



AGENDA

FOR POLICY AND PLANNING COMMITTEE MEETING TO BE HELD ON

19 FEBRUARY 2024 AT 6.30 PM

**IN LITTLE PARA CONFERENCE ROOMS, SALISBURY COMMUNITY HUB,
34 CHURCH STREET, SALISBURY**

MEMBERS

Deputy Mayor, Cr C Buchanan (Chairman)
Mayor G Aldridge
Cr B Brug
Cr L Brug
Cr J Chewparsad
Cr A Graham
Cr K Grenfell
Cr D Hood
Cr P Jensen (Deputy Chairman)
Cr M Mazzeo
Cr S McKell
Cr S Ouk
Cr S Reardon

REQUIRED STAFF

Chief Executive Officer, Mr J Harry
Deputy Chief Executive Officer, Mr C Mansueto
General Manager City Infrastructure, Mr J Devine
General Manager Community Development, Mrs A Pokoney Cramey
General Manager City Development, Ms M English
Manager Governance, Mr R Deco
A/Team Leader Council Governance, Mrs M Woods
Governance Support Officer, Ms K Boyd

APOLOGIES

LEAVE OF ABSENCE

PRESENTATION OF MINUTES

Presentation of the Minutes of the Policy and Planning Committee Meeting held on 11 December 2023.

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Administration

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QUESTIONS ON NOTICE

There are no Questions on Notice.

MOTIONS ON NOTICE

There are no Motions on Notice

OTHER BUSINESS

(Questions Without Notice, Motions Without Notice, CEO Update)

CLOSE



**MINUTES OF POLICY AND PLANNING COMMITTEE MEETING HELD IN THE
LITTLE PARA CONFERENCE ROOMS, SALISBURY COMMUNITY HUB,
34 CHURCH STREET, SALISBURY ON**

11 DECEMBER 2023

MEMBERS PRESENT

Mayor G Aldridge
Cr B Brug
Cr L Brug
Cr A Graham
Cr D Hood
Cr P Jensen (Deputy Chairman) – *(Cr P Jensen as Deputy Chairman
presided over the meeting in the absence of the Chairman, who had
previously been granted a Leave of Absence)*
Cr S McKell
Cr S Ouk

STAFF

Chief Executive Officer, Mr J Harry
Deputy Chief Executive Officer, Mr C Mansueto
General Manager City Infrastructure, Mr J Devine
General Manager Community Development, Mrs A Pokoney Cramey
General Manager City Development, Ms M English
A/Manager Governance, Ms J O'Keefe-Craig
Governance Support Officer, Ms K Boyd
Team Leader Strategic Urban Planning, Ms S Jenkin

The meeting commenced at 6.30 pm.

The Deputy Chairman welcomed the Elected Members, members of the public and staff to the meeting.

APOLOGIES

Apologies were received from Cr J Chewparsad, Cr K Grenfell, Cr M Mazzeo and Cr S Reardon.

LEAVE OF ABSENCE

Leave of absence for this meeting was previously granted to Deputy Mayor, Cr C Buchanan (Chairman).

PRESENTATION OF MINUTES

Moved Cr D Hood
Seconded Cr L Brug

The Minutes of the Policy and Planning Committee Meeting held on 20 November 2023, be taken as read and confirmed.

CARRIED
UNANIMOUSLY

REPORTS

Administration

1.0.1 Future Reports for the Policy and Planning Committee

Moved Cr D Hood
Seconded Cr A Graham

That Council:

1. Notes the report.

CARRIED
UNANIMOUSLY

1.0.2 Recommendations of the Intercultural Strategy and Partnerships Sub Committee meeting held on Monday 4 December 2023

Moved Cr B Brug
Seconded Cr S Ouk

That Council:

Receives and notes the information contained in the Intercultural Strategy and Partnerships Sub Committee minutes of the meeting held on 4 December 2023 and that the following recommendation contained therein be adopted by Council:

ISPS1 Reconciliation Action Plan Strategy

Recommendation

That Council:

1. Notes that Council's Reconciliation Action Plan is due to be updated and a review has been undertaken prior to updating the new Reconciliation Action Plan.
2. Approves changes to the Reconciliation Action Plan Working Group, including:
 - a. renaming it to the First Nations Strategic Group;

- b. updating the Terms of Reference as outlined in Attachment 1 (Item ISPS1, Intercultural Strategy and Partnerships Sub Committee, 4 December 2023) with the following amendments:
 - that the membership be changed from “Deputy Mayor” to “Elected Member”; and
 - that the membership listed as “City of Salisbury Representative” be clearly defined as an “Executive Officer supporting the First Nations Strategic Group” and not a member of the group.
 - c. updating the position descriptions for the Chair and Members, as outlined in Attachment 2 and Attachment 3 (Item ISPS1, Intercultural Strategy and Partnerships Sub Committee, 4 December 2023).
 3. Requests Administration to compile a schedule of possible chairs and members for the First Nations Strategic Group as outlined in Attachment 2 of the report (Item ISPS1, Intercultural Strategy and Partnerships Sub Committee, 4 December 2023) and provide it to the next meeting of the ISPSC for consideration and decision.
 4. Approves the remuneration of the external members of the First Nations Strategic Group in line with the State Government Remuneration Framework for Government of South Australia Boards and Committees.
 5. Approves that Cr C Buchanan be the Elected Member representative.

CARRIED
UNANIMOUSLY

For Decision

1.1.1 Green Fields Centre Code Amendment

Pursuant to section 75(1) of the Local Government Act 1999, Cr B Brug declared a material conflict of interest on the basis of being a member of the Council Assessment Panel. Cr B Brug advised that he would manage the conflict by leaving the meeting. Cr B Brug left the meeting at 6:33 pm.

Pursuant to section 75(1) of the Local Government Act 1999, Cr L Brug declared a material conflict of interest on the basis of her husband being a member of the Council Assessment Panel. Cr L Brug advised that she would manage the conflict by leaving the meeting. Cr L Brug left the meeting at 6:33 pm.

Due to lack of quorum the meeting was suspended at 6.33 pm.

Due to lack of quorum to consider Item 1.1.1 Green Fields Centre Code Amendment the item could not be considered. As Item 1.1.1 was not considered this item will be deferred to Council to consider at the Council meeting on 18 December 2023.

The meeting reconvened at 6:39pm when Cr B Brug and Cr L Brug returned to the meeting.

The meeting resumed at 6.39 pm.

Moved Cr S Ouk
Seconded Cr A Graham

That Item 1.1.1, Green Fields Centre Code Amendment, listed in the Agenda, is deferred to Council to be considered at the Council meeting on 18 December 2023.

CARRIED
UNANIMOUSLY

QUESTIONS ON NOTICE

There were no Questions on Notice.

MOTIONS ON NOTICE

There were no Motions on Notice.

OTHER BUSINESS

(Questions Without Notice, Motions Without Notice, CEO Update)

There were no Other Business items.

The meeting closed at 6.41 pm.

CHAIRMAN.....

DATE.....

ITEM 1.0.1**POLICY AND PLANNING COMMITTEE****DATE** 19 February 2024**HEADING** Future Reports for the Policy and Planning Committee**AUTHOR** Michelle Whibley, PA to General Manager, City Development**CITY PLAN LINKS** 4.2 We deliver quality outcomes that meet the needs of our community**SUMMARY** This item details reports to be presented to the Policy and Planning Committee as a result of a previous Council resolution. If reports have been deferred to a subsequent month, this will be indicated, along with a reason for the deferral.**RECOMMENDATION**That Council:

1. Notes the report.

ATTACHMENTS

There are no attachments to this report.

1. BACKGROUND

- 1.1 Historically, a list of resolutions requiring a future report to Council has been presented to each committee for noting.

2. REPORT

- 3.1 The table below outlines the reports to be presented to the Policy and Planning Committee as a result of a Council resolution.

Meeting Item	- Heading and Resolution	Officer
25/07/2022 US-MON1	District Level Playground for Amsterdam Reserve 2. Requests Administration to provide the draft Master Plan and associated costings to the Policy and Planning Committee meeting in six months' time.	Jon Foong
Due:	May 2024	

28/08/2023 CNL-MON1	Motion on Notice: Major Events Waste Recycling 4. Requests the Administration to present a report to the Policy and Planning Committee on event waste management. Due: March 2024	Amy Pokoney-Cramey
23/10/2023 OB1	Review of Council's Disability Access Inclusion Network 1. Requests the Administration to bring back a report to the Policy and Planning Committee reviewing Council's Disability Access Inclusion Network (DAIN). 2. The review to include exploring opportunities how we can increase the frequency and types of projects that Council consults on, encouraging more participation in DAIN. 3. Requests staff to invite Mr Damien Porter to join DAIN. Due: April 2024	Vesna Haracic
18/12/2023 MWON2	Royal Commission into Domestic, Family and Sexual Violence 3. Consider the recommendation of the Royal Commission and requests the administration to bring back a report for information regarding opportunities arising from the Royal Commission recommendations. Due: May 2024	Amy Pokoney-Cramey

4. CONCLUSION / PROPOSAL

- 4.1 Future reports for the Policy and Planning Committee have been reviewed and are presented to Council for noting.

ITEM	1.1.1
	POLICY AND PLANNING COMMITTEE
DATE	19 February 2024
HEADING	State-Wide Bushfire Hazards Overlay Code Amendment
AUTHOR	Peter Jansen, Strategic Planner, City Development
CITY PLAN LINKS	1.2 The health and wellbeing of our community is a priority 3.4 Our urban growth is well planned and our centres are active
SUMMARY	The SA Planning Commission has released the State-Wide Bushfire Hazards Overlay Code Amendment for consultation. The amendment seeks to provide additional guidance and protection for building in bushfire prone areas. The extent of land now covered by the bushfire overlays has been expanded as the contribution factors to bushfire risk now includes additional factors such as grass lands. A draft submission to the State Planning Commission is provided for Council's consideration.






RECOMMENDATION

That Council:

1. Approves the submission presented as Attachment 1 on the South Australian Planning Commission's State-Wide Bushfire Hazards Overlay Code Amendment (Attachment 1, Policy and Planning Committee, 19 February 2024, Item No. 1.1.1).
2. Delegates to the Chief Executive Officer or delegate the finalisation of the submission and forwarding the response to the State Planning Commission.

ATTACHMENTS

This document should be read in conjunction with the following attachments:

1. Council submission on Bushfire Hazard Overlay Code Amendment [↓](#) 
2. Current Bushfire Hazard Overlays Salisbury [↓](#) 
3. Proposed Bushfire Hazard Overlays Salisbury [↓](#) 
4. FAQ on Code Amendment [↓](#) 
5. Statewide Bushfire Hazards Overlay Code Amendment (*Circulated under separate cover*) 

1. BACKGROUND

- 1.1 A number of serious fires in South Australia since 2015 highlighted the need to continually review the development system interaction with bushfire management.
- 1.2 A State Review identified key reforms for bushfire management and planning to increase resilience and preparedness to reduce risks and impacts.

- 1.3 This Code Amendment is intended to update the current land use policies using updated mapping that has been based on new modelling and vegetation data.
- 1.4 The current Bushfire Hazard Overlay Maps showing the affected areas of Salisbury are provided in Attachment 2.
- 1.5 There is a significant increase in the proposed areas to be covered by the Bushfire Hazards Overlay in the Salisbury Council area. The proposed new Bushfire Hazard Overlay Maps are shown in Attachment 3.
- 1.6 A series of Frequently Asked Questions on the Code Amendment have been developed by Planning and Land Use Services (PLUS) in the Department of South Australia. These are available in Attachment 4.
- 1.7 The draft Code Amendment is available in Attachment 5. The Code Amendment is on consultation until 8 March 2024. In order to meet the timeline, the matter is being presented to the February meeting.
- 1.8 Information sessions have been organised by Planning and Land Use Services (PLUS) for locations around the state, including online sessions. The following link provides more information and dates for consultation - [Updating South Australia's Bushfire Hazard Mapping and Planning Rules | YourSAY](https://yoursay.sa.gov.au/Updating-South-Australias-Bushfire-Hazard-Mapping-and-Planning-Rules) (yoursay.sa.gov.au)

2. EXTERNAL CONSULTATION / COMMUNICATION

- 2.1 Planning and Land Use Services (PLUS).
- 2.2 PLUS Community Toolkit put on Council Facebook.
- 2.3 PLUS consultation with owners or occupiers of affected land as part of the Community Engagement.

3. DISCUSSION

What is intended by the Code Amendment

- 3.1 Bushfire planning policies have been in Council Development Plans since 2010 and updated at various times. The current situation is that the Salisbury Heights area has High Bushfire Hazard risk, Medium Bushfire Hazard risk, and an Urban Interface Overlay, and the St Kilda and Waterloo Corner area has the Urban Interface Overlay along the Council boundary with Playford.
- 3.2 This proposed update seeks to:
 - 3.2.1 Review the policy framework of the existing six Hazard (Bushfire Risk) Overlays.
 - 3.2.2 Review the policy content in each of the Overlays.
 - 3.2.3 Consider updates to the spatial mapping of the Overlays as informed by the updated mapping methodology for development assessment.
 - 3.2.4 Consider other Instruments under the *Planning, Development and Infrastructure Act 2016*, referral mechanisms, guides, and reference layers within the SA Property and Planning Atlas that may assist in identifying and mitigating bushfire hazard impacts.

How the information has been updated

- 3.3 Through the Commonwealth National Disaster Resilience Grant Scheme of 2015- 2018 and the National Strategy for Disaster Resilience, funding was obtained to revise the Bushfire Protection Area spatial mapping framework for South Australia.
- 3.4 The modelling has used more current vegetation data, grassfire fuel models, and forest modelling to produce the mapping.
- 3.5 There has been some early consultation with the relevant Government Agencies and some councils (not including the City of Salisbury) on the modelling outcomes prior to the formal consultation.

Issues with the information in the Code Amendment

- 3.6 The Code Amendment lacks sufficient information to justify the proposed mapping. The assumptions in the new mapping and how it is applied is not explained.
- 3.7 The Code Amendment identifies the Investigations undertaken in Attachment E (see page 181 of Attachment 5). These investigations however only refer to the comments received on the Bushfire Overlays as part of the introduction of the Planning and Design Code. It does not inform on the investigations then arising from the comments.

The results of the new modelling and policies

- 3.8 The Bushfire High Risk, Medium Risk, and General Risk Overlay policies have been replaced with one overlay – the Hazards (Bushfire) Overlay. This will have new policy on:
 - 3.8.1 Appropriate levels of land slope for habitable buildings and at-risk communities;
 - 3.8.2 A need to have designated areas for onsite water supply requirements;
 - 3.8.3 A requirement for all-weather hardstand areas to support fire fighting vehicles weighing 21 tonnes which allows safe access to the water supply;
 - 3.8.4 Refined policy to allow metal constructed ancillary structures adjacent to dwellings;
 - 3.8.5 Criteria allowing the use of Certified Bushfire Attack Level (BAL) Declarations for dwelling siting for the building assessments;
 - 3.8.6 A process to update hazard levels and overlays as development occurs or vegetation is removed, negating the need for Code Amendments and engagement;
 - 3.8.7 Changes to the supporting legislation such as the Ministerial Building Standard, Planning and Development and Infrastructure Regulations, and the State Planning Commission Practice Directions, and CFS referrals;

- 3.8.8 Introduction of the term ‘At Risk Communities’ which is defined to mean the following land uses – boarding house, campground, dormitories, hospitals, hostels, preschools, educational facilities, student accommodation, workers accommodation, and retirement and supported accommodation; and
- 3.8.9 Mapping of the Hazards (Bushfire) Overlay will have now the three Values – High Bushfire Hazard areas, Medium Bushfire Hazard areas, and General Bushfire Hazard areas, and the Hazards (Bushfire - Urban Interface) Overlay within the one Overlay map.
- 3.8.10 Requirements have been introduced for habitable buildings, tourist accommodation, and Buildings for ‘At Risk Communities’ within 100m of the Hazards (Bushfire) Overlay to be built with:
- a square/rectangular footprint
 - not to incorporate valleys in the roof
 - to have a 50m asset protection zones within the allotment
 - have access to onsite water supply for firefighting purposes at all times
 - have a water supply dedicated area scaled to the risk profile
 - ensure at least 2 access points exist for the ‘At Risk Communities’.
- 3.8.11 The new Hazards (Bushfire – Urban Interface) Overlay is a 500m wide buffer from the boundary of a Hazards (Bushfire) Overlay. Whilst this 500m wide interface area has been mapped, the mapping does not provide the boundary for the 100m distance that triggers the extra requirements. This is a burden on the assessment process, and may have instances of ambiguity.
- 3.8.12 The Code Amendment indicates the new policy may add additional costs to the build of a new residential development in the range of 4.3% to 14%. The assumptions used to calculate this have not been provided.

Implications on Salisbury

- 3.9 Attachment 3 to this report shows the new proposed Bushfire Hazard Overlays for the City of Salisbury. The affected areas are north of Waterloo Corner Road, West of Port Wakefield Road, and the Salisbury Heights area is in the east of Council.

Waterloo Corner area and West of Port Wakefield Road:

- 3.10 A Medium Bushfire Hazard level has been identified over the industrial Burton and Direk area, St Kilda and southwards down to portion of Globe Derby.
- 3.11 The Urban Interface Overlay has been applied to the area adjoining the Medium Bushfire Hazard area, and with a 500m width much of the land is currently established residential neighbourhoods. With the proposed amendment new development in this area will require:
- 3.11.1 Suitable evacuation and access points exists for emergency vehicles through road design, land division assessment, and separation of residential allotments from the hazard area.

- 3.11.2 On site water requirements and all-weather hard stand areas that can support 21 tonne fire fighting vehicles when fire fittings are required in the buildings.
- 3.11.3 Habitable buildings, tourist accommodation and buildings for 'At Risk Communities' that are within 100m of the Hazards (Bushfire) Overlay are required to be sited with a 50m Asset Protection Zone that is wholly contained within the allotment. (There is no mapping provided of this distance within the 500m Urban Interface Overlay).

The Asset Protection Zone is defined to be an area generally clear of vegetation that is maintained to minimise the spread of fire between areas of hazardous vegetation and habitable buildings.
- 3.12 The justification for the extent of mapping in this area is questioned. It is unclear what attributes are contributing to the area as it covers:
 - 3.12.1 The Saltpans and the SA Water Wastewater Treatment Plant and lagoons
 - 3.12.2 The existing industrial estates at Burton and Direk, and the Department of Defence radio site at St Kilda (which is in contradiction with the Edinburgh Airport land which is not identified as Medium Bushfire Risk).
 - 3.12.3 The Northern Connector and the adjacent Port Wakefield Highway, Waterloo Corner Road and Heaslip Road.
- 3.13 Much of this land is not vegetated and the roads present a major barrier to the spread of fire. Because of the extent of this area being Medium Bushfire there is a large portion of Parafield Gardens that will be affected by the interface overlay.
- 3.14 The Strategic Growth Framework area and its proposed Code Amendments seeking change from Horticultural lands to Employment Lands would all be within the proposed Medium Bushfire Hazard area.
- 3.15 The implication for this area is that there is a massive intrusion for no obvious reason into the Council area requiring compliance with the Bushfire planning policy, building compliance, access requirements, referrals to CFS, Bushfire Attack Level Certificates, on site water supply, and heavy vehicle access for fire emergency vehicles.
- 3.16 Although worthy of upgraded policy and attention, the new modelled area that has been identified is considered to have many included sites that require further justification and ground truthing. Combined with the lack of explanation for its identification, it is considered that detailed consultation occurs with Council before the Code Amendment is progressed.

Salisbury Heights Area

- 3.17 A portion of Salisbury Heights area that is currently identified as Bushfire Medium Risk is proposed to be designated as High Bushfire Hazard Area.

- 3.18 This particular area was part of the Salisbury Heights Residential Development Plan Amendment that was approved by the Minister in 2015. The justification for this rezoning included bushfire risk investigations which concluded that the proposed change to a residential zone was acceptable and that the adjoining high-risk area changes from a medium bushfire risk area.
- 3.19 The proposed High Bushfire Hazard Area has been identified for the Coomurra Drive area and Little Para River up to Main North Road. The National Park and the Quarry are included in the High Bushfire Hazard area. The properties within the High Bushfire Hazard area will be required to meet slope criteria, have an asset protection zone within the allotment of 50m to unmanaged grasslands, or 100m to hazardous bushland vegetation, or requires a consultant prepared Certified BAL Declaration, along with the access, water, land division and road designs for residents and fire fighting vehicle. The National Park has its own Management Plan.
- 3.20 There is a small portion of the National Park along Bridge Road that is proposed to be downgraded to a Medium Bushfire Hazard Area.
- 3.21 It is expected that not all of the existing dwellings and allotments will be capable of meeting particular aspects of the desired standards such as the asset protection zone.
- 3.22 The Bushfire Urban Interface (like the other affected area of Waterloo Corner) is intended to provide the access, water and separation requirements. It is applied over the existing housing areas and will require the consideration of habitable buildings and road location and design within 100m and will have the same impacts on development requirements as that identified for the Waterloo Corner area.
- 3.23 The implications are as for the Waterloo Corner area, with additional onerous and not always possible requirements for the asset protection zones of 50m or 100m depending on vegetation.

Proposed Policy Interpretation Difficulty

- 3.24 The terminology in the proposed policy is often ambiguous and will make assessment complex and difficult.
- 3.25 Performance Outcomes and its associated Deemed to Satisfy/Performance criteria are often conflicting.
- 3.26 The use of ‘unacceptable bushfire risk’ is not defined and therefore open to interpretation.
- 3.27 Other Deemed to Satisfy criteria are complex and difficult to interpret when assessing proposals.
- 3.28 Financial Overview There will be a financial burden on the large number of home and land owners in the affected areas, through compliance requirements, land isolation and management, and on a need to obtain Certificates declaring compliance with requirements. Council assessment will be impacted making compliance with the legislated timelines improbable.

4. CONCLUSION

- 4.1 Bushfire management is a necessary feature of the planning policy framework, and it is appropriate for ongoing improvement and updates.
- 4.2 However, the proposed changes to the policies and their application to the City of Salisbury are considered to warrant the raising of a number of issues through a submission identifying the matters raised in this report.



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February 2024

State Planning Commission
plansasubmissions@sa.gov.au

Contact: Peter Jansen

Dear Commission Members

Re: City of Salisbury submission - State-wide Bushfire Hazards Overlay Code Amendment

The City of Salisbury thanks you for the opportunity to comment on the above Code Amendment. I advise that the City considered the matter at its 26th February 2024 meeting and endorsed this submission.

The City of Salisbury currently has the Hazards (Bushfire – Urban Interface) along the northern boundary with the City of Playford, and also on the edge of the Hazards (Bushfire High Risk) and Hazards (Bushfire Medium Risk) areas of Salisbury Heights.

The City of Salisbury supports and appreciates the intent of the proposed Code Amendment to improve policy on Bushfire Management and have updated modelling of the hazards and to ensure the relevance, effectiveness and accuracy of the policy and its application.

However, there are serious concerns with the application of the proposed mapping and the policies as it applies to the City of Salisbury, and the resultant implications to the affected properties and landowners.

More specifically:

1. The extensive application of the proposed Medium Bushfire Hazard Overlay in the Waterloo Corner, Direk, Burton and west of Port Wakefield Road areas. The justification of this area's inclusion is questioned as it incorporates the salt pans and SA Water Wastewater Treatment Plant and lagoons, the existing industrial estates at Burton and Direk and the Department of Defence radio site at St Kilda.

Much of the land is not vegetated and roads such as the Northern Connector, Port Wakefield Highway and Heaslip Road act as a barrier to the spread of fire. This appears to be a contradiction with the Department of Defence Edinburgh Airport site which is not identified as a bushfire hazard.

The proposed Overlay also covers the Strategic Growth Framework area that has been endorsed for future employment land development that reflects the high demand for sites. Progression of the SGF will only result in the need to reassess the hazard overlay at a future date.

2. The Code Amendment has identified the Salisbury Heights area as High Bushfire Hazard. The current Hazard (Bushfire Medium Risk) area was categorised in 2015 through the Salisbury Heights Residential Development Plan Amendment that was approved by the Minister. The investigations for that DPA included a bushfire risk analysis by independent consultants and accepted by the CFS which concluded that the change to residential was acceptable, and that a Medium Bushfire Risk classification was appropriate.

The proposed High Bushfire Hazard Overlay also includes the Quarry at Salisbury East, and an extension westward along the Little Para River to Main North Road. It is not expected that compliance will be possible for many properties, particularly for matters such as the need to provide within the allotment the proposed Asset Protection Zone of 50m to unmanaged grasslands or 100m distance to hazardous bushland vegetation when the allotment pattern allows for smaller allotments in certain parts. This will be in conflict with the requirement for future land divisions to provide 'future asset protection zones' within allotments.

3. The Proposed Hazards (Bushfire -Urban Interface) Overlay has been applied over land that is generally currently established residential neighbourhoods and impacts an extensive number of properties. It is considered that in many cases compliance will not be possible, particularly for matters such as all-weather access driveway provision that is capable of handling 21 tonne fire fighting vehicles, Asset Protection Zones within the allotments, road designs, access and egress. The proposed mapping for this Overlay identifies the 500m wide inclusion area, yet there is no defined 100m area which is a trigger for assessing habitable buildings, tourist accommodation, and buildings for At Risk Communities. This will impact on development assessment making compliance with the legislated timelines improbable.
4. The proposed policy is considered difficult to interpret and is often ambiguous. Performance Outcomes and its associated Deemed to Satisfy /Performance Criteria are often conflicting. *(For example, Hazards Bushfire Overlay PO 1.1 and DTS 1.1, PO 1.3 and DTS 1.3, PO 3.4 and DTS 3.4, PO 6.2 and DTS 6.2, and in Hazards Bushfire Urban Interface Overlay DTS 1.1)*
5. The proposed terminology is in many cases requires clarification. This applies to the following terms:
 - a. 'Unacceptable Bushfire Risk'
 - b. 'Unmanaged grasslands'
 - c. 'Hazardous bushland vegetation'
 - d. 'At Risk Communities' which has been defined but is considered confusing as it applies to individual land uses which are not ordinarily thought of by the public as a 'community' in their own right. The risk is that the public will overlook the policy and argue that this aspect is not relevant to any such proposal as it is not a 'community'.
6. The Code Amendment lacks sufficient information to justify the proposed mapping. Explanations and clarification of the assumptions used in the modelling are required. The Code Amendment identifies investigations which are simply comments received on the bushfire overlays that were part of the implementation of the Planning and Design Code. There is no commentary or interrogation of the investigations to link to the outcomes in relation to the comments or their relevance. The investigations into additional building costs are not provided, making it impossible to determine if the assumptions used are appropriate.

The updated modelling used for the Code Amendment is considered at variance with on ground land uses and puts the justification for the proposed Overlay mapping in contention.

The Implication for the City of Salisbury is that there is a massive intrusion for no obvious reason into the Council area requiring compliance with the Bushfire planning policy, building compliance, access requirements, referrals to CFS, Bushfire Attack Level Certificates, on site water supply, and heavy vehicle access for fire emergency vehicles. Although worthy of upgraded policy and attention, the new modelled areas that have been identified are considered to have many included sites that require further justification and ground truthing.

Council's position is that the proposed Code Amendment be reconsidered in light of these comments and that detailed consultation occurs with Council before the Code Amendment is progressed.

Please contact Peter Jansen pjansen@salisbury.sa.gov.au or Sally Jenkin sjenkin@salisbury.sa.gov.au if further clarification is required, or to arrange discussions.

Yours faithfully

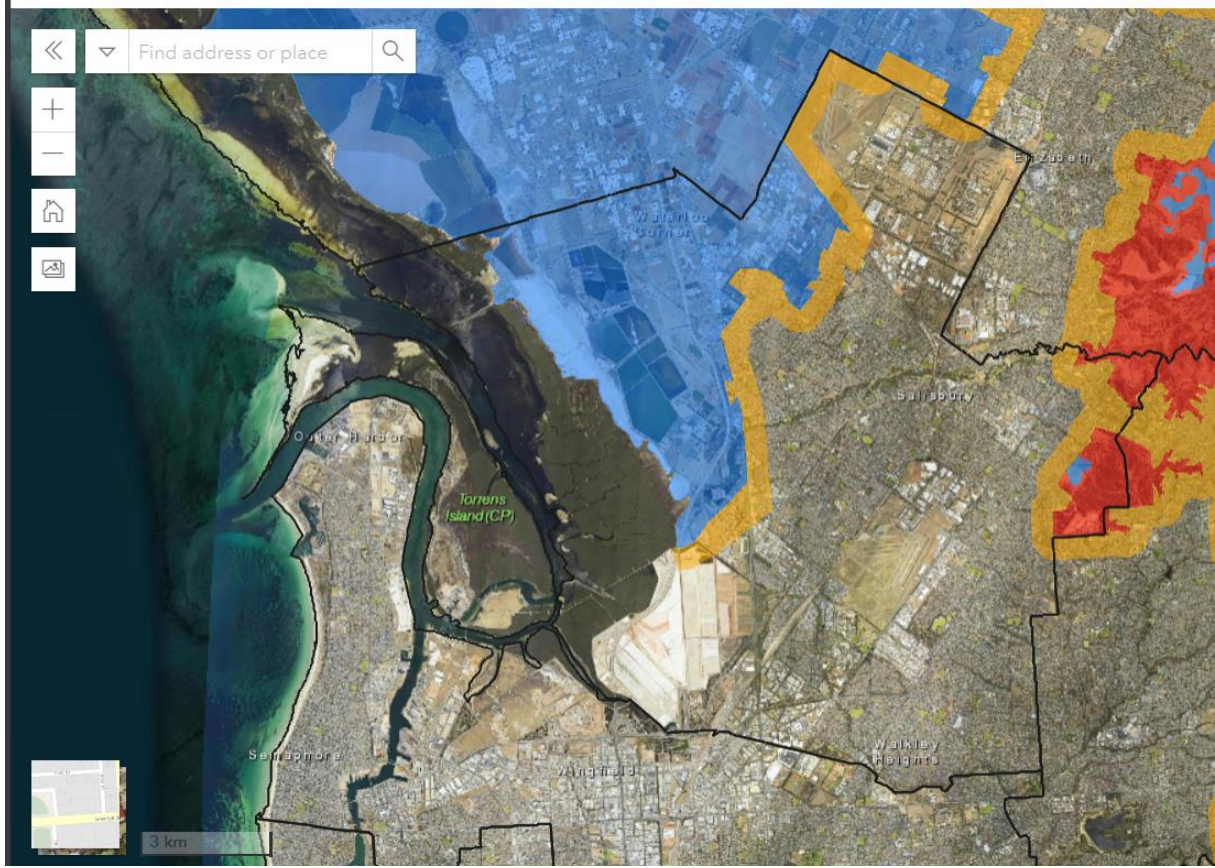
Gillian Aldridge OAM

Mayor

Ph: 08 8406 8262

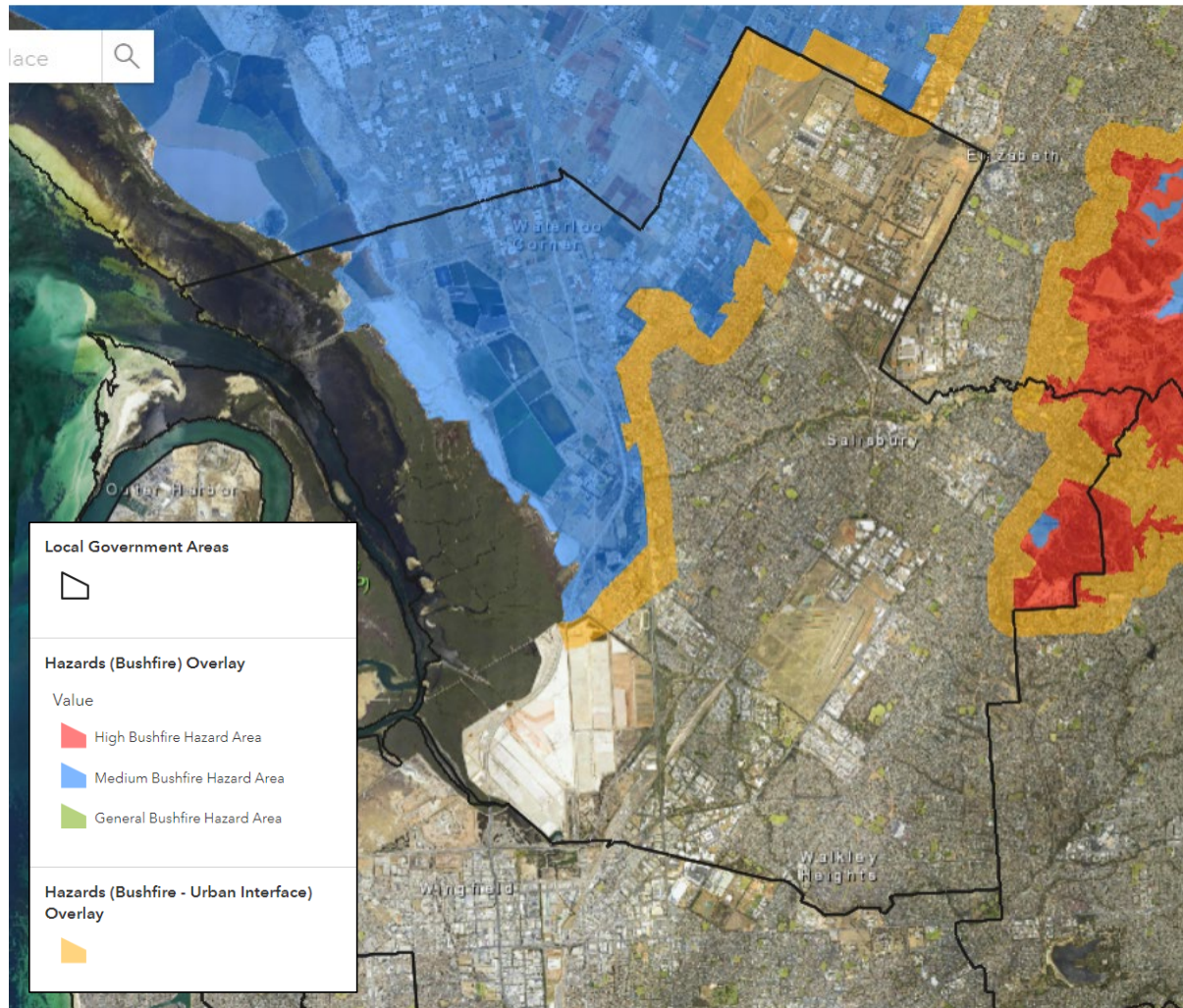
E: galdridge@salisbury.sa.gov.au

Bushfire Overlays Code Amendment Consultation

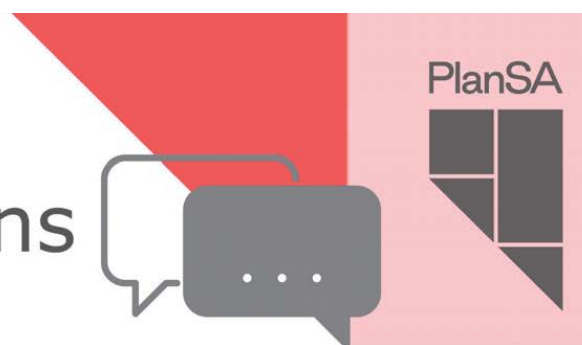


Item 1.1.1 - Attachment 2 - Current Bushfire Hazard Overlays Salisbury

Code Amendment Consultation



Frequently Asked Questions



State-wide Bushfire Hazards Overlay Code Amendment

The State-wide Bushfire Hazards Overlay Code Amendment seeks to update the spatial application of the bushfire hazard overlays to reflect recent bushfire hazard mapping, and review the policy contained in each of the overlays. The Code Amendment will seek to update existing bushfire hazard mapping and apply new bushfire hazard mapping, where the level of bushfire hazard has not previously been mapped.

Planning and building controls play an important role in ensuring the development of habitable buildings and structures match the level of risk within designated bushfire-prone areas.

The bushfire hazard ratings used in the Planning and Design Code are applied through the bushfire hazard overlays. These overlays apply a policy framework, or planning rules, that can be used to reduce potential impacts from bushfire hazards when assessing development applications.

The proposed bushfire hazard mapping has been prepared using updated mapping methodology and more recent vegetation data, to provide a more contemporary and accurate representation of the bushfire hazard levels throughout the entire state.

The purpose of the Code Amendment is to deliver an improved policy framework within the Code for assessing development in areas of potential bushfire hazard impacts. This includes opportunities to provide a more streamlined assessment process for development applications that meet specific policy requirements that ensure the proposed development is designed and located to address potential bushfire hazard impacts.

About this document

This document addresses frequently asked questions about how the Code will manage development assessment in areas exposed to bushfire hazard by updating the content and application of bushfire hazard overlays (via the State-wide Bushfire Hazards Overlays Code Amendment).

The policies applying to each overlay are designed to respond to bushfire risk, guide how new and existing development must consider bushfire hazards and deliver a more effective assessment of development in areas of potential bushfire hazard impact.

This document also helps to explain the bushfire hazard overlays which support the state planning policies relating to bushfire hazard and risk.

www.plan.sa.gov.au
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PlanSA Service Desk 1800 752 664



Government of South Australia
Department for Trade
and Investment

Questions

- Q – What is a Code Amendment?*
- Q – How do I know which overlays would apply to my property under the proposed Code Amendment?*
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Q – What is a Code Amendment?

A – The Planning and Design Code (the Code) contains the planning rules and policies that guide what can be developed in South Australia. Planning authorities use these planning rules to assess development proposals.

A Code Amendment is a proposal to change the policies, rules, or mapping within the Code, which can change the way that future developments are assessed. Code Amendments must be prepared according to certain processes set out by legislation (the *Planning, Development and Infrastructure Act 2016* and associated Regulations).

Code Amendments may be undertaken by a range of entities including the State Planning Commission, councils, state agencies, people who have an interest in land, or the Chief Executive of the Department for Trade and Investment. This Code Amendment is being undertaken by the State Planning Commission.

Q – How do I know which overlays would apply to my property under the proposed Code Amendment?

A – You can view the proposed bushfire hazard mapping online and zoom into the map or search for an address to see which overlays apply to your allotment.

View the proposed bushfire hazard mapping at plus.geodata.sa.gov.au/bushfire/index.html.

Q – What is the Hazards (Bushfire – Regional) Overlay and why is it being removed?

A – The Hazards (Bushfire – Regional) Overlay currently appears in the Code. The overlay was introduced when the Code was first implemented to provide a policy framework for areas that did not have vegetation mapping and the level of bushfire hazard was unknown as a precautionary measure.

The investigations undertaken to inform the draft Code Amendment included a review of the existing bushfire hazard overlays and the preparation of new bushfire hazard mapping for the entire state, including the areas within the previously unmapped Hazards (Bushfire – Regional) Overlay.

The draft Code Amendment seeks to remove the Hazards (Bushfire – Regional) Overlay and apply the new Hazards (Bushfire) Overlay and the appropriate level of hazards (high, medium or general hazard) in these areas based on new mapping methodology.

The new bushfire mapping is based on more recent grass fuel modelling, incorporating farming cropping and grazing vegetation, and will provide a more contemporary and accurate reflection of the bushfire hazard that exists in these areas. The new bushfire mapping will improve the development assessment process and help to manage the threat and impact of bushfires on life and property by allowing development in these areas to be assessed against the actual bushfire hazard level.

Q – What would it mean for allotments currently located in a Hazards (Bushfire – Regional) Overlay?

A – The Hazards (Bushfire – Regional) Overlay will be removed from the Planning and Design Code and the Hazards (Bushfire) Overlay and the appropriate level of hazard (high, medium or general hazard) will be applied to your allotment based on evidence-based spatial data and updated mapping methodology.

If the Code Amendment is approved new development applications will need to be assessed against the policies in the Hazards (Bushfire) Overlay that are relevant to the level of hazard that applies to your allotment. The level of bushfire hazard applied to your allotment may increase or decrease based on the updated mapping data and new mapping methodology.

If the level of bushfire hazard applied to your allotment changes from the Hazards (Bushfire – Regional) Overlay to the Hazards (Bushfire) Overlay and High Bushfire Hazard Area, a development application would need to satisfy additional policies and particular classes of development would need to be referred to the Country Fire Service of SA for expert assessment and direction. This includes development applications for buildings for at risk communities, habitable buildings and other forms of accommodation.

Q – Will ‘at risk communities’ be defined in the Code?

A – The Code Amendment is proposing to introduce the following definition for ‘at risk communities’ in the Planning and Design Code – Part 7 – Land Use Definitions:

Land Use Term (Column A)	Definition (Column B)	Includes (Column C)	Excludes (Column D)
At risk communities	Means, in relation to bushfire hazard policies, any of the following: (a) Boarding house (b) Campground (c) Dormitories (d) Hospitals (e) Hostels (f) Pre-schools (g) Educational facility (h) Student accommodation (i) Workers' accommodation (j) Retirement and supported accommodation		

The Code Amendment will seek to ensure that policies in the Code refer to ‘buildings for at risk communities’ rather than ‘buildings for vulnerable communities’. This change was requested by the Country Fire Service of South Australia (CFS) to ensure the policies in the Code align with the policies and guidelines used by the CFS.

Q – What are the different bushfire hazard overlays being proposed in the Code Amendment?

A – There are currently six bushfire hazard overlays in the Planning and Design Code. The Code Amendment proposes to remove the Hazards (Bushfire Regional Risk) Overlay and combine the existing High Risk, Medium Risk and General Risk overlays into a single Hazards (Bushfire) Overlay that will be used to define the level of hazard within the overlay as either high, medium or general bushfire hazard. The proposed bushfire hazard overlays and bushfire hazard areas are further explained below:

Hazards (Bushfire) Overlay – High Bushfire Hazard Area

The High Bushfire Hazard Area represents the highest level of bushfire hazard and has been applied to:

- areas that contain more than 25 per cent forest vegetation; that is, forest / woodland / shrub greater than 1 metre in height
- an additional 100 metres (where there is no adjacent bushfire hazard) to provide a buffer that can be used to protect against the impacts of radiant heat and ember attack
- smaller areas that were originally identified as Medium or General Hazards (less than 20 hectares), where they are located adjacent to a High Bushfire Hazard Area.

Proposed policy:

- The draft Code Amendment is proposing to introduce a more coherent policy framework for development in the High Bushfire Hazard Area, including the need to accommodate a larger dedicated water supply.
- The draft Code Amendment is not looking to introduce a Deemed-to-Satisfy assessment pathway for development in the High Bushfire Hazard Area, including buildings for at risk communities, habitable buildings and other forms of accommodation.
- Development applications for the creation of additional allotments, buildings for at risk communities, habitable buildings and other forms of accommodation will still require a referral to the CFS for expert assessment and direction.
- A site-specific Bushfire Attack Level (BAL) assessment will still be required for most development applications in the High Bushfire Hazard Area, including buildings for at risk communities, habitable buildings and other forms of accommodation.
- To support the draft Code Amendment, it is proposed to amend Schedule 8—Plans of the Planning, Development and Infrastructure (General) Regulations 2017, to require development applications seeking planning consent for new buildings or structures or extensions to existing buildings to include a site-specific BAL assessment, completed by the CFS or an independent technical expert, when an application is lodged for planning consent.
- The site-specific BAL assessment will be based on the specific site, proposed development and takes into consideration the location of buildings, vegetation classification, slope, fuel load, wind speed and the Forest Danger Index.

Hazards (Bushfire) Overlay – Medium Bushfire Hazard Area

The Medium Bushfire Hazard Area has been modelled on the broad capture of Forest Vegetation from the Department for Environment and Water Datasets for SA Land Cover Models (Likely) 2010-2015. The Medium Bushfire Hazard Area has been applied to:

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- sparse, small or linear areas of forest vegetation and woodland that is not considered to be high hazard
- areas of grassland vegetation that are considered to be capable of producing fuel loads of 3 tonnes per hectare or more, including areas that are suitable for cropping or the production of Phalaris grass.

Proposed policy:

- Bushfires in grassland vegetation do not burn at the same level of intensity or generate the same level of radiant heat as forest fires and therefore do not require the same level of suppression.
- The policies applied to Medium Hazard areas are less focused on the protection of life and more concerned with protecting buildings from the threat of bushfire and the dangers posed by radiant heat and ember attack.
- Smaller Medium Bushfire Hazard Areas (less than 20 hectares) that directly adjoin a High Bushfire Hazard Area have been absorbed into the High Bushfire Hazard Area to ensure an appropriate level of protection is applied.
- A designated Bushfire Attack Level of BAL12.5 applies to areas that are located within the Medium Bushfire Hazard Area.

Hazards (Bushfire) Overlay – General Bushfire Hazard Area

The General Bushfire Hazard area has been applied to:

- grassland vegetation and areas located outside of crop production and areas suitable for Phalaris grass production
- areas that have an estimated fuel load of 1.5 tonnes per hectare as they do not have the capacity to generate higher fuel loads (bushfires in grassland vegetation do not burn at the same level of intensity as forest fires – and so do not require the same level of suppression or generate the same level of radiant heat).

Proposed Policy:

- Bushfires in grassland vegetation and areas located outside of crop production do not burn at the same level of intensity or generate the same level of radiant heat as forest fires and therefore do not require the same level of suppression.
- The policies applied to General Bushfire Hazard Areas are less focussed on the protection of life and more concerned with protecting buildings from the threat of and dangers posed by radiant heat and ember attack.
- A Bushfire Attack Level of BAL-Low currently applies in General Bushfire Hazard Areas and development applications only have to meet minimal construction requirements to address the bushfire hazard and achieve a Certified BAL low certificate.
- The Code Amendment, however, is seeking to apply a designated Bushfire Attack Level of BAL12.5 in General Bushfire Hazard Areas, to provide additional protection from the impact of bushfire hazard, including ember attack. If approved the BAL requirements in General Bushfire Hazard Areas would be identical to the BAL requirements that currently apply in the Medium Bushfire Hazard Areas.
- Smaller General Bushfire Hazard Areas (less than 20 hectares) that directly adjoin a High Bushfire Hazard Area have been absorbed into the High Bushfire Hazard Area to ensure an appropriate level of protection is applied.

Hazards (Bushfire – Urban Interface) Overlay

The Hazards (Bushfire – Urban Interface) Overlay is applied to:

- the first 500 metres from the perimeter of the High, Medium and General Hazard Areas (where there is no adjacent hazard)
- urban areas of residential density and larger townships based on the Department for Environment and Water Datasets for SA Land Cover Models (Likely) 2010-2015 and the CFS Bushfire Safer Places layer
- 'Extreme' areas from the Bushfire Management Area Plan (BMAP) data, where the area has been identified as a CFS Bushfire Safer Place.

The proposed Hazards (Bushfire – Urban Interface) Overlay has been prepared using information from the Department for Environment and Water and CFS to provide a more accurate reflection of built-up urban areas and areas adjacent to a High Bushfire Hazard Area. The Hazards (Bushfire – Urban Interface) Overlay boundaries have been altered in some cases to capture the true extent of urban areas and townships.

Proposed Policy:

- The Hazards (Bushfire – Urban Interface) Overlay relates primarily to the provision of access through to bushfire hazard areas, protection of life and property from the threat of bushfire, dangers posed by ember attack and evacuation to areas that are safe from bushfire danger.
- Development applications for new houses, apartment buildings and other residential buildings such as boarding houses, dormitories, hostels, backpackers and workers quarters (Class 1, 2 and 3 buildings) that are located within the Hazards (Bushfire – Urban Interface) Overlay and 100 metres of a High Bushfire Hazard Area, require a site specific Bushfire Attack Level (BAL) assessment to be carried out in accordance with Australian Standard 3959 – Construction of buildings in bushfire prone areas (AS: 3959).
- Construction of Class 1, 2, and 3 buildings will need to include protection from ember attack and radiant heat and provide the minimum water supply and fittings based on the assessed BAL level.

Hazards (Bushfire – Outback) Overlay

Outback areas experience regular and large grassfires every few years. Fire suppression activities are generally not undertaken within large portions of the outback and when left unchecked, these fires can travel vast distances through large sections of the landscape. For this reason, vegetation mapping is not required and not been undertaken to support the application of this overlay.

This Hazards (Bushfire – Outback) Overlay is applied to:

- the state's outback areas, which extends into unincorporated lands (i.e. outside of a Local Government jurisdiction) and other remote areas of the state. These areas are primarily comprised of small populations in remote and inaccessible areas that have sparse assets. Most of these areas are outside of CFS emergency service areas (greater than 50km from a CFS station/base) and therefore, have limited opportunity for CFS response in the event of a bushfire
- offshore islands that are considered large enough to accommodate development.

This Hazards (Bushfire – Outback) Overlay will remain largely unchanged; however, minor amendments have been made to capture the areas around the townships of Coober Pedy and Roxby Downs, where the Hazards (Bushfire – Regional Risk) Overlay currently applies.

A number of unincorporated areas are to be replaced by the proposed Hazards (Bushfire) Overlay where the new vegetation data and modelling has identified a specific hazard level. This includes areas near Renmark and Paringa and an area to the east of Wudinna.

Development within the Hazards (Bushfire – Outback) Overlay is not currently required to undertake a BAL assessment or build to any minimum BAL requirements.

The Code Amendment, however, is seeking to apply a designated Bushfire Attack Level of BAL12.5 to the Hazards (Bushfire – Outback) Overlay, to provide additional protection from the impact of bushfire hazard, including ember attack. If approved the BAL requirements in the Hazards (Bushfire – Outback) Overlay would be identical to the BAL requirements that currently apply in the Medium Bushfire Hazard Areas and are being proposed for the General Bushfire Hazard Areas. A BAL12.5 would require Class 1, 2 and 3 buildings to be provided with or have access to an onsite water supply that can be used by the occupants to minimise fire spreading to the building during a bushfire.

Q – What mapping differences will be seen through the State-wide Bushfire Hazards Overlay Code Amendment?

A – South Australia's bushfire hazard mapping was last updated in 2012 and are now considered to be outdated.

Given the advances in science and our understanding of bushfire behaviour, more contemporary vegetation data and a new mapping methodology has been used throughout the state, to prepare new bushfire hazard mapping that seeks to update the extent of all the proposed bushfire hazard overlays for the Code, including the new Hazards (Bushfire) Overlay and the associated bushfire hazard areas.

The new mapping incorporates evidence-based and improved spatial data that:

- incorporates the most recent vegetation extent data (2015) into the hazard modelling
- utilises more recent grassfire fuel modelling based on variation data from farm cropping, grazing, and potential grass fuel
- amends forest modelling to identify small scale geographic data to reflect more accurate bushfire hazards.

All South Australians can use the online map to review proposed bushfire hazard mapping and bushfire risk levels for their property and local area. The proposed mapping can be viewed at: plus.geodata.sa.gov.au/bushfire/index.html

Q – How was the new bushfire policy developed?

A – The Department for Trade and Investment's Planning and Land Use Services Division (PLUS) undertook a review of the bushfire hazard policies that currently appear within the Code, with the aim of improving the effectiveness of bushfire policies, improving assessment pathways and reducing repetition and complexity where appropriate.

PLUS undertook early engagement with key stakeholders, councils and government agencies regarding bushfire risk management and the current Bushfire Protection Areas (BPA) spatial mapping layer, with particular emphasis on outdated bushfire mapping and/or anomalies in the mapping applied.

In response to the investigations undertaken and feedback received, the State-wide Bushfire Hazard Overlay Code Amendment will seek to introduce one Hazards (Bushfire) Overlay to replace the existing Hazards (Bushfire – High) Overlay, Hazards (Bushfire – Medium) Overlay and Hazards (Bushfire – General) Overlay. The Hazards (Bushfire – Regional) Overlay will also be removed because the bushfire hazard mapping has now been undertaken for these areas.

The proposed bushfire hazard mapping will seek to define high, medium and general bushfire hazard areas to all land within the proposed Hazards (Bushfire) Overlay. The proposed bushfire hazard areas have been identified based on updated mapping information and the methodology adopted in preparation of hazard mapping for the Code Amendment.

The policy changes being proposed in the Code Amendment are contained within the Draft State-wide Bushfire Hazards Overlay Code Amendment. A copy of the draft Code Amendment can be found on the PlanSA portal at: plan.sa.gov.au/en/ca/statewide-bushfire-hazards-overlay.

Q – Will my property be affected by the State-wide Bushfire Hazards Overlay Code Amendment?

A – As a result of the draft Code Amendment, your property and/or area may be placed in a bushfire hazard overlay for the first time. Alternatively, if your property is currently located within a bushfire hazard overlay, it may be removed from the bushfire hazard overlays all together or change to a different overlay.

This may be due to a number of factors including more contemporary vegetation data and the updated bushfire mapping modelling and methodology that takes into consideration issues such as the impact of climate change and advances in science and understanding of bushfire behaviour.

In addition to this, the draft Code Amendment is looking to amend the policies that currently apply to development applications in bushfire prone areas and this may affect how development applications are assessed for your property.

We encourage all South Australians to view the online map to review proposed bushfire risk levels and how the new overlays may apply to their property and local area at: plus.geodata.sa.gov.au/bushfire/index.html

Q – What does it mean if I am located in one of the overlays?

A – The bushfire hazard overlays define the level of bushfire hazard that applies to an area and the Planning and Design Code applies specific planning rules to development types, based on the hazard level.

The bushfire hazard overlays can affect the assessment pathway that is available for particular forms of development. The draft Code Amendment is seeking to introduce a Deemed-to-Satisfy pathway for particular classes of development that are located outside of the High Bushfire Hazard Area, including habitable buildings.

For a development to be Deemed-to-Satisfy, it must meet all criteria set out by the Planning and Design Code. These developments are fast-tracked through the assessment process and cannot be refused approval.

If your property is located within the Hazards (Bushfire) Overlay and High Bushfire Hazard Area, then there will be a need to refer most development applications to the CFS for expert assessment and direction.

Q – What does it mean if I am not located in one of the overlays?

A – The bushfire hazard policies in the Planning and Design Code are only applicable to development that is located within areas that are covered by one of the bushfire hazard overlays. If a development is proposed in an area that is not covered by a bushfire overlay the policies will not apply.

Q – I have never experienced bushfires before, so why has my property been identified?

A – The draft Code Amendment has been informed by updated bushfire hazard mapping completed in 2022. The new mapping has then been refined by utilising new and improved evidence-based spatial data, including recent vegetation data from the Department for Environment and Water (SA Land Cover 2010-2015). The data was produced in collaboration with the Department for Environment and Water, the Arthur Rylah Institute for Environmental Research and Geoscience Australia, based on Landsat spectral bands and complex modelling.

The bushfire hazard level is based primarily on the type and extent of vegetation that exists in an area and the amount of fuel load that could potentially be accumulated, based on the vegetation type and the size and density of that vegetation.

Q – Will there be any changes to building standards associated with the proposed Code Amendment?

A – Ministerial Building Standards (MBS) are published as part of the building rules under the *Planning, Development and Infrastructure Act 2016*. MBS 008 – designated bushfire prone areas additional requirements (MBS 008) relies on the different bushfire overlays in the Planning and Design Code to determine the BAL for that area or whether a BAL Assessment is required.

The BAL is used to determine the fire safety provisions required by the Building Code in designated bushfire prone areas for bushfire resistance of new houses, apartment buildings and other residential buildings such as boarding houses, dormitories, hostels, backpackers and workers quarters (Class 1, 2 and 3 buildings).

MBS-008 includes additional fire safety provisions that need to be applied based on the hazard level.

Draft amendments to the MBS are also being prepared to align with the proposed Code Amendment and recent updates to the National Construction Code.

Community will be invited to provide their feedback on these proposed changes in early 2024.

Q – The Code says that I am in ‘Hazards (Bushfire) Overlay’, what does this mean if I want to undertake development?

A – A development application in an area covered by the Hazards (Bushfire) Overlay will be assessed against the overlay policies that apply to that land, based on whether the land’s bushfire hazard level is high, medium or general.

The overlay policies can affect the assessment pathway for specific development types and can also determine if a development requires a formal referral to the CFS for a BAL Assessment to be carried out in accordance with [AS: 3959](#).

A Bushfire Attack Level of **BAL12.5** is applied to all Class 1, 2 and 3 buildings that are located within the Hazards (Bushfire) Overlay - Medium Bushfire Hazard Area. The policies applied to development in these areas is primarily focused on the protection of buildings from the threat of bushfire and the dangers posed by radiant heat and ember attack.

A BAL Assessment will not be required for development in these areas and buildings would only have to meet the construction requirements in the Building Code and MBS-008, in order to address the bushfire hazard and obtain a Certified BAL-12.5 certificate.

A Bushfire Attack Level of **BAL-Low** is currently applied to all Class 1, 2 and 3 buildings that are located within the Hazards (Bushfire – General Risk) Overlay. The Code Amendment, however, is looking to introduce a designated BAL12.5 for the overlay. Consequently, a BAL Assessment would not be required for development in these areas and buildings would only have to meet the construction requirements in the Building Code and MBS-008, in order to address the bushfire hazard and obtain a Certified BAL-12.5 certificate.

A site-specific BAL Assessment would be required for most forms of development located within the Hazards (Bushfire) Overlay and High Bushfire Hazard Area. A referral to the CFS will also be required for particular classes of development, where the proposed development is located within a High Bushfire Hazard Area.

Q – The Code says that I am in the ‘Hazards (Bushfire – Urban Interface) Overlay’, what does it mean if I want to undertake development?

A – The Hazards (Bushfire – Urban Interface) Overlay policies relate primarily to providing access to bushfire hazard areas, the protection of life and property from the threat of bushfire, the dangers posed by ember attack and evacuation to areas that are safe from bushfire danger.

Houses, apartment buildings and residential buildings such as boarding houses, dormitories, hostels, backpackers and workers quarters (Class 1, 2 and 3 buildings) within the Hazards (Bushfire – Urban Interface) Overlay and 100 metres of a High Bushfire Hazard area will require a Bushfire Attack Level (BAL) Assessment to be carried out in accordance with AS: 3959

The construction of Class 1, 2 and 3 buildings in these areas will need to include protection from ember attack and radiant heat and provide the minimum water supply and fittings required for the site based on the assessed BAL.

A Bushfire Attack Level of BAL-Low applies to all Class 1, 2 and 3 buildings that are located within the Hazards (Bushfire – Urban Interface) Overlay and more than 100 metres from a High Bushfire Hazard area. A BAL Assessment will not be required for development in these areas and buildings and will only have to meet minimal construction requirements in order to address bushfire hazard and obtain a Certified BAL-low certificate.

Q – The Code says that I am in the ‘Hazards (Bushfire – Outback) Overlay’, what does this mean if I want to undertake development?

A – The Hazards (Bushfire – Outback) Overlay has been applied to outback areas, which are often remote and inaccessible, have small populations, sparse assets and provide limited opportunity for the CFS to respond to bushfires. In addition to the outback areas the Hazards (Bushfire – Outback) Overlay will be applied to offshore islands that are considered to be large enough to accommodate development.

The policies within this overlay focus on the protection of buildings from the threat of bushfire and the need to provide safe and effective access during a bushfire.

The Code Amendment is seeking to designate BAL12.5 to the Hazards (Bushfire – Outback) Overlay, to provide additional protection from the impact of bushfire hazard, including ember attack. If approved, the BAL requirements in the Hazards (Bushfire – Outback) Overlay would be identical to the BAL requirements that currently apply in the Medium Bushfire Hazard Areas and are being proposed for the General Bushfire Hazard Areas.

A BAL12.5 would require Class 1, 2 and 3 buildings to be provided with or have access to an onsite water supply that can be used by the occupants to minimise fire spreading to the building during a bushfire.

Q – Will the state-wide Code Amendment provide a more efficient assessment process?

A – The draft Code Amendment will enable more effective assessment of developments in areas of potential bushfire hazard impacts and provide applicants with an increased level of certainty that their application will be approved.

The draft Code Amendment is also proposing to introduce a more streamlined Deemed-to-Satisfy assessment pathway for particular classes of development, including habitable buildings, where they are located outside of the High Bushfire Hazard Area.

To achieve this, applications would need to demonstrate that the proposed development will meet the minimum standards outlined in the specified Deemed-to-Satisfy policies in the Planning and Design Code, including in the relevant hazard overlay.

Q – Will I be able to provide a Certified BAL Assessment as part of an application?

A – Yes, for most development types it will be possible to obtain a Certified BAL Assessment prior to submitting a development application.

The draft Code Amendment is also proposing to amend Schedule 8—Plans of the Planning, Development and Infrastructure (General) Regulations 2017, to require development applications seeking planning consent for new buildings or structures, or extensions to existing buildings, to include a site specific BAL assessment completed by the CFS or a person authorised by the CFS, when an application is lodged for planning consent in high bushfire risk areas.

Q – Will I be required to provide a water tank as part of an application?

A – In most cases habitable buildings will be required to provide a designated area that is able to accommodate a dedicated water supply in accordance with the following table:

Bushfire Risk Area	Allotment Size	Minimum Area Required	
		Connected to Mains Water	Not Connected to Mains Water
Within a General or Medium Bushfire Hazard Area within the Hazards (Bushfire) Overlay; or Within the Hazards (Bushfire - Outback) Overlay; or Within the Hazards (Bushfire - Urban Interface) Overlay, and located within 500m of the Hazards (Bushfire) Overlay and more than 100m from a High Bushfire Hazard Area	Any	2.5m ² and a minimum width of 1m	5m ² and a minimum width of 1.5m
Within the High Bushfire Hazard Area in the Hazards (Bushfire) Overlay; or within the Hazards (Bushfire - Urban Interface) Overlay and located less than 100m from a High Bushfire Hazard Area within the Hazards (Bushfire) Overlay, and assessed as BAL-12.5 or BAL-19	<500m ²	2.5m ² and a minimum width of 1m	5m ² and a minimum width of 1.5m
	500m ² to <1500m ²	5m ² and a minimum width of 1.5m	7m ² and a minimum width of 1.5m
	≥1500m ²	7m ² and a minimum width of 1.5m	7m ² and a minimum width of 1.5m
Within the High Bushfire Hazard Area in the Hazards (Bushfire) Overlay; or within the Hazards (Bushfire - Urban Interface) Overlay and located less than 100m from a High Bushfire Hazard Area within the Hazards (Bushfire) Overlay, and assessed as BAL-29, BAL-40 or BAL-FZ	<500m ²	7m ² and a minimum width of 1.5m	7m ² and a minimum width of 1.5m
	≥1500m ²	12m ² and a minimum width of 4m	12m ² and a minimum width of 4m

Q – What are the benefits of building in accordance with bushfire hazard policies?

A – There are many benefits to building in accordance with bushfire hazard policies, including increased community resilience, a better standard of construction and greater opportunities for dwellings and other buildings to withstand the impacts of bushfires.

Building more bushfire resilient homes will help to:

- reduce the likelihood of damage to buildings and structures
- reduce the number of homes and other buildings lost to bushfire
- reduce the loss of life from bushfires
- improve community resilience to bushfire events and reduce the impact on emergency services
- reduce the social and financial cost of recovering from bushfires
- reduce the impact on the biodiversity and ecology.

While enhancing the ability of dwellings to withstand the impact of bushfires cannot guarantee that a home will survive, it can reduce the risk of ignition and provide increased protection during a bushfire and a greater opportunity for people to defend their homes.

In addition to this, buildings that are constructed in accordance with bushfire hazard policies are generally built to a higher standard, which increases the value of the property and reduces the maintenance costs compared to traditional buildings.

Bushfire resilient homes are also generally more energy efficient than traditional homes and they are therefore more able to respond to the increasing impacts of climate change because they have better thermal performance and require less energy to heat and cool during extreme conditions such as heatwaves.

Q – When and how can I have my say on the Code Amendment?

A – The State-wide Bushfire Hazards Overlay Code Amendment will be on public consultation from 23 November 2023 to 5 pm, 8 March 2024.

We invite the community to view the proposed changes and provide feedback. Feedback can help shape how this Code Amendment is finalised and implemented, if approved.

Written feedback can be submitted until 5 pm on Friday, 8 March 2024, via:

- Completing our survey: yoursay.sa.gov.au/embeds/projects/89328/survey-tools/100761
- The online submission form: plan.sa.gov.au/have_your_say/code-amendments/public_feedback_on_initiated_code_amendment
- Email: plansasubmissions@sa.gov.au (subject: Submission – State-wide Bushfire Hazards Overlay Code Amendment)
- Post:
Submission – State-wide Bushfire Hazards Overlay Code Amendment
State Planning Commission
Department for Trade and Investment
GPO Box 1815, Adelaide SA 5001

All written public submissions received will be made publicly available on the PlanSA portal when the Engagement Report is released following the conclusion of the consultation period. Names and organisations may be included with published submissions but addresses, email addresses and phone numbers will be redacted.

Q – Where can I find more information about this Code Amendment?

A – More information about the existing bushfire hazard overlays and policies in the Planning and Design Code and the changes proposed in the State-wide Bushfire Hazards Overlay Code Amendment is available on the:

- YourSAy website at: yoursay.sa.gov.au/state-wide-bushfire-hazards-code-amendment
- PlanSA portal at: plan.sa.gov.au/en/ca/statewide-bushfire-hazards-overlay

The Department for Trade and Investment's Planning and Land Use Services team will also host a series of in-person and online community information sessions about the Code Amendment. These sessions are your opportunity to meet the Code Amendment team and ask questions. Details will be published on the YourSAy website.

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PlanSA Service Desk 1800 752 664



Government of South Australia
Department for Trade
and Investment

ITEM	1.1.2
	POLICY AND PLANNING COMMITTEE
DATE	19 February 2024
HEADING	Provisional State Heritage listing of the former Salisbury Methodist Church by the SA Heritage Council
AUTHOR	Sally Jenkin, Team Leader Strategic Urban Planning, City Development
CITY PLAN LINKS	1.4 We are proud of our strengths, achievements and cultural diversity
SUMMARY	The SA Heritage Council is seeking representations on its proposal to enter the former Salisbury Methodist Church at 59-61 Park Terrace, Salisbury into the South Australian Heritage Register. It was provisionally listed on 7 December 2023. A draft letter of response is provided for Council's consideration.



RECOMMENDATION

That Council:

1. Approves the draft representation to the State Heritage Council as provided in Attachment 1 (Item 1.1.2, Policy and Planning Committee, 19 February 2024).
2. Delegates to the Chief Executive Officer the finalisation of the letter in accordance with Council's deliberations on this matter and forwards the response to the State Heritage Council.

ATTACHMENTS

This document should be read in conjunction with the following attachments:

1. Attachment 1 - Draft letter from Chief Executive Officer to South Australia Heritage Council [↓](#) 
2. Attachment 2 - State Heritage Commission Information Package [↓](#) 

1. BACKGROUND

- 1.1 On the 14 December 2023, in accordance with section 17(4)(d) of the *Heritage Places Act 1993* (the Act) the SA Heritage Council (SHC) wrote to the City of Salisbury (as the relevant Council) to advise that the former Methodist Church at 59-61 Park Terrace, Salisbury had been provisionally entered as a State Heritage Place in the SA Heritage Register.
- 1.2 The site is now known as the Salisbury Uniting Church.
- 1.3 The SHC formed the opinion that the property meets one or more of the criteria for '*Heritage significance*' under section 16(1) of the Act. Entry into the register is formal recognition that the property is an important part of South Australia's heritage and should be afforded protection provided by the Act and the *Planning, Development and Infrastructure Act 2016* (PDI Act).

- 1.4 The SHC information package to support the listing is provided in Attachment 2.
- 1.5 In summary, the justification for the listing is as follows:
 - 1.5.1 The former Salisbury Methodist Church opened in 1961.
 - 1.5.2 It is an outstanding example of late twentieth-century ecclesiastical modern movement architecture in South Australia.
 - 1.5.3 South Australian architect W. Lance Brune's innovative, well-resolved design is notable for its dramatic and distinctive A-frame roof, feature cross and foundation stone and the exposed steel joint rafter of its chapel, contrasting with the flat roofs of the non-worship wings.
 - 1.5.4 These elements are unified through the use of similar materials, details and modular construction units throughout the exterior of the complex.
 - 1.5.5 The former Salisbury Methodist Church was the prototype that inspired numerous other true A-frame churches subsequently built in South Australia.
- 1.6 The extent of the proposed listing includes:
 - 1.6.1 The remaining external envelope of the 1961 church complex, comprising chapel and four flat-roofed annexes.
 - 1.6.2 Original exterior and interior materials and finishes, coloured leadlight glazing.
 - 1.6.3 Open space between the church and Park Terrace/Brown Terrace corner.
- 1.7 The listing does not include external additions, annex interiors, internal or external upgrades to the chapel or fencing.
- 1.8 Under the PDI Act, for a State Heritage Place the definition of 'development' is expanded to ensure that work does not materially affect the heritage value of the place. This can include painting, non-structural alterations and other conservation work.
- 1.9 Demolition also requires planning consent and is generally not supported.
- 1.10 All development applications for the site require a referral to the Minister responsible for the *Heritage Places Act 1993*.
- 1.11 There are Heritage Conservation Grants available for property owners up to \$20,000.

2. EXTERNAL CONSULTATION / COMMUNICATION

- 2.1 No external consultation or communication was undertaken.

3. DISCUSSION

- 3.1 Under section 18(1) of the Act, any member of the public has the right to make a written representation until the 12 April 2024.
- 3.2 The SHC requests that responses address the criteria in the Act as provided in a submission form in Attachment 2. There is also the opportunity to appear personally to make an oral representation.

- 3.3 The Planning and Design Code designates the property in the Urban Activity Centre. The desired outcome seeks *A cohesive and legible environment supporting a broad spectrum of regional level business, shopping, entertainment and recreational facilities that can cater for large crowds, smaller social gatherings and events over extended hours.*
- 3.4 The site is considered in being a strategic site for future development as it is located opposite Salisbury Primary School and about 150m from Salisbury Oval, 470m from the Salisbury Hub, and 440m to the Salisbury Train Station.
- 3.5 The total land parcel is approximately 4,000m², with less than half of the area proposed to be the State Heritage Place.

Assessment of the proposed listing

- 3.6 The justification for listing this property for State Heritage is supported.
- 3.7 Whilst the property may have a future potential for strategic development (given its size and location), the value of the church to the community is not questioned. If listed it will continue to be a community landmark for the future.
- 3.8 The listing does not limit the property changing its use or additional development occurring at the rear of the property. Such development will need to be designed not to diminish the heritage value of the listed portion of the property.
- 3.9 Financial Overview There is no financial impact of this proposal on Council.

4. CONCLUSION

- 4.1 It is recommended that Council:
 - 4.1.1 Supports the State Heritage Listing of the former Methodist Church at 59-61 Park Terrace Salisbury.
 - 4.1.2 Approves the draft letter to the SA Heritage Council that supports the listing in Attachment 1.
 - 4.1.3 Delegates any required amendments to the letter to the Chief Executive Officer.



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Australia

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Date

The Executive Officer
South Australian Heritage Council
GPO Box 1047
ADELAIDE SA 5001

Contact: Peter Jansen

DEWHeritage@sa.gov.au

Dear Sir/Madam

Re: Confirmation of the former Salisbury Methodist Church on the South Australian Heritage Council.

Thank you for your letter of the 14 December 2023 regarding the provisional listing of the former Methodist Church, Salisbury and the opportunity to make a representation.

I advise that Council based on the South Australian Heritage Council's assessment of the relevant criteria supports the proposed listing.

Should you require to discuss this matter further, please contact:

- Peter Jansen on 8260 8148 pjansen@salisbury.sa.gov.au, or
- Sally Jenkin on 8260 8163 SJenkin@salisbury.sa.gov.au

Yours faithfully

John Harry
Chief Executive
Ph: 8406 8212
E: jharry@salisbury.sa.gov.au

From: DEW:Heritage
Sent: Thu, 14 Dec 2023 18:04:39 +1030
To: City of Salisbury
Cc: Hanna, David (DEW);Bird, Louise (DEW);Burns, Chris (DEW);Nield, Kirsty (DEW)
Subject: SHP 26549 - Provisional entry of Former Salisbury Methodist Church, Salisbury
Attachments: 26549_Provisional entry - Letter to LGA_14DEC2023.pdf, 26549_Provisional entry - Attach A-Notice of Provisional Entry.pdf, 26549_Provisional entry - Attach B-Summary of State Heritage Place.pdf, 26549_Provisional entry - Attach C-Submission Form.docx, 26549_Provisional entry - Attach D-Fact sheet.pdf

OFFICIAL

Attention Heritage/Planning,

Please find attached documentation correspondence from the SA Heritage Council (see below), advising you of the Provisional Entry of Former Salisbury Methodist Church, Salisbury as a State Heritage Place [SHP 26549] in the South Australian Heritage Register.

Attachments:

Notification letter of Provisional Entry
 Attachment A – Notice of Provisional Entry in SA Heritage Register
 Attachment B – Summary of State Heritage Place
 Attachment C - Submission form
 Attachment D - Fact sheet

Best regards

Celeste Klose
 Heritage Register Officer

Heritage South Australia | Environment, Heritage and Sustainability
 Department for Environment and Water
 P 08 8124 4960
 81-95 Waymouth Street, Adelaide
 GPO Box 1047, Adelaide SA 5001
[Tartanya, Kurna Yarta](#)
environment.sa.gov.au/topics/heritage
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South Australian HERITAGE COUNCIL

SHP Ref: 26549

14 December 2023

City of Salisbury
PO Box 8, Salisbury SA 5108
city@salisbury.sa.gov.au

For further information, please
contact:

Heritage South Australia |
Environment, Heritage and
Sustainability
Department for Environment and
Water
Phone: 08 8124 4960
Email: DEWHeritage@sa.gov.au

Attention: Planning

RE: Provisional entry of a State Heritage Place in the SA Heritage Register

Place: Former Salisbury Methodist Church
Address: 59 - 61 Park Terrace, Salisbury SA 5108
Title Information: CT 5309/267; F 113781 A 86; HD Yatala

Dear Sir/Madam,

At its meeting on 7 December 2023, the South Australian Heritage Council (Council) formed the opinion that the above property meets one or more of the criteria for '*heritage significance*' under section 16(1) of the *Heritage Places Act 1993* (Act).

Accordingly, it has been **provisionally entered** as a **State Heritage Place** in the South Australian Heritage Register (Register). Please refer to Notice of Provisional Entry in South Australian Heritage Register (**Attachment A**) and Summary of State Heritage Place document (**Attachment B**).

This letter is sent to you under section 17(4)(d) of the Act, as this place is located within your local council area.

Phone: +61 8 8124 4960 | Email: DEWHeritage@sa.gov.au | Post: GPO Box 1047, Adelaide SA 5001
www.environment.sa.gov.au/topics/Heritage

This place is now subject to the development control provisions under the *Planning, Development and Infrastructure Act 2016*. If a development approval that was given prior to the provisional entry of this place, this approval cannot be validly implemented.

Entry in the Register is formal recognition that the above property is an important part of South Australia's rich non-Aboriginal heritage and should be afforded the protection provided to State Heritage Places by the Act and the *Planning, Development and Infrastructure Act 2016*.

Under section 18(1) of the Act, any member of the public has the right to make a written representation to the Council.

If you wish to make a written representation please use the Submission Form **(Attachment C)** which will also be available on our website, once the public notice has been published:

[www.environment.sa.gov.au/topics/Heritage/SA Heritage Register/entries-confirmations](http://www.environment.sa.gov.au/topics/Heritage/SA_Heritage_Register/entries-confirmations)

Your representation must address the relevant heritage significance criteria in section 16(1) of the Act. Further information about how to make a written representation is contained in the Fact Sheet **(Attachment D)**.

As required by the Act this provisional entry will be advertised in a public notice in *The Advertiser* on **12 January 2024**.

In addition, anyone who has made a written submission may also appear personally before the Council, under section 18(2) of the Act. **Please indicate on the submission form should you wish to exercise this right.**

It is Council's policy to make all nominations, submissions and information regarding State heritage listings, publicly available on the following webpage: [www.environment.sa.gov.au/topics/Heritage/SA Heritage Register/entries-confirmations](http://www.environment.sa.gov.au/topics/Heritage/SA_Heritage_Register/entries-confirmations)

The Council will adhere to the Privacy Principles, and names and personal details will not be released.

State Heritage Places can be viewed on the SA Heritage Places Database web site <http://maps.sa.gov.au/heritagesearch/HeritageSearchLocation.aspx>, which is maintained by the Planning Division of the Department of Infrastructure and Transport and updated overnight on working days.

You may also visit the Department for Environment and Water website at www.environment.sa.gov.au/topics/Heritage for further background on the management of State Heritage Places.

If you have any questions relating to the provisional entry of this Place, please contact Chris Burns, Heritage Assessment Officer on (08) 8226 9465 or chris.burns@sa.gov.au.

Yours sincerely,



Celeste Klose

Heritage Register Officer

Delegate of the South Australian Heritage Council

Attachments:

- Attachment A – Notice of Provisional Entry in SA Heritage Register
- Attachment B – Summary of State Heritage Place
- Attachment C - Submission form
- Attachment D - Fact sheet

South Australian HERITAGE COUNCIL

NOTICE OF PROVISIONAL ENTRY IN SOUTH AUSTRALIAN HERITAGE REGISTER

NOTICE is given by the South Australian Heritage Council (the Council) under the provisions of section 17(4) of the *Heritage Places Act 1993* (the Act) that the place detailed below has been **provisionally entered** in the South Australian Heritage Register (the Register) as a **State Heritage Place**.

Place: Former Salisbury Methodist Church
Address: Kaurna Country, 59 – 61 Park Terrace, Salisbury SA 5108
Title Information: CT 5309/267; F 113781 A 86; HD Yatala

The Council considers that this Place meets the following criteria for '*heritage significance*' under section 16(1) of the Act.

- (e) it demonstrates a high degree of creative, aesthetic or technical accomplishment or is an outstanding representative of particular construction techniques or design characteristics

Attachment B - Summary of State Heritage Place describes the place and its significant features. Please note, the Summary provided at the time of provisional entry may have been amended as a result of further information being made available to the Council in the public consultation phase.

Attachment C – Submission Form, should you wish to make a representation either for or against the confirmation of this provisional entry.

Attachment D - Fact Sheet – Provisional Entry of a Place in the South Australian Heritage Register.

The **SA Guide to Developing State Heritage Places** publication is currently being updated to align with the introduction of new planning laws in South Australia and will be available in the near future on our website here: www.environment.sa.gov.au/topics/heritage/conserving-our-heritage

Phone: +61 8 8124 4960 | Email: DEWheritage@sa.gov.au | Post: GPO Box 1047, Adelaide SA 5001
www.environment.sa.gov.au/topics/Heritage

The provisional entry of this place or object will be advertised in a public notice in *The Advertiser* in the near future and the information will be published on the following webpage:

[www.environment.sa.gov.au/topics/Heritage/SA Heritage Register/entries-confirmations](http://www.environment.sa.gov.au/topics/Heritage/SA_Heritage_Register/entries-confirmations)

For information available to owners of State Heritage Places, including publications and technical advice, please visit:

[www.environment.sa.gov.au/topics/Heritage/Owning a heritage place](http://www.environment.sa.gov.au/topics/Heritage/Owning_a_heritage_place)

State Heritage Places are subject to specific heritage provisions of the *Planning, Development and Infrastructure Act 2016* (refer to **Attachment D**). If you are considering conservation or development works that affect this State Heritage Place, advice from an experienced heritage consultant is recommended.

South Australian HERITAGE COUNCIL

SUMMARY OF STATE HERITAGE PLACE

REGISTER ENTRY

Entry in the South Australian Heritage Register in accordance with the *Heritage Places Act 1993*

NAME: Former Salisbury Methodist Church

PLACE NO.: 26549

ADDRESS: Kurna Country

59-61 Park Terrace, Salisbury

CT 5309/267 FP 113781 A86 Hundred of Yatala

STATEMENT OF HERITAGE SIGNIFICANCE

The former Salisbury Methodist Church, opened in 1961, is an outstanding example of late twentieth-century ecclesiastical Modern Movement architecture in South Australia. South Australian architect W. Lance Brune's innovative, well-resolved design is notable for its dramatic and distinctive A-frame roof, feature cross and foundation stone and the exposed steel joist rafters of its chapel, contrasting with the flat roofs of the non-worship wings. These elements are unified through the use of similar materials, details and modular construction units throughout the exterior of the complex. The former Salisbury Methodist Church was the prototype that inspired numerous other true A-frame churches subsequently built in South Australia.

RELEVANT CRITERIA (under section 16 of the Heritage Places Act 1993)

(e) it demonstrates a high degree of creative, aesthetic or technical accomplishment or is an outstanding representative of particular construction techniques or design characteristics

The former Salisbury Methodist Church is an outstanding example of late twentieth-century ecclesiastical Modern Movement architecture in South Australia. Lance Brune's innovative and influential design employed a dramatic and a distinctive A-frame roof shape, exposed steel joist rafters and a feature cross and foundation stone boulder to denote the purpose of the building as a place of worship. Brune contrasted the chapel from the non-worship wings by covering the latter with flat roofs, then unified the architectural composition by employing similar materials, details and modular construction units throughout the complex. One of numerous true A-frame churches taking a similar architectural approach,

Salisbury Methodist was the first successful design and prototype for the others that followed.

The former Salisbury Methodist Church articulates many key attributes of late twentieth-century ecclesiastical architecture, namely:

- new structural materials facilitating dramatic shapes, achieved through the use of a welded-steel A-frame structure, with rolled steel joist 'buttresses' expressed as architectural features, which allow the structural system of the church to be readily understood;
- inverted V shapes reminiscent of Gothic pointed arches, which appear most notably in the A-frame roofline and external structural buttressing;
- coloured glass and windows with vertically proportioned panes, notably in the skylight and former entrance hall windows,
- clerestory windows on both sides of the former hall and service rooms,
- plain wall surfaces achieved through the use of undecorated face brick in two colours;
- play of light from unexpected sources to create a special mood, realised through the use of a skylight which throws coloured light and shadow across the sanctuary in the morning;
- architectural 'distinctiveness' employed to denote the purpose of the building as a place of worship through its large A-frame roof, cross, foundation stone, and exposed steel joist rafters;
- integration into community expressed through familiar, 'humble' materials such as brick, clear-finished timber and terracotta tile, with domestic associations.

The exterior of the complex and the chapel interior remain substantially intact, while the setting of the complex and setback from the road enables the contrasting A-form and flat-roofed wings to be readily appreciated. The former Salisbury Methodist Church continues to be an outstanding example of late twentieth-century ecclesiastical Modern Movement architecture, demonstrating many key elements of the style.

Summary of State Heritage Place: 26549 2 of 23
Provisionally entered by the South Australian Heritage Council on 7 December 2023
Confirmed by the South Australian Heritage Council on [\[add date\]](#) (tbc)

SITE PLAN

Former Salisbury Methodist Church
59-61 Park Terrace, Salisbury

PLACE NO.: 26549



Former Salisbury Methodist Church (CT 5309/267 FP 113781 A86 Hundred of Yatala)

Elements of heritage significance include (but are not necessarily limited to):

- Remaining external envelope of 1961 church complex, comprising chapel and four flat-roofed annexes,
- Original exterior and materials and material finishes, face brick walls; terracotta tile roofing and sandstone foundation stone (boulder),
- Original interior materials and material finishes of chapel, including cream face brick walls and sandstone feature wall incorporating altar,
- Coloured leadlight glazing,
- Original fittings including chapel pendent light fittings,
- Open space between church and the Park Terrace/Brown Terrace corner.

Elements not considered to contribute to significance of place include (but are not necessarily limited to):

- External additions associated with 2018 renovations,
- Annexe interiors,
- New partition and windows between chapel and kindergarten room,
- New hall added in 1978,
- Carpeting, spotlights, and speakers in chapel,
- Reverse-cycle and legacy evaporative air conditioning units,
- Solar panels,
- Fencing.

N ↑

LEGEND

- Parcel boundaries (Indicates extent of Listing)
- Outline of Elements of Significance for State Heritage Place

Summary of State Heritage Place: 26549 3 of 23

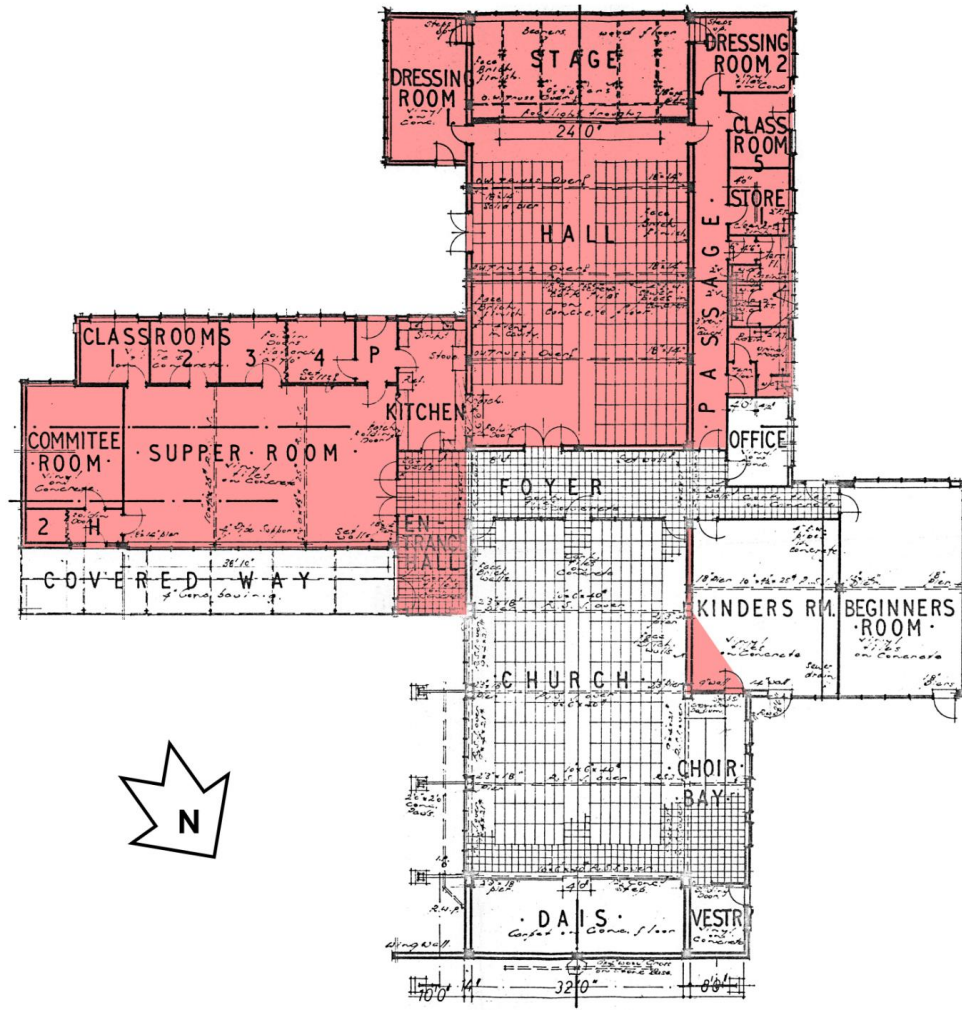
Provisionally entered by the South Australian Heritage Council on 7 December 2023

Confirmed by the South Australian Heritage Council on [add date] (tbc)

COMMENTARY ON THE LISTING

Description and notes with respect to a place entered in the South Australian Heritage Register in accordance with the *Heritage Places Act 1993*

Physical Description



Salisbury Methodist Church, indicative plan, with substantially altered interior spaces indicated in red. The areas indicated in white remain largely unaltered. A new hall (not shown) was added to southwestern quadrant in 1978.

Source: Adapted by Heritage South Australia from a drawing by Lance Brune c.1960 SRG4/163/2 SLSA

Summary of State Heritage Place: 26549 4 of 23

Provisionally entered by the South Australian Heritage Council on 7 December 2023

Confirmed by the South Australian Heritage Council on [add date] (tbc)

The former Salisbury Methodist Church is a steel and brick church complex. The chapel (main worship space) has a rectangular plan and is covered with a prominent terracotta-tiled gable roof, which nearly reaches the ground at the northern end. This roof is supported by five pairs of rolled steel rafters, three of which pass through the external envelope of the church on the eastern side and the ends of which are embedded in concrete. Non-load bearing brick cavity walls and timber-framed window units form the original external envelope of the complex. Floor slabs throughout are reinforced concrete.

Flat-roofed annexes are located to the east, south and west of the chapel, namely a vestry and choir bay (west), a wing comprising a kindergarten and beginners' (pre-Sunday school) room (west), a wing formerly comprising main entry, supper room, committee room, classrooms and kitchen (east), and a wing formerly comprising a hall and stage, dressing rooms, toilets, another classroom and a small office (south).

An additional flat-roofed wing has been added to the south (not significant fabric) containing additional activity rooms. Original internal walls, fixtures, fittings and some ceilings within the west and east wings have been removed, an extension, including a new entry, has been added to the southeast, and new internal fitouts installed throughout these two wings.

The church exterior displays the following additional features:

- Wunderlich terracotta tiles to main roof,
- steel decking to flat roofs,
- solar panels to former hall roof (not significant fabric),
- Onkaparinga Brick Works red face brick walls, with square raked pointing,
- feature wall to northern elevation under main gable, with projecting header bricks in a grid pattern,
- sandstone foundation stone (boulder) at base of feature wall, with bronze plaque,
- timber cross mounted on feature wall, with base seated on boulder and arms and top of shaft intersecting gable eaves,
- extensions of feature wall on both sides of gable, forming a free-standing wing wall at the eastern end, and the front wall of the vestry at the western end, both walls also with projecting header bricks,
- aluminium letters spelling out 'Salisbury Uniting Church' on wing wall,
- skylight to main roof, with coloured leadlight glazing in an abstract pattern,
- coloured leadlight glazing to former main entry porch,
- flat-roofed verandah to northern side of east wing, supported by posts and integrated with main east wing roof,
- enlarged window openings on northern side of east wing, with new powder-coated window and door frames installed (not significant fabric),
- projecting header bricks in grid pattern to eastern end of east wing,

Summary of State Heritage Place: 26549 5 of 23

Provisionally entered by the South Australian Heritage Council on 7 December 2023

Confirmed by the South Australian Heritage Council on [\[add date\]](#) (tbc)

- original window openings bricked up on southern side of east wing,
- new entry, verandah and fascia
- large timber-framed window to southern gable,
- clerestory windows on eastern side of former hall.

Only the chapel interior remains substantially intact. It displays the following features:

- cream face brick to interior walls,
- rolled steel joist stanchions supporting roof on western side,
- glazed, timber-framed partition wall between chapel and former foyer area,
- sanctuary at northern end raised above the floor of the nave, forming a large dias,
- feature wall at northern end of sanctuary comprising Australian oak altar top on sandstone masonry base, sandstone masonry reredos and clear-finished timber cross mounted on wall, on smooth-plastered background wall,
- leadlight glazing to square awning window frames on western side of choir alcove,
- new diagonal wall with large windows (not significant fabric) between chapel and former kindergarten room, with face brick wall removed,
- fibrous plaster ceiling,
- pendant light fittings including glass shades,
- sliding hollow-core plywood door to vestry,
- slate 'Hephzibah Primitive Methodist Connexion 1858' tablet on wall of former entry.

Elements of Significance:

Elements of heritage significance include (but are not necessarily limited to):

- External envelope of 1961 church complex, comprising chapel and four flat-roofed annexes,
- Original exterior materials and material finishes, face brick walls; terracotta tile roofing and sandstone boulder,
- Original interior materials and material finishes of chapel, including cream face brick walls and sandstone feature wall incorporating altar,
- Coloured leadlight glazing,
- Original fittings including chapel pendent light fittings,
- Open space between church and the Park Terrace/Brown Terrace corner.

Elements not considered to contribute to significance of place include (but are not necessarily limited to):

- External additions associated with 2018 renovations,
- Annexe interiors,
- New partition and windows between chapel and kindergarten room,
- New hall added in 1978,
- Carpeting, spotlights, and speakers in chapel,

Summary of State Heritage Place: 26549 6 of 23

Provisionally entered by the South Australian Heritage Council on 7 December 2023

Confirmed by the South Australian Heritage Council on [\[add date\]](#) (tbc)

- Reverse-cycle and legacy evaporative air conditioning units,
- Solar panels,
- Fencing.

History of the Place

Please refer to the Assessment Report for the full history.

The first Primitive Methodist service was reportedly held in 1849 on the banks of the Little Para River and conducted by '[a] local preacher from Pine Forest – now Enfield.' Later, blacksmith Nicholas Goodman, with a business on Commercial Road, 'tidied his shop each Thursday and allowed it to be used for worship on the Sabbath.'¹

In 1851, the Salisbury Primitive Methodist congregation built a small brick church, which was later replaced by a larger church, opened in 1858. The latter church, in what later became known as John Street, was named Hephzibah after the wife of Hezekiah, King of Judah, a minor figure in the Book of Kings.²

In 1900, following the union of the three South Australian branches of Methodism, the Wesleyan and Primitive Methodist congregations in the Salisbury district amalgamated to form the Salisbury Circuit of the Methodist Church of Australasia. The resulting Circuit comprised the Salisbury Methodist Church, the Burton Methodist Church (previously Burton Primitive Methodist Church) and the Northfield Methodist Church (previously Northfield Wesleyan Church). For a while after the union, Methodist services were held in the former Salisbury Wesleyan church in Chapel Street, Salisbury, but later relocated to the former Primitive Methodist Church in John Street (Hephzibah) from c.1904.³ A kindergarten room and/or hall was added in 1928.⁴

Suburban development in the Salisbury area from c.1950 led to growth in the Salisbury Methodist congregation and Sunday school, which could no longer be accommodated in the existing complex. In May 1956, after dismissing relocation to a new site, the Salisbury Methodist Church Trust (the Church Trust) began formulating a master plan for the future development on the existing site, in collaboration with architect Lance Brune.⁵

In May 1957 Lance Brune presented preliminary plans to the Church Trust, comprising two construction stages. The first stage comprised an extension to the existing church and Sunday school classrooms down one side. The second stage comprised a new youth hall, dressing room, kitchen and amenities, built on the western side of the existing hall.⁶ In July, the Church Trust notified Brune that they intended to proceed with the first stage, followed by the second stage when funds became available.⁷

Accordingly, the Church Trust launched a Wells-style fundraising canvass to pay for construction under the master plan, which it titled 'A Challenge to Faith and Stewardship'.⁸ The canvass was highly successful, increasing Church monthly income from £224 in February 1957 to £1,019 in February the following year.⁹ At this time the

Summary of State Heritage Place: 26549 7 of 23

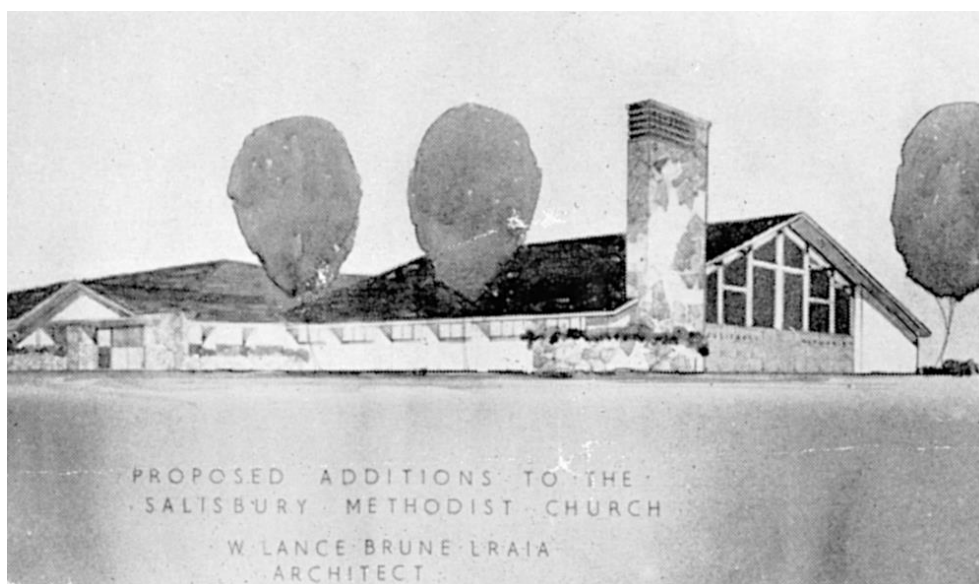
Provisionally entered by the South Australian Heritage Council on 7 December 2023

Confirmed by the South Australian Heritage Council on [\[add date\]](#) (tbc)

Church Trust convened a building committee, as Trust meetings did not have time to satisfactorily discuss matters associated with the building scheme.¹⁰

Meanwhile by the late 1950s, John Street had grown into a busy shopping precinct at the heart of suburban Salisbury, raising the value of property in the vicinity. When land neighbouring the John Street property belonging to the Salisbury Citrus Growers Cooperative became available in August 1958, the Church Trust was unable to afford the cost of purchase.

In February 1959 the Church Trust instructed Lance Brune to produce working drawings and specifications under the master plan, 'to the extent of an expenditure of £20,000'.¹¹ Subsequently on two separate occasions in April and June 1959, the Church Trust requested alterations to Brune's plan, including changes to position of the choir stalls and additional seating for the congregation.¹²



Salisbury Methodist Church, perspective by Lance Brune, 1960

Source: Salisbury Methodist Church, *A Challenge ... to Faith and Stewardship...* (November 1957), SRG4/163/4 SL5A

In July 1959, Brune provided a sketch plan for a revised scheme, with an itemised costing for both stages of the project totalling £26,300. Brune suggested 'that as the estimate was high the trust again consider the possibility of moving to another site and starting afresh.'¹³ In response, the Church Trust requested Brune provide a sketch plan for a church on a new site, and sought a valuation on the existing property, 'a matter to be kept strictly confidential.' The property was subsequently valued at £11,150.¹⁴

In August 1959, the Church Trust asked lawyer, former politician and stalwart Methodist Sir Shirley Williams Jeffries to negotiate with the Salisbury District Council on their behalf,¹⁵ with a view to purchasing land for a new church, halls, tennis courts and

Summary of State Heritage Place: 26549 8 of 23

Provisionally entered by the South Australian Heritage Council on 7 December 2023

Confirmed by the South Australian Heritage Council on [add date] (tbc)

manse.¹⁶ In February 1960 the Church Trust sold the first church and parsonage to Wilkinson & Co for £15,320.¹⁷ The old church was subsequently demolished and replaced by a supermarket and car park.¹⁸

Meanwhile the Salisbury Methodist Church Trust purchased 11 building allotments from the District Council of Salisbury, at a cost of £3,300, for the purpose of building a new church.¹⁹ These allotments were previously occupied by cabin homes, six of which were located on a block bounded by Park Terrace, Brown Terrace and Mawson Terrace, with five more on the southern side of Mawson Terrace. The northern block ultimately became the site of the new church while the southern block, on the opposite side of Mawson Terrace, later became church tennis courts.

Design and Construction

Brune's brief from the Salisbury Methodist Church Trust called for a church complex comprising a chapel and a hall, both seating 220 (later increased to 250), choir accommodation in the chapel, a supper room, kitchen, kindergarten room, beginners' (pre-Sunday school) room, Sunday school classroom, committee room, office and toilets, all within a budget of £30,000. In response to an early sketch plan, the Church Trust asked Brune to redesign the chapel 'to make it a feature.'²⁰

The numerous churches that Brune designed prior to Salisbury Methodist Church were all low, single-storey, gable roofed churches, built on a domestic scale and typically with a front feature wall, built-in planter box and wing wall tower. Brune's unrealised proposal for the John Street site followed this broad pattern.

Brune's revised design for Salisbury Methodist Church was probably inspired by Adelaide architectural firm Muirhead, Thompson and Associates' design for the Catholic Church of the Blessed Trinity at Pandana on Kangaroo Island, opened in April 1959. An architect's model of the Church of the Blessed Trinity, pictured in the *Advertiser* on 14 September 1956, also featured an A-frame roof, rolled steel joist rafters exposed below the eaves, wing walls and a large skylight, however, the church as built lacked the skylight and demonstrated awkward design resolution when compared with the model.

As well as making the chapel 'a feature,' Brune may have initially selected an A-frame roof to accommodate a choir gallery on a mezzanine floor, as suggested in the client brief. This feature was subsequently omitted in lieu of a choir alcove built on the western side of the chapel.

At Salisbury Methodist Church, the bargeboards on the northern gable reach almost to the ground and are supported by steel barge shoes. On the eastern side, the main A-frame rolled steel joist rafters supporting the tiled roof continue beyond the eaves and meet their footings at an angle. In employing these features, Brune suggested multiple possible historical or symbolic connotations, including the buttressing of traditional church architecture or ground stays on the tabernacle.

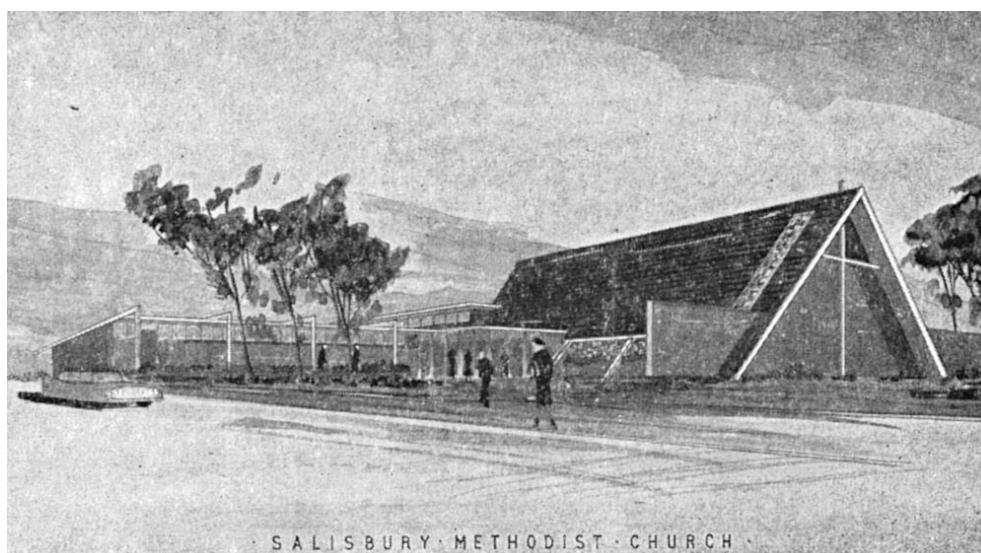
Summary of State Heritage Place: 26549 9 of 23

Provisionally entered by the South Australian Heritage Council on 7 December 2023

Confirmed by the South Australian Heritage Council on [\[add date\]](#) (tbc)

Brune's Salisbury Methodist Church was designed with a terracotta tiled roof, flat Kliplock steel deck roofs over the porches and utility rooms, and timber window units throughout the complex, employed as a cost-saving feature in lieu of more expensive Stegbar aluminium windows. Cavity brick walls were built with different coloured internal and external leaves, namely Onkaparinga Brick Works 'pink' (red) face brick outside and contrasting cream face brick inside.²¹

Brune differentiated the worship space from activity and utility spaces by designing the latter with flat, steel roofs in contrast to the chapel's tiled A-frame roof. Brune further implied different uses for the activity and utility spaces in the external envelope of the church complex by assigning each of the three main volumes a different roof height (namely kindergarten, hall, and kitchen/Sunday school rooms). Brune visually unified these masses with the chapel by employing the same red face brick for all external walls and employing similar timber window units throughout the complex.



Salisbury Methodist Church, perspective by Lance Brune, 1960

Source: Laying of the Foundation Stone of the Salisbury Methodist Church (programme), State Library of South Australia

Brune set back the front elevation of the church 60 feet from Park Terrace behind an expanse of grass. This created a large open space echoing the large front lawns characteristic of nearby post-war housing stock.²² When asked by the Church Trust to move the church 20 feet closer to the road, Brune successfully argued that the setback originally specified would 'enhance' the appearance of the church.²³

Lance Brune's design was completed by 11 May 1960 and in June the Church Trust accepted builder Marshall & Brougham's tender of £37,700.²⁴ Steelwork was subcontracted to Hallweld.²⁵ Following negotiation between Brune, the building committee and Marshall & Brougham, items that could be achieved with voluntary labor, such as site clearance and painting, were deleted from the contract. Summary of State Heritage Place: 26549 10 of 23

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Meanwhile, some specified materials and fittings were replaced with less expensive substitutes, such as timber window frames in lieu of Stegbar aluminium frames. This amended tender totalled £35,796/15/0, a saving of just over £1,900. Later, Onkaparinga Brick Works 'pink' (red) bricks were substituted in lieu of Hallett 'salmon pink' bricks, resulting in a further cost saving of £135. The final cost of the church with further minor deletions and variations totalled £36,583/9/0.²⁶

The building program also included a manse, designed by parishioner L. Chambers ARIA and built by SAHT, located on the opposite side of Mawson Road facing Brown Terrace next door to the new tennis courts.²⁷ The manse was built at a cost of £4,410.²⁸

The site for the new church complex was cleared during a parish working bee on 2 July 1960 and excavation for the foundations of the new church began days later on 6 July.²⁹ The church foundation stone was unveiled by Rev. Philip N. Potter, minister of Pirie Street Methodist Church, on 4 September 1960. During the ceremony, a 'lead casket' containing 'items of historic significance' was inserted into the cavity brick wall behind the foundation stone.³⁰ Six memorial windows, altered to fit new frames, and a slate stone bearing the name Hephzibah were also installed in the new church complex.

The last service in the old Salisbury Methodist Church occurred on the morning of Sunday 19 March 1961. The new church was opened by Sir Shirley Jeffries that afternoon, at a ceremony attended by 900 people.³¹



Salisbury Methodist Church, c.1961

Source: James L. Potter, *Little Para Pilgrims*, p. 134

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Subsequent History

On 1 April 1971, a fire on the western side of the church and adjacent rooms caused \$24,000 damage. Insurance covered the damage, which took eight weeks to repair. After repairs were completed, the Salisbury Methodist Church was re-dedicated on 20 June 1971.³²

Extensions to Salisbury Methodist Church to house the congregation's Christian Education Programme and Salisbury Methodist Youth Group were approved by the Salisbury Methodist Church Trust in March 1977, at an estimated cost of \$88,000. Tenders were called in August that year, with Brimblecombe's tender for \$104,000 accepted. Comprising four large rooms, a kitchen and storeroom, the Youth Building extension was completed the following year at a final cost of \$120,000 and was opened by the Governor of South Australia, Keith Seaman, on 25 June 1978.³³ Further renovations, comprising major alterations to the interior of the original service and activity areas, were carried out in 1979.³⁴

Meanwhile, following the creation of the Uniting Church in Australia on 22 June 1977, the Salisbury Uniting Church Parish was inaugurated on 26 June.³⁵ Around this time the church noticeboard and lettering on the front of the church was altered to reflect the new name. Later during the mid-1980s, roof-mounted evaporative air-conditioning units were installed on the western annexe and ducted into the chapel through the northern side of the A-frame roof.³⁶

In c.2017, Salisbury Uniting Church commissioned Khab Architects to design renovations and additions to the former Salisbury Methodist Church complex, allowing the parish office administration and the Uniting in Care Salisbury Agency to relocate into the complex. The brief included a 'redefined' entry, simplified circulation, kitchen, café, administration areas and a community support and distribution centre. A new partition wall and windows were also installed between the chapel and kindergarten, replacing a plain face brick wall. These works were undertaken during mid-2018.³⁷ Movable pews and fixed altar rails were removed from the chapel late in 2021 and the space was re-carpeted.



Former supper room prior to 2018 renovations, looking towards chapel

Source: Salisbury Uniting Church



Former hall prior to 2018 renovations, showing stage

Source: Salisbury Uniting Church

Summary of State Heritage Place: 26549 12 of 23

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Confirmed by the South Australian Heritage Council on [\[add date\]](#) (tbc)



Former Salisbury Methodist Church, 2 November 2023

Source: DEW Files

Chronology

Year	Event
1939	Salisbury is a small township.
1940	Federal Cabinet selects Penfield, just north of Salisbury, to build an explosives and filling factory.
1942	The Commonwealth Government builds 284 temporary timber-framed 'cabin homes' at Salisbury to house munitions workers.
1946	Former Penfield munitions factory becomes home to the Commonwealth Government's Long Range Weapons Establishment, in partnership with the United Kingdom Government.
1949	The South Australian Housing Trust (SAHT) begins developing a housing estate at Salisbury North to house Long Range Weapons Establishment workers, totalling 1,080 double-unit homes and housing 2,900 by 1952.
1953	January, the end of post-Second World War building restrictions heralds the beginning of a post-war church-building boom in South Australia. SAHT begins developing the 'New Town' of Elizabeth, laid out on farmland just north of Salisbury.

Summary of State Heritage Place: 26549 13 of 23

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Confirmed by the South Australian Heritage Council on [\[add date\]](#) (tbc)

- 1956 August, the Salisbury Methodist Church Trust (the Church Trust) begins formulating a master plan for the future development of the church premises in collaboration with architect Lance Brune.**
- 1957 May, Lance Brune presents preliminary plans to the Church Trust in two construction stages. The Trust notifies Brune they intend to proceed with the first stage.
- July, Salisbury Methodist Church launches 'A Challenge to Faith and Stewardship' fundraising campaign.**
- Late Last remaining 'Cabin homes' at Salisbury are removed or demolished.
- 1950s John Street has grown into a busy shopping precinct at the heart of suburban Salisbury, raising the value of property in the vicinity.
- 1958 SAHT begins developing the General Motors-Holden automotive plant (GMH) at Elizabeth.
- February, Salisbury Methodist Church monthly income increases to £1,019, up from £224 twelve months earlier.
- 1959 February, architect Lance Brune suggests that the Salisbury Methodist Church Trust consider starting afresh on a new site.**
- August, Church Trust asks Sir Shirley Williams Jeffries to negotiate with the Salisbury District Council on their behalf, with a view to purchasing land for a new church complex.**
- 1960 February, old Salisbury Methodist Church is sold to Wilkinson & Co for £15,320.**
- February, Church Trust purchases 11 building allotments on Park Terrace, Brown Terrace and Mawson Road from the District Council of Salisbury, for £3,300.**
- February, the population of Elizabeth surpasses 15,000.
- 11 May, Lance Brune's design for the new Salisbury Methodist Church is completed.**
- 2 July, site for new Salisbury Methodist Church is cleared by working bee.**
- 6 July, excavation for foundations of new Salisbury Methodist Church commences.**
- 12 July, the Church Trust accepts Marshall & Brougham's tender for £37,700 to build the new Salisbury Methodist Church complex.**
- 4 September, foundation stone of the new Salisbury Methodist Church is laid by Rev. Philip N. Potter.**

Summary of State Heritage Place: 26549 14 of 23
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- 1961 The Salisbury district is substantially 'urbanised'.
19 March, following the final service held in the old Salisbury Methodist Church, the new Salisbury Methodist Church is opened by Sir Shirley Jeffries.
- 1968 Methodist membership reaches its all-time peak, then enters a sharp decline.
- 1971 **1 April, a fire causes \$24,000 damage to the western side of the church. Damage is covered by insurance, which takes eight weeks to repair.**
20 June, re-dedication of Salisbury Methodist Church following the fire.
- 1977 22 June, the Australian branches of the Congregational, Methodist and Presbyterian churches merge to form the Uniting Church of Australia.
26 June, inauguration of Salisbury Uniting Church Parish.
- 1978 **25 June, extensions to Salisbury Methodist Church costing \$120,000 are opened by the Governor of South Australia, Keith Seaman.**
- 1979 Renovations comprising major alterations to the interior of original service and activity areas.
- 1980s Roof-mounted evaporative air-conditioning units installed on the western annexe and ducted into the chapel through the northern side of the A-frame roof.
- c.2017 Salisbury Uniting Church commissions Khab Architects to design renovations and additions to the former Salisbury Methodist Church complex.
- 2018 Renovations to the former Salisbury Methodist Church complex undertaken.
- 2021 December, pews are removed from the former Salisbury Methodist Church chapel.

References

Books and Chapters

- Gretchen Buggeln, *The Suburban Church: Modernism and Community in Postwar America* (2015) University of Minnesota Press
- H. John Lewis, *Salisbury South Australia: a history of town and district* (1980) Hawthorndene SA: Investigator Press for the Corporation of the City of Salisbury
- John L. Potter, *Little Para Pilgrims: a history of the Primitive Methodist, Wesleyan and Methodist Churches in Salisbury, South Australia* (1997) Salisbury SA: Salisbury and District Historical Society

Newspapers

- 'New Buildings for Salisbury' in *South Australian Methodist* 5 August 1960 p. 2

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Websites

Khab Architects, Salisbury Uniting Church: Revitalisation Project
<https://www.khab.com.au/salisbury-uniting-church>

Archival

Laying of the Foundation Stone of the Salisbury Methodist Church, Salisbury on Sunday. 4 September 1960 at 3.30pm (programme), State Library of South Australia

W. Lance Brune Pty Ltd, Specification of Erection of New Church Buildings for Naracoorte Church of Christ, May 1965, Ref. 38/64, held by Naracoorte Church of Christ

Salisbury Methodist Church Trust meeting minutes SRG4/163/4 SLSA

Salisbury Methodist Church, *A Challenge ...to Faith and Stewardship...* (November 1957), SRG4/163/4 SLSA

Marshall & Brougham Limited, Building Contractors, Statement of Account, 21 April 1961 SRG4/163/4 SLSA

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Confirmed by the South Australian Heritage Council on [add date] (tbc)

SITE DETAILS

Former Salisbury Methodist Church
59-61 Park Terrace, Salisbury

PLACE NO.: 26549

FORMER NAME:	Salisbury Methodist Church
DESCRIPTION OF PLACE:	Single-storey steel and brick A-frame church complex
DATE OF CONSTRUCTION:	
REGISTER STATUS:	Nominated 4 November 2021 Provisionally entered 7 December 2023
LOCAL HERITAGE STATUS:	
CURRENT USE:	Uniting Church place of worship 1977 – present
PREVIOUS USE(S):	Methodist place of worship 1961 – 1977
ARCHITECT:	W. Lance Brune, W. Lance Brune Pty Ltd 1960 – 1961
BUILDER:	Marshall & Brougham 1960 – 1961
LOCAL GOVERNMENT AREA:	City of Salisbury
LOCATION:	Street No.: 59-61 Street Name: Park Terrace Town/Suburb: Salisbury Post Code: 5108
LAND DESCRIPTION:	Title CT 5309/267 A86 FP 113781 Reference: Hundred: Yatala

Summary of State Heritage Place: 26549 17 of 23
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PHOTOS

Former Salisbury Methodist Church
59-61 Park Terrace, Salisbury

PLACE NO.: 26549

All images in this section are from DEW Files and were taken on 2 November 2023, unless otherwise indicated.



Front view



Eastern side showing A-frames and wing wall with sign (on right)

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PHOTOS

Former Salisbury Methodist Church
59-61 Park Terrace, Salisbury

PLACE NO.: 26549



East wing showing verandah and new door openings



West wing, former kindergarten and beginners' room

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PHOTOS

Former Salisbury Methodist Church
59-61 Park Terrace, Salisbury

PLACE NO.: 26549



View of chapel interior towards sanctuary



View of chapel interior towards entry

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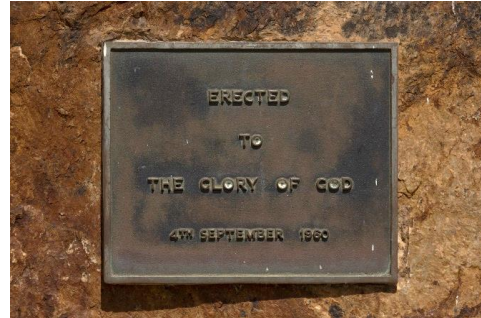
PHOTOS

Former Salisbury Methodist Church
59-61 Park Terrace, Salisbury

PLACE NO.: 26549



Foundation stone



Foundation stone plaque



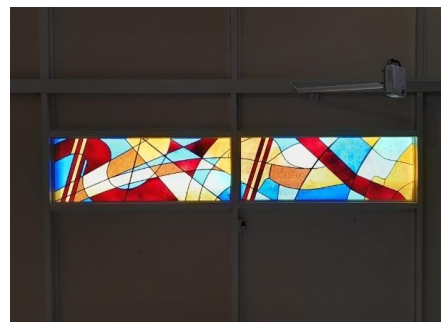
Glazed partition wall between foyer and chapel



Face brick in chapel



Memorial window (one of four) in chapel



Leadlight skylight in chapel ceiling

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PHOTOS

Former Salisbury Methodist Church
59-61 Park Terrace, Salisbury

PLACE NO.: 26549



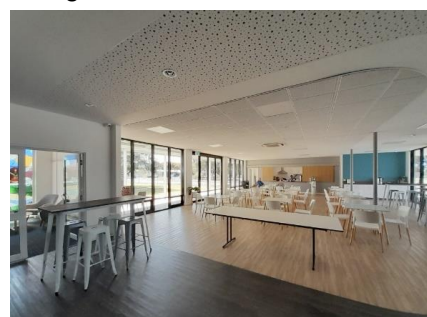
Light fittings in chapel



Leadlight window in former entrance hall



**2018 interior fitout, looking towards chapel
from former supper room**



**2018 interior fitout, looking away from chapel
into former supper room**



Rear view of complex showing 2018 extensions on right

Summary of State Heritage Place: 26549 22 of 23
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Confirmed by the South Australian Heritage Council on [\[add date\]](#) (tbc)

- ¹ H. John Lewis, *Salisbury South Australia: a history of town and district* (1980) Hawthorndene SA: Investigator Press for the Corporation of the City of Salisbury p. 73
- ² H. John Lewis, *Salisbury South Australia* p. 73
- ³ H. John Lewis, *Salisbury South Australia* p. 73
- ⁴ James L. Potter, *Little Para Pilgrims: a history of the Primitive Methodist, Wesleyan and Methodist Churches in Salisbury* (1997) Salisbury SA: Salisbury and District Historical Society p. 101
- ⁵ 'New Buildings for Salisbury' in *South Australian Methodist* 5 August 1960 p. 2
- ⁶ 'New Buildings for Salisbury'
- ⁷ Salisbury Methodist Church Trust meeting minutes 9 July 1957 p. 114 SRG4/163/4 SLSA
- ⁸ Salisbury Methodist Church, *A Challenge ...to Faith and Stewardship...* (November 1957), SRG4/163/4 SLSA
- ⁹ Salisbury Methodist Church Trust meeting minutes 25 February 1959 p. 143 SRG4/163/4 SLSA
- ¹⁰ Salisbury Methodist Church Trust meeting minutes 12 February 1958 p. 122 SRG4/163/4 SLSA
- ¹¹ Salisbury Methodist Church Trust meeting minutes 25 February 1959 p. 144 SRG4/163/4 SLSA
- ¹² Salisbury Methodist Church Trust meeting minutes 6 April 1959 p. 145; 24 June 1959 p. 148 SRG4/163/4 SLSA
- ¹³ Salisbury Methodist Church Trust meeting minutes 22 July 1959 p. 154 SRG4/163/4 SLSA
- ¹⁴ 'New Buildings for Salisbury'
- ¹⁵ 'New Buildings for Salisbury'
- ¹⁶ Salisbury Methodist Church Trust meeting minutes 12 August 1959 p. 156 SRG4/163/4 SLSA
- ¹⁷ 'New Buildings for Salisbury'
- ¹⁸ James L. Potter, *Little Para Pilgrims* p. 116
- ¹⁹ Salisbury Methodist Church Trust meeting minutes 17 September 1959 pp. 161-162 SRG4/163/4 SLSA
- ²⁰ Salisbury Methodist Church Trust meeting minutes 29 September 1959 p. 165; see also 12 August 1959 SRG4/163/4 SLSA
- ²¹ Marshall & Brougham Limited, Building Contractors, Statement of Account, 21 April 1961 SRG4/163/4 SLSA
- ²² Gretchen Buggeln, *The Suburban Church: Modernism and Community in Postwar America* (2015) University of Minnesota Press p. 117
- ²³ Salisbury Methodist Church Trust 15 February 1960 (typescript) SRG4/163/4 SLSA
- ²⁴ 'New Buildings for Salisbury'; Marshall & Brougham Limited, Building Contractors, Statement of Account, 21 April 1961 SRG4/163/4 SLSA; Salisbury Methodist Church Trust meeting minutes 8 June 1960 (typescript) SRG4/163/4 SLSA
- ²⁵ Salisbury Methodist Church Trust 19 July 1960 (typescript) SRG4/163/4 SLSA
- ²⁶ Marshall & Brougham Limited, Building Contractors, Statement of Account, 21 April 1961 SRG4/163/4 SLSA
- ²⁷ James L. Potter, *Little Para Pilgrims* p. 121
- ²⁸ 'New Buildings for Salisbury'
- ²⁹ James L. Potter, *Little Para Pilgrims* p. 121
- ³⁰ James L. Potter, *Little Para Pilgrims* p. 123
- ³¹ James L. Potter, *Little Para Pilgrims* p. 123
- ³² James L. Potter, *Little Para Pilgrims* pp. 129-131
- ³³ James L. Potter, *Little Para Pilgrims* pp. 140-141; p. 174
- ³⁴ James L. Potter, *Little Para Pilgrims* p. 142.
- ³⁵ James L. Potter, *Little Para Pilgrims* p. 137
- ³⁶ Aerial photography, ENV Maps
- ³⁷ Khab Architects, Salisbury Uniting Church: Revitalisation Project <https://www.khab.com.au/salisbury-uniting-church>

Summary of State Heritage Place: 26549 23 of 23

Provisionally entered by the South Australian Heritage Council on 7 December 2023

Confirmed by the South Australian Heritage Council on [add date] (tbc)

SA Heritage Register

Submission form

South Australian
HERITAGE COUNCIL

South Australian Heritage Council

Submission on whether the entry of **Former Salisbury Methodist Church** should be confirmed in the South Australian Heritage Register

The South Australian Heritage Council can only take into account heritage significance of a place as defined by the *Heritage Places Act 1993* (Act) when considering places for entry on the South Australian Heritage Register. Using the table below, please provide evidence or information to explain why you believe the place does or does not meet the criteria under the Act.

Criteria

Criteria under the <i>Heritage Places Act 1993</i> , section 16(1)	Provide evidence or other information why you believe criteria applies or does not apply to this place
(a) it demonstrates important aspects of the evolution or pattern of the State's history	
(b) it has rare, uncommon or endangered qualities that are of cultural significance	

Phone: +61 8 8124 4960 | Email: DEWheritage@sa.gov.au | Post: GPO Box 1047, Adelaide SA 5001
www.environment.sa.gov.au/topics/Heritage

SA Heritage Register

Submission form

South Australian
HERITAGE COUNCIL

(c) it may yield information that will contribute to an understanding of the State's history, including its natural history	
(d) it is an outstanding representative of a particular class of places of cultural significance	
(e) it demonstrates a high degree of creative, aesthetic or technical accomplishment or is an outstanding representative of particular construction techniques or design characteristics	
(f) it has strong cultural or spiritual associations for the community or a group within it	

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SA Heritage Register

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<p>(g) it has a special association with the life or work of a person or organisation or an event of historical importance</p>	
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Declaration

The South Australian Heritage Council is committed to transparency in relation to the listing process and wishes to enhance public confidence in the nomination, listing and decision-making process. The Council's policy is to make nominations for State heritage listing and submissions on provisional entries publicly available via webpage or to interested parties. The Council will adhere to the Privacy Principles and your name and personal details will not be released.

I/We, *[name]* wish to make a written representation regarding the provisional entry of **Former Salisbury Methodist Church**. The information I have provided is correct to my knowledge.

- ☐ I **support** the confirmation of this provisional entry
☐ I **do not support** the confirmation of this provisional entry

I do / I do not wish to appear personally before the Council to make oral representations.

Signature:

Date:

Please attach any relevant documents.

A heritage officer may contact you to discuss this submission.

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SA Heritage Register

Submission form

South Australian
HERITAGE COUNCIL

Please provide your contact details here:

Phone:

Email:

Address:

This form must be received by 5pm on **12 April 2024**.

Please return the completed form to:

Executive Officer

South Australian Heritage Council

GPO Box 1047

ADELAIDE SA 5001

Email: DEWHeritage@sa.gov.au

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South Australian HERITAGE COUNCIL

State Heritage Place - FACT SHEET

The contents of this fact sheet are relevant to owners of a State Heritage Place provisionally entered or confirmed in the South Australian Heritage Register (the Register) as a State Heritage Place under section 17(2) of the *Heritage Places Act 1993* (the Act).

Once provisionally entered the 'owner of land' and the place are immediately subject to the relevant provisions of the Act and the *Planning, Development and Infrastructure Act 2016*.

Ownership

Under the Act, 'owner of land' means:

- (a) *if the land is unalienated from the Crown—the Crown;*
- (b) *if the land is alienated from the Crown by grant in fee simple—the owner of the estate in fee simple;*
- (c) *if the land is held from the Crown by lease or licence—the lessee or licensee;*
- (d) *if the land is held from the Crown under an agreement to purchase—the person who has the right of purchase, and if the land is subject to a mining tenement a reference to the owner of the land extends to the holder of the tenement.*

Submissions, confirmations and removal of entries

Under section 18 of the Act, the owner of land has the right to make a **written** representation on whether the provisional entry should be confirmed in the Register. Your representation must address the relevant heritage significance criteria in section 16[1] of the Act.

Please note that the Act does not provide for the Council to consider the personal or commercial impacts of entering a place or object in the Register, only whether or not it has heritage significance as defined by the Act.

If you wish to make a representation, please use the enclosed Submission Form (**Attachment C**) and return the completed form to the **Executive Officer, South Australian Heritage Council, GPO Box 1047, Adelaide SA 5001** or email to DEWHeritage@sa.gov.au.

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GPO Box 1047, Adelaide SA 5001, Australia W: www.environment.sa.gov.au/topics/Heritage

The Submission Form must be received **within three months** of the date of the public notice. It may be supplemented with any additional information you consider appropriate. If you make a written representation, you may (under section 18(2) of the Act) also appear personally before the Council to present your view. Please indicate on the Submission Form if you would like to take up that opportunity.

Appeal Rights

Owners are advised that there are provisions for appeal under section 20 of the Act if, after the required consultation period, the Council makes a decision to confirm the entry in the Register. The provisions are as follows.

- (1) *If an owner of land constituting a place provisionally entered in the Register makes written representations to the [South Australian Heritage] Council with respect to that entry, the owner may, subject to this section, appeal to the Court against a decision to confirm or not to confirm the provisional entry.*
- (1a) *If an owner of an object provisionally entered in the Register makes written representations to the Council with respect to that entry, the owner may, subject to this section, appeal to the Court against a decision to confirm or not to confirm the provisional entry.*
- (1b) *No appeal lies under this section against the removal of a provisional entry at the direction of the Minister under this Division.*
- (2) *The appeal must be commenced within two months after notice is given of the decision under appeal or such longer period as the Court may allow.*
- (3) *On an appeal under this section, the Court may—*
 - (a) *confirm, vary or reverse a decision under appeal; and*
 - (b) *remit the matter to the Council for further consideration or for reconsideration; and*
 - (c) *make consequential or ancillary orders.*

Development advice – Planning, Development and Infrastructure Act 2016

State Heritage Places are subject to heritage provisions of the *Planning, Development and Infrastructure Act 2016*.

For any place, whether heritage listed or not, the *Planning, Development and Infrastructure Act 2016* requires that any 'development' must be approved by the relevant planning authority (usually the local council). For a State Heritage Place or a place within a State Heritage Area the definition of 'development' is expanded to include "the demolition, removal, conversion, alteration or painting of, or addition to, the place, or any other work that could materially affect the heritage value of the place" and the planning authority must refer the application to the Minister responsible for State Heritage for advice on potential impact of development on heritage significance of the place.

If you have a development approval for a project on your property, that was given prior to this provisional entry, **please note that this approval has now been superseded**. Please contact the relevant planning authority to obtain further advice.

To assist owners in caring for State Heritage Places, a heritage consultant can provide advice for any proposed conservation work or development.

To ensure that any proposals can be quickly processed, please contact Heritage South Australia on (08) 8124 4922 or DEW.StateHeritageDA@sa.gov.au **before** lodging plans with the relevant planning authority.

Special protection of designated State Heritage Places

Under Part 5 of the Act, special protection applies to State Heritage Places **designated** as places of archaeological, geological, palaeontological or speleological significance. A person must not, without a permit from the Council, excavate or disturb a State Heritage Place designated as a place of archaeological, geological, palaeontological or speleological significance or remove, damage, destroy or dispose of any archaeological, geological, palaeontological or speleological specimens from such a place.

Section 211 of the *Native Title Act 1993* (Commonwealth) allows for native title holders to continue to carry out activities in the exercise or enjoyment of their native title rights and interests for personal, domestic and non-commercial needs at the State heritage Place without requiring any permit under the *Heritage Places Act 1993*.

For more information on permits please visit http://www.environment.sa.gov.au/about-us/boards-and-committees/SA_Heritage_Council/Permits or contact the Council's Permit Officer on (08) 8124 4960.

Certified copy – *Heritage Places Act 1993* and *Heritage Regulations 2020*

Under Section 15(2) of the Act the Council must, on application by a member of the public, and payment of a fee fixed by the Regulations, provide the applicant with a certified copy of an entry in the Register. As at 1 July 2023 the Regulations set the fee as **\$39.75 AUS**.

State Heritage Grants

If you are planning a conservation project that will help to conserve or protect significant fabric or heritage values, you may be eligible to receive a Heritage Conservation Grant. For further details about the program visit <https://www.environment.sa.gov.au/topics/heritage/heritage-grants>

Contacts

To discuss the conservation of your heritage place with a Conservation Architect, phone (08) 8124 4922 or email DEW.StateHeritageDA@sa.gov.au

For general Heritage South Australia enquiries or questions relating to your heritage assessment phone (08) 8124 4960 or email DEWHeritage@sa.gov.au

The Department for Environment and Water website also has a number of valuable resources relating to conservation, such as technical guides, conservation management plans, FAQs and fact sheets for owners.

You can view it here:


<https://www.environment.sa.gov.au/topics/heritage/owning-a-heritage-place>

ITEM 1.1.3**POLICY AND PLANNING COMMITTEE****DATE** 19 February 2024**HEADING** Behavioural Management Policy**AUTHOR** Rudi Deco, Manager Governance, CEO and Governance**CITY PLAN LINKS** 1.3 People are valued and they feel safe, included and connected
4.3 The City of Salisbury is recognised as a great place to work
4.5 We engage meaningfully and our community is aware of Council initiatives**SUMMARY** Council resolved in December 2022 to establish a Working Group consisting of the Mayor, Deputy Mayor, Cr B Brug, the Chief Executive Officer and the Manager Governance to prepare recommendations to the Policy and Planning Committee on the Behavioural Management Policy and Support Policy, with input from Norman Waterhouse Lawyers. This report presents the Working Group's findings and proposed updated policy for consideration and adoption.**RECOMMENDATION**That Council:

1. Notes the Behavioural Management Policy Working Group met on 08/05/2023, 17/07/2023 and 20/11/2023 to review and consider recommendations on the Behavioural Management Policy, consistent with the December 2022 Council Resolution.
2. Adopts the updated Behavioural Management Policy (Attachment 1, Policy and Planning Committee, 19 February 2024, item no 1.1.3) with no additional Support Policy to be adopted, consistent with the recommendation from the Behaviour Management Policy Working Group.

ATTACHMENTS

This document should be read in conjunction with the following attachments:

1. Draft Behavioural Management Policy with track changes [↓](#) 

1. BACKGROUND

- 1.1 The LGA Model Behavioural Management Policy (Attachment 1, excluding track changes) applies to all councils until such time as Council adopts its own policy. Council must within 12 months after the conclusion of each periodic election review its Behavioural Management Policy.

- 1.2 To that effect, at its meeting on 19 December 2022, Council resolved to establish a Working Group consisting of the Mayor, Deputy Mayor Cr Buchanan, Cr B Brug, the Chief Executive Officer and the Manager Governance to review and prepare recommendations to the Policy and Planning Committee for consideration on Behavioural Management Policy and Support Policy, with input from Norman Waterhouse Lawyers.
- 1.3 At its meeting on 24 April 2023, and in accordance with the new section 75F of the *Local Government Act 1999*, Council noted that it needs to consider whether or not to adopt an Elected Member Behavioural *Support* Policy within 6 months after the conclusion of the November elections. Council resolved it will not adopt such Support Policy, in anticipation of the findings and recommendations of the Working Group which will further inform Council's future position.
- 1.4 A Behavioural Support Policy may:
 - (a) Specify directions relating to behaviour that must be observed by members of the Council.
 - (b) Set out guidelines relating to compliance by members with the behavioural standards and directions under paragraph (a).
 - (c) Include any other matter relating to behaviour of members considered appropriate by the Council.
- 1.5 A Behavioural Support Policy must not be inconsistent with the statutory Behavioural Standards for Council Members.

2. EXTERNAL CONSULTATION / COMMUNICATION

- 2.1 Norman Waterhouse Lawyers


3. DISCUSSION

- 3.1 The Behavioural Management Policy Working Group (Working Group) consisting of the Mayor, Deputy Mayor, Cr B Brug, the Chief Executive Officer and the Manager Governance met on 08/05/2023, 17/07/2023 and 20/11/2023 to review and consider recommendations on the Behavioural Management Policy, consistent with the December 2022 Council Resolution. Norman Waterhouse provided legal support and input, as per the Council resolution.
- 3.2 The Working Group unanimously agreed there is no additional value to be derived by having an additional *Support* Policy and that the Behavioural Management Policy on its own should suffice for the City of Salisbury.
- 3.3 The Working Group suggested a number of proposed amendments to the current LGA Model Behavioural Management Policy, based on the experiences and lessons learned from the first application of the complaint management process, with input from Norman Waterhouse.
- 3.4 The proposed changes are included as track changes to the current LGA Model Policy, within Attachment 1 and were distributed to the Working Group Members for further review and feedback, prior to this being presented to the Policy and Planning Committee.

- 3.5 Proposed changes bring in improved formatting and numbering within the policy, for ease of reference.
- 3.6 Other proposed amendments relate to complaint process and relevant roles and responsibilities associated with this process.

4. CONCLUSION

- 4.1 Council is asked to consider and adopt the updated Behavioural Management Policy (Attachment 1) with no additional Support Policy to be adopted, consistent with the recommendation from the Behavioural Management Policy Working Group and input from Norman Waterhouse Lawyers.
- 4.2 Attachment 1 highlights the proposed changes to the LGA Model Policy via track changes.



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Model Behavioural Management Policy. (As at 23/1/24)


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This model policy was developed in preparation for the commencement of the Behavioural Management Framework as part of the implementation of the Statutes Amendment (Local Government Review) Act 2021 and associated changes to the Local Government Act 1999 and endorsed by the LGA Board on 23 August 2022.

This resource has been prepared by the Local Government Association of SA (LGA) to assist councils with implementation of legislative changes arising from Local Government Reforms, incorporating advice from Norman Waterhouse Lawyers, for the guidance of and use by member councils.

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Foreword

This model policy document has been developed to assist councils with the implementation of reforms associated with behavioural management for council members, arising from the *Statutes Amendment (Local Government Review) Act 2021*.

All councils must adopt a Behavioural Management Policy relating to the management of behaviour of council members, including the process for receipt and management of a complaint received regarding the conduct of a council member.

Section 262B of the *Local Government Act 1999* (the Local Government Act) sets out a range of matters that must be included within the policy and requires that council review the operation of the Behavioural Management Policy within 12 months after the conclusion of each periodic election.

Legal Framework

There are four components to the Elected Member Behavioural Management Framework (BMF):

- Part 1 — The legislative framework within which all council members must operate.
- Part 2 — The Behavioural Standards for Council Members, determined by the Minister for Local Government (developed in consultation with the local government sector), which apply to all council members in South Australia.
- Part 3 — The mandatory *Behavioural Management Policy* relating to the management of behaviour of council members and adopted pursuant to section 262B of the Local Government Act.
- Part 4 — Optional *Behavioural Support Policy* (or policies), designed to support appropriate behaviour by council members and adopted pursuant to section 75F of the Local Government Act.

In addition, the Behavioural Standards Panel, an independent statutory authority comprising three members with powers to impose sanctions on council members who breach legislative and policy requirements has been established to assess and deal with matters referred to it.

LGA Mutual Liability Scheme and LGA Workers Compensation Scheme

In managing matters within the scope of the Behavioural Management Framework, councils must also adhere to the Local Government Association Mutual Liability Scheme (LGAMLS) and/or the Local Government Association Workers Compensation Scheme (LGAWCS) Rules. Where an incident, circumstance or matter occurs which may give rise to a claim, councils must provide notice to the LGAMLS and/or LGAWCS in accordance with the LGAMLS & LGAWCS Scheme Rules. The provision of early notice allows for adequate risk management and prevention strategies to be put in place so as to absolutely minimise risk.

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¹ Chapter 13, Part A1—Member Behaviour, Division 2—Behavioural Standards Panel, *Local Government Act 1999*



Commencement of Behavioural Management Framework

The provisions relevant to the Behavioural Management Framework are intended to commence immediately following the 2022 council periodic elections. At this time, the Behavioural Standards for Council Members will replace the former Code of Conduct for Council Members. At the same time, the investigative and disciplinary powers of the Behavioural Standards Panel will commence.

To support councils' compliance with the Behavioural Management Framework requirements, transitional provisions will be enacted which will deem the LGA's Model Policy as the Behavioural Management Policy for each council. At any time afterwards, councils can review their Behavioural Management Policy and determine any changes it may wish to make to the document.


The LGA Model Behavioural Management Policy was developed in consultation with Local Government Risk Services, the Office of Local Government and the LGA's *Legal Connect* partners, Norman Waterhouse Lawyers. The Model Policy sets the framework which is consistent with the legislative requirements. However, there are a range of matters within the Policy that councils may wish to customise to meet requirements specific to each council when consideration is given to changes to the Policy.

The LGA Model Behavioural Management Policy reflects the changes to the role of the principal member of council, set out in section 58 of the *Local Government Act 1999*. Consistent with the increased leadership obligations, the Policy assigns responsibility for the management of complaints to the Mayor (except in circumstances where the complaint relates to the conduct of the Mayor). Councils may determine and appoint an alternative person to be responsible for managing any complaints received in accordance with this Policy.

Councils are required to consider the adoption of a Behavioural Support Policy (or policies)² and the LGA has developed a model Behavioural Support Policy to assist with that consideration. Behavioural Support Policies are intended to support appropriate behaviours by members of the council and will assist with meeting obligations relating to leadership and positive and constructive working relationships as set out in sections 58 and 59 of the *Local Government Act*.

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² Section 75F(7) of the *Local Government Act 1999* requires councils, within six months after the conclusion of each periodic election to review the operation of existing Behavioural Support Policies, or consider whether it should adopt a Behavioural Support Policy.



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Behavioural Management Policy

Responsibility	Chief Executive Officer
Effective Adoption date	From the day on which section 147(6) of the Statutes Amendment (Local Government Review) Act 2021 comes into operation
Next review date	Refer to regulation 16 of the Local Government (Transitional Provisions) (Conduct) Amendment Regulations 2022
Applicable Legislation	Local Government Act 1999 s262B Local Government (Transitional Provisions) (Conduct) Amendment Regulations 2022

1. Purpose

1.1 This Behavioural Management Policy (this Policy) has been prepared and adopted pursuant to section 262B of the Local Government Act 1999 (the Local Government Act).

1.2 This Policy Behavioural Management Policy forms part of the Behavioural Management Framework for council members and sets out the approach to the management of complaints about the behaviour of council members. It sets out the process to be adopted followed where there has been a complaint n alleging ed a breach of the Behavioural Standards for Council Members, this Behavioural Management Policy Policy and/or or any Behavioural Support Policy adopted by the Council (the behavioural requirements).

2. Glossary

the Act – means the Local Government Act 1999

Behavioural Management Framework – comprises four components:

- The legislative framework within which all council members must operate;
- The Behavioural Standards for Council Members, determined by the Minister for Local Government, which apply to all council members in South Australia;
- The mandatory Behavioural Management Policy (this document) relating to the management of behaviour of council members and adopted pursuant to section 262B of the Local Government Act;
- Optional Behavioural Support Policy (or policies) designed to support appropriate behaviour by council members and adopted pursuant to section 75F of the Local Government Act.

behavioural Behavioural requirements Requirements – in this document Policy refers collectively and individually to the Behavioural Standards for Council Members, this Policy e Behavioural Management Policy and any Behavioural Support Policy ies adopted by the Council from time to time.

Behavioural Management Panel - means the Behavioural Management Panel established pursuant to section 262F of the Local Government Act 1999

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Behavioural Standards for Council Members – refers to the Behavioural Standards for Council Members established by the Minister for Local Government, and published as a notice in the SA Government Gazette, specifying standards of behaviour to be observed by members of councils; and providing for any other matter relating to behaviour of members of councils.

trivial – includes without limitation, a matter of little weight or importance, or lacking in seriousness.

GC Committee – means the Governance and Compliance Committee established by the Council pursuant to Section 41 of the Act.

misbehaviour – is defined in section 262E of the Act Local Government Act 1999 as:

- A failure by a member of a council to comply with a requirement of the council under section 262C(1); or
- A failure by a member of a council to comply with a provision of, or a requirement under, the council's behavioural management policy; or
- A failure by a member of a council to comply with an agreement reached following mediation, conciliation, arbitration or other dispute or conflict resolution conducted in relation to a complaint under Division 1

person responsible for managing the complaint means, subject to any resolution of the Council to the contrary –

- the Mayor;
- if the complaint relates to or involves the Mayor, the Deputy Mayor;
- if the complaint relates to or involves the Mayor and Deputy Mayor, the Chair of the Governance and Compliance Committee or another Council member appointed by Council.

PID Act – means the Public Interest Disclosure Act 2016.

repeated misbehaviour – is defined in section 262E of the Act Local Government Act 1999 as a second or subsequent failure by a member of a council to comply with Chapter 5 Part 4 Division 2, of the Act (Ch 5 – Members of council, Pt 4 – Member integrity and behaviour, Div 2 – Member behaviour)

serious misbehaviour – is defined in section 262E of the Act Local Government Act 1999 as a failure by a member of a council to comply with section 75G of the Act (Health and Safety duties)

trivial – includes without limitation, a matter of little worth or importance; that is trifling; or insignificant.

Vexatious – includes a matter raised without reasonable grounds or for the predominate purpose of causing annoyance, delay or detriment, or another wrongful purpose.

3. Principles


3.1 Nothing in this Policy is intended to prevent council members from seeking to resolve disputes and complaints in a proactive, positive and courteous manner before they are escalated.

3.2 The following principles will apply:

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3.2.1 • Where a Council member considers there has been behaviour that is inconsistent with the behavioural requirements, a Council member may, but is not required to, in appropriate circumstances, seek to respectfully and constructively raise this issue with the member concerned, rather than without the need to lodge a complaint under this Policy;

3.2.2 • If a matter proceeds to a complaint, all council members will continue to comply with the procedures set out in this Policy BMP Policy and support the person responsible for managing the complaint;

3.2.3 • A consistent and fair approach to the assessment, investigation and resolution of complaints will be adopted to facilitate timely and efficient resolution of complaints and minimisation of costs;

3.2.4 • Where required, Council may engage the assistance of skilled advisors and support persons in the assessment, investigation and resolution of complaints and avoid adopting an unreasonably legalistic approach.

3.2.5 • Ongoing training and relevant resources will be provided to all Council members to ensure they have the skills and knowledge necessary to perform their role in accordance with the behavioural requirements and the Local Government Act 1999 Act.

3.2.6 • Training and relevant support will be provided to persons with specific obligations under this Policy to facilitate the management, reporting and resolution of complaints alleging a breach of the behavioural requirements.

3.3 Council will manage complaints under this Policy with as little formality and technicality and with as much expedition as the requirements of the matter and the Act Local Government Act allow and with proper consideration of the matter. Council is not bound by rules of evidence but will inform itself in the manner considered most appropriate given the nature of the complaint.

4. The Complaint Management Process

4.1. Introduction

4.1.1 This Policy sets out the procedures for dealing with a complaint n allegation of a breach of the behavioural requirements applying to council members. This Policy ese procedures does not apply to complaints about council Council employees or the council Council as a whole.

A complaint made in accordance with this Policy must be lodged within 6 months of the behaviour that is inconsistent with the behavioural requirements occurring. A decision may be made to accept a complaint lodged more than 6 months after the behaviour that is inconsistent with the behavioural requirements occurring on a case-by-case basis, at the discretion of the person responsible for managing the complaint.

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4.1.2 ~~Community members of the public~~ can lodge a complaint with the Council in accordance with this Policy but cannot lodge a complaint directly with the Behavioural Standards Panel.

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4.12. Dispute versus Complaint

4.2.1 It is important to distinguish between a dispute and a complaint. A dispute is generally a difference of opinion or disagreement between two parties. It may involve a heated discussion or some other unsatisfactory exchange between parties but may not amount to conduct inconsistent with the behavioural requirements. Ideally disputes will be handled directly by the parties involved and will not escalate to a complaint requiring action (even informal action) under this Policy. The Mayor (or another person) may play a role in facilitating a resolution to a dispute.

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4.2.2 This Policy is intended to deal with matters where conduct is alleged to have been inconsistent with the behavioural requirements, rather than where members of council have differences of opinion, even when robustly put.

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4.23. Confidentiality

4.3.1 ~~Other than as provided for in this Policy, Complaints~~ made in accordance with this Policy will be managed on a confidential basis ~~as far as reasonably practicable~~ until such a time as they are ~~required to be~~ reported to Council in a public meeting in accordance with this Policy or are otherwise lawfully made public ~~or disclosed~~.

4.3.2 ~~A complainant may request their identity be withheld from the Council member the subject of their complaint and this request will be considered by the person responsible for managing the complaint who may determine that the complainant's identity will not be disclosed to the Council member the subject of the complaint. If the person responsible for managing the complaint determines it is necessary to disclose the complainant's identity to the Council member the subject of the complaint to ensure that the complaint can be properly investigated, the complainant will be advised before their identity is disclosed to the Council member.~~

4.3.3 If the person responsible for managing the complaint is unclear as to whether or not the complainant requests their identity not be disclosed to the Council member the subject of the complaint, clarification may be sought from the complainant.

4.3.4 The person responsible for managing the complaint will consult with, as relevant, the Mayor, the Deputy Mayor and the Chair and Deputy Chair of the GC Committee (unless the complaint involves one or more of those persons in which case such person(s) will not be consulted) before making a determination pursuant to paragraph 4.3.2 of this Policy.

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4.3.5 ~~Anonymous complaints will not be dealt with unless the person responsible for managing the complaint determines after consulting with, as relevant, the Mayor, Deputy Mayor and the Chair and Deputy Chair of the GC Committee that, in all the circumstances of the case, it is proper to deal with the complaint.~~

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Access to information relating to complaints and information about complaints may be disclosed to:

- will be limited to the parties to the complaint in accordance with this Policy; and
- those persons or bodies involved in the complaint management process as set out in this Policy or providing support or assistance to such persons or bodies;
- any other person or body the Council is authorised or required to disclose the information to;
- individuals with a responsibility within the complaint handling process or as otherwise provided for within this Policy.

4.3.6 A person who has access to obtains information about a complaint under this Policy (including the complainant and the person complained about) must not directly, or indirectly disclose to any person (including to a council member) that information except:

- For the purpose of dealing with the complaint;
- Where required by law;
- For the purpose of obtaining legal advice or legal representation, or medical or psychological assistance from a medical practitioner, psychologist or counsellor
- Where the disclosure is made to a person or body an external party involved in the complaint management process as set out in this Policy or providing support or assistance to such persons or bodies;

investigating the complaint, or mediator/conciliator engaged in accordance with this Policy

- Where the information has lawfully been made public in accordance with this Policy or this Policy otherwise authorises or requires the disclosure of the information.

This is not to be confused with formal consideration at a Council Meeting of any matter arising from application of this Policy. Items presented to Council must be assessed on a case-by-case basis in accordance with the requirements of section 90 of the Local Government Act 1999.

A complainant may request their identity be kept confidential from the person complained about. This does not constitute an anonymous complaint. The person responsible for managing the complaint will consider such requests on a case-by-case basis, having regard to any applicable legal requirements.

4.3.7 For the avoidance of doubt, this Policy is not intended to be inconsistent with the PID Act and to the extent of any inconsistency between the PID Act and this Policy, the PID Act will apply.

4.3.4. Stages of Action

4.4.1 This Policy has three distinct stages to the approach that will be taken to address manage complaints about the behaviour of Council Members alleging a breach of the behavioural requirements:

- **Part 1: Informal Action:** Where the matter can be resolved directly between the parties.

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- Part 2: Formal Action: Where the matter cannot be resolved using informal action and a formal process of consideration is required.
- Part 3: Referrals to the Behavioural Standards Panel: the circumstance under which ~~the Mayor, the Council or other authorised person(s) will make a referral~~ may be made to the Behavioural Standards Panel.

4.54. Part 1: Informal action

4.5.1 Council encourages informal resolution of concerns regarding behaviour alleged to be contrary to the behavioural requirements. A person may therefore consider raising the matter directly with the ~~council~~ Council member concerned rather than lodging a complaint.

4.5.2 Alternatively, a person may raise their concern with the Mayor on an informal basis rather than lodging a complaint. If the concerns relate to or involve the Mayor the person may raise the matter with the Deputy Mayor, ~~(if appointed)~~ or

3 — There are circumstances in the *Work Health and Safety Act 2012* where information must be disclosed, for example where the health and safety of an employee is at risk.

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— physical address as published on the Council's website.

- Provide the name of the ~~council~~ Council member who has allegedly breached the behavioural requirements, the name and contact details of the complainant including a postal address and an email address of the complainant, the name and contact details of the person submitting the complaint (if different to the complainant) including a postal address and an email address (if different to the complainant) and the name and contact details of any witnesses or other persons able to provide information about the complaint including a postal address and an email address if known to the complainant or person submitting the complaint (if different to the complainant).
- Be specific (including identifying the specific behavioural requirements the complainant alleges have been breached)
- Provide as much supporting evidence as possible to assist an investigation, including the grounds and circumstances of the complaint (e.g. where, when, impact of the behaviour, actions taken to try to resolve the issue, relevant records or documents)
- Identify the outcome being sought
 - be made within 3 months from the day on which the complainant first had notice of the matters alleged in the complaint unless the person responsible for managing the complaint determines that, in all the circumstances of the case, it is proper to deal with a complaint lodged after 3 months. A complainant will be presumed to have had notice of the matters alleged in the complaint at the time they might reasonably be expected to have had such notice.

Be lodged within six (6) months of the alleged conduct occurring on the basis that it is important to address alleged breaches of behavioural requirements in a timely manner (with discretion provided to the person responsible for managing the complaint to allow a longer time limit to apply in particular cases. This will be assessed on a case-by-case basis).

4.6.5.12. Receipt of a Complaint

4.6.2.1 This step is an administrative process undertaken by the Chief Executive Officer or nominee delegate:

- receipt
- initial acknowledgement
- record keeping; and
- allocation of the matter to the person responsible for managing the complaint.

4.6.2.2 The Chief Executive Officer or nominee CEO or delegate does not undertake an assessment of the merits of the complaint.

4.6.2.3 The Chief Executive Officer or nominee Receipt of the complaint will, as far as reasonably practical, be acknowledge receipt of a complaint within 2 business days or as soon as reasonably practicable and will provide a copy of this Policy will be provided to the person making the complaint complainant.

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4.6.2.4 ~~The complaint will be should be provided to the person responsible for managing the complaint for their consideration directed to the person responsible for managing the complaint in accordance with this Policy.~~

4.6.2.5 A complainant may withdraw their complaint at any stage.

4.6.3.2. Initial complaint assessment

4.6.3.1 ~~An initial assessment of a complaint is not an investigation of the complaint, or adjudication of a complaint and no findings as to the merits of the complaint will be made at this stage.~~

Step 1

4.6.3.2 ~~The person responsible for managing the complaint~~The person responsible for managing the complaint will undertake an initial assessment of the complaint to determine:

- ~~o whether the complaint relates to the behavioural requirements; and~~
- ~~o whether the alleged conduct as set out in the complaint appears to have occurred in the context of the Council member carrying out their official functions and duties; and~~
- ~~o the action to be taken with respect to the complaint.~~

4.6.3.3 ~~The person responsible for managing the complaint will consult with the Mayor, Deputy Mayor and the Chair and Deputy Chair of the GC Committee as relevant (unless the complaint involves one or more of those persons, in which case such person(s) will not be consulted). The person responsible for managing the complaint may have regard to will such matters as they consider appropriate in relation to the initial assessment of the complaint which may include undertake an assessment of:~~

- ~~o it to determine whether the content of the complaint relates to the behavioural requirements and whether the conduct occurred in the context of the council member carrying out their official functions and duties.~~

~~In undertaking the assessment, the person responsible for managing the complaint will have regard to the following matters:~~

- ~~• the views, if any, of the Mayor, Deputy Mayor and Chair and Deputy Chair of the GC Committee (if such persons were consulted);~~
- ~~• whether the person that is making the complaint (or on whose behalf the complaint has been made) has a sufficient personal interest in the matter raised in the complaint; (or on whose behalf the complaint has been made) has a sufficient interest in the matter~~
~~has a sufficient interest in the matter~~
- ~~• whether the complaint is trivial, frivolous or vexatious or not made in good faith;~~
- ~~• whether the complaint has been lodged with another authority;~~
- ~~• whether the subject matter of the complaint has been or is already being investigated by the Council or another body;~~

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- ~~it is unnecessary or unjustifiable for the Council to deal with the complaint~~
- ~~the council has dealt with the complaint adequately.~~

4. ~~The person responsible for managing the complaint will also have regard to whether the council has obligations to report the matter to either the Local Government Association Mutual Liability Scheme (LGAMLS) or the Local Government Association Workers Compensation Scheme (LGAWCS), pursuant to the Rules of those Schemes and council's agreement with those bodies.~~

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- ◆ ~~the complaint has been lodged with another authority~~
- ◆ ~~the subject matter of the complaint has been or is already being investigated by the Council or another body~~
- ◆ ~~it is unnecessary or unjustifiable for the Council to deal with the complaint~~
- ◆ ~~the council has dealt with the complaint adequately.~~

Step 2

If the person responsible for managing the complaint considers the matter warrants further consideration, the person complained about should be advised that a complaint has been received and is undergoing an initial assessment in accordance with this Policy. They should be provided a summary of the matter, at a sufficient level of detail, to understand the nature of the allegations and enable them to provide a preliminary response. This may be achieved by a discussion between the person responsible for managing the complaint and the person complained about, taking into account the principles of this Policy. The person complained about may have a support person present during any discussions.

The person complained about should be given a reasonable opportunity, but no more than ten business days, to provide a response to support the initial assessment. The person responsible for managing the complaint may provide a longer period of time for provision of a response at their discretion. The person responsible for managing the complaint should have regard to any response provided in determining the action resulting from the initial assessment.

4.6.4 Action from initial assessment

4.6.4.1 The person responsible for managing the complaint ~~Council Behavioural Panel~~ will determine what action will result from the initial assessment which may include:

- ~~Refusing to deal with the complaint or determining to take no further action; or~~
- ~~Referral to an alternative dispute or conflict resolution process; or~~
- ~~Referral to another person, body or agency; or~~
- ~~Formal consideration/investigation.~~

A matter may proceed to formal consideration under this Policy, unless there are grounds to take one of the following actions pursuant to section 262B(2)(b):

- ◆ ~~refusing to deal with the complaint~~
- ◆ ~~determining to take no further action~~
- ◆ ~~referring to an alternative resolution mechanism or to propose training for relevant parties (e.g. facilitated discussion, provision of training, mediation, arbitration, conflict resolution, etc.)~~
- ◆ ~~referring the matter to another body or agency (e.g., the Ombudsman SA or the Behavioural Standards Panel)~~

4.6.4.2 The complainant will be advised of the decision of the person responsible for managing the complaint following the initial assessment in writing as far as is

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permitted by law, outcome of the initial assessment will be advised to the complainant and person complained about in writing as far as is permitted by law.

4.6.4.3 Refusing to deal with the complaint/Determining to take no further action

(a) The person responsible for managing the complaint may refuse to deal with a complaint or determine to take no further action on a complaint if they consider that:

- the subject matter of the complaint is trivial; or
- the complaint is frivolous or vexatious or is not made in good faith; or
- the complainant or the person on whose behalf the complaint was made does not have a sufficient personal interest in the matter raised in the complaint; or
- having regard to all the circumstances of the case, it is unnecessary or unjustifiable for the Council to deal with or continue to deal with the complaint; or
- the subject matter of the complaint has been or is already being investigated, whether by the Council or another person or body; or
- the Council has dealt with the complaint adequately; or
- there are other good reasons why the Council should refuse to deal with the complaint or determine to take no further action on the complaint.

Where the person responsible for managing the complaint makes a decision not to proceed with formal consideration of the matter the following steps should be taken:

(b) Where the person responsible for managing the complaint determines not to deal with a complaint or to take no further action on a complaint on the ground that the subject matter of the complaint has been or is already being investigated, whether by the Council or another person or body, the complainant will be notified of the outcome of the investigation as far as the Council is able to.

(c) The complainant must be provided written reasons explaining for the decision to refuse to deal with the complaint or take no further action as far as the Council is able to.

(d) Notwithstanding that the person responsible for managing the complaint decides to refuse to deal with a complaint or decides to take no further action on a complaint, the Mayor (or Deputy Mayor if the complaint relates to the Mayor) may discuss the issues raised by the complaint with the Council member the subject of the complaint and for that purpose the Mayor or Deputy Mayor may disclose information about the complaint to the Council member except for the identity of the complainant if the person responsible for

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managing the complaint has determined not to disclose the complainant's identity.

- the person complained about should be provided with a brief summary of the complaint and the reasons for not proceeding.
- (e) • A record of these steps and the decision not to proceed should be made.

Whilst a matter may not proceed, the person responsible for managing the complaint may discuss the issues informally with the parties and identify strategies to build skills, facilitate positive relationship development and reduce the likelihood of repeat occurrences.

5 Section 27B(4a)(a)(i) of the Local Government Act 1999 precludes a review of a decision to refuse to deal with the complaint

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~~the complainant must be provided written reasons explaining the decision~~

~~the person complained about should be provided with a brief summary of the complaint and the reasons for not proceeding.~~

~~A record of these steps and the decision not to proceed should be made.~~

~~Whilst a matter may not proceed, the person responsible for managing the complaint may discuss the issues informally with the parties and identify strategies to build skills, facilitate positive relationship development and reduce the likelihood of repeat occurrences.~~

4.6.4.4 Decision to refer to alternative dispute to conflict resolution mechanism;

(a) The person responsible for managing the complaint may determine that the complaint could be dealt with by way of -person responsible for managing the complaint may form the view that the optimal way to deal with the complaint is to implement an alternative dispute or conflict resolution mechanism such as facilitated discussion, mediation, arbitration or, other dispute or conflict resolution mechanism subject to the complainant and the Council member the subject of the complaint agreeing to participate in such mechanism, or training.

(b) An alternative dispute or conflict resolution mechanism will be put to the complainant as the method of dealing with their complaint. If the complainant agrees to participate, the Council member the subject of the complaint will be notified that a complaint has been received, that the person responsible for managing the complaint has undertaken an initial assessment of the complaint and has determined that it could be dealt with by way of an alternative dispute or conflict resolution mechanism and seeking their views to that approach. The person responsible for managing the complaint should discuss the use of a proposed alternative resolution mechanism with the complainant and the person complained about to determine whether there is support for this approach.

(c) If the parties agree to participate in an alternative dispute or conflict resolution mechanism so, the person responsible for managing the complaint should request the the Chief Executive Officer will take steps to facilitate access to appropriate internal or external support (not being for the purposes of obtaining legal advice) for the parties to the complaint alternative dispute or conflict resolution mechanism. The Chief Executive Officer will not refuse any reasonable may refer a request for resources made in accordance with this Policy to the Council Behavioural Panel.

(d) The complainant and the person complained Council member the subject of the complaint about should be provided written confirmation of the alternative

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~~dispute or conflict resolution mechanism~~ ~~resolution mechanism~~ to be used for the purposes of ~~resolving~~ ~~dealing with~~ the complaint.

(e) ~~If the alternative dispute or conflict resolution mechanism does not resolve the complaint the matter will be reconsidered by the person responsible for managing the complaint who will determine what action to take in accordance with this Policy.~~

4.6.4.5 Decision to refer to another body or agency

(a) ~~The person responsible for managing the complaint may determine to refer the complaint Where the person responsible for managing the complaint makes a decision to refer the matter to another body or agency and in that case the person will follow any direction from that body or agency regarding the complaint including what information is to be provided to the complainant and the elected member complained about regarding the referral Council member the subject of the complaint.~~

4.6.4.6 Decision to proceed to formal consideration:

(a) ~~The person responsible for managing the complaint may determine that the complaint should proceed to Where the person responsible for managing the complaint makes a decision to proceed to formal consideration in which case, unless the person responsible for managing the complaint determines otherwise due to the particular circumstances of the complaint, the following steps should be taken, the Council member the subject of the complaint:~~

- ~~• will be advised that a complaint has been received;~~
- ~~• will be advised that an initial assessment of the complaint has been undertaken;~~
- ~~• will be advised that it has been determined that the complaint should be dealt with by way of formal consideration;~~
- ~~• person complained about should be provided with a copy of this Policy, contact details of the person responsible for managing the complaint and a summary document setting out;~~
- ~~• the Council member the subject of the complaint will be advised that a complaint has been received, that an initial assessment of the complaint determined that it should be dealt with by way of formal consideration. The Council member the subject of the complaint person complained about should be provided with a copy of this Policy, contact details of the person responsible for managing the complaint and a summary document setting out:~~
 - ~~- the specific provision(s) of the behavioural requirements alleged to have been breached; and~~
 - ~~- the circumstances where this breach is alleged to have occurred.~~

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(b) Alternatively if practicable, a copy of the complaint can be provided with the identity of the complainant redacted if the person responsible for managing the complaint has determined that the complainant's identity will not be disclosed to the Council member the subject of the complaint.

(c) In circumstances where the complainant has not requested their identity be kept confidential from the Council member the subject of the complaint, a copy of the complaint may be provided in full instead of the summary document.

6—Section 262D, Local Government Act 1999

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(d) the complainant should be advised of the decision ~~that the complaint be dealt with by way of formal consideration, to proceed and the contact details of the person responsible for managing the complaint.~~

4.56.35. Formal consideration

4.6.5.1 ~~Where the person responsible for managing the complaint determines that a complaint will a decision to proceed to formally~~
~~consider consideration, an external person or body will be engaged to~~
~~formally consider the complaint in accordance with this Policy. r the~~
~~complaint has been made the person responsible for managing the~~
~~complaint will determine how to proceed:~~

- The person responsible for managing the complaint may determine that they are the appropriate person to formally consider the complaint; or
- The person responsible for managing the complaint may determine to engage a third party to formally consider the complaint, for example:
 - an investigator who will report to the person responsible for managing the complaint; or
 - an external service provider with skills relevant to the matter who will report to the person responsible for managing the complaint.

If the person responsible for managing the complaint determines a third party should be ~~4.6.5.2~~ engaged, they will request ~~the Chief Executive Officer will~~
 to facilitate engagement of an appropriate service provider person or body. The CEO will not refuse any reasonable request for resources made in accordance with this Policy.

4.6.5.3 ~~The person responsible for managing~~ The complainant and the Council member the subject of the complaint will be advised of the engagement of the person or body to formally consider the complaint. The formal consideration of the complaint will include the principles of procedural fairness as well as the ability for the complaint will advise both the complainant and the Council member the subject of the complaint to person complained about that they are able to have a support person accompany them during discussions relating to the complaint.

4.6.5.4 ~~It is the expectation of Council that both the complainant and the Council member the subject of the complaint person complained about will cooperate with any such process for the formal consideration of the complaint to consider the complaint and, if requested, participate in meetings in a timely manner.~~

Failure by the elected member complained about to comply with this requirement may be taken into account when considering the actions to be taken under section 262B(2)(e) of the Local Government Act and may constitute grounds for referral to the Behavioural Standards Panel for misbehaviour.

4.6.5.5 ~~The formal consideration of a complaint may involve~~ Further consideration by the person responsible for managing the complaint (or the third party engaged), may (at the discretion of that person) involve:

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- ~~explore-discussing~~ the complaint with the complainant and the Council member the subject of the complaint; person who is the subject of the complaint
- speaking with other persons who have been nominated by the parties as persons who can assist the formal consideration; to have observed the behaviour
- speaking directly with witnesses to the alleged conduct the subject of the complaint~~complained about~~
- requesting the provision of information or documents from the complainant, the Council member the subject of the complaint or the Council relevant to the formal consideration investigation, which may include access to audio or video recordings of meetings where available.

4.6.5.6 During the formal consideration of a matter appropriate records should be kept by the person responsible for managing the complaint.

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4.56.64. Report

4.6.6.1 ~~The third party undertaking the formal consideration of a complaint person responsible for managing the complaint (or the third party engaged)~~ should ensure a draft or provisional report is prepared summarising the matter and setting out their findings, conclusions and recommendations. The report should set out:

- Allegations made in the complaint
- Summary of evidence to which the investigation had regard
- Findings
- Conclusions
- Recommendations

~~A report will generally include a recommended action for the parties to consider and/or participate in such as, but not limited to the imposition of sanctions as per the Local Government Act:~~

- ~~• discussions with parties to the complaint to seek agreement~~
- ~~• formal mediation if not already undertaken~~
- ~~• Conciliation~~
- ~~• Arbitration~~
- ~~• Education and further training~~

4.6.6.2 A copy of the draft or provisional report should be provided to the complainant and the Council member the subject of the complaint parties to the complaint who should be given a reasonable opportunity, ~~but no more than ten business days~~, to make submissions in relation to the draft or provisional report. ~~The person responsible for managing the complaint (or the third party engaged) may provide a longer period of time for lodgement of submissions to the draft report at their discretion. The person responsible for managing the complaint (or the third party engaged) should have regard to a~~Any submissions made by the parties within the time allowed will be taken into consideration in preparing a final report. A copy of the draft or provisional report should also be provided to the person responsible for managing the complaint.

4.6.6.3 Outcome – No breach found

(a) Where the finding is that no breach of the ~~behavioural requirements~~ has occurred a final report should be prepared by the third party undertaking the formal consideration of the complaint person responsible for managing the complaint (or third party engaged) and provided to the complainant, the Council member the subject of the complaint and ~~and the person complained about;~~ the person responsible for managing the complaint.

(b) The complaint, as far as practicable, will remain confidential in accordance with the requirements of this Policy, except at the request of the person complained about. If such a request is made, a copy of the final report will be tabled at the next

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practicable Council meeting. If no such request is received, no further action will be taken.

⁷ *Note that the complainant's identity may need to be redacted.*



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4.6.6.4 Outcome – agreed actions (breach found)

(a) Where the finding is that a breach of the behavioural requirements has occurred ~~the person responsible for managing the complaint may if they consider it appropriate request the and the complainant and Council member the subject of the complaint the person complained about agree seek to reach an agreement to a path for resolution and conclusion. If an agreement is reached,~~ that agreement will be documented including matters such as:

- actions to be undertaken
- responsibility for completing actions
- timeframes for completion of actions
- what will occur if there is a repeat of the behaviours complained about
- monitoring arrangements for completion of actions
- what will occur if the actions aren't completed
- confirmation that the matter is considered resolved

(b) The agreement reached will be made in writing, including a commitment by ~~the~~ parties to the complaint to abide by the agreement (which may be by electronic means). A copy of the agreement will be retained by each party and a copy held in Council records.

(c) The complaint will ~~as far as practicable~~ remain confidential in accordance with the requirements of this Policy except at the request of the person complained about. If such a request is made, a copy of the final report will be tabled at the next practicable Council meeting.. The matter must be reported in the Council's Annual Report which must contain the information required by the regulations.¹⁰

4.6.6.5 Outcome – no agreed action (breach found)

(a) Where the finding is that a breach of the behavioural requirements has occurred and ~~there is no agreement between the~~ parties to the complaint ~~either because this has not been an appropriate approach to resolve or conclude the matter or the parties~~ have failed to reach agreement, ~~as to the resolution of the matter a final report should be presented to Council for its consideration and determination. The person responsible for managing the complaint should request the CEO to include the final report in the Council Agenda as soon as practicable.~~

4.56.75. Actions of Council

4.6.7.1 ~~Where the parties are not able to agree on an approach to resolve the matter, the matter will be provided to Council for determine t~~~~The Council may~~ ~~he actions to be taken which may include:~~

- ~~takeing~~ no further action
- ~~passing~~ a censure motion in respect of the member;
- ~~requiring~~ the member to issue a public apology (in a manner determined by the Council)
- ~~requiring~~ the member to undertake a specified course of training or instruction;

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⁸—Where the conduct complained about is not raised by the person directly affected by the conduct it will usually be appropriate to discuss the proposed resolution with that person prior to finalising agreement. This is intended to apply in a circumstance where the 'victim' is not the complainant to provide them a reasonable opportunity to have input into the resolution.

⁹—Note that the complainant's identity may need to be redacted.

¹⁰—Schedule 4(1)(d), Local Government Act 1999

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- remove~~ed~~ or suspend~~d~~ the member~~s~~ion from one or more offices held in the member's capacity as a member of the Council or by virtue of being a member of the Council – but not the office of Member~~s~~ of the Council;

4.6.7.2 If Council determines to take action, a report on the matter must be considered at a meeting open to the public~~in~~.

4.6.7.3 Where Council determines to take no further action, the complainant will be provided with written reasons for the determination, advised of this along with reasons, which may include:

(a) the ground that, having regard to all the circumstances of the case, it is unnecessary or unjustifiable for the council to deal with or continue to deal with the complaint;

(b) the ground that the subject matter of the complaint has been or is already being investigated, whether by the council or another person or body; or

(c) the ground that the council has dealt with the complaint adequately.

In making a determination under section 262C(1) Council should be reasonably prescriptive about the manner and time periods in which the action must be completed. Section 262E defines a failure to comply with a requirement of the council under 262C(1) as 'misbehaviour' which may result in a referral to the Behavioural Standards Panel.

The matter must be reported in the Council's Annual Report which must contain the information required by the regulations.¹⁴

4.7.6. Behavioural Standards Panel

4.7.1 The Behavioural Standards Panel is an independent statutory authority consisting of three members and has powers to impose sanctions on council members who breach the behavioural requirements.

4.7.2 In accordance with section 262Q of the Act Local Government Act 1999 a complaint alleging misbehaviour, repeated misbehaviour or serious misbehaviour may be made to the Behavioural Standards Panel by certain persons as set out below. The Behavioural Standards Panel's jurisdiction arises in the circumstances set out below:

Legislative definition	Plain language explanation
<p>misbehaviour means—</p> <p>(a) a failure by a member of a council to comply with a requirement of the council under section 262C(1); or</p> <p>(b) a failure by a member of a council to comply with a provision of, or a requirement under, the council's behavioural management policy; or</p> <p>(c) a failure by a member of a council to</p>	<p>Misbehaviour means:</p> <p>(a) a council member fails to take the action required by council; or</p> <p>(b) a council member fails to comply with this policy; or</p>

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- ¹¹ Section 262C(2), *Local Government Act 1999*
¹² Schedule 4(1)(d), *Local Government Act 1999*

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comply with an agreement reached following mediation, conciliation, arbitration or other dispute or conflict resolution conducted in relation to a complaint under Division 1;	(c) a council member fails to comply with an agreement reached pursuant to this policy
repeated misbehaviour means a second or subsequent failure by a member of a council to comply with Chapter 5 Part 4 Division 2;	A second or subsequent breach of the behavioural requirements
serious misbehaviour means a failure by a member of a council to comply with section 75G.	A breach of health and safety duties (including sexual harassment) as set out in section 75G of the <i>Local Government Act 1999</i>

4.7.3 A complaint alleging misbehaviour, repeated misbehaviour or serious misbehaviour by a member of council may be referred to the Panel by¹³:

- A resolution of the council;
- the Mayor; or
- at least 3 members of the council
- Responsible person under 75G – direction not to attend meeting.

4.7.4 Behavioural Standards Panel Contact Officer

4.7.4.1 Council must appoint a person as the contact officer for matters referred to the Behavioural Standards Panel. The contact officer is responsible for the provision of information to and receipt of notice from the Behavioural Standards Panel.

5. Responsibilities

5.1 ~~The Mayor, Deputy Mayor (if appointed) or other council member appointed by the council~~ as the person responsible for managing complaints is responsible under this Policy to:

- ~~perform~~ the tasks bestowed upon the person responsible for dealing with a complaint pursuant to this Policy;
- ~~in~~ consultation with the ~~CEO~~Chief Executive Officer, facilitate access to resources to support impacted parties and resolve the concerns raised in a timely manner prior to the matter becoming serious, or escalating to a formal complaint;
- ~~in~~ consultation with the ~~CEO~~Chief Executive Officer, engage external resources to assist with investigation and resolution of matters.

5.2 ~~The Chief Executive Officer~~ (or delegate) is responsible under this Policy to:


¹³ Section 262Q, Local Government Act 1999

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- manage the administrative receipt, acknowledgement, record keeping and allocation of a complaint lodged in accordance with this Policy
- facilitate access to external resources to support the resolution of complaints lodged in accordance with this Policy.

5.3 The Behavioural Standards Panel Contact Officer (appointed by the ~~council~~Council) is responsible under this Policy to:

- comply with any lawful request of the Panel for information related to a matter under consideration;
- ~~Receive~~receive and respond to notices relating to matters under consideration by the Panel.

5.4 Where the Behavioural Standards Panel Contact Officer is not the ~~Chief Executive Officer~~CEO, the Contact Officer should keep the ~~Chief Executive Officer~~CEO informed of the status of matters under consideration by the Panel.

6. Related Legislation

Independent Commission Against Corruption Act 2012

Local Government Act 1999

Ombudsman Act 1972

Public Interest Disclosure Act 2018

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