for the approved cost of the upgrading of the Flaxley Road/Rainbird Drive junction – stage 2.		

Meeting Date	6 November 2017	CM Reference	DOC/17/104733
Title	Transport Infrastructure in-kind Contributions		
Purpose	• Amend Council's Transport Infrastructure In Kind Contributions Policy; and • Approve an application from Burke Urban for an in kind transport infrastructure contribution.		

In reply please quote #24145190
Enquiries to Daniel Sladic – Daniel.sladic@sa.gov.au



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**Build. Move.
Connect.**

Mr Phillip Burton
General Manager
Infrastructure and Environment
Mount Barker District Council
PO Box 54
MOUNT BARKER SA 5251

pburton@mountbarker.sa.gov.au

Dear Mr Burton,

RE: Rainbird Drive and Flaxley Road, Mount Barker

As you are aware, the design of the Flaxley Road intersection with Rainbird Drive has been led by Burke Urban (the Developer), with these works having been ongoing since 2020. The original cost sharing agreement developed in January 2021 was for the Department and Council to co-fund the intersection works on a 50:50 basis. A co-funding arrangement was considered appropriate in this case given payments from the Newenham development are made both to the Deed Fund under the Deed and to Council as part of its Transport Separate Rate arrangement.

Changes over time to the design scope and the resultant delays have led to an overall increase in anticipated costs far beyond the amount identified in the original cost sharing agreement between the Department and Council.

A concerted effort has been made by the Department, Council and Burke Urban over the last two years to review the intersection design with the aim of reducing the anticipated construction cost (previously estimated at approximately \$5.1 million).

Following a value management exercise and tender review (led by Burke Urban), accurate construction costs have now been determined to enable a final cost sharing arrangement to be finalised between the Department, Council, the Developer and the owner of the adjacent service station – see below:

Description	Cost (excluding GST)
Civil Works (as per BMD Tender)	\$3,240,241
Construction Contingency (10%)	\$324,688
WGA Fees for construction	\$165,256
DIT Overhead Charge	\$60,000
Burke Urban PM Fees	\$36,580
Total (including proposed service station works)	\$3,826,765

As part of the design process, the Department requested that the road designer (WGA) propose a methodology for quantifying the construction cost difference if the right turn deceleration lane into the service station were to be removed. WGA engaged RLB to undertake this work. RLB's assessment concluded that \$154,313 of the total project cost could be reasonably attributed to the service station works.

The Department subsequently undertook a review of the RLB assessment and determined that costs attributed to the service station operator could reasonably be increased to \$227,473. The rationale is as follows:

- Lighting (+\$12,800) – the southernmost light pole would not be required if the service station access was not included in scope. The cost increase proposed includes the price of one light pole and subsequent additional trenching (per BMD tender).
- Preliminaries and Supervision (+\$20,448) – it is considered reasonable that the service station operator should incur some costs associated with the overall supervision and preliminaries for this project. In this case 4.762% of the total preliminaries cost has been applied. This percentage is derived from dividing total service station costs identified by RLB (\$154,313) by total construction costs (\$3,240,241). This method is commonly used by the Department to calculate preliminary costs.
- Traffic Management (+\$11,980.92) – It is considered reasonable for the service station operator to contribute a percentage of traffic management costs. The same percentage used for preliminaries (4.762%) to apply.
- Contingency/Overheads/PM fees – (+\$27,930) - It is reasonable for the service station operator to contribute a percentage of these costs. The same percentage used for preliminaries (4.762%) has been applied.

Accordingly, the following table identifies the total cost of intersection works less the works determined to be attributable to the adjacent service station operator:

Total (including proposed service station works)	\$3,826,765
Less cost attributed to service station	-\$227,473
Less cost attributed to redundant works	-\$1,850
TOTAL CONSTRUCTION	\$3,597,442

Advice from the Mount Barker Road Infrastructure Advisory Committee

The Mount Barker Road Infrastructure Advisory Committee (the Committee) has been briefed on this matter throughout the life of the project and has reviewed the latest costings. In December 2025, the Committee unanimously resolved (via an out of session vote) to provide the following advice to the Minister:

- *Endorse the allocation of funding from the Special Deposit Account (Deed Fund) of \$1,798,721 for construction of the intersection in line with the commitment to fund the intersection in previous Ministerial determination on 17 June 2017 and Mount Barker Infrastructure Committees resolution 6.5.1 of 15 June 2020.*
- *Endorse the Department (as Administering Body under the Deed) to seek allocation of funding from the Mount Barker District Council Transport Separate Rate of \$1,798,721 for construction of the intersection, in line with the Council's previous resolution of 50% funding of the intersection on 1 February 2021.*

- *Acknowledge that costs associated with the service station access (\$227,473) will be funded outside of the Deed Fund and Separate Rate mechanism, as previously agreed.*

Following the Committee's resolution, the Department is seeking a funding arrangement with Council commensurate to the original cost sharing agreement in line with the table below (i.e. 50% of the construction cost less the costs associated with the service station works):

	Proposed Cost Share	
	Deed Fund (DIT)	Separate Rate (Council)
Design (Complete)	\$231,897	\$0
Construction	\$1,798,721	\$1,798,721
Total	\$2,030,618	\$1,798,721

The Department is proposing that future reimbursements to Burke Urban will be made progressively, with payment frequency to be negotiated between the Department, Council and the Developer and formalised via a Developer Deed of Agreement. Payments are anticipated to occur within 2025-26 and 2026-27 following submission of invoices and supporting documentation demonstrating actual works completed for departmental/Council review. Any construction costs exceeding \$3,597,422 (including any escalation) must be fully justified by Burke Urban at the time of seeking reimbursement.

It is understood that that this matter will be considered by Council at its next meeting scheduled for 19 January 2026. It should be noted that Burke Urban is scheduled to meet with the Minister on 20 January 2026 regarding this matter.

The Department is also seeking an updated assurance from Burke Urban that the service station operator is aware of their funding obligation. Written confirmation of the following is being sought from Burke Urban:

- The service station operator will fund all upgrades related to the service station access (determined to be \$227,473 excluding GST) with payment terms to be confirmed within a Developer Deed of Agreement with the Department.

The Department looks forward to continuing to engage with you on this project.

Yours Sincerely,



Mike Wilde
A/Director, Transport Strategy and Network Planning
Department for Infrastructure and Transport

9 January 2026

12.4	REPORT TITLE:	HAHNDORF MAIN STREET FOOTPATH MAINTENANCE SERVICE LEVEL
	DATE OF MEETING:	19 JANUARY 2026
	FILE NUMBER:	DOC/25/178470
	ATTACHMENTS:	1: DOC/25/178845 - PROPOSED HAHNDORF MAIN STREET FOOTPATH MAINTENANCE SERVICE LEVEL
	<u>Key Contact</u>	Russell Pilbeam, Manager Assets, Infrastructure
	<u>Manager/Sponsor</u>	Russell Pilbeam, Manager Assets, Infrastructure
	<u>Executive</u>	Phil Burton, General Manager Infrastructure and Environment

Community Plan 2044:

Objective 24 The timely and effective delivery of critical infrastructure that supports the long term growth and sustainability of the local economy.

Objective 26 Transparent and Inclusive Decision Making: transparent and inclusive decision-making, ensuring active engagement of diverse stakeholders and fostering trust and confidence in governance outcomes.

Objective 27 Efficient Public Services: Enhance the efficiency and effectiveness of public services provided by Council ensuring timely delivery of services that meet the evolving needs of the community and provide value for money.

Annual Business Plan:

Footpath maintenance is a core service that is included in Council's business plan.

Purpose:

To present to Council a proposed footpath maintenance service level for the Hahndorf Main Street Precinct.

Summary – Key Issues:

1. The Hahndorf Main Street is one the State's premier tourist destinations and has, for a number of years, been identified for a significant upgrade to improve the function and aesthetics of the street however Council has not been successful to date in attracting external funding for this purpose.

2. In response to community concern, Council staff have investigated safety concerns, including tripping hazards and paving condition on Hahndorf Main Street Precinct and consulted with the local community associations, including the Hahndorf Community Association (HCA), Hahndorf Business and Tourism Board (HBTA) and the Hahndorf Memorial Institute Committee (HMIC) to help inform decision making.
3. A proposed footpath maintenance service level (MSL) has now been developed to inform future works on the main street and provide greater transparency to the community on the services that Council can provide.

Recommendation:

That Council:

- 1. Notes a footpath condition audit has previously been completed on the Hahndorf Main Street to identify and prioritise defects;**
- 2. Endorses the Hahndorf Main Street Footpath Maintenance Service Level (MSL) as shown in Attachment 1;**
- 3. Notes that the financial impact of introducing this service level is circa \$60,000 per annum and this will be accommodated within the existing footpath maintenance budget where possible by reprioritising maintenance on less utilised footpaths, and;**
- 4. Notes that a report on the implementation of this Maintenance Service Level, including any implications arising from its implementation, will be provided as part of the Maintenance and Operations quarterly report.**

Background:

1. In August 2024, Council resolved as follows:

1. Council investigates and report on safety concerns including tripping hazards, and more broadly the paving condition of Hahndorf's main street and develop footpath/verge maintenance service standards for the Hahndorf main street, including intervention tolerances to ensure measurable performance standards.

2. Council consult and collaborates with the local Community Association (HCA), as well as other local relevant organisations including the Hahndorf Business and Tourism Association (HBTA), and the Hahndorf Memorial Institute Committee (HMIC), to inform decision-making and the development of future works programs.

3. Upon the development of the standards, Council considers what available options exist to meet the financial investment to develop a routine maintenance program to meet this service standard, including resources

being allocated through a future budget review for the 2025/26 financial year if required.

4. Subject to the adoption of this program, Council staff to provide reports on works delivered in line with adopted standards and service levels through existing maintenance and operations quarterly reporting.

5. Council recognises the Hahndorf Main Street upgrade as an important future project and requests a report on funding options and timing while acknowledging its scale, lack of current L TFP funding, and the need to prioritise alongside other major projects.

2. The main street is defined as the section of verge and footpath network some 1.2km long from Carl Nitschke Car Park to Windsor Ave.
3. Primarily, the footpath material is brick paving with smaller, isolated sections of concrete and asphalt. The useful life for paving is typically 40-60 years with recent condition assessments of the area reflecting that some of this is nearing end of useful life.
4. Council has previously endorsed a concept design for a comprehensive upgrade of the main street including replacement of the current footpath, which is included in Council's advocacy plan with a value of circa \$30,000,000. To date, Council has been unsuccessful in attracting external funds.
5. In September 2024, Council committed \$200,000 to conduct footpath and kerbing repairs along the main street as part of a dedicated project to improve public safety and amenity. This included the removal of trip hazards and reduction in surface undulations as well as infill of the verge (undeveloped sections between the footpath and kerb) with granitic sand to reduce trip hazards and improve presentation. A report was provided to Council summarising the expenditure and improvements made.
6. Council currently invests approximately \$350,000 per annum on footpath maintenance and has committed \$1,070,000 per annum in the long term financial plan for footpath renewal for a network measuring 222 km.
7. Based on the latest network footpath condition audit conducted in June 2024, over 1,800 defects were identified with nearly 1,400 being surface related. 19% of these defects were identified on higher pedestrian use footpaths and maintenance programming prioritises work in these areas.
8. Council has a current Maintenance Service Level (MSL) for managing the footpath network but it is not widely known nor measured. It was last updated in 2010.

Discussion:

9. In September 2024, Council staff inspected the Hahndorf Main Street to investigate safety concerns, including trip hazards and paving condition. Defect criteria was drafted, in reference to the relevant industry standards, IPWEA Practice Notes and benchmarked against other Council references.
10. A new maintenance service level for the Hahndorf Main Street specifically was developed, clearly outlining the defects and intervention levels for each. See Attachment 1.
11. In September 2025, Council staff consulted with local community associations including the Hahndorf Community Association (HCA), Hahndorf Business and Tourism Association (HBTA) and Hahndorf Memorial Institute Management Committee (HMIC). Feedback was received on the proposed MSL for the main street and future works focussed on safety.
12. Based on the feedback received, Council staff undertook a defect inspection along the main street in November 2025 to begin quantifying a program of future works. 83 defects were identified with the majority relating to the drop from footpath edge to the verge area and trip step issues.
13. The defects identified in line with the proposed MSL will be prioritised for repair in keeping with the Council's footpath maintenance budget and will likely take a number of years to complete in full. The primary focus will be on safety for pedestrians.
14. It is estimated that the investment required to meet the proposed maintenance service level in the Handorf Main Street would be in the order of \$60,000 per annum.
15. To accommodate this level of investment from the existing footpath maintenance budget, a reprioritisation of defects on less utilised footpaths would likely be required in lieu of increasing the budget. A review of the footpath budget will occur at each annual business plan and budget to ensure a safe and functional network is being provided overall.
16. A number of other matters have been identified on the main street that will not be resolved within the proposed maintenance program. These include private works or larger capital investments that can only be corrected with external funding. Examples include pedestrian crossings, stormwater outlets, major undulations due to tree roots and other stormwater deficiencies.
17. It is recognised that the proposed MSL relates only to the Hahndorf main street. It is intended to review and update the footpath network MSL to ensure all township main streets are adequately documented and understood.

18. The Hahndorf Main Street upgrade remains a priority for Council and advocacy continues for external funding. The intersection with Pine Av and Balhannah Rd are fully designed (by DIT) and are ready to be constructed subject to funding. This is considered a logical first stage of construction as it will improve traffic congestion, pedestrian safety and set a standard for the remainder of the street.

Community Engagement:

Informing only	Council staff met with representatives of the community and discussed the maintenance service levels and defect types, what can be achieved by Council in terms of delivery versus continuing to advocate for a main street upgrade. The proposed service levels will be published on Council's website.
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Policy:

Consistent with Asset Management Policy.

Long Term Financial Plan:

Current footpath maintenance funding is allocated annually within the long term financial plan. The impact of the proposed MSL for the Hahndorf Main Street on the LTFP is yet to be fully understood however it will be assumed to be able to be accommodated within existing footpath maintenance budgets through reprioritisation of other works i.e. dropping the service level on lower priority paths.

Budget:

Current footpath maintenance budget for 2025/26 is \$350,000. The proposed maintenance service level for the Handorf Main Street is likely to cost up to \$60,000 per annum which will be accommodated within existing budgets where possible by reprioritising works across the footpath network. The footpath maintenance budget will be reviewed ahead of the 2026/27 annual business plan.

Staff Resource Requirements:

Footpath maintenance works will be undertaken by a combination of internal and external resources.

Social:

An improved service level standard along the main street of Hahndorf will benefit both the local population of the town and the extensive visitation and tourism Hahndorf receives.

Risk Assessment:

Setting a maintenance service level reduces the risk for public safety and sets expectations with the community for what services can be provided.

There is a risk that the MSL may not be able to be delivered within the current budget for footpath maintenance in which case the MSL and/or the budget will be reviewed and presented to Council as part of a future business plan and budget.

Asset Management:

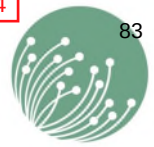
Current maintenance activities are likely to continue to increase due to the aging infrastructure and continued high use of this area. The renewal and upgrade of the main street remains a priority in Council's advocacy plan.

Conclusion:

Hahndorf Main Street is a premier tourist destination and Council is committed to providing a high standard of service to protect public safety, enhance accessibility and support the economy. An agreed footpath maintenance service level has now been developed and to guide future works and investment into the main street.

Previous Decisions By/Information Reports to Council:

Meeting Date	2 September 2024	CM Reference	DOC/24/115558
Title	Hahndorf Main Street Maintenance Plan		
Purpose	To seek endorsement from Council Members to undertake additional maintenance on the Hahndorf Main Street during 2024/25.		



MOUNT BARKER
DISTRICT COUNCIL

Draft Proposal Hahndorf Main Street Maintenance Service Level

Cracking/Entrapments/Gaps

Insignificant (0-5mm, fine cracks/gaps)

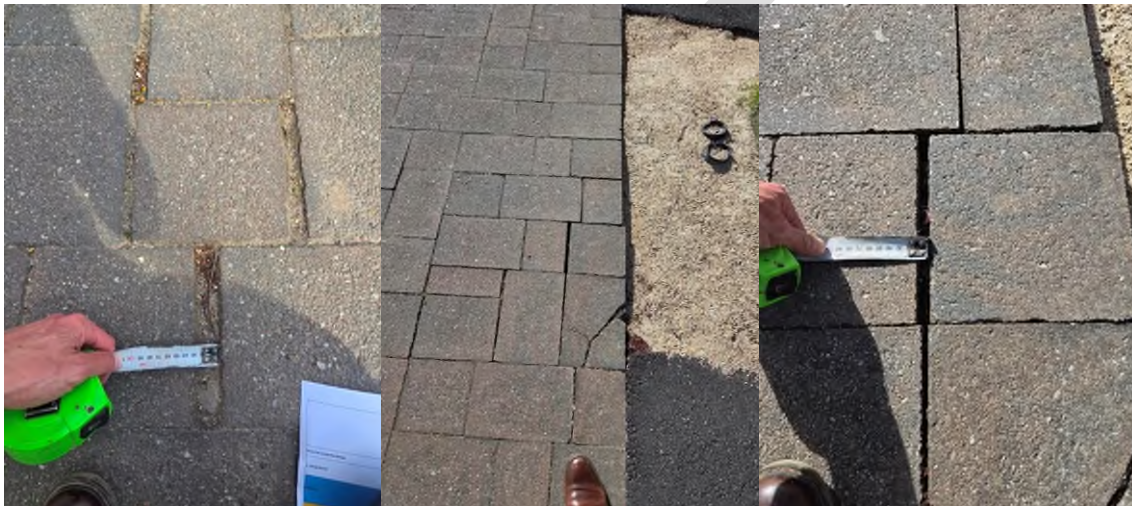
Minor (6-10mm, isolated fine cracking/gaps)

Moderate (11-25mm over 30% per linear meter)

Major (26-50mm over 30-50% per linear meter)

Extreme (51mm+ over >50% per linear meter)

Monitor/Action



Treatments – Paving sand refill, or Lift and Relay, Asphalt and concrete will be patched.
If less than 5mm deep, no action)

Draft Proposal Hahndorf Main Street Maintenance Service Level

Trip Step/Lipping

Insignificant (0-5mm)

Minor (6-10mm)

Moderate (11-20mm)

Major (21-50mm)

Extreme (51mm+)

Monitor/Action



Treatments – Grinding, lift and relay or section replacement

Pre-mix asphalt (temporary), paving lift & relay, grinding and for concrete, panel replacement.

Draft Proposal Hahndorf Main Street Maintenance Service Level

Verge Edge Drop/Scour

Insignificant (0-5mm)

Minor (6-15mm)

Moderate (16-20mm)

Major (21-30mm)

Extreme (30mm+)

Monitor/Action



Treatments – reinstate with granitic sand or mulch if garden bed. If too steep asphalt could be a solution but subject to working with our arboriculture team to ensure no detrimental impact on trees.

Note – the granitic sand surface will improve safer access on the verge as a trafficable alternative but will not perform the same as paving or asphalt.

Draft Proposal Hahndorf Main Street Maintenance Service Level

Subsidence/Nuisance Pooling (Depression over a linear meter which is susceptible to pooling)

Insignificant (0-5mm)

Minor (6-15mm)

Moderate (16-20mm)

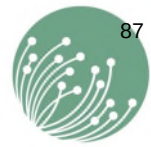
Major (21-30mm)

Extreme (30mm+)

Monitor/Action



Treatment – Lift and relay. Challenges – where road is higher than the footpath, redirecting stormwater is difficult if not impossible in some areas. Treatment to be determined on a case by case basis.



Draft Proposal Hahndorf Main Street Maintenance Service Level

Other matters

Non-compliant pram ramps and pedestrian crossings - higher level of investment, best resolution through main street upgrade.

Tree root lift – if trip steps are present or nuisance pooling occurs, these will be investigated, otherwise undulations will remain as tree root pruning and extent of lift and relay of paving will be significant.

Kerbing – repairs and replacement will be driven by stormwater performance requirements. These are not a trip hazard as they are not a designated pedestrian crossing point.

Private infrastructure such as private stormwater and planter boxes -Look to discharge to road and not on footpath, letters will be issued to property owners who will need to repair/maintain/remove private infrastructure that is impacting public infrastructure.

Utility service pits – Council will take responsibility for trips/lips. Broken lids will be reported to relevant authority for replacement.

Aesthetic upgrades/repairs – not within safety scope.

Street furniture and signage – renewal and replacement where required.

12.5	REPORT TITLE:	MOUNT BARKER DISTRICT COUNCIL YOUTH SPACES FEASIBILITY STUDY - 2025
	DATE OF MEETING:	19 JANUARY 2026
	FILE NUMBER:	DOC/25/156030
	ATTACHMENTS:	1: DOC/25/147313 LINK TO- YOUTH-SPACES-FEASIBILITY-STUDY-OCTOBER-2025-MBDC.PDF
	<u>Key Contact</u>	Shannon Swart, Community Development Officer, Children & Youth
	<u>Manager/Sponsor</u>	Anne Ross, Acting Manager, Community
	<u>Executive</u>	Natalie Armstrong, General Manager, Planning & Community

Community Plan 2044:

The following objective from the Community Plan 2044 is relevant to this report:

Objective 6 Children and Youth: our District will have an inclusive environment where children and young people can thrive, feel valued, heard and respected and have the skills and resources to reach their full potential.

Annual Business Plan:

- Continue to work towards Delivering all 2025 – 2026 actions outline in the Child & Youth Action Plan by 30 June 2026 ensuring completion of programs, services, and initiatives aimed at improving the outcomes of children and youth in the community:
 - o Child & Youth Action Plan - KEY ACTION 1: Youth Space – Explore the feasibility for programmed youth space/s.

Purpose:

To inform and update Council on the Mount Barker District Council Youth Spaces Feasibility Study 2025.

Summary – Key Issues:

1. The Youth Spaces Feasibility Study (the Study) confirms a significant shortage of youth spaces in the Mount Barker district, necessitating a greater need for inclusive and safe environments for youth engagement.
2. A purpose built, standalone youth centre is not recommended as a sustainable or cost-effective option. This option carries high capital and operational costs, risks underutilisation and centralises resources and focus at the expense of more flexible, distributed solutions.

3. The Study has found that there is capacity within the district's existing network of community facilities to incorporate youth activation, as well as the potential to incorporate youth activation in future developments such as the planned City Centre project, and potential future library redevelopment. An enhanced Skate Park precinct is also recommended.
4. The Study proposes five place-based recommendations for providing youth spaces in the district focusing on integrating youth spaces into multifunctional community facilities. Additionally, ten practical recommendations complement the provision of youth spaces.

Recommendation:

That Council:

- 1. Receive and notes the Mount Barker District Council - Youth Spaces Feasibility Study 2025 provided as Attachment 1.**
 - 2. Endorse that Attachment 1 to be published on Council's website.**
-

Background:

1. The Study, delivered by BRM Consulting, was commissioned to address Key Action 1 of the Child and Youth Action Plan 2024-2028, which was to explore the feasibility of programmed youth spaces, aiming to address youth engagement and connection.
2. The Study includes a comprehensive analysis of demographic trends, existing facility capacities, and community engagement inputs.

Discussion:

3. The Study identified the need for more youth spaces and emphasised the importance of embedding these spaces in existing community facilities.
4. Key findings highlight that a standalone youth space is not a viable option due to high costs and the risk of underutilisation.
5. The recommendations are intended to be considered collectively as a holistic package of complementary youth space solutions to be delivered in stages over the short, medium, and long term, subject to funding and strategic project timelines.

Next Steps

The following next steps are proposed to support implementation:

6. Internal Stakeholder Engagement
Targeted internal engagement will be undertaken with relevant Council teams to:
 - o Test feasibility and resourcing considerations for the Study's recommendations

- o Identify opportunities to integrate youth activation into existing and planned community facilities
- o Align delivery with broader strategic projects, including the City Centre project, Open Space Strategy, and future library planning

7. Implementation Planning

An implementation plan will be developed to translate the Study's recommendations into staged, practical actions. This will include:

- o Prioritisation of short, medium, and long-term opportunities
- o Identification of operational and programmatic youth activation opportunities across multiple sites
- o Consideration of governance, risk, resourcing, and evaluation requirements

8. Endorsement of the Implementation Plan for the Youth Feasibility Study

A report will be presented to Council in early 2026 for consideration detailing the administration's response to the Study and proposed Implementation Plan seeking Council's endorsement.

9. Budget Considerations

Implementation of the Study's recommendations will be subject to future funding decisions. An initial Youth Activation budget bid has been identified as a key mechanism to support early-stage implementation and pilot activity aligned to the Study's findings.

10. Youth Voice and Ongoing Engagement

It is anticipated that the future development of youth voice mechanisms will play an important role in informing the detailed design, activation, and ongoing refinement of youth spaces over time, ensuring solutions remain responsive to the needs of young people in the district.

11. The Study identifies the existing Skate Park as a vital community asset; however, it requires further investigation to assess its current condition, safety, and capacity to support enhanced youth activation, as identified in the Mount Barker District Draft Open Space Strategy 2035.

In addition, the Study proposes increased utilisation of existing community facilities, such as community halls and multi-use spaces, for youth activation and programming. Increased or alternative use of these assets may require a review of their current condition, functionality, and suitability for youth-focused activities. This includes consideration of:

- Accessibility and inclusion requirements
- Safety and compliance with relevant standards
- Amenities and infrastructure suitability (e.g. lighting, storage, amenities)
- Capacity to support increased or different patterns of use

Any future activation of existing community assets for youth purposes would be subject to further assessment through Council's asset management

processes to ensure assets remain fit-for-purpose and align with long-term asset planning and maintenance considerations.

Conclusion:

The Mount Barker District Council Youth Spaces Feasibility Study 2025 presents a strategic approach to addressing the youth space shortage in Mount Barker, aligning with Council's goals for community development and youth engagement. Once endorsed, the Study will inform internal stakeholder engagement and the development of an implementation approach, including consideration of youth activation initiatives and future funding, ensuring the needs of young people are embedded in Council's broader community infrastructure initiatives in the short to medium term.

Previous Decisions By/Information Reports to Council

Meeting Date	23 October 2025	CM Reference	DOC/25/147309
Title	Information Memo to Elected Members Youth Spaces Feasibility Study – outcomes & recommendations		
Purpose	To inform Elected Members of the Youth Spaces Feasibility Study Executive Summary, full report and next steps following the Elected Member Information Session on 20 October 2025.		

Meeting Date	20 October 2025	CM Reference	DOC/25/128106
Title	Briefing Session – Youth Spaces Feasibility Study – Report & Recommendations		
Purpose	Present the report and recommendations of the Youth Spaces Feasibility Study undertaken by BRM Advisory.		

12.6	REPORT TITLE:	ADMINISTRATIVE UPDATE OF COUNCIL DELEGATIONS
	DATE OF MEETING:	19 JANUARY 2026
	FILE NUMBER:	DOC/25/174152
	ATTACHMENTS:	1. DOC/25/174918 – INSTRUMENT OF DELEGATION 2. DOC/25/175216– INSTRUMENT OF DELEGATION PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016
	<u>Key Contact</u>	Sue Miller, Team Leader Risk and Governance
	<u>Executive/Sponsor</u>	Alison Hancock, General Manager Strategy

Community Plan 2044:

The following objective from the Community Plan 2044 is relevant to this report:

Objective 25. Leadership and Vision: cultivate a culture of strong leadership within our organisation including in our Council Members, characterised by transparency, accountability, and responsiveness to the diverse needs and aspirations of our community.

Annual Business Plan:

Nil

Purpose:

To update Council's Delegations register following recent changes to the Disability Inclusion Act 2018, Dog and Cat Management Act 1995, Expiation of Offences Act 1996, Local Government Act 1999 and Planning, Development and Infrastructure Act 2016 and with the inclusion of the Graffiti Act 2001.

Summary – Key Issues:

- An administrative update of delegations occurred in October 2025.
- The impact of the recommendations below are minimal as they are procedural only.
- The Local Government Association (LGA) provides regular updates to member Councils on delegations.
- The Delegations Register is available on Council's website.

Recommendation:**That Council:**

- 1. Resolves to grant the delegation of powers and functions of the Council as provided for in the attached instrument of delegation (Attachment 1); and**
- 2. Notes that such powers and functions may be further delegated by the Chief Executive Officer in accordance with Sections 44 and 101 of the Local Government Act 1999 as the Chief Executive Officer sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation.**

Planning, Development and Infrastructure Act 2016 (Instrument A)

- 3. In exercise of the power contained in Section 44 of the Local Government Act 1999 the powers and functions under the Planning, Development and Infrastructure Act 2016 and statutory instruments made thereunder contained in the proposed Instrument of Delegation (annexed to the Report dated 19 January 2026 and marked Attachment 2 are hereby delegated this 19 January 2026 to the person occupying or acting in the office of Chief Executive Officer of the Council subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions in the proposed Instrument of Delegation.**
- 4. Notes that such powers and functions may be further delegated by the Chief Executive Officer in accordance with Sections 44 and 101 of the Local Government Act 1999 as the Chief Executive Officer sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation.**

Planning, Development and Infrastructure Act 2016 (Instrument B)

- 5. In exercise of the power contained in Section 100 of the Planning, Development and Infrastructure Act 2016 the powers and functions under the Planning, Development and Infrastructure Act 2016 and statutory instruments made thereunder contained in the proposed Instrument of Delegation annexed to the report dated 19 January 2026 and marked (Attachment 2) are hereby delegated this 19 January 2026 to the person occupying or acting in the office of Chief Executive Officer of the Council subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions in the proposed Instrument of Delegation.**

6. **Notes that such powers and functions may be further delegated by the Chief Executive Officer in accordance with Section 100(2)(c) of the Planning, Development and Infrastructure Act 2016 as the Chief Executive Officer sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation.**

Background:

1. Council decision-making occurs in one of two ways; by resolution at council meetings, or through delegation.
2. Sources of power:
 - a. Discretionary powers/functions pursuant to Acts, Regulations, or other legislative instruments (i.e. practice directions)
 - b. Legislative instruments must enable the power/function to be delegated (s44 of Local Government Act 1999)
 - c. Delegation, which is a conferral of the power or function from one decision maker to another

Delegations under the *Local Government Act 1999* and other legislation (excluding the *Development Act 1993* and *Planning, Development and Infrastructure Act 2016*)

3. The Council may delegate its statutory powers and functions pursuant to section 44 of the *Local Government Act 1999* and powers of delegation under other legislation.
4. An instrument of delegation providing for the delegation of powers and functions by the Council is attached to this report (Attachment 1).
5. The instrument of delegation does not include delegations under the Development Act or the Planning, Development and Infrastructure Act. Delegations under these Acts are the subject of the instrument of delegation attached as (Attachment 2).
6. The instrument of delegations identifies:
 - a. the statutory power or powers to delegate the powers or functions subject to the instrument of delegation;
 - b. the statutory basis for any power to sub-delegate a delegated power or function;
 - c. the conditions and limitations applying to the exercise of a delegated power or function; and
 - d. in an attached table for each Act or regulation under which a delegation is granted by the instrument of delegation:
 - i. the delegated power or function; and

- ii. the identity of the delegate or delegates in respect of that power or function.
7. If the Council resolves to grant the delegations provided for in the attached instrument of delegation, then delegations will come into operation on the day following the date of the Council resolution.
8. If the Council resolves to grant the delegations provided for in the attached instrument of delegation, then previous delegations of the powers and functions subject to the instrument of delegation will be revoked from the date on which the delegations in the attached instrument of delegation come into operation.
9. A delegation is revocable at will and does not prevent the Council acting in a matter.
10. This review is different to individual delegations to specified council officers provided by Council for particular actions e.g. a land purchase, which are instead subject to further reports to, and resolutions of, Council clarifying actions taken under delegation.
11. The most recent administrative update of Council's delegations under legislation was undertaken in October 2025.
12. The changes to the delegations in this report (Attachment 1) are summarised as:
 - Disability Inclusion Act 2018
 - Dog and Cat Management Act 1995
 - Expiation of Offences Act 1996
 - Local Government Act 1999

In addition, the Graffiti Act 2001 has been added to the Delegations Framework.

Delegations under the Planning, Development and Infrastructure Act 2016

13. An instrument of delegation providing for the delegation of powers and functions under the Planning, Development and Infrastructure Act 2016 by the Council is attached to this report (Attachment 2).
14. Delegations under the Planning, Development and Infrastructure Act 2016 are being dealt with separately to other delegations of statutory powers and functions. This is because template delegations have been specifically developed by the Local Government Association to deal with the staged implementation of the Planning, Development and Infrastructure Act 2016.

Discussion:

15. The Local Government Association supports member Councils with delegation and sub-delegation of statutory powers and function by providing template instruments of delegations and supporting documents.
16. Legislative changes are regularly reviewed and updated information is provided to Councils to determine if Council wishes to make those recommended delegations to the Chief Executive Officer.
17. The Chief Executive Officer may delegate to other staff which is largely an administrative process.
18. All updates are reflected as NEW if they are new provisions, or changed provisions are highlighted with tracked changes.
19. Delegations to the Chief Executive Officer recommended within this report are otherwise unchanged from those previously endorsed by Council and consistent with the LGA template delegations.

Community Engagement:

Informing only	Delegations and sub-delegations are placed on Council's website
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Policy:

N/A

Budget:

N/A

Statutory/Legal:

Section 44(6) requires Council to review the delegations register at least annually.

Staff Resource Requirements:

There is no impact on staff resources.

Environmental:

N/A

Social:

Delegations enable staff to perform the many functions required in day to day activities to ensure an efficient and effective service is provided to the community.

Risk Assessment:

The Delegations Register is an essential risk document as it stipulates the level of authority that staff have to undertake their duties, and mitigates the risk of ultra vires decisions (that is, actions taken by the Council that exceeds the scope of power granted by statute.)

Asset Management:

N/A

Conclusion:

Having conducted a review of the delegations, Council is required to resolve on the recommended changes.

Previous Agenda Items

Meeting Date	7 October 2025	CM Reference	DOC/25/118969
Title	Administrative Update of Council Delegations		
Purpose	To update Council's Delegations register following recent changes to the Planning, Development and Infrastructure Act 2016, Local Government (General) Regulations 2013 and provide delegation under the Local Government Act 1999 and Road Traffic Act 1961.		

Meeting Date	7 April 2025	CM Reference	DOC/25/26029
Title	Administrative Update of Council Delegations		
Purpose	To update Council's Delegations register following recent changes to the following legislation -Independent Commission Against Corruption Act 2012, Supported Residential Facilities Regulations 2024, Planning, Development and Infrastructure Act 2016 and associated instruments.		

Meeting Date	2 September 2024	CM Reference	DOC/24/108576
Title	Administrative Update of Council Delegations		
Purpose	To update Council's Delegations register following recent changes to legislation.		

Meeting Date	3 June 2024	CM Reference	DOC/24/56616
Title	Administrative Update of Council Delegations		
Purpose	To update Council's Delegations register following recent changes to legislation.		

Meeting Date	4 March 2024	CM Reference	DOC/24/2005
Title	Review of Council Delegations		
Purpose	To conduct a full review of Council's Delegations register following changes to legislation and introduction of additional legislation.		

Mount Barker District Council
Instrument of delegation

1. The Mount Barker District Council (**Council**) delegates each function or power of the Council:
 - (a) listed in the attached tables to the delegate or delegates identified in respect of the function or power; and
2. The delegations are granted pursuant to section 44 of the *Local Government Act 1999*, excepting that the functions and powers of the Council.
3. The delegations granted pursuant to:
 - (a) the Local Government Act to the Council's Chief Executive Officer (**CEO**) may be sub-delegated by the Chief Executive Officer in accordance with sections 44(4)(b) and 101 of the Local Government Act, but subject to section 44(3a) of the Local Government Act;
4. If two or more delegates are nominated in respect of a power or function, then each nominated person is granted a delegation and may exercise the power or function independently of any other delegate.
5. The delegations are granted subject to the following conditions and limitations:
 - (a) the delegate must exercise a delegated function or power in accordance with:
 - (i) applicable legislative and other legal requirements; and
 - (ii) due regard to relevant policies and guidelines adopted by the Council;
6. Each delegation of a power or function granted under this instrument is independent of, and severable from, every other delegation granted under this instrument.
7. If a delegation of a power or function under this instrument is determined to be invalid or unlawful, the invalid or unlawful delegation will be deemed to be severed from this instrument and the remaining delegations will continue to operate according to their terms.
8. The delegations provided for in this instrument of delegation will come into operation on the day following the date of the Council resolution.
9. Previous delegations granted by the Council of the powers and functions delegated by this instrument are revoked with effect from the date on which the delegations provided for in this instrument come into operation.

10. The delegations granted by this instrument will remain in force until varied or revoked by resolution of the Council.

By resolution of the Council

on:.....

MOUNT BARKER DISTRICT COUNCIL

DISABILITY INCLUSION ACT 2018

NEW Provisions

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations	Capacity of Council
804430	Disability Inclusion Act 2018	section 18(3)(a)	Review disability access and inclusion plan to ensure it is consistent with the State Disability Inclusion Plan	CEO		State authority
804431	Disability Inclusion Act 2018	section 18(3)(b)(i)	Vary the disability access and inclusion plan as necessary to ensure consistency with the State Disability Inclusion Plan	CEO		State authority
804432	Disability Inclusion Act 2018	section 18(3)(b)(ii)	Publish the varied disability access and inclusion plan	CEO		State authority

MOUNT BARKER DISTRICT COUNCIL

DOG AND CAT MANAGEMENT ACT 1995

CHANGED Provisions

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations	Capacity of Council
433769	Dog and Cat Management Act 1995_	section 26(6)(b)(i)	Charge fees for registration of dogs or businesses	CEO		council
433770	Dog and Cat Management Act 1995_	section 26(6)(b)(ii)	Charge fees for late payment of registration	CEO		council
433771	Dog and Cat Management Act 1995_	section 26(6)(b)(iii)	Charge fees for meeting requirements under the Dog and Cat Management Act	CEO		council
433811	Dog and Cat Management Act 1995_	section 88A(4)	Receive a statutory declaration from the owner of a vehicle who has received an expiation notice or an expiation reminder given under the ~~Expiration~~ Expiation of Offences Act 1996	CEO		council

MOUNT BARKER DISTRICT COUNCIL

EXPIATION OF OFFENCES ACT 1996

NEW Provisions

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations	Capacity of Council
804545	Expiation of Offences Act 1996	section 6(3)(b)(ii)	Authorise a person in writing to give expiation notices	CEO		issuing authority

MOUNT BARKER DISTRICT COUNCIL

GRAFFITI CONTROL ACT 2001

NEW Provisions

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations	Capacity of Council
798754	Graffiti Control Act 2001	section 7(1)	Appoint an authorised person	CEO		council
798755	Graffiti Control Act 2001	section 7(2)	Impose conditions	CEO		council
798756	Graffiti Control Act 2001	section 9(3)	Issue reasonable directions	CEO		council
798757	Graffiti Control Act 2001	section 12(1)	Enter private property and take any action necessary to remove or obliterate graffiti if:	CEO		council
			• notice was served on the owner or occupier; and • the owner or occupier has not objected			
798758	Graffiti Control Act 2001	section 12(3)(a)	Take reasonable steps to consult with the owner or occupier of the property	CEO		council
798759	Graffiti Control Act 2001	section 12(3)(b)	Ensure as far as practicable the work is carried out:	CEO		council
			• expeditiously and in such a way as to avoid unnecessary inconvenience or disruption to the			

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations	Capacity of Council
			owner or occupier; and • with reasonable care and to a reasonable standard			
798760	Graffiti Control Act 2001	section 12(4)	Authorise a person to take action on behalf of the council	CEO		council

MOUNT BARKER DISTRICT COUNCIL

LOCAL GOVERNMENT ACT 1999

NEW Provisions

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations	Capacity of Council
804596	Local Government Act 1999	Section178(7)(b)	By written notice to the owner of the land, inform the owner of the imposition of the requirement under section 178 (4)	CEO		council

CHANGED Provisions

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations	Capacity of Council
434523	Local Government Act 1999	section 184(4)(a)(c)	Place a copy of the notice sent to the principal ratepayer in a newspaper circulating throughout the State	CEO		council
434524	Local Government Act 1999	section 184(4)(b)(d)	Leave a copy of the notice sent to the principal ratepayer at a conspicuous place on the land	CEO		council
434587	Local Government Act 1999	section 210(2)(b)	Give public notice ~~to the owner of the private~~ <u>read</u> of a proposed declaration	CEO		council

MOUNT BARKER DISTRICT COUNCIL

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

NEW Provisions

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
803136	State Planning Commission Practice Direction - (Council Swimming Pool Safety Inspections) 2025	clause 1(2)	104.The power pursuant to clause 1(2) of Part 3 of the State Planning Commission Practice Direction (Council Swimming Pool Safety Inspections) 2025 (PD8) ~~to ensure that an inspection~~ under clause 2(1) of Part 2 of PD8 is carried out by a person who has the appropriate qualification, skills, knowledge and experience to carry out an inspection assigned to that officer under PD9.	CEO	
803122	Planning, Development and Infrastructure (General) Regulations 2017	r 88(3)	75. Division of Land by Community Title or Strata Title 75.1 The power pursuant to Regulation 88(3) of the General Regulations to hold the security supporting a binding arrangement entered into by an applicant under Regulation 88 of the General Regulations.	CEO	
803123	Planning, Development and Infrastructure (General) Regulations 2017	r88(4)	75. Division of Land by Community Title or Strata Title 75.2 The power pursuant to Regulation 88(4) ~~of the General Regulations to return the security to~~ the applicant as soon as reasonably practicable after its return is requested by the applicant if: 75.2.1 the Council or delegate is satisfied that the condition or requirement in relation to which the arrangement was entered into has been satisfied; and 75.2.2the security has not been transferred to the relevant community corporation or strata	CEO	

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
			corporation in accordance with Regulation 88(5) of the General Regulations.		
803124	Planning, Development and Infrastructure (General) Regulations 2017	r 88(4)(a)	75. Division of Land by Community Title or Strata Title 75.3The power pursuant to Regulation 88(4)(a) ~~of the General Regulations to form the opinion~~ and be satisfied that the condition or requirement in relation to which the arrangement was entered into has been satisfied.	CEO	
803125	Planning, Development and Infrastructure (General) Regulations 2017	r 88(5)	75. Division of Land by Community Title or Strata Title 75.4The power pursuant to Regulation 88(5) of the General Regulations, if a condition or requirement in relation to which a binding arrangement was entered into has not been satisfied before the end of the developer control period, to, after the developer control period, transfer the security to the relevant community corporation or strata corporation for the purposes of the corporation using that amount to satisfy the condition or requirement.	CEO	
803135	State Planning Commission Practice Direction 2 - Preparation and Amendment of	clause 11.2	96.The draft Amendment 96.2The power pursuant to clause 11.2 of PD2 ~~where an amendment to a Regional Plan~~ contemplates a complying change under 96.2.1 Section 75(1) of the PDI Act, to include in any recommendation in the Regional Plan Amendment, where applicable: any existing overlay, zone, subzone in the Code within the Affected Area which is proposed to be amended; and 96.2.2where relevant to the proposed change, an indication of development density and minimum and maximum building heights that may be applied to the Affected Area.	CEO	

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
	Designated Instruments				
803126	State Planning Commission Practice Direction 2 - Preparation and Amendment of Designated Instruments	clause 6(1)	91. Proposal to Initiate 91.1.3 For Code Amendments an outline of: _____ 91.1.3.1any overlay, general development policy, zone, subzone or technical or numeric variation in the Code being proposed for amendment; and/or 91.1.3.2the intended spatial application of an overlay, zone, subzone or technical or numeric variation in the Code over an identified area;	CEO	
803127	State Planning Commission Practice Direction 2 - Preparation and Amendment of Designated Instruments	clause 6(1)	91. Proposal to Initiate 91.1.4. For Regional Plan Amendments: _____ 91.1.4.1 an outline of any existing text, policies, actions/recommendations or other content in the Regional Plan that is proposed to be amended or inserted; and/or 91.1.4.2details of any proposed changes to existing spatial layers, or the inclusion of new spatial layers;	CEO	
803128	State Planning Commission	clause 6(1)	91. Proposal to Initiate 91.1.5A map or description of the Affected Area; _____	CEO	

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
	Practice Direction 2 - Preparation and Amendment of Designated Instruments				
803129	State Planning Commission Practice Direction 2 - Preparation and Amendment of Designated Instruments	clause 6(1)	91. Proposal to Initiate 91.1.6 Consultation Requirements 91.1.6.1 Information regarding any consultation that has already occurred with respect to the proposed Code Amendment; 91.1.6.2 Details of further consultation proposed to be undertaken with respect to the proposed Code Amendment;	CEO	
803130	State Planning Commission Practice Direction 2 - Preparation and Amendment of	clause 6(1)	91. Proposal to Initiate 91.1.7 Planning Merit Statement 91.1.7.1 A statement detailing how the proposed Amendment relates to strategic directions and outlines desired policy/development outcomes and anticipated residential/ employment yields;	CEO	

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
	Designated Instruments				
803131	State Planning Commission Practice Direction 2 - Preparation and Amendment of Designated Instruments	clause 6(1)	91. Proposal to Initiate 91.1.8Investigation Information 91.1.8.2For the purposes of a Code Amendment, or where a Regional Plan is proposing a recommendation to alter spatial application of Zones, Overlays or Subzones: (a)infrastructure (road, civil, corridor); (b)service infrastructure (water, wastewater, stormwater, electricity, gas, telecommunications); (c)cultural and heritage significance (search of the Register of Aboriginal Sites and Objects); (d)hazard risk (analysis of relevant policy and site conditions); and/or (e)the extent to which there are social, economic, land use, built form or environmental features that present a barrier to the outcomes sought;	CEO	
803132	State Planning Commission Practice Direction 2 - Preparation and Amendment of Designated Instruments	clause 6(1)	91. Proposal to Initiate 91.1.9High-level details of any infrastructure required to support development arising through the proposed Amendment and how that infrastructure will be provided (for example potable water and sewerage connection requirements);	CEO	
803133	State Planning Commission	clause 6(1)	91. Proposal to Initiate 91.1.10Where known, details of any infrastructure agreement (or agreements) or infrastructure scheme which will need to be established or entered into in connection with the proposed	CEO	

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
	Practice Direction 2 - Preparation and Amendment of Designated Instruments		Amendment.		
803134	State Planning Commission Practice Direction 2 - Preparation and Amendment of Designated Instruments	clause 8(1)	93.Publication Instructions 93.1The power pursuant to clause 8(1) of PD2 to set out the following in the SA Planning Portal Publication Instructions – for Initiation: 93.1.1a plain English summary of the proposed Amendment which will be published on the SA Planning Portal; and 93.1.2where possible, an indicative timeframe for the commencement of public consultation.	CEO	

CHANGED Provisions

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
319311	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)	s7(5)(b)	~~13~~.Environment and Food Production Areas – Greater Adelaide <u>1</u> 3.1The power pursuant to Section 7(5)(b) of the ~~Planning, Development and Infrastructure Act 2016~~ (the PDI Act), in relation to a proposed development in an environment and food production area that involves a division of land that would create 1 or more additional allotments in an environment and food production area, to concur in the granting of the development authorisation to the development.	CEO	
319517	Planning, Development and Infrastructure	r89(1)	<del>74</del>~~75~~<u>76</u>.General Provisions <u>74</u>	CEO	

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
	(General) Regulations 2017		7576 .1The power pursuant to Regulation 89(1) of the General Regulations to form the opinion that another form of arrangement is satisfactory for the purposes of Section 138(1) of the PDI Act.		
319518	Planning, Development and Infrastructure (General) Regulations 2017	r89(3)	~~74~~7576.General Provisions ~~75~~76.2The power pursuant to Regulation 89(3) of the General Regulations to provide a certificate which: ~~74~~ ~~75~~76.2.1evidences the consent of the Council to an encroachment by a building over other land; and ~~74~~ ~~75~~76.2.2sets out: ~~74~~ ~~75~~76.2.2.1the date on which any relevant building was erected (if known); and ~~74~~ ~~75~~76.2.2.2the postal address of the site.	CEO	
319519	Planning, Development and Infrastructure (General)	r89(6)(b)	~~74~~7576.General Provisions ~~75~~76.3The power pursuant to Regulation 89(6)(b) of the General Regulations to request a written	CEO	

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
	Regulations 2017		copy of the certificate and plan (or certificates and plans) referred to in Regulation 89(3) of the General Regulations.		
573576	Planning, Development and Infrastructure (General) Regulations 2017	r89(8)_	~~60~~<u>7576</u>.General Provisions ~~60~~ <u>7576</u>.4The power pursuant to Regulation 89(8) of the General Regulations to make submissions to the Commission before the Commission grants an extension of the period prescribed by Regulation 89(7).	CEO	
319520	Planning, Development and Infrastructure (General) Regulations 2017	r93(1)(b)	~~75~~<u>7677</u>.Notifications During Building Work ~~75~~ <u>7677</u>.1The power pursuant to Regulation 93(1)(b) of the General Regulations to specify by notice to the building owner and to the licensed building work contractor responsible for carrying out the relevant building work (if any), when development approval is granted in respect of the work, any stage of the building work to which the periods and stages prescribed for the purposes of Section 146(1) of the PDI Act relate.	CEO	
319521	Planning, Development and Infrastructure (General) Regulations 2017	r93(1)(c)	~~7561~~<u>7677</u>.Notifications During Building Work ~~7561~~ <u>7677</u>.2The power pursuant to Regulation 93(1)(c) of the General Regulations to specify by notice in writing to the building owner on ~~or the before granting of~~ development approval ~~is granted~~ in respect of the work any stage of the building work to which the periods and stages prescribed for the purposes of Section 146(1) of the PDI Act relate.	CEO	
319522	Planning, Development	r94(13)	~~76~~<u>7778</u>.Essential Safety Provisions ~~76~~	CEO	

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
	and Infrastructure (General) Regulations 2017		~~7778~~.1The power pursuant to Regulation 94(13) of the General Regulations to require compliance with Regulation 94(10) of the General Regulations if: ~~76~~ ~~7778~~.1.1the essential safety provisions were installed ~~76~~ ~~7778~~.1.1.1under a condition attached to a consent or approval that is expressed to apply by virtue of a variance with the performance requirements of the Building Code; or ~~76~~ ~~7778~~.1.1.2as part of a performance solution under the Building Code; or ~~76~~ ~~7778~~.1.2the building has been the subject of a notice under Section 157 of the PDI Act.		
319523	Planning, Development and Infrastructure (General) Regulations 2017	r102(3)	<del>7778</del>~~79~~.Classification of Buildings ~~77~~ <del>78</del>~~79~~.1The power pursuant to Regulation 102(3) of the General Regulations to require an application under Regulation 102(1) or (2) of the General Regulations to be accompanied by: ~~77~~ <del>78</del>~~79~~.1.1such details, particulars, plans, drawings, specifications, certificates and other documents as the delegate may reasonably require to determine the building's classification.	CEO	

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
319524	Planning, Development and Infrastructure (General) Regulations 2017	r102(4)	~~7778~~<u>79</u>.Classification of Buildings ~~77~~ ~~78~~<u>79</u>.2The power pursuant to Regulation 102(4) of the General Regulations, to subject to Regulation 102(5) of the General Regulations, assign the appropriate classification under the Building Code to a building if the delegate is satisfied, on the basis of the owner's application, and accompanying documentation, that the building, in respect of the classification applied for, possesses the attributes appropriate to its present or intended use.	CEO	
319525	Planning, Development and Infrastructure (General) Regulations 2017	r102(5)	~~7778~~<u>79</u>.Classification of Buildings ~~77~~ ~~78~~<u>79</u>.3The power pursuant to Regulation 102(5) of the General Regulations, if an application under Regulation 102 of the General Regulations is made in respect of an existing Class 2 to Class 9 building, to require the applicant to satisfy the delegate that the provisions of any relevant Ministerial building standard relating to upgrading health and safety in existing buildings has been complied with (to the extent reasonably applicable to the building and its present or intended use).	CEO	
319526	Planning, Development and Infrastructure (General) Regulations 2017	r102(6)	~~7778~~<u>79</u>.Classification of Buildings ~~77~~ ~~78~~<u>79</u>.4The power pursuant to Regulation 102(6) of the General Regulations, on assigning a classification to a building (or part of a building) to, if relevant, determine and specify in the notice to the owner under Section 151(3) of the PDI Act: ~~77~~ ~~78~~<u>79</u>.4.1the maximum number of persons who may occupy the building (or part of the building);	CEO	

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
			and 77 ~~78~~79.4.2if the building has more than 1 classification—the part or parts of the building to which each classification relates and the classifications currently assigned to the other parts of the building.		
609871	Planning, Development and Infrastructure (General) Regulations 2017	Regulation 103A(1)_	~~64~~7980.Required Documentation 64 ~~79~~80.1The power pursuant to Regulation 103A(1) of the General Regulations to, in relation to an application for the issuing of a certificate of occupancy relating to a Class 1b to 9 (inclusive) building under the Building Code, require the following documentation: 64 ~~79~~80.1.1if the development has been approved subject to conditions, such evidence as the delegate may reasonably require to show that the conditions have been satisfied; 64 ~~79~~80.1.2if the application relates to the construction or alteration of part of a building and further building work is envisaged in respect of the remainder of the building, such further evidence as the delegate may reasonably require to show – 64 ~~79~~80.1.2.1in the case of a building more than 1 storey – that the requirements of any relevant Ministerial building standard have been complied with; or 64 ~~79~~80.1.2.2in any other case – that the building is suitable for occupation.	CEO	

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
609872	Planning, Development and Infrastructure (General) Regulations 2017	Regulation 103A(2)	<del>64</del>~~79~~<u>80</u>.Required Documentation ~~79~~<u>80</u>.2The power pursuant to Regulation 103A(2) of the General Regulations to, in relation to an application for the issuing on or after 1 ~~July~~<u>October20222024</u> of a certificate of occupancy relating to a Class 1a building under the Building Code, to require the following documentation: ~~64~~ ~~79~~<u>80</u>.2.1if the development has been approved subject to conditions, such evidence as the delegate may reasonably require to show that any conditions relevant to the suitability of the building for occupation have been satisfied,	CEO	
609873	Planning, Development and Infrastructure (General) Regulations 2017	Regulation 103A(3)	<del>64</del>~~79~~<u>80</u>.Required Documentation ~~79~~<u>80</u>.3The power pursuant to Regulation 103A(3) of the General Regulations to, other than in relation to a designated building on which building work involving the use of a designated building product is carried out after ~~112JanuaryMarch20242018~~, dispense with the requirement to provide a Statement of Compliance under subregulation (1)(a) or (2)(a) if – ~~64~~ ~~79~~<u>80</u>.3.1the delegate is satisfied that a person required to complete 1 or both parts of the statement has refused or failed to complete that part and that the person seeking the issuing of the certificate of occupancy has taken reasonable steps to obtain the relevant certification or certifications; and ~~64~~ ~~79~~<u>80</u>.3.2it appears to the delegate, after undertaking an inspection, that the relevant building is suitable for occupation.	CEO	

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
609874	Planning, Development and Infrastructure (General) Regulations 2017	Regulation 103C(1)(c)	~~6580~~<u>81</u>.Statement of site suitability ~~65~~ ~~80~~<u>81</u>.1The power pursuant to Regulation 103C(1)(c) of the General Regulations, in relation to a building on a site to which Schedule 8 clause 2A of the General Regulations applies and upon which remediation on the site is necessary, to not grant a certificate of occupancy until a statement of site suitability is issued certifying that the required remediation has been undertaken and the land is suitable for the proposed use.	CEO	
609875	Planning, Development and Infrastructure (General) Regulations 2017	Regulation 103D(1)	~~6681~~<u>82</u>.Report from fire authority ~~66~~ ~~81~~<u>82</u>.1The power pursuant to Regulation 103D(1) of the General Regulations, if – ~~66~~ ~~81~~<u>82</u>.1.1a building is – ~~66~~ ~~81~~<u>82</u>.1.1.1to be equipped with a booster assembly for use by a fire authority; or ~~66~~ ~~81~~<u>82</u>.1.1.2to have installed a fire alarm that transmits a signal to a fire station or to a monitoring service approved by the relevant authority; and ~~66~~ ~~81~~<u>82</u>.1.2facilities for fire detection, fire fighting or the control of smoke must be installed in the building pursuant to an approval under the Act,	CEO	

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
			to not grant a certificate of occupancy unless or until the delegate has sought a report from the fire authority as to whether those facilities have been installed and operate satisfactorily.		
609876	Planning, Development and Infrastructure (General) Regulations 2017	Regulation 103D(2)	~~668182~~.Report from fire authority ~~66~~ ~~8182~~.2The power pursuant to Regulation 103D(2) of the General Regulations, if a report from the fire authority is not received within 15 business days, to presume that the fire authority does not desire to make a report.	CEO	
609877	Planning, Development and Infrastructure (General) Regulations 2017	Regulation 103D(3)	~~668182~~.Report from fire authority ~~66~~ ~~8182~~.3The power pursuant to Regulation 103D(3) of the General Regulations to have regard to any report received from a fire authority under subregulation (1) before it issues a certificate of occupancy.	CEO	
609878	Planning, Development and Infrastructure (General) Regulations 2017	Regulation 103E(1)(b)	~~678283~~.Issue of certificate of occupancy ~~67~~ ~~8283~~.1The power pursuant to Regulation 103E(1)(b) of the General Regulations to, on receipt of notification of intended completion of building work under Regulation 93(1)(f) of the General Regulations, determine that the building work will be inspected by an authorised officer.	CEO	

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
609879	Planning, Development and Infrastructure (General) Regulations 2017	Regulation 103E(3)(c)	<del>67</del><del>82</del>~~83~~.Issue of certificate of occupancy ~~67~~ <del>82</del>~~83~~.2The power pursuant to Regulation 103E(3)(c) of the General Regulations, in respect of a Class 1a building, to determine not to inspect the building work.	CEO	
609880	Planning, Development and Infrastructure (General) Regulations 2017	Regulation 103F	<del>68</del><del>83</del>~~84~~.Revocation ~~68~~ <del>83</del>~~84~~.1The power pursuant to Regulation 103F of the General Regulations to revoke a certificate of occupancy – ~~68~~ <del>83</del>~~84~~.1.1if – ~~68~~ <del>83</del>~~84~~.1.1.1there is a change in the use of the building; or ~~68~~ <del>83</del>~~84~~.1.1.2the classification of the building changes; or ~~68~~ <del>83</del>~~84~~.1.1.3building work involving an alteration or extension to the building that will increase the floor area of the building by more than 300m2 is about to commence, or is being or has been carried out; or ~~68~~ <del>83</del>~~84~~.1.1.4the building is about to undergo, or is undergoing or has undergone, major refurbishment, ~~68~~	CEO	

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
			~~8384~~.1.2if the delegate considers that the building is no longer suitable for occupation because of building work undertaken, or being undertaken, on the building, or because of some other circumstance; or ~~68~~ ~~8384~~.1.3if the schedule of essential safety provisions has been issued in relation to the building and the owner of the building has failed to comply with the requirements of Regulation 94(10); or ~~68~~ ~~8384~~.1.4if the delegate considers – ~~68~~ ~~8384~~.1.4.1that a condition attached to a relevant development authorisation has not been met, or has been contravened, and that, in the circumstances, the certificate should be revoked; or ~~68~~ ~~8384~~.1.4.2that a condition attached to the certificate of occupancy has not been met, or has been contravened, or is no longer appropriate.		
319536	Planning, Development and Infrastructure (General)	r109(1)(b)	<del>796984</del>~~85~~.Mining Production Tenements ~~7969~~ ~~8485~~.1The power pursuant to Regulation 109(1)(b) of the General Regulations to make submissions to the appropriate Authority and object to the granting of the tenement.	CEO	

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
	Regulations 2017				
319537	Planning, Development and Infrastructure (General) Regulations 2017	r111(2)	<del>8070</del>~~8586~~. Register of Land Management Agreements (Section 193) ~~8070~~ ~~8586~~.1 The power pursuant to Regulation 111(2) of the General Regulations to establish a register of agreements entered into by the Council under Section 193 of the PDI Act.	CEO	
319538	Planning, Development and Infrastructure (General) Regulations 2017	r111(3)	<del>8070</del>~~8586~~. Register of Land Management Agreements (Section 193) ~~8070~~ ~~8586~~.2 The power pursuant to Regulation 111(3) of the General Regulations to include in a register, or provide access to a copy of each agreement entered into by the Council under Section 193 of the PDI Act and such other information the delegate considers appropriate.	CEO	
319539	Planning, Development and Infrastructure (General) Regulations 2017	r112(1)	<del>8171</del>~~8687~~. Authorised Officers and Inspections ~~8171~~ ~~8687~~.1 The power pursuant to Regulation 112(1) of the General Regulations to appoint at least 1 authorised officer under Section 210(1)(b) of the PDI Act: ~~8171~~ ~~8687~~.1.1 who is an accredited professional who is: ~~8171~~	CEO	

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
			~~8687~~.1.1.1an Accredited professional - building level 1; or ~~8171~~ ~~8687~~.1.1.2an Accredited professional - building level 2; or ~~8171~~ ~~8687~~.1.1.3an Accredited professional - building level 3; or ~~8171~~ ~~8687~~.1.1.4an Accredited professional - building level 4; or ~~8171~~ ~~8687~~.1.2who holds a current accreditation recognised by the Chief Executive for the purposes of this Regulation; or ~~8171~~ ~~8687~~.1.3who holds an approval from the Chief Executive.		
319498	Planning, Development and Infrastructure	r5(1)	~~66728788~~.Calculation ~~of~~ Assessment of Fees ~~6672~~ ~~8788~~.1The power pursuant to Regulation 5(1) of the Planning, Development and Infrastructure	CEO	

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
	(Fees, Charges and Contributions) Regulations 2019		(Fees, Charges and Contributions) Regulations 2019 (the Fees Regulations) in relation to an application which is duly lodged under a related set of regulations (including via the SA planning portal): ~~6672~~ ~~8788~~.1.1to require the applicant to provide such information as the delegate may reasonably require to calculate any fee payable under the Fees Regulations or a related set of regulations; and ~~6672~~ ~~8788~~.1.2to make any other determination for the purposes of the Fees Regulations or a related set of regulations (even if the Council is not a relevant authority).		
319499	Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019	r5(2)	<del>6672</del>~~8788~~.Calculation ~~or of~~ Assessment of Fees ~~6672~~ ~~8788~~.2The power pursuant to Regulation 5(2) of the Fees Regulations, if the delegate acting under Regulation 5(1) of the Fees Regulations, believes that any information provided by an applicant is incomplete or inaccurate, to calculate any fee on the basis of estimates made by the delegate.	CEO	
319500	Planning, Development and Infrastructure (Fees, Charges and Contributions)	r5(3)	<del>6672</del>~~8788~~.Calculation or Assessment of Fees ~~6672~~ ~~8788~~.3The power pursuant to Regulation 5(3) of the Fees Regulations to at any time, and despite an earlier calculation or acceptance of an amount in respect of the fee, reassess a fee payable under the Fees Regulations or a related set of Regulations.	CEO	

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
	Regulations 2019				
319501	Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019	r7	~~67738889~~. Waiver or Refund of Fee ~~6773~~ ~~8889~~.1 The power pursuant to Regulation 7 of the Fees Regulations to, as the delegate considers appropriate to do so: ~~6773~~ ~~8889~~.1.1 waive the payment of the fee, or the payment of part of the fee; or ~~6773~~ ~~8889~~.1.2 refund the whole or a part of the fee.	CEO	
754385	State Planning Commission Practice Direction ~~2~~ -2 Preparation and Amendment of Designated Instruments	clause 5(1)	~~8990~~. ~~Initiating Required a Code Amendment Documentation~~ ~~8990~~.1 The power pursuant to clause 5(1) of the State Planning Commission Practice Direction ~~-22-~~ Preparation and Amendment of Designated Instrument (PD2), to initiate ~~an Amendment to a Code Designated Amendment Instrument~~ and lodge the following documents ~~to with~~ the Department via the SA Planning Portal: ~~8990~~.1.1 a Proposal to Initiate; ~~and~~ ~~899~~.1.2 SA Planning Portal Publication Instructions – for Initiation; ~~89.1.3 Heritage Report with datasheet(s) and analysis of historic themes (relevant proposals only);~~ ~~89.1.4 Significant Tree Report with description/s and assessment/s (relevant proposals only).~~	CEO	

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
754386	State Planning Commission Practice Direction <u>2</u> -2 Preparation and Amendment of Designated Instruments	clause 5(2)	~~8990. Initiating Required a Code Amendment Documentation~~ ~~8990.2~~ The power pursuant to clause 5(2) of PD2 to ~~set out in~~ lodge the ~~Proposal~~ following supporting documents with a proposed Amendment to ~~Initiate~~: ~~89.2.1 Code Policy~~ ~~89.2.1.1 an outline of:~~ ~~(a) any overlay, general development policy, zone, subzone or technical or numeric variation in the Code being proposed;~~ ~~90.2.1 for amendment proposals involving the listing or removal of a heritage item:~~ ~~90.2.1.1 a Heritage Report including relevant datasheet(s) and an analysis of historic themes;~~ ~~and/or~~ ~~(b)~~ ~~90.2.2 for proposals involving the intended listings spatial or application removal of an overlay, Significant zone, Tree:~~ ~~90.2.2.1 Significant subzone Tree or Report technical including or detailed numeric descriptions variation and in the Code over an identified area;~~ ~~assessments.~~	CEO	

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
754388	State Planning Commission Practice Direction <u>2-2</u> Preparation and Amendment of Designated Instruments	clause ~~5(26)~~ <u>(1)</u>	~~8991. Initiating Proposal to Code Amendment~~<u>Initiate</u> ~~89.291.1~~ The power pursuant to clause ~~5(26)~~<u>(1)</u> of PD2 to ~~set include~~<u>out the following</u> in the Proposal to Initiate: ~~89.2.3 State Planning Policies~~ ~~89.2.391.1.1 Strategic Alignment~~ ~~91.1.1.1~~ identification of the relevant principles or objectives of ~~the applicable~~ State Planning Policies, ~~and Regional Plan, or other strategic directions, along with~~ an assessment of ~~how~~ the proposed ~~Code~~ Amendment ~~alignment~~<u>aligns</u> with those ~~State strategies Planning and Policies policies~~; ~~91.1.2 Scope of amendment~~ ~~91.1.2.1~~ an outline of the scope of the proposed changes to the designated instrument;	CEO	
754396	State Planning Commission Practice Direction <u>2-2</u> Preparation and Amendment of Designated Instruments	clause ~~69~~ <u>(1)</u>	~~9094. Preparation Investigation of and Preparing~~ a Draft ~~Code Amendment (Prior to Consultation)~~ ~~90~~ ~~94.1~~ The power pursuant to clause ~~69~~<u>(1)</u> of PD2, ~~to~~ prior to consultation occurring on a draft ~~Code Amendment, Amendment to:~~ ~~9094.1.1~~ carry out investigations and obtain such information: ~~9040.1.1.1~~ as provided in the Proposal to Initiate approved by the Minister; ~~9094.1.1.2~~ as required under any conditions imposed by the Minister under Section 73(5)(b) of the PDI Act; and ~~9094.1.1.3~~ as specified by the Commission under Sections 73(6)(e) or 73(6)(f) of the PDI Act;	CEO	
754397	State Planning Commission Practice	clause ~~6(110)~~ <u>(2)</u>	~~9095. Preparation Required of a Draft Code Amendment (Prior to Consultation)~~<u>Documentation</u> ~~9095.1~~ The power pursuant to clause ~~6(110)~~<u>(2)</u> of PD2, ~~to~~ prior to consultation occurring on a draft ~~Code Amendment Amendment:~~	CEO	

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
	Direction ~~2~~ -2 Preparation and Amendment of Designated Instruments		~~90.1.2~~to provide the Department with <u>the following</u>: <del>90</del>~~95.1.2.1~~ <u>to support the preparation of the Amendment:</u> ~~95.1.1.1~~ <u>where new policy content is proposed for a designated instrument</u>, written instructions (in a form acceptable to the Department) that set out the intent of the proposed ~~Code~~Amendment for the purposes of the Department writing the draft policy for inclusion in the draft ~~Code~~Amendment; and <del>90</del>~~/or~~ ~~95.1.2.1.2~~ mapping instructions or a description of the Affected Area (in a form acceptable to the Department) ~~in order~~to enable the Department to prepare and provide to the Designated Entity, mapping which is suitable for inclusion in the draft ~~Code~~Amendment; <del>95.1.2</del>~~for Agreement~~<u>publishing on the Planning Portal:</u> ~~95.1.2.1~~ <u>draft Amendment which describes the proposed changes, including an overview of the investigations;</u> ~~95.1.2.2~~<u>publication instructions (in a form acceptable to the Department) to prepare the SA Planning Portal for consultation on the draft Amendment, including any supporting material; and</u> ~~95.1.2.3~~<u>the engagement plan prepared (and approved, if required) under these Practice Directions, for the purpose of the Department publishing the engagement plan on the SA Planning Portal.</u>		
754394	State Planning Commission Practice Direction ~~2~~ -2 Preparation and Amendment of Designated Instruments	clause ~~5~~ ~~(27)~~ (1)	<del>89</del><del>92. Special Initiating Listing</del>~~a Requirements~~ – Code ~~Amendment~~Amendments ~~89.292.1~~The power pursuant to clause ~~5(2)~~ of PD2 ~~to set out in the Proposal to Initiate:~~ ~~89.2.9~~ ~~The power pursuant to clause 5(4) of 7(1) of~~ PD2 to, in relation to initiating a Code Amendment which is intended to designate <u>or remove</u> a place as a place of local heritage value, provide a ~~report~~<u>Heritage Report</u>, which <u>includes</u>: ~~89.2.992.1~~<u>includes.1</u> a heritage datasheet for each proposed Local Heritage Place, which includes: <del>(a)</del>~~92.1.1.1~~ all relevant property details and descriptions (including images); <del>(b)</del>~~92.1.1.2~~ historical background and thematic analysis; <del>(c)</del>~~92.1.1.3~~ a statement of heritage value;	CEO	

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
			~~(d)92.1.1.4~~an assessment against the Local Heritage Criteria; and ~~(e)92.1.1.5~~the extent of listing (including any exclusions); ~~8992.1.2.9.2~~includes an analysis of historic themes of importance to the area; ~~89.2.992.1.3~~is prepared by a heritage architect, historian or person with similar qualifications, skills or experience; and ~~89.2.992.1.4~~is otherwise prepared in accordance with any guidelines prepared and published by the Commission under Section 67(2)(c) of the PDI Act.		
754395	State Planning Commission Practice Direction <u>2-2</u> Preparation and Amendment of Designated Instruments	clause ~~57~~ (2)	~~8992. SpecialInitiatingListingRequirements~~ – Code ~~Amendment~~Amendments ~~8992.2~~The power pursuant to clause ~~57~~(2) of PD2 to set out in the Proposal to Initiate: ~~89.2.10~~ The power pursuant to clause ~~5~~(5) of PD2 to, in relation to initiating a Code Amendment which is intended to designate or remove a tree (or stand of trees) as a significant tree (or trees), provide a ~~report~~SignificantwhichTree Report: ~~8992.2.10.1~~includes relevant details and descriptions of the tree or stand of trees (including images as necessary); ~~8992.2.10.2~~includes an assessment of the tree (or stand of trees) against the Significant Tree Criteria; ~~8992.2.10.3~~is prepared by an urban planner, arborist or person with qualifications, skills or experience relevant to the assessment in the report.	CEO	
754401	State Planning Commission Practice Direction <u>2-2</u> Preparation	clause ~~6(2)10~~ (4)	~~9095. PreparationRequiredof a Draft Code Amendment (Prior to Consultation)~~Documentation ~~9095.2~~The power pursuant to clause ~~6(2) of 10(4)~~of PD2, where an engagement plan is amended during any period of consultation or any time prior to finalisation of the engagement report under	CEO	

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
	and Amendment of Designated Instruments		PD2, to provide the Department with the engagement plan (as updated) for the purpose of the Department publishing the updated engagement plan on the SA Planning Portal.		
754402	State Planning Commission Practice Direction <u>2</u> -2 Preparation and Amendment of Designated Instruments	clause ~~711~~ (1)	~~9196. The Requirements for a Draft Code~~ draft Amendment ~~9196.1~~ The power pursuant to clause ~~711~~(1) of PD2 to support a draft ~~Code~~ Amendment by the following <u>additional</u> information: ~~9196.1.1~~ an explanation of the current code policy as it applies to the Affected Area (at the time of preparation of the draft ~~Code~~ Amendment); ~~9196.1.2~~ an explanation of the ~~amendments to the Code policy~~ Amendments proposed for the Affected Area; ~~9196.1.3~~ an assessment of the strategic planning outcomes intended to be achieved through the draft ~~Code~~ Amendment, including: ~~96.1.3.1~~ for Code Amendments an analysis of the consistency of the draft Code Amendment with the relevant provisions of State Planning Policies, the Regional Plan and <u>an assessment against any other relevant strategic plans or policies; or</u> ~~9196.1.3.2~~ for Regional Plan Amendments, an analysis of the consistency of the draft Regional Plan Amendment with the relevant provisions of State Planning Policies, the remainder of the Regional Plan and any other relevant strategic plans or policies. ~~96.1.4~~ a summary and explanation of the investigations undertaken and how these support the draft ~~Code~~ Amendment; and ~~9196.1.5~~ <u>where relevant</u>, an explanation of any infrastructure or services required to support development facilitated by the proposed ~~Code~~ Amendment, and an explanation of how and when the infrastructure will be provided.	CEO	
754403	State Planning Commission	clause ~~912~~ (1)	~~9297. Preparation of an Engagement Plan~~ (Prior to Consultation) ~~92~~ ~~97.1~~ The power pursuant to clause ~~912~~(1) of PD2 to prepare an engagement plan that:	CEO	

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
	Practice Direction <u>2 -2</u> Preparation and Amendment of Designated Instruments		~~9297~~.1.1 meets the principles and performance outcomes of the Charter; ~~9297~~.1.2 describes the persons or bodies to be consulted on the proposed amendment of the Designated Instrument, which must include any persons or bodies: ~~9297~~.1.2.1 required to be consulted with under a condition imposed by the Minister under Section 73(5) of the PDI Act; ~~9297~~.1.2.2 specified by the Commission under Section 73(6)(e) of the PDI Act; and ~~9272~~.1.2.3 who must be consulted with under the Charter; ~~9297~~.1.3 outlines any relevant previous engagement undertaken to inform the proposal; ~~9297~~.1.4 describes the evaluation framework for the engagement.		
754405	State Planning Commission Practice Direction <u>2 -2</u> Preparation and Amendment of Designated Instruments	clause ~~9(312(2))~~	~~9297~~. Preparation of an Engagement Plan(~~Prior to Consultation~~) ~~92.3~~ ~~97.2~~ The power pursuant to clause ~~9(312(2))~~ of PD2 to, ~~in relation to an engagement plan relating to a proposed amendment to the Code or a Design Standard~~, submit ~~the an~~ engagement plan to the Commission or the Minister for approval, if a condition has been imposed by the Minister under Section 73(5) of the PDI Act which requires such approval <u>or an outline consent is being assessed against a relevant amendment in accordance with Practice Direction 18 – Outline Content.</u>	CEO	
754406	State Planning Commission Practice Direction <u>2 -2</u> Preparation and Amendment	clause ~~1013(1)~~	~~9398~~. <u>Preparation Required of an Engagement Report (Following Consultation) Documentation</u> ~~9398~~.1 The power pursuant to clause ~~1013(1)~~ of PD2 to, at the completion of engagement on a proposal <u>to</u> prepare or amend a Designated Instrument, provide the Department with: ~~9398~~.1.1 if amendments to the proposal are required: ~~9398~~.1.1.1 written instructions (in a form acceptable to the Department) that set out any changes to the draft Designated Instrument for the purposes of the Department updating and providing the draft policy for inclusion in the draft Designated Instrument; and/or ~~9398~~.1.1.2 mapping instructions or a description of the Affected Area (in a form acceptable to the Department) in order to enable the	CEO	

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
	of Designated Instruments		Department to prepare and provide to the Designated Entity, mapping which is suitable for inclusion in the draft Designated Instrument; ~~9398~~.1.2 the updated draft Designated Instrument(s) or amendment to the Designated Instrument(s) in the form of amendment instructions (once finalised by the Designated Entity, incorporating any amendments); and ~~9398~~.1.3 a final engagement report as required under Section 73(7) of the PDI Act and prepared in accordance with PD2, for the purpose of the Department arranging for the engagement report and draft Designated Instrument to be furnished to the Minister.		
754407	State Planning Commission Practice Direction <u>2</u> -2 Preparation and Amendment of Designated Instruments	clause ~~10(215(1))~~	~~9399.Preparation of an~~ Engagement Report(~~Following Consultation~~) ~~93.299.1~~ The power pursuant to clause ~~10(215(1))~~ of Part 4 of PD2 to set out in an engagement report required under Section 73(7) of the PDI Act: ~~93.299.1.1~~ details of the engagement undertaken and how that engagement met the engagement plan and reasons for variations (if any) to the engagement plan; ~~93.299.1.2~~ the outcome of the engagement including a summary of the written submissions or feedback received; ~~93.299.1.3~~ any proposed changes to the proposal to prepare or amend a Designated Instrument(s) (when compared with the proposal that was engaged on) and the reasons for those proposed changes.~~This should which~~ specifically ~~indicate~~indicates: ~~93.299.1.3.1~~ where changes are proposed to the Designated Instrument(s) based on or as a result of the engagement; and ~~93.299.1.3.2~~ any other changes which are proposed based on or as a result of additional investigations or information which was not available when the proposal was released for engagement.	CEO	

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
766323	State Planning Commission Practice Direction <u>2-2</u> Preparation and Amendment of Designated Instruments	cl ~~11(416(3))~~	<u>94100</u>. Lodgement ~~of Proposal~~<u>Documentation</u> <u>94100</u>.1The power pursuant to clause ~~11(416(3))~~ of PD2 to submit a completed Lodgement Form with the Department via the SA Planning Portal, to commence the process for a proposed Complying Change.	CEO	
766324	State Planning Commission Practice Direction <u>2-2</u> Preparation and Amendment of Designated Instruments	cl ~~11(516(4))~~	<u>94100</u>. Lodgement ~~of Proposal~~<u>Documentation</u> <u>94100</u>.2The power pursuant to clause ~~11(516(4))~~ of PD2 to set out in the Lodgement Form: <u>94100</u>.2.1Affected Area <u>94100</u>.2.1.1a map of the Affected Area (confirming its consistency with the boundaries of the map(s) relating to the relevant Regional Plan recommendation); <u>94100</u>.2.2Code Mapping <u>94100</u>.2.2.1an outline of: (a) any existing overlay, zone, subzone, concept plan or technical and numeric variation in the Code within the Affected Area which is proposed to be amended; (b) the proposed spatial application of any overlay/s and/or amendment/s to the boundary of a zone or subzone; and (c) any associated proposed application of a concept plan/s and/or all relevant technical or numeric variation/s within the Affected Area in connection with the proposed change outlined in clause ~~11(516(4))~~(c)(ii) of PD2; <u>94100</u>.2.3Regional Plan Recommendation <u>94100</u>.2.3.1 a description of the relevant recommendation/s in the Regional Plan; <u>94100</u>.2.3.2confirmation that the details outlined in clauses ~~11(516(4))~~(c)(ii) and (iii) of PD2 are consistent with the recommendation in the Regional Plan (where relevant); and <u>100.2.3.3</u> confirmation that a time period of not more than two years has elapsed since the relevant	CEO	

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
			recommendation in the Regional Plan was given effect pursuant to Section 73(12) of the PDI Act (unless the Commission considers that a longer period shall apply for the purposes of clause ~~11~~ <u>16</u> of PD2).		
754408	State Planning Commission Practice Direction <u>2</u> -2 Preparation and Amendment of Designated Instruments	clause ~~10~~ <u>(315(2))</u>	~~9399.Preparation of an~~ Engagement Report(~~Following Consultation~~) ~~93~~ <u>99.3</u> The power pursuant to clause ~~10~~ <u>(315(2))</u> of PD2 to also include in the engagement report an evaluation of the effectiveness of the engagement that considers whether: ~~93.399.2.1~~ the principles of the Charter have been ~~activated~~ <u>achieved</u> ; and ~~93.399.2.2~~ all mandatory requirements identified in the Charter have been met (where the consultation category is applicable).	CEO	
766325	State Planning Commission Practice Direction <u>2</u> -2 Preparation and Amendment of Designated Instruments	cl ~~13~~ <u>18</u> (1)	~~95101~~ .Final Determination of ~~the~~ Minister ~~95101.1~~ The power pursuant to clause ~~13~~ <u>18</u> (1) of PD2 when consultation on a proposed Complying Change is complete, to provide the Department with: ~~95101.1.1.1~~ written instructions (in a form acceptable to the Department) that set out any changes to the Complying Change as it was initially proposed; and/or ~~95101.1.1.2~~ mapping instructions or a description of the Affected Area (in a form acceptable to the Department) in order to enable the Department to prepare mapping which is suitable for inclusion in the Code; ~~95101.1.2~~ the updated draft proposed Complying Change in the form of amendment instructions (once finalised by the Council, incorporating any changes); and ~~95101.1.3~~ if any submissions were received, a consultation report to be furnished to the Commission.	CEO	

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
766326	State Planning Commission Practice Direction <u>2 -2</u> Preparation and Amendment of Designated Instruments	clause ~~1318~~ (2)	~~95101~~.Final Determination of <u>the</u> Minister ~~95101~~.2The power pursuant to clause ~~13138~~(2) of PD2 to set out in the consultation report in clause ~~1318~~(1)(c) of PD2 <u>all of the following</u>: ~~95101~~.2.1the outcome of the consultation, including a summary of the written submissions or feedback received; and ~~95101~~.2.2 any proposed changes to the Complying Change (when compared with the proposal that was consulted on) and the reasons for those proposed changes and specifically indicate: ~~95101~~.2.2.1 where changes are proposed to the Complying Change as a result of the consultation; and ~~95101~~.2.2.2 any other changes proposed as a result of additional investigations or information that was not available when the proposal was released for consultation.	CEO	
754410	State Planning Commission Practice Direction <u>2 -2</u> Preparation and Amendment of Designated Instruments	clause ~~121419~~ (1)	~~9596102~~. <u>Early Lodgement Commencement of a Code Amendment Requirement</u> ~~9596102~~.1 The power pursuant to clause ~~121419~~(1) of PD2 to provide a request for early commencement of a Code Amendment under Section 78 of the PDI Act to the Department and include: ~~9596102~~.1.1 explanation, justification and evidence as necessary to demonstrate how early commencement of the <u>Code</u> Amendment is: ~~9596102~~.1.1.1<u>necessary</u> in the interest of the orderly and proper development of an area of the State; and ~~9596~~ <u>102</u>.1.1.2 <u>required for a Code Amendment, that it is required</u> in order to counter applications for undesirable development (which should identify possible future development that would detract from or negate the object of the proposed Code Amendment) ahead of the	CEO	

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
			outcome of consideration of the Code Amendment; 9596102.1.2 written instructions (in a form acceptable to the Department) that set out the intent of the proposed CodeAmendment for the purposes of the Department writing the draft policy for inclusion in the draft CodeAmendment; and 9596102.1.3 mapping instructions or a description of the Affected Area (in a form acceptable to the Department) in order to enable the Department to prepare and provide to the Designated Entity, mapping which is suitable for inclusion in the draft CodeAmendment.		
385694	State Planning Commission Practice Direction (Council Inspections) 2020	cl2(~~2~~ (3))	9378829798105. Mandatory Inspections 937882 9798105.1 The power pursuant to clause 2(~~2~~(3)) of Part 2 of the State Planning Commission Practice Direction (Council Inspections) 2020 (PD9) to, ~~in carrying out an inspection under PD9,~~ take all reasonable steps to ensure that each inspection carried out under PD9 includes an inspection and assessment of but not necessarily limited to, the following elements (elements), as may be present (and reasonably accessible) at the time of inspection: 937882 9798105.1.1 primary structural elements (as defined); 937882 9798105.1.2~~structural framing and roof trusses;~~ 937882 9798105.1.3 wet areas and waterproofing; 937882 9798105.1.4.3 barriers to prevent falls; 937882 9798105.1.5.4 cladding; 937882 9798105.1.6.5 egress provisions; 937882 9798105.1.7.6 bushfire protection systems;	CEO	

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
			937882 9798105.1-8.7 passive and active fire safety elements; 937882 9798105.1-9.8 private bushfire shelters; and 937882 9798105.1-10.9 performance solutions.		
385695	State Planning Commission Practice Direction (Council Inspections) 2020	cl3(~~2~~ 1)	9479839899106 . Additional Inspections 947983 9899106.1 The power pursuant to clause 3(~~2~~ 1) of Part 2 of PD9 to consider carrying out an inspection in addition to any specified in ~~clausesubclause2(3)~~ of Part 2 of ~~PD9~~ (additional ~~inspectionsinspection~~) of PD9 if the <u>Council or</u> delegate has information to indicate that the circumstances warrant it, having regard to the objects of PD9.	CEO	
385696	State Planning Commission Practice Direction (Council Inspections) 2020	cl4(~~3~~ 4)	95808499100107 . Inspections Generally 958084 99100107.1 The power pursuant to clause 4(~~3~~ 4) of Part 2 of PD9, in relation to building work listed in Schedule 7 of the General Regulations to consider if an additional inspection may be appropriate.	CEO	
385697	State Planning Commission Practice Direction	cl1(2)	968185100101108 . General Requirements 968185 100.1 The power pursuant to clause 1(2) of Part 3 of PD9 to ensure that an inspection under PD9 and subsequent assessment of each of the applicable elements in ~~clausesubclauses~~ 2(2) and 2(3)	CEO	

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
	(Council Inspections) 2020		of Part 2 of PD9 is carried out by a person who has the appropriate qualifications, skills, knowledge and experience to carry out an inspection assigned to that officer under PD9.		
385698	State Planning Commission Practice Direction 10 (Staged Occupation of Multi-Storey Buildings) 2020	cl5(2)	~~978286101109~~. Conditions that Must be Met for the Staged Occupation of a Partially Completed Building ~~978286101109~~.1 The power pursuant to clause 5(2) of the State Planning Commission Practice Direction 10 (Staged Occupation of Multi-Storey Buildings 2020 (PD10) to, agree to partial occupancy of a partially completed multistorey building.	CEO	

DELETED Provisions

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
754387	State Planning Commission Practice Direction 2 - Preparation and Amendment of Designated Instruments	clause 5(2)	89. Initiating a Code Amendment 89.2.2 Affected Area 89.2.2.1 a map or description of the Affected Area;		
754389	State Planning Commission Practice Direction 2 - Preparation and Amendment of Designated Instruments	clause 5(2)	89. Initiating a Code Amendment 89.2 The power pursuant to clause 5(2) of PD2 to set out in the Proposal to Initiate: 89.2.4 Regional Plan 89.2.4.1 identification of relevant regional plans and assessment of how the matters or issues proposed to be addressed by the proposed Code Amendment will relate to the relevant regional plan;		
754390	State Planning Commission	clause 5(2)	89. Initiating a Code Amendment 89.2 The power pursuant to clause 5(2) of PD2 to set out in the Proposal to Initiate: 89.2.5 Consultation		

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
	Practice Direction 2 - Preparation and Amendment of Designated Instruments		89.2.5.1 information regarding any consultation that has already occurred with respect to the proposed Code Amendment; 89.2.5.2 details of further consultation proposed to be undertaken with respect to the proposed Code Amendment;		
754391	State Planning Commission Practice Direction 2 - Preparation and Amendment of Designated Instruments	clause 5(2)	89. Initiating a Code Amendment 89.2 The power pursuant to clause 5(2) of PD2 to <u>set out in the Proposal to Initiate:</u> 89.2.6 Planning Merit Statement 89.2.6.1 provide a statement detailing how the proposed Code Amendment relates to strategic directions and outlines desired policy/development outcomes and anticipated residential/ employment yields;		
754392	State Planning Commission Practice Direction 2 - Preparation and Amendment of	clause 5(2)	89. Initiating a Code Amendment 89.2 The power pursuant to clause 5(2) of PD2 to <u>set out in the Proposal to Initiate:</u> 89.2.7 Investigation Information 89.2.7.1 information regarding any investigations which have already been undertaken with respect to the proposed Code Amendment; 89.2.7.2 commitment to undertake further investigations to support the proposed Code Amendment including the following as applicable: (a) infrastructure (road, civil, corridor); (b) service infrastructure (water, wastewater, stormwater, electricity, gas, telecommunications);		

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
	Designated Instruments		(c) cultural and heritage significance (search of the Register of Aboriginal Sites and Objects); (d) Code policy (zone, overlay, TNVs, concept plan); (e) hazard risk (analysis of relevant overlays and site conditions); (f) the extent to which there are social, economic, land use, built form or environmental features that present a barrier to the outcomes sought; 89.2.7.3 high-level details of any infrastructure required to support development arising through the proposed Code Amendment and how that infrastructure will be provided (for example potable water and sewerage connection requirements); 89.2.7.4 where known, details of any infrastructure agreement (or agreements) or infrastructure scheme which will need to be established or entered into in connection with the proposed Code Amendment.		
754393	State Planning Commission Practice Direction 2 - Preparation and Amendment of Designated Instruments	clause 5(2)	89. Initiating a Code Amendment 89.2 The power pursuant to clause 5(2) of PD2 to ~~set out in the Proposal to Initiate:~~ 89.2.8 The power pursuant to clause 5(3) of PD2 to set out in the SA Planning Portal Publication Instructions – for Initiation: 89.2.8.1 a summary of the Code Amendment in plain English, which will be published on the SA Planning Portal; 89.2.8.2 where possible, an indication of when consultation may begin.		
754404	State Planning Commission Practice Direction 2 -	clause 9(2)	92. Preparation of an Engagement Plan (Prior to Consultation) 92.2 The power pursuant to clause 9(2) of PD2 to, ~~in relation to engagement plans which relate~~ to proposed preparation of or amendment to a State Planning Policy or a Regional Plan submit the engagement plan to the Commission for approval prior to commencement of formal		

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
	Preparation and Amendment of Designated Instruments		engagement on the proposal.		

MOUNT BARKER DISTRICT COUNCIL

INSTRUMENT B – INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016, REGULATIONS, PLANNING AND DESIGN CODE AND PRACTICE DIRECTIONS OF POWERS OF A COUNCIL AS A RELEVANT AUTHORITY

Mount Barker District Council

NEW Provisions

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
803681	Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019	r13(3a)	33. Development to be Assessed by Accredited Professional 34.1The power pursuant to Regulation 13(3a) of the ~~Fees Regulations~~ , if an accredited professional has not elected to collect the compliance fee in accordance with Regulation 13(2)(a)(ii) of the Fees Regulations in respect of an application, to collect the fee.	CEO	
803682	State Planning Commission Practice Direction 12 - Conditions	clause 6	35. Notification of Deemed Planning Consent Notice 35.1 The power pursuant to clause 6 of the ~~State Planning Commission Practice Direction 12~~ – Conditions Consent (PD12), where a person has issued a Deemed Planning Consent Notice (the Notice) to the relevant authority pursuant to Section 125(2) of the PDI Act, to upon receipt of the Notice, provide a copy of the Notice to: 35.1.1any other relevant authority that has given or is considering another development authorisation relating to the same development; and 35.1.2if the application was referred to a prescribed body under Section 122 of the PDI Act – to that prescribed body or bodies; and 35.1.3if the owner of land to which the application related is not a party to the application – to the owner of the land; and 35.1.4if any person has made a representation to the relevant authority in respect of the proposed development – to that person or persons; and 35.1.5in the case of restricted development, the Environment, Resources and Development	CEO	

Mount Barker District Council

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
			Court.		

Mount Barker District Council

CHANGED Provisions

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
319541	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Planning Regulations, Development Planning and Infrastructure Design (General) Regulations 2017 Code and Planning, Practice Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019 Directions of Powers of a Council as a Relevant Authority (Instrument B);	s7(5)(d)	1.Environment and Food Production Areas – Greater Adelaide 1.2The power pursuant to Section 7(5)(d) of the PDI Act in relation to a proposed development ~~in an environment and food production area~~ that involves a division of land that would create one or more additional allotments <u>in an environmental and food production area</u>, to, if the proposed development will create additional allotments <u>in an environmental and food production area that are</u> to be used for residential development, refuse to grant development authorisation in relation to the proposed development.	CEO	

12.7	REPORT TITLE:	WARD DONATIONS
	DATE OF MEETING:	19 JANUARY 2026
	FILE NUMBER:	DOC/25/81753
	ATTACHMENTS:	NIL
	<u>Key Contact</u>	Maree Barns, Governance Officer
	<u>Manager/Sponsor</u>	Sue Miller, Team Leader Risk and Governance
	<u>Executive</u>	Alison Hancock, General Manager Strategy

Community Plan 2020-2035:

Leadership and Good Governance

LGG Strategy 1.4 - Enable community leadership.

Annual Business Plan:

Nil

Purpose

To allocate ward donation funds to individuals or organisations.

Summary – Key Issues

- Council has budgeted an amount for 2025/26 of \$19,006 which equates to \$1,720 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.
- Ward donations are a contribution from the Council (as a whole) to a particular individual or group.

Recommendation

That Council approves the following donations outlined in the table below, 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
Councillor Kelly	\$250	To Flaxley Memorial Hall for the Flaxley Fun Day Event

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 2025/26 of \$19,006 which equates to \$1,720 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 October 2021) ensures equal representation (Council Member per elector) in each Ward. In October 2021 changes were made to the composition of wards and council member representation which took effect at the November 2022 election. This review process ensures the amount of Ward Allowance available to the community is equal between each of the Wards.
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 available to each Council member.
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 Governance Officer, 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. Council Members may nominate members of the community or community groups to receive a donation from their Ward Allowance.
12. Nominations should be advised to the Council Member Enquiry email address ahead of the agenda production to allow for public visibility and transparency for the expenditure of public funds and for nominees to be included in the Council Meeting agenda. The form can be found on the extranet under Forms.
13. Any amendments made to the ward donations at the Council meeting will be reflected in the Council meeting minutes, available on Council's website www.mountbarker.sa.gov.au
14. 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 prior to the Council meeting.

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 \$19,006 which equates to \$1,720 recommended expenditure by each Council Member. Any unallocated ward allowance balance is not carried over to the next financial year. \$9190 has been expended year to date.

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

The notifications of ward donations 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 associated 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.

13. INFORMATION REPORTS**Recommendation**

That the following information reports be noted en bloc.

**13.1 REPORT TITLE: TRANSPORT INFRASTRUCTURE SEPARATE
RATE AND TRANSPORT DEED ANNUAL REPORT**

DATE OF MEETING: 19 JANUARY 2026

FILE NUMBER: DOC/25/106038

Key Contact Matthew Dawkins, Manager Infrastructure
Planning

Manager/Sponsor Phil Burton, General Manager Infrastructure and
Environment

Executive Andrew Stuart, Chief Executive Officer

Purpose:

To provide Council with an update on the Transport Infrastructure Separate Rate and the Transport Deed for 2024/25.

Summary – Key Issues:

1. Since the Ministerial Development Plan Amendment in 2010, developer contributions have been collected to fund critical transport infrastructure through a Deed with the Minister and also a Transport Infrastructure Separate Rate (TISR) with Council.
2. Each year annual reports are produced which summarise the status of the developer contributions and works completed.
3. The annual reports are yet to be completed for the last financial year but it is anticipated that they will be ready for either the February or March Council meeting and staff have sought additional information from the Department for Infrastructure and Transport to summarise progress since the inception of the Deed.

Background:

1. In 2010 the Ministerial Development Plan Amendment (Ministerial DPA) was gazetted for Mount Barker.
2. A Traffic and Transport Interventions document as per the Ministerial DPA was prepared at that time.
3. A Ministerial Transport Deed was prepared in 2012 for a 20 year term OR the completion of the final component of the Required Infrastructure.

4. The Ministerial Deed established three schedules:
 - a. SCHEDULE 2 – THE REQUIRED INFRASTRUCTURE
(along with initial estimates and timing)
 - b. SCHEDULE 3 – THE DC INFRASTRUCTURE
(means the infrastructure towards which payments or contributions are made under this Deed)
 - c. SCHEDULE 4 – THE GOVERNMENT INFRASTRUCTURE
(that which the Government will fund)
5. A Council Report on 6 May 2013 proposed the Declaration of a Separate Rate for Transport Infrastructure with the proposed separate rate to be used for the purpose of funding transport infrastructure required to provide a service for the Ministerial DPA area.
6. It was noted that a number of landholders/developers had already entered into a 'Transport Deed' and a Memorandum of Encumbrance with the State for the purpose of making a financial and/or in-kind contribution to the construction or augmentation of certain transport infrastructure. The separate rate is complimentary and not supplementary to this arrangement. It is an equitable and fair approach that does not propose that any landholder be required to make a contribution under both the Deed and the separate rate.
7. The current rate for contribution is mirrored between the Deed and the TISR and is \$83,578 per hectare and is indexed each year in accordance with the Index Number 3101 (Road and Bridge Construction Index) for South Australia as published by the Australian Bureau of Statistics.
8. A Ministerial Advisory Committee was established to administer the funds collected under the Deed and Phil Burton is Council's currently appointed representative. The Deed executed between the Minister and the Mount Barker developers clearly outlines the functions of the committee. Specifically, the committee must act in all cases in a manner that is conducive to the proper, orderly and efficient development of the Ministerial DPA land.
9. Council's most recent Markyt Survey of the community concluded that roads and traffic management remains one of the lowest performing services on the community scorecard. This shows the dissatisfaction the community has in changes resulting from population growth.
10. A list of the anticipated works to be funded by developer contributions can be found on page 7 of Council's Road Network Management Action Plan [Road Network Management V3.indd](#)

Discussion:

11. At the time of writing this report the annual reports for the Deed and TISR were not available for publication. It is expected that these reports will be available for the February or March Council meeting.
12. Council staff have sought a more comprehensive annual report from the Department for Infrastructure and Transport which summarises not only the past year but also life to date since inception of the Deed.
13. It is anticipated that both reserve accounts will be in credit noting that there are other reports on this agenda that are seeking funds from the MDPA Transport (TISR) reserve.
14. The timely delivery of road infrastructure is essential to orderly development to meet the demands of growth. The original anticipated timing of some of the works listed under the Deed have not been met and this timing is being revisited with road network modelling currently in progress.
15. It is unlikely that the revenue from developers is sufficient to pay for the road infrastructure listed. There has been a significant escalation in costs over the past 5-10 years and the indexation is not keeping pace with these costs. There is likely to be a funding shortfall and to date there is no indication as to how this gap will be closed.
16. Council continue to advocate to State Government and DIT to advance the delivery of road infrastructure as originally anticipated at the time of the Ministerial DPA to the benefit of the community.

Conclusion:

The annual reports for the Transport Deed and Transport Infrastructure Separate Rate with developers in Mount Barker are anticipated to be available in the coming two months and these reports will provide a clear summary of what revenue has been collected to date and how that has been expended on road projects.

Previous Decisions By/Information Reports to Council

Meeting Date	2 December 2024	CM Reference	DOC/24/181337
Title	ROAD INFRASTRUCTURE MINISTERIAL ADVISORY COMMITTEE ANNUAL REPORT		
Purpose	To inform Council of the recently released 2022/23 Annual Report of the Mount Barker Road Infrastructure Advisory Committee to the Minister of Infrastructure and Transport.		

Meeting Date	2 November 2020	HPRM Reference	DOC/20/146836
Title	MOUNT BARKER ROAD INFRASTRUCTURE ADVISORY COMMITTEE MEMBERSHIP – COUNCIL NOMINATIONS		
Purpose	To nominate two people to the Minister for Transport and Infrastructure for the appointment by the Minister of one to be a member of the Mount Barker Road Infrastructure Advisory Committee.		

Meeting Date	21 January 2019	CM Reference	DOC/19/2351
Title	Ministerial Advisory Committee on Road Infrastructure		
Purpose	To advise of the appointment by Minister Knoll of the members of the Mount Barker Road Infrastructure Advisory Committee.		

Meeting Date	7 December 2015	HPRM Reference	FOL/15/5245
Title	TRANSPORT INFRASTRUCTURE – ADVISORY COMMITTEE MEMBERSHIP		
Purpose	To determine the Council nominees for the purposes of appointments to the Transport Infrastructure Advisory Committee.		

13.2	REPORT TITLE:	ADVOCACY AND LOBBYING ACTIVITY – MONTHLY UPDATE
	DATE OF MEETING:	19 JANUARY 2026
	FILE NUMBER:	DOC/26/2248
	<u>Key Contact</u>	Maddie Walker, Manager Strategic Planning
	<u>Executive</u>	Alison Hancock, General Manager Strategy

Purpose:

To provide a monthly update on Council's advocacy for infrastructure, services and policy change to meet the needs of the region's growing community.

Summary – Key Issues:

1. Council received a full advocacy update at its December 2025 meeting. This report provides the monthly follow up.
2. In the lead up to the March 2026 State Election, Council is intensifying its advocacy to secure tangible community benefits.
3. Current key focus areas include:
 - a. Securing \$48 million in co-funding from the State / Federal Government for the Laratinga Water Recovery Plant upgrade.
 - b. Negotiating a strategic land opportunity to facilitate a multi-agency government investment - including a new school, social housing, and a park 'n' ride facility.
 - c. Continuing to advocate to the state government for infrastructure improvements to alleviate the current congestion on the arterial road network in Mount Barker, in particular, Adelaide and Wellington Roads

Background:

4. In early 2025, Council adopted its Advocacy Plan, identifying six strategic priorities:
 - a. Wastewater infrastructure co-funding
 - b. Public transport improvements
 - c. Road network improvements
 - d. Recreation and community investment
 - e. Education and health investment
 - f. Policy changes to support sustainable development

5. The last formal advocacy update was provided to Council in December 2025, detailing progress.

Discussion:

6. In the lead up to the 2026 State Election, Council administration will be undertaking a sustained and targeted advocacy approach. Monthly updates will be provided to Council Members to ensure visibility and alignment. This report is the seventh report in that series.
7. Most notably on Tuesday 13 January 2026 the Malinauskas Government announced a \$200m plan for Mount Barker should they be elected into Government.
8. The commitments include:
 - a. Fixing the Adelaide / Hawthorn Road intersection
 - b. New 24/7 pharmacy
 - c. New Mount Barker High School
 - d. New Mount Barker TAFE
 - e. New Mount Barker Police Station
 - f. A future infrastructure plan.
9. The plan can be found here in full: [Mount Barker policy.pdf](#)
10. Council welcomes the election commitments with media releases being released on our position and awaits the election commitments from the other state election candidates for our region.
11. In addition to the above announcement and since the December 2025 Council meeting, the following advocacy actions have occurred or are currently in progress:

Advocacy Priority number	Priority description	Actions undertaken / in progress
1	Laratinga Water Recovery Plant Upgrade and Trunk Infrastructure (seeking \$48m)	• Council has been consistently advocating for over 12 months to the State and Federal Governments for co-funding of the critical Water Recovery Plant upgrade, including through Ministerial engagement, formal correspondence, briefings and strategic advocacy activities. • Despite this, no funding commitments have been received, highlighting the ongoing inequity between housing growth enabling infrastructure across the state

Advocacy Priority number	Priority description	Actions undertaken / in progress
		and the provision of essential supporting infrastructure for Mount Barker.
2 and 3	Public transport and road network	• A letter to the Minister Emily Bourke MLC, Minister for Transport and Infrastructure was sent which outlined Council's infrastructure priorities • This letter has been uploaded to the Council's extranet and is in line with Council's advocacy plan and letter to the Minister included: - o Heysen Boulevard - o Adelaide Road, Mount Barker - o Hahndorf township improvements including Verdun Park n Ride, Pine Avenue and Balhannah Road intersection upgrades. • Mayor David Leach, met with Minister Bourke on Saturday 29 November 2025 following the DIT consultation on their Adelaide Hills Infrastructure Projects. This meeting included discussion on the information contained in the letter as well as other high priority transport needs including upgrade of key arterial roads, Heysen Blvd and future connections to the freeway. • The Chief Executive Officer has written to the Department of Infrastructure and Transport on the following matters: - o Meadows roundabout joint funding agreement - o Mount Barker Road Network Modelling joint funding agreement - o Ministerial Advisory Committee and plan for delivery of road upgrades identified under the Deed with developers - o Upgrading of the Keith Stephenson Car Park as part of the Mount Barker Roundabout Project - o Provision of a new Park and Ride as part of the Mount Barker Interchange Project.

Advocacy Priority number	Priority description	Actions undertaken / in progress
4	Recreation and Community	- On 20 October 2025 a letter of congratulations and introduction was sent to Hon Rhiannon Pearce MP in her new Ministerial capacity. - Minister Pearce has accepted the offer to meet with a meeting date set for Wednesday 28 January 2026. - Specifically the letter spoke to future stages of SSRP as well as advocacy for the construction of the Pioneer Women's Trail and other recreational priorities across the region.
5	Education and Health	On 21 November 2025, the Mayor wrote to the Premier Peter Malinauskas MP in relation to the commitment for a new public preschool and primary school. A response from the Premier's office is pending.
N/A	Project / issue specific advocacy	- Mobile blackspot funding: Following a letter to the Minister for Primary Industries and Development, Minister Clare Scriven MLC, Mayor David Leach, and staff met with the Minister on Tuesday 9 December 2025. The meeting was a good chance to make the case to the Minister for funding of mobile black spot for the towns of Harrogate and Brukunga specifically. A separate Council report will come to Council on this matter by March 2026. - Neutrog matter: Following the October 2025 Council meeting the administration wrote to Minister for Climate, Environment and Water, Lucy Hood MP, a response was received noting that the matter is currently subject to legal proceedings limiting the ability for the Department to comment on the matters. - High productivity vehicle network and the Greater Adelaide freight bypass: Council was one of 21 co-signatories on a letter to

Advocacy Priority number	Priority description	Actions undertaken / in progress
		Minister Bourke in support of these projects. The letter was sent on 15 December with a response pending.

Partnerships:

12. Council's administration is taking a leadership role in strengthening strategic partnerships with key allied organisations, including RDA KIFAH, through regular CEO level engagement to align priorities, messaging and advocacy.
13. Through 2026 and beyond, administration will continue to expand and formalise relationships across government, industry and the regional sector to lead coordinated advocacy on common needs and growth pressures.

Next steps:

14. Continue targeted engagement with key Ministers, agency CEOs, and departmental staff.
15. Advocacy letters and their responses are in the process of being provided on the Council Member Extranet.

Conclusion:

Council continues to make strong progress across all advocacy priorities. Key focus areas this month includes co-investment in the Laratinga Water Recovery Plant.

Previous Decisions By/Information Reports to Council

Meeting Date	1 December 2025	CM Reference	DOC/25/161346
Title	Advocacy and Lobbying Activity – Monthly Update		
Purpose	To update Council Members on the Advocacy Plan implementation.		

13.3	REPORT TITLE:	LEAVE MAYOR LEACH – COUNCIL MEMBER CONTESTING ELECTION
	DATE OF MEETING:	19 JANUARY 2026
	FILE NUMBER:	DOC/25/172533
	<u>Key Contact</u>	Sue Miller, Team Leader Risk and Governance
	<u>Executive</u>	Alison Hancock, General Manager Strategy

Purpose:

For Council to note the Deputy Mayor will be Acting Mayor during the period of the Mayor's leave, being for the period 5 January 2026 until the conclusion of the State Election.

Summary – Key Issues:

1. The Mayor has advised that he will be on leave from his Mayoral duties from 5 January 2026 until the conclusion of the State Election in March.
2. A Council Member will be granted an automatic leave of absence from the office of member of the Council by operation of section 55A of the LG Act. This will include a leave of absence from Council meetings. This specific provision will operate from 27 February 2026.

Background:

1. Mayor Leach has advised that he will be a candidate in the State election for the seat of Kavel and will be taking leave from 5 January 2026 until the conclusion of the State election.
2. Section 55A of the *Local Government Act 1999* (the LG Act) deals with the situation when a member of a Council stands as a candidate for election as a member of the Parliament of South Australia.
3. The leave of absence granted automatically to a Council member contesting a State election is a leave of absence from office as a Council member which includes, but is broader than, a leave of absence from Council meetings.
4. Having been granted a leave of absence by operation of section 55A of the LG Act, the Council Member cannot be removed from office by the Council on the grounds they have been absent, without leave of the Council, from three or more consecutive ordinary meetings of the Council.

5. The leave of absence extends to all other offices held by the Council Member in their capacity as member of the Council or by virtue of being a member of the Council e.g. appointment to Council committees or Council subsidiaries or outside bodies including as a Council nominee or liaison.
6. During the period of the leave of absence (pursuant to section 55A of the LG Act) the Council Member is not entitled to receive any allowance in respect of the Council Member's office or reimbursement of expenses that the Council Member would otherwise be entitled to under the LG Act.
7. A request for leave for the period commencing before the close of nominations for the State election (noting 27 February is the closing date for bulk party nominations) does not constitute a leave of absence from office as a member of the Council, only a leave of absence from Council meetings.
8. The Council has the power to grant a member a leave of absence from Council meetings pursuant to section 54(1)(d) of the LG Act.
9. Section 51(6) of the LG Act provides that in the absence of the Mayor generally, the Deputy Mayor may act in the office of Mayor. This is the case irrespective of whether the Mayor is absent due to the operation of section 55A of the LG Act (which would operate 27 February 2026) or due to the Mayor advising the Council that they will be absent from their role as Mayor for a period prior to 27 February 2026.
10. On 3 November 2025 council resolved to appoint a Deputy Mayor and appointed Councillor Rowan Voogt as Deputy Mayor. In the absence of the Mayor, and where a member has been chosen by Council for the role of Deputy Mayor, they will act in the office of the Mayor for the relevant period of the Mayor's absence, and be referred to as Acting Mayor. Appointing a Deputy Mayor addresses the practical difficulties that may arise should the Mayor be absent from duties such as being unwell or when the Mayor is on leave.
11. A Deputy Mayor is paid at 1.25 times the Council Member allowance.
12. The Remuneration Tribunal has determined that a Deputy Mayor who undertakes the duties of the office of the Mayor for a period of one month or longer, is entitled to receive the Mayoral allowance for the entirety of the time they undertake those duties. The Mayor allowance is to be paid instead of the council member's usual allowance, and in proportion to the time that the council member performs the relevant duties (so long as they meet the initial threshold of four weeks acting duties).

Discussion:

13. In a memo dated 12 December 2025 emailed to council members and provided on the council members' extranet on Monday 15 December 2025 Council Members were advised of the legislative requirements relating to leave of absence pursuant to section 55A of the Local Government Act 1999 as it relates to a council member being a candidate contesting a state election.
14. The Mayor has advised he will be on leave from Mayoral duties from 5 January 2026 until the conclusion of the State election (the period of the Mayor's leave.)
15. During the period of the Mayor's leave, the Deputy Mayor Councillor Rowan Voogt will assume the duties and obligations of the office of Mayor.
16. Given the period of the Mayor's leave extends beyond 4 weeks, the Acting Mayor will be paid the Mayoral allowance for the entirety of the time they undertake those duties (that is, the period of the Mayor's leave.)
17. In the event a special council meeting is held during the period of the Mayor's leave, the Mayor's absence will be recorded either by way of apology or leave of absence.

Leave of absence – 27 February 2026 to 21 March 2026

(22 days)

Automatic pursuant to s55A

From Office of the Council (not just council meetings)

18. From 27 February 2026 the Mayor will be granted an automatic leave of absence from the office of member of the Council by operation of section 55A of the LG Act. This will include a leave of absence from Council meetings and include the 2 March 2026 council meeting.
19. From 27 February 2026 the following provision will apply regarding council facilities, service and support.

Section 55A(5) of the LG Act contains the following offence provision:

A person who is taken to have been granted leave of absence from the office of member of a council under this section must not, during the period of leave—
(a) use any facility, service or other form of support provided by the council to its members to assist the members in performing or discharging official functions and duties (not being a facility, service or form of support generally provided to members of the public by the council); or

*(b) carry out any function or duty of the office of member of the council.
Maximum penalty: \$15 000.*

20. There is no specific prohibition in Section 55A to a Member receiving information from the Council (such as agendas etc.) when granted an automatic leave of absence.
21. Once granted a leave of absence pursuant to section 55A the Member must still comply with all their duties and the Behavioural Standards for Council Members.

Conclusion:

The Deputy Mayor will act in the role of Mayor for the period the Mayor is on leave.

Previous Decisions By/Information Reports to Council
NIL

14. QUARTERLY REPORTS

NIL

15. MAYOR'S REPORT

Chair MBDC Citizen of the Year committee meeting in Chambers.
Meeting in Parlour with David Richardson – Chair Nairne Districts Residents Association.
Domestic Violence March through Mount Barker CBD from Community Centre.
Business Mount Barker monthly meeting at Harris Real Estate boardroom.
Cornerstone College Year 12 Graduation.
Adelaide 500 Race – Guest of Premier Malinauskas, Victoria Park.
Adelaide Hills Community Infrastructure Information session presented by DIT , Mount Barker Town Hall.
Minister Bourke, and advisor meeting with Mr Burton, Mayor's Parlour, discussing Council infrastructure priorities for 2026.
Echunga Uniting Church community Bush Dance.
Echunga Uniting Church anniversary service.
Swearing in Councillor Darren Kelly – Council Chambers.
Adelaide Hills Farmers market discussion with Market Manager, at home.
Central Ward Community Forum in Council Chambers.
Volunteer morning tea appreciation Nairne.
Meet homeless community members rear of Mount Barker Uniting Church.
SA Progressive Business lunch and address on economy with Premier Malinauskas at Morphettville Racecourse.
Mount Barker District Council annual volunteer appreciation ceremony Laratinga Pavillion.
Adelaide Lord Mayor Christmas drinks at North Adelaide Golf Course.
Visit Aged Care facility for pastoral visit residents.
Mount Barker Christmas Pageant.
Mount Barker Christmas Carols.
Hungry No More Christmas Dinner at Mount Barker Uniting Church Hall.
Country Cabinet Heathfield High School.
Councillor and staff Christmas breakfast at Laratinga Pavillion.
Photo call Deputy Mayor/Mayor Laratinga Pavillion.
City Centre Catalyst project meeting of Community Reference Group in Chambers.
Hahndorf Community Association monthly meeting at Hahndorf Institute supper room.
Echunga Community Centre AGM Echunga Hall.
Echunga/Meadows/Macclesfield youth committee at Echunga Hall.
Opening Living Choice Lifestyle Village – Mount Barker.
Business Mount Barker monthly meeting.
Nairne Carols.
Meet Macclesfield RSL Sub-branch President Dennis Oldenhove at Memorial Gardens to discuss joint RSL/Council actions.
Radio Italia interview in studio Port Rd Hindmarsh.
Ulrike Klein and Janet Klein, Paul Edwards in Parlour discussing environmental issues with senior staff.

Nairne Districts Residents Association Secretary Annette Gladigau discussing murals at Little Birdy Café.
Pallet Café Principals discussion of planning regulations with GM Planning at Little Birdy Café.
Meet Aboriginal artists to discuss heritage and related matters at home.
Judge Lights of Brukunga Christmas with Chair Heidi Sowerby.
Meet residents at Petwood to discuss recycled water use and tourism opportunity.

I plan to step aside from the role of Mount Barker District Council Mayor from 5th January 2026, till the conclusion of the 2026 State Elections in late March 2026, as I am a candidate for the seat of Kavel.

I am grateful for Deputy Mayor Rowan Voogt performing the roles and duties of Mayor during that period.

16. MEMBERS' REPORTS

16.1 Councillor Szilassy

Date	Activity
24 November	Information and briefing sessions x 3
26 November	Callington Coffee Club
26 November	Zonta – One Step One Community Walk Against Domestic Violence event
1 December	Community Forum – Central Ward
1 December	December Council Meeting
3 December	Council's Volunteer Appreciation Celebration – Laratinga Pavilion
6 December	Mount Barker Christmas Pageant
7 December	Harrogate Hall - Community Christmas Party
9 December	State Govt. Community Cabinet – Adelaide Hills – Heathfield High School
10 December	End of Year Council/staff celebration – Laratinga Pavilion
11 December	Adelaide Hills Reconciliation Working Group meeting
12 December	Nairne Twilight Christmas Market
13 December	Nairne Community Carols
15 December	Information and briefing session
15 December	Confidential briefing session
18 December	Littlehampton – meeting with residents
Ongoing	Meetings, phone calls, and emails with residents

17. QUESTIONS FROM THE GALLERY ARISING FROM THE MEETING

18. CONFIDENTIAL REPORTS

18.1 REPORT TITLE: CONFIDENTIAL ITEM: APPOINTMENT OF ARTS GRANTS INDEPENDENT ASSESSOR PANEL

DATE OF MEETING: 19 JANUARY 2026

FILE NUMBER: DOC/25/170522

Recommendation:

That Council:

Section 90 (3) (a) Order

1. Pursuant to Section 90(3)(a)

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; General Manager Corporate Services; General Manager Planning and Community; General Manager Strategy; General Manager Infrastructure and Environment; and the Minute Secretary be excluded from attendance at the meeting for Agenda Item 18.1 Confidential Item Appointment of the Arts Grants Independent Assessor Panel.

The Council is satisfied that pursuant to Section 90(3)(a) of the Act, the information to be received, discussed or considered in relation to this Agenda item includes information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of the applicant.

Section 91(7) Order

4. Pursuant to Section 91(7)

That having considered Agenda Item 18.1 Confidential Item Appointment of the Arts Grants Independent Assessor Panel in confidence under 90(2) and 3(a) of the Local Government Act 1999, the Council pursuant to Section 91(7) of the Act orders that the documents and all minutes be retained in confidence until the process to establish the Arts Grants Independent Assessor Panel has concluded and all Applicants advised of the outcome, or such lesser period as may be determined by the Chief Executive Officer and that this order be reviewed every 12 months, except for the notification to the successful and unsuccessful candidates.

**18.2 REPORT TITLE: CONFIDENTIAL ITEM: MOUNT BARKER REGION
WASTEWATER UTILITY BOARD – APPOINTMENT
OF CHAIR**

DATE OF MEETING: 19 JANUARY 2026

Key Contact Sue Miller, Team Leader Risk and Governance
Executive Alison Hancock, General Manager Strategy

Recommendation 1:

Section 90 (3) (a) Order

1. Pursuant to Section 90(3)(a)

Pursuant to Section 90(2) of the Local Government Act 1999 the Council orders that all members of the public except Chief Executive Officer, General Manager Strategy, General Manager Corporate Services, General Manager Infrastructure and Environment, General Manager Planning and Community, Chief Executive - GMB Water and Minute Secretary be excluded from attendance at the meeting for Agenda Item 18.2 Confidential Item: Mount Barker Region Wastewater Utility Board – Appointment of Chair.

The Council is satisfied that pursuant to Section 90(3)(a) of the Act, the information to be received, discussed or considered in relation to this Agenda item is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of the person considered for appointment, in that details of their suitability for appointment will be discussed.

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 the disclosure of details of what may prematurely be disclosed before discussing with the subject person the outcome of Council's consideration.

Recommendation 6:

Section 91(7) Order

Pursuant to Section 91(7)

10. That having considered Agenda Item 18.2 Confidential Item: Mount Barker Region Wastewater Utility Board – Appointment of Chair, in confidence under 90(2) and 3(a) of the Local Government Act 1999, the Council pursuant to Section 91(7) of the Act orders that the documents and the minutes be retained in confidence until the process to appoint the Chair has concluded, or for such period as may be determined by the Chief Executive Officer and that this order be reviewed every 12 months.
