NOTICE OF ORDINARY COUNCIL MEETING

Notice is hereby given that the next **ORDINARY COUNCIL MEETING** will be held in the Council Office Boardroom, 6-8 Richardson Place, Roxby Downs on **WEDNESDAY 29 APRIL 2020** commencing at **4.00pm**.

A copy of the Agenda for the above meeting is attached to this notice.

Due to COVID-19 response restrictions on social distancing, public gatherings and non-essential travel the following will apply to the normal Council Meeting format:

1. Council’s Administrator Mr Geoff Whitbread will attend and conduct the meeting by teleconference.
2. Members of the public may attend the meeting. However, a restriction on numbers present will apply in accordance with the SA Police Commissioner’s declaration.

The minutes of this meeting will be available to the public and published on the Council website no later than 4pm Friday 1 May 2020.

Any comments or questions regarding the agenda items for this meeting can be emailed to roxby@roxbycouncil.com.au

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Roy Blight
Chief Executive

24 April 2020
AGENDA

Meeting
MUNICIPAL COUNCIL OF ROXBY DOWNS

Meeting Date & Time
Ordinary Council Meeting
Wednesday 29 April 2020 at 4.00pm. Members of the public may attend. However a restriction on numbers present will apply in accordance with the SA Police Commissioner’s Declaration.

Location
Council Office Boardroom, 6-8 Richardson Place, Roxby Downs

1. Opening Statement
I wish to acknowledge the Kokatha peoples, the traditional owners of the land on which we meet today and pay my respect to their Elders past and present and extend that respect to other Aboriginal and Torres Strait Islander people who may be present today.

2. Confirmation of Minutes of the Previous Meeting
That the Minutes of the Council Meeting held on 25 March 2020 be confirmed as a true and accurate record of proceedings.

3. Adoption of Council Resolutions
3.1 Meeting Procedures and Practices
3.2 Public Access and Public Consultation Notice (No2) 2020
3.3 Policy Review – Mobile Food Vendors

4. Reports for Information
4.1 Coronavirus (COVID-19) Update
4.2 Local Government Functional Support Group – COVID-19 Local Compliance Plan
4.3 Grants Register

5. Community Presentations, Petitions and Deputations
Nil

6. Next Meeting
The next Ordinary Council Meeting is scheduled for 27 May 2020 at 4.00pm - Council Office Boardroom, 6-8 Richardson Place, Roxby Downs, unless advised otherwise, by notice on the Council’s website.

7. Closure
MINUTES

Meeting Date & Time: Wednesday 25 March 2020 at 4:00pm
Location: Via Teleconference

Present: Geoff Whitbread (Administrator)
Roy Blight (Chief Executive), Michelle Hales (Group Manager Governance & Community), Stuart Edwards (Group Manager Essential Services & Assets), Drew Ellis (Group Manager Corporate Services), Paul McInerney (Group Manager Lifestyle & Sport)
Minute – Kerrie Thomas (Executive Support)

Apologies: No apologies

1. Council Opening

Due to the current COVID-19 pandemic threat the Council Meeting was held via teleconference.

The meeting commenced at 4:00pm.

Mr Whitbread acknowledged the Kokatha peoples, the traditional owners of the land on which we meet today and paid respect to their Elders past and present and extended that respect to other Aboriginal and Torres Strait Islander people who may be present today.

2. Confirmation of Minutes of the Previous Meeting

RESOLVED: The Minutes of the Council Meeting held on 26 February 2020 are confirmed as a true and accurate record of proceedings.

3. Council Business

3.1 2020-2021 Draft Budget Assumptions

PURPOSE: For Council to consider the initial assumptions shaping the preparation of the 2020-2021 budget, and to serve as a planning document for the budget process that is ongoing.

RESOLVED: That in light of the Covid-19 pandemic threat Council notes and accepts the advice in the report but recognises amendment may need to be made and approved as a result of the impacts caused through the current health threat.

3.2 2020-2021 Budget Development Timeline

PURPOSE: To consider a development timeline for the 2020-2021 Annual Business Plan and Budget.

RESOLVED: That in light of the Covid-19 pandemic threat Council notes and accepts the timetable appended to the report but recognises amendment may need to be made and approved as a result of the impacts caused through the current health threat.
3.3 Appointment of Fire Prevention Officer

PURPOSE: To consider the appointment of a Fire Prevention Officer under the Fire and Emergency Services Act 2005.

RESOLVED: That Council:

1. Endorses the addition to the Authorised Person register of Dale Vincent Moore as Fire Prevention Officer.
2. Requests the Chief Executive to authorise the amendments and additions to the Authorised Person register as denoted in the chart in the report.

3.4 Policy Review – Recycled Water Policy

PURPOSE: To consider the review of the Recycled Water Policy.

RESOLVED: That Council adopts the revised Recycled Water Policy and publishes it on the Council’s website.

3.5 Policy Review – Vehicle Policy

PURPOSE: To consider the review of the Vehicle Policy.

RESOLVED: That Council adopts the revised Vehicle Policy and publishes it on the Council’s website.

3.6 Policy Review – Waste Collection Policy

PURPOSE: To consider the review of the Waste Collection Policy.

RESOLVED: That Council adopts the revised Waste Collection Policy and publishes it on the Council’s website.

3.7 New Policy – Cemetery Management Policy

PURPOSE: To introduce a new policy to Council – Cemetery Management Policy

RESOLVED: That Council approves and adopts the Cemetery Management Policy and publishes it on Council’s website.

3.8 Community Radio 105.5 RoxFM – Annual Grant

PURPOSE: To consider the Community Radio 105.5 RoxFM Incorporated (“RoxFM”) report of annual activities for 2018/2019 and to consider an application for an operating grant of $10,000.00 for 2019/2020 towards the running costs of the community radio station.

RESOLVED: That Council:

1. Notes the RoxFM report for the period 1 July 2018 to 31 December 2019
2. Approves a grant of $10,000.00 to RoxFM for FY 2019/2020 subject to the Chief Executive being reasonably satisfied the 5 year Business Plan is achievable.

4. Reports for Information

RESOLVED: The Council receive and notes the following reports:
Chief Executive Report
Development Application Decisions under Delegations

The Chief Executive presented a late report advising of actions to date of Council’s Response to the COVID-19 pandemic threat.

Council received and noted the report and any actions taken endorsed. Council requested the Administrator be regularly informed of actions taken by the Chief Executive in response to COVID-19 as it affects any of the operations of the Council, it’s responsibilities and the community generally.

5. Community Presentations, Petitions and Deputations

Nil

6. Next Meeting

The next Ordinary Council Meeting for the Municipal Council of Roxby Downs is scheduled for Wednesday 29 April 2020 at 4:00 pm - Council Office Boardroom, 6-8 Richardson Place, Roxby Downs, unless advised otherwise, by notice on the Council’s website.

7. Closure

The meeting closed at 4:20pm.

Geoff Whitbread
Administrator
29 April 2020
REPORT FOR ORDINARY COUNCIL MEETING

Meeting Date: 29 April 2020
Title of Report: Meeting Procedures and Practices

1. Purpose

To consider a new Code of Practice for Meeting Procedures and Code of Practice for Access to Meetings. These new Codes have been amended to reflect the provisions of the Public Health Emergency: Electronic Participation in Council Meetings Notice No.1.

2. Recommendation

That Council:

1. Adopts a Code of Practice for Meeting Procedures which includes temporary amendments in accordance with Public Health Emergency: Electronic Participation in Council Meetings Notice No. 1
2. Adopts a Code of Practice for Access to Meetings which includes temporary amendments in accordance with Public Health Emergency: Electronic Participation in Council Meetings Notice No. 1
3. Determines that, as from and including 29 April 2020, (and until further notice), meetings of the Council may take place by electronic means via a telephone conference call.
4. That the abovementioned Codes be published on the Council’s website.

3. Background

On 15 March 2020 the South Australian Government declared, pursuant to Section 87 of the South Australian Public Health Act 2011, a public health emergency in South Australia in relation to the COVID-19 pandemic.

On 30 March 2020 the Minister for Transport, Infrastructure and Local Government issued a notice pursuant to Section 302B of the Local Government Act 1999 (Notice No.1) which varied or suspended the operation of specified provisions of the Local Government Act 1999. This Notice was published in the SA Government Gazette on 31 March 2020.

The COVID-19 pandemic response has necessitated changes to normal operations including how meetings are conducted in line with social distancing protocols, non-essential travel and gatherings of people.

Notice No. 1 (Electronic Participation in Council Meetings Notice (No 1) 2020) is an emergency variation to the Local Government Act 1999 and Local Government (Procedures at Meetings) Regulations 2013. The Notice enables council meetings to be conducted by electronic means.

4. Discussion

Pursuant to section 23 (3) of the Roxby Downs Indenture Ratification Act Council does not have an elected member body. In lieu, an Administrator is appointed by the State Government who has all the powers, functions and duties of a council. Council meetings are currently conducted at the Council Office Boardroom, 6-8 Richardson Place, Roxby Downs by the Administrator in the presence of Council staff and the general public.

Meetings of the Council are open for attendance by members of the public.
Notice No.1 applies specifically to participation of Elected Members in council meetings by electronic means. Although this is not relevant for the Municipal Council of Roxby Downs there is a need for the Administrator to be able to conduct council meetings by electronic means and to satisfy the requirement of section 90 (1) of the Local Government Act that a meeting must be conducted in a place open to the public. For the time being this will be conducted by teleconference format to the meeting room at Council’s principal office.

A Code of Practice for Meeting Procedures and a Code of Practice for Access to Meetings has been drafted to reflect these unique circumstances. These draft Codes also include temporary amendments to reflect the provisions of Notice No.1. These temporary provisions include matters relating to public notice of meetings, public access to agendas and minutes of meetings and live streaming or recording of council meetings.

The following sections of the Local Government (Procedure at Meetings) Regulations 2013 have not been included in the Code of Practice for Meeting Procedures as they are not applicable.

- Quorum
- Questions (from Elected Members)
- Motions (from Elected Members)
- Amendments to Motions (by Elected Members)
- Variations to Motions (by Elected Members)
- Addresses by Elected Members
- Voting
- Divisions
- Tabling of Information (by Elected Members)

The Code of Practice for Access to Meetings does not include references to informal gatherings as they are not applicable.

All variations issued under the Electronic Participation in Council Meetings Notice (No 1) 2020 are temporary and will cease to apply 28 days after all relevant State major emergency declarations end.

5. Policy Implications

5.1 Financial/Budget

The cost of implementation of electronic access will be absorbed within existing IT budgets as Council already has the technology to be able to deliver these changes.

5.2 Resources

Support from IT staff may be required to ensure technology runs smoothly.

5.3 Legal and Risk Management

The temporary amendments to the Codes of Practice ensures that Council is meeting legislative responsibilities during the public health emergency. The amendments will only apply for the period in which Notice No. 1 has effect.

6. Report Consultation

This report is based on guidance provided by the Local Government Association (Circular 14.4).

It was also prepared following reference to the COVID19 Explanatory Paper Electronic Participation in Council Meetings Notice (No.1) published by the Local Government Association.

7. Attachments

- Code of Practice for Meeting Procedures
- Code of Practice for Access to Meetings
8. **Report Authorisers**

   Michelle Hales  
   Group Manager Governance and Community
Code of Practice for Council and Council Committee Meeting Procedures

Public Health Emergency: Electronic Participation in Council Meetings

On 15 March 2020, the Chief Executive of the Department for Health and Wellbeing in the State of South Australia, pursuant to section 87 of the South Australian Public Health Act 2011, declared that an emergency which threatens to cause the death of, or injury or other damage to the health of any person is occurring or about to occur in relation to the transmission of COVID-19, and declared the emergency to be a public health emergency.

On 22 March 2020, the State Co-ordinator for the State of South Australia declared, pursuant to section 23 of the Emergency Management Act 2004, that a Major Emergency is occurring in respect of the outbreak of the Human Disease named COVID-19 within South Australia.

On 30 March 2020 the Minister for Transport, Infrastructure and Local Government issued a notice pursuant to section 302B of the Local Government Act 1999 (Notice No 1) varying or suspending the operation of the specified provisions of the Local Government Act 1999 as set out in Schedule 1 to Notice No 1. Notice No 1 commenced operation on 31 March 2020.

For the period Notice No 1 has effect (as provided for in Notice No 1), this Code of Practice is altered as set out below and those alterations have effect notwithstanding any other provision in this Code of Practice to the contrary.

For the avoidance of doubt, save for the alterations to the Code of Practice as set out below, this Code of Practice otherwise applies to all meetings of the Council.
1. PURPOSE

The purpose of this Code is to establish a consistent approach and provide clear expectations for Council employees, residents, ratepayers and guests regarding the order of business (Agenda style and format), procedures and conduct of Council meetings. This Code will be used to assist in achieving Council’s objective to ensure governance systems are open and transparent to all stakeholders.

The Code complements and is applied in conjunction with the prescribed procedures set out in the Local Government Act 1999 and the Local Government (Procedures at Meetings) Regulations 2013 except where Council has, in accordance with Regulation 6, chosen to vary the application of the Regulations. This Code applies to all ordinary and special meetings of Council and the Audit Committee.

2. CODE

2.1 Introduction

The Regulations allow a Council to add or vary certain provisions to meeting procedures by adopting a Code of Practice for its Council meetings. Council follows the rules and procedures outlined in the:

- Local Government Act 1999 (Chapter 6)
- Local Government (Procedure at Meetings) Regulations 2013
- Code of Practice for Meeting Procedures

Council welcomes and encourages the attendance of the public at all meetings, unless a specific confidential order applies. This Code is to be read in conjunction with Council’s Code of Practice - Access to Council and Committee Meetings and Documents.

2.2 Guiding Principles (Regulation 4)

<table>
<thead>
<tr>
<th>Legislation</th>
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<tbody>
<tr>
<td>The following principles (the Guiding Principles) should be applied with respect to the procedures to be observed at a meeting of a council:</td>
</tr>
<tr>
<td>• Procedures should be fair and contribute to open, transparent and informed decision-making</td>
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<tr>
<td>• Procedures should encourage appropriate community participation in the affairs of the council</td>
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<tr>
<td>• Procedures should reflect levels of formality appropriate to the nature and scope of responsibilities exercised at the meeting</td>
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<tr>
<td>• Procedures should be sufficiently certain to give the community and decision-makers confidence in the deliberations undertaken at the meeting.</td>
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</table>
2.3 Agenda and Order of Business

Council will have a standard template Agenda for all Council and Council Committee meetings. This template will be subject to compliance with the Act, Regulations and this Code. The template Agenda for ordinary and special meetings is provided in Attachment 1. This template may be varied by the Chief Executive as required.

A full copy of the notice, agenda and reports will be available from Council’s website (www.roxbydowns.sa.gov.au).

The order of agenda items may be varied by the Administrator in consideration of the needs of the public, employees, consultants, individual members or any person making a deputation, presentation or participating in the public forum.

2.4 Procedures of Agenda Items at a Meeting

2.4.1 Welcome

The Administrator or, in the case of a Council Committee, the Presiding Member will welcome those in attendance.

2.4.2 Acknowledgement of Country Statement

An Acknowledgement of Country is a way of showing respect and an awareness of Aboriginal and Torres Strait Islander owners of the land on which a meeting or event is being held, and of recognising the continuing connection of Aboriginal and Torres Strait Islander peoples to their Country.

For meetings held in Roxby Downs:

“I would like to acknowledge the Kokatha peoples, the traditional owners of the land on which we meet today and pay my respect to the Elders past and present and extend that respect to other Aboriginal and Torres Strait Islander people who are present today”.

For meetings held in Adelaide:

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

2.4.3 Brief Statement to Public Gallery (if members of public are present)

Where a number of members of the public are present, the Administrator may advise that while the public are encouraged and are welcome to attend, that Council are formal meetings that are subject to specific meeting procedures. This means that there are designated sections of the meeting (e.g. Public Forum and Deputations) where members of the public can directly interact in the meeting, with the remainder of the meeting only providing the public with an opportunity to listen to the meeting proceedings in an observer role. As this is undertaken for information purposes only, no record will be made in the Minutes in relation to this matter.
2.4.4 Officers in Attendance, Public Gallery and Media Present

A record is to be taken of those employees present at the meeting, their name and position and these details are to be recorded in the Minutes.

2.4.5 Confirmation of Minutes of the Previous Meeting

<table>
<thead>
<tr>
<th>Legislation - Regulation 8</th>
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<tbody>
<tr>
<td>(1) The minutes of the proceedings at a meeting must be submitted for confirmation at the next meeting or, if that is omitted, a subsequent meeting.</td>
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<tr>
<td>(2) No discussion on the minutes may occur before confirmation, except as to the accuracy of the minutes as a record of proceedings.</td>
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<tr>
<td>(3) On the confirmation of the minutes, the presiding member will –</td>
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<tr>
<td>(a) Initial each page of the minutes, which pages are to be consecutively numbered; and</td>
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<tr>
<td>(b) Place his or her signature and the date of confirmation at the foot of the last page of the minutes.</td>
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2.4.6 Deputations

<table>
<thead>
<tr>
<th>Legislation - Regulations 11</th>
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<tbody>
<tr>
<td>(1) A person or persons wishing to appear as a deputation at a meeting must deliver (to the principal office of the council) a written request to the council.</td>
</tr>
<tr>
<td>(2) The Chief Executive must transmit a request received under subregulation (1) to the Administrator</td>
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<tr>
<td>(3) The Administrator may refuse to allow the deputation to appear at a meeting.</td>
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<tr>
<td>(4) The Chief Executive must take reasonable steps to ensure that the person or persons who requested a deputation are informed of the outcome of the request.</td>
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<tr>
<td>(5) If the Administrator refuses to allow a deputation to appear at a meeting, the Administrator must report the decision to the next meeting of the council</td>
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</table>

A person or persons wishing to appear as a deputation at a meeting must deliver (to the Council by means determined by the Chief Executive as set out below) a written request on the Deputation Request Form at least 7 days before the Council meeting at which they wish to speak. This form can be lodged at the Council via:

Reception: 6-8 Richardson Place, Roxby Downs, SA 5725
Mail: PO Box 124, Roxby Downs SA 5725
Email: roxby@roxbycouncil.com.au

The Administrator will determine whether or not the deputation is allowed. If consent for a deputation is refused the Administrator will report that fact at the next Council meeting.

Deputation Guidelines have been developed to identify how deputations will be managed, including that deputations are to be received within a timeframe that allows for gaining approval from the Administrator.

If the deputation does not relate to a matter of business on the Agenda, then the written request must be received by Council administration at least seven (7) days prior to the meeting for which the deputation is
being requested, prior to the deadline for preparing the Agenda.

Deputation requests must include sufficient information regarding the issue and indicate the preferred meeting where the deputation is to be heard. The topic must be clearly stated and must be relevant to the matters for which Council has responsibility.

A person or persons wishing to appear as a deputation at a meeting may appear by electronic means.

The Chief Executive will (with respect to a request that has not been refused), when informing the person or persons who requested the deputation the outcome of their request, indicate the method by which the person or persons are to appear at the meeting.

Whether or not a deputation may be allowed or refused is to be determined on a case by case basis. In determining whether a deputation is allowed, the following considerations will be taken into account:

- The subject matter of the proposed deputation
- Whether the subject is within the jurisdiction of the Council
- Relevance to the Agenda of the meeting nominated
- The size and extent of the Agenda for the particular meeting

A Deputation is generally to be restricted to a maximum of 10 minutes (unless otherwise agreed with the Administrator). The Administrator has the authority to terminate any deputation at any time where it fails to conform to the Deputation Guidelines or any other reasonable request of the Administrator.

The Minutes of the meeting will include a record of the name of the individual making a deputation and a brief description on the nature of the matter being discussed.

2.4.7 Petitions

A petition is a document containing the names, signatures and addresses of a group of people who have a common issue of concern to refer to Council for its consideration.

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<thead>
<tr>
<th>Legislation - Regulations 10 Subregulation (2)</th>
<th>varied by Council</th>
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<tbody>
<tr>
<td>(1) A petition to the council must –</td>
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<tr>
<td>(a) Be legibly written or typed or printed; and</td>
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<tr>
<td>(b) Clearly set out the request or submission of the petitioners; and</td>
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<tr>
<td>(c) Include the name and address of each person who signed or endorsed the petition; and</td>
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<tr>
<td>(d) Be addressed to the council and delivered to the principal office of the council</td>
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<tr>
<td>(2) If a petition is received under subregulation (1), the Chief Executive must ensure that the petition or, if the council has so determined as a policy of the council, a statement as to the nature of the request or submission and the number of signatures or the number of persons endorsing the petition, is placed on the agenda for the next ordinary meeting of the council or, if so provided by a policy of the council.</td>
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<tr>
<td>(3) Subregulation (2) may be varied at the discretion of the council pursuant to regulation 6.</td>
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</table>

A petition template is available for downloading via Council’s website. This template can be used to complete the details and to distribute to the community for signatures.
A petition must be addressed to the Council and delivered with a covering letter detailing the name, address and contact details of the head petitioner(s) to whom the Council can address correspondence. This must be received at least 7 day clear days prior to the Council meeting, via:

Reception: 6-8 Richardson Place; or
Mail: PO Box 124, Roxby Downs SA 5725; or
Email: roxby@roxbycouncil.com.au

Any petition lodged with Council will be reported to the next available Council meeting. A report containing a statement as to the nature of the petition, along with the number of valid signatures on each petition will be provided in the Agenda. This report is provided for information purposes, and does not require a resolution. The petitions will not be copied and circulated, however, a copy of each petition will be available for the Administrator to inspect at the relevant meeting and prior to the meeting. The Minutes will record that the Petition was received by Council.

2.4.9 Presentations

Employees, consultants, government agencies or other organisations that work with Council, may make presentations to a meeting on matters relating to the Council at the discretion of the Chief Executive or Administrator. The meeting may request specific presentations from employees.

The Minutes of the meeting will include a record of the name and role of the employee or consultant making the presentation, together with a brief description on the nature of the presentation.

2.4.10 Adjourned Business

Any adjourned business will be listed on the next meeting Agenda as a reminder of their status. A copy of any adjourned business is to be included in the Agenda.

Regulation 19(3) is varied to allow the Administrator, in determining order of business, to consider whether it is appropriate for business adjourned from a previous meeting to be dealt with before any new business.

2.4.11 Adjourned Meetings

If a meeting is adjourned to another day, the Chief Executive must:

(a) give notice of the adjourned meeting to the Administrator setting out the date, time and place of the meeting
(b) give notice of the adjourned meeting to the public by causing a notice setting out the date, time and place of the meeting to be published on a website determined by the Chief Executive.

2.4.12 Information Reports

Information Reports from the following will be listed on the Agenda

- Chief Executive
- Development Approvals

2.4.13 Status Report of Council Resolutions

The Administrator will be provided with a report that contains a summary of resolutions in progress or completed during the previous month along with notes of any action undertaken to date (with the exception of confidential items). This record will be used to ensure that Council decisions are enacted.
2.4.14 Section 90(2) Local Government Act 1999 Matters - Confidential Items

Any item that has been identified as potentially confidential may include a report from the Chief Executive that identifies the reason why the report should be discussed with the exclusion of the public. Any recommendation to consider an item in confidence will be presented to Council or Committee in accordance with the requirements under the Act.

Council will consider the recommendation of the Chief Executive and determine whether the matter will be considered in confidence. This section should be read in conjunction with Council’s Code of Practice – Access to Council and Committee Meeting Documents, which outlines how Council may apply the confidential provisions of the Act and restrict public access to the specific matter under consideration (and any associated documents).

2.4.15 Date of Next Meeting

This is to be recorded in the Minutes.

2.4.16 Closure

The time of closure of the meeting will be recorded.

2.4.17 Minutes

The Minute Takers Handbook for Local Government and Local Government Association of South Australia Council Meeting Procedures Handbook may be used as a guideline for preparation of Minutes for Council, unless varied in this Code.

On confirmation of the minutes the Administrator may initial or sign the minutes in hardcopy or electronically.

The minutes of the proceedings of the meeting must include the method of attendance by the Administrator. The following are examples of methods of attendance:

(a) physical attendance;
(b) by an audio-visual link;
(c) by an audio link;
(d) by telephone

3. MEETING PROTOCOLS

The following meeting protocols will apply to Council:

- During Council meetings employees will respond to questions from the Administrator.
- Any mobile telephones brought into the meeting are to be switched to silent or vibration alert mode.

4. EXCLUSIONS

The following sections of the Local Government (Procedure at Meetings) Regulations 2013 are not applicable to the Municipal Council of Roxby Downs

- Quorum
- Questions (from Elected Members)
- Motions (from Elected Members)
- Amendments to Motions (by Elected Members)
Variations to Motions (by Elected Members)
Addresses by Elected Members
Voting
Divisions
Tabling of Information (by Elected Members)

5. LEGISLATIVE FRAMEWORK

This Code reflects the requirement and intentions of the Local Government Act 1999 and Local Government (Procedures at Meetings) Regulations 2013.

The following legislation applies to this Code:

Local Government Act 1999

Each meeting will be held in accordance with the provisions of Chapter 6 of this Act.

Local Government (Procedure at Meetings) Regulations 2013

The Regulations applies to the meetings of councils.

Regulation 6 allows councils to vary some Regulations to suit their needs, by adopting a Code of Practice. If there are variations, then Council is required to review the operation of this Code at least once in every financial year.

Subject to the requirements of the Local Government Act 1999, and any allowable variations to the Local Government (Procedures at Meetings) Regulations 2013, a Council may determine that a Code of Practice prepared or adopted by the Council that establishes its own procedures for a relevant matter or matters will apply in substitution for the relevant provision in the Regulations.

Electronic Participation in Council Meetings Notice (No 1) 2020

6. OTHER REFERENCES

Council’s documents including:

- Code of Practice – Access to Council and Committee Meeting Documents
- Deputation Guidelines
- Petition Guidelines

External documents including:

- Local Government Association of South Australia Council Meeting Procedures Handbook
- Minute Takers Handbook for Local Government 2014

7. DEFINITIONS

For the purpose of this Code the following definitions apply:

Act means the Local Government Act 1999

Administrator means the person appointed as the Administrator of the Municipal Council of Roxby Downs under the Local Government Act 1999 and the Roxby Downs Indenture Ratification Act 1982. The Administrator exercises all the powers and discharges all the functions of the Council in the name of and on behalf of the Council.
**Agenda**, as defined in the Local Government Act 1999 means a list of items of business to be considered at a meeting.

**Chief Executive** refers to the Chief Executive (including their delegate) of the Municipal Council of Roxby Downs

**Clear Days**, as defined in the Regulations means the number of calendar days between the giving of the Notice and the meeting. This is determined by excluding the day on which the Notice is given and the day of the meeting e.g. if Notice is given on a Friday for a following Tuesday meeting, then the Clear Days are the intervening Saturday, Sunday and Monday.

**Code** means the Code of Practice for Meeting Procedures.

**Disconnection of the electronic** includes:

(a) ending a telephone connection such that the discussion and voting at the meeting cannot be heard
(b) ending a video conference connection such that the discussion and voting at the meeting cannot be seen or heard
(c) logging out of a virtual meeting room or space such that the discussion and voting at the meeting cannot be seen or heard
(d) signing out of a virtual meeting room or space such that the discussion and voting at the meeting cannot be seen or heard
(e) disconnecting any other electronic means such that the discussion and voting at the meeting cannot be seen or heard

**Electronic means** includes a telephone, computer or other electronic device used for communication.

**Minutes** means a written record of the proceedings at every meeting of the Council or a Committee in accordance with the Act and Regulations.

**Notice of a meeting (Notice)** Pursuant to section 83 of the Act in the case of an ordinary meeting of Council, the Chief Executive must give each member of the Council notice of the meeting at least three Clear Days before the date of the meeting. In the case of a special meeting of Council, the Chief Executive must give the Administrator a notice of the meeting at least four hours before the commencement of the meeting. A Notice of a Council Meeting must be in writing, set out the date, time and place of the meeting, be signed by the Chief Executive and contain or be accompanied by the Agenda for the Meeting.

**Public Gallery** means the area in Council or Committee meetings designated for members of the public who wish to observe the meeting proceedings.

**Regulations** means the Local Government (Procedures at Meetings) Regulations 2013

**Written Notice** means a notice given in accordance with the requirements prescribed within the Regulations.

8. **REVIEW**

All variations issued under the *Electronic Participation in Council Meetings Notice (No 1) 2020* are temporary and will cease to apply 28 days after all relevant State major emergency declarations end. The Code will then be reviewed on an annual basis to ensure that the principle of open government is being applied in a proper manner.

9. **ACCESSIBILITY**

This Code is available to be downloaded free of charge from Council’s website [www.roxbydowns.sa.gov.au](http://www.roxbydowns.sa.gov.au)

Hard copies can be provided, on payment of the scheduled fee, in accordance with Council's Fees and Charges Register at Council Office at 6 Richardson Place, Roxby Downs SA 5725.
Attachment 1 – Model Meeting Agenda Template for Council and Council Committee Meetings

AGENDA

MUNICIPAL COUNCIL OF ROXYB DOWNS
Ordinary Council Meeting

Meeting Date & Time
Wednesday <insert date> at <insert time>

Location
Council Office Boardroom, 6-8 Richardson Place, Roxby Downs
(or if conducted by remotely) via telephone conference call

1. Opening Statement
   (If meeting held in Roxby Downs)
   
   I wish to acknowledge the Kokatha peoples, the traditional owners of the land on which we meet today and pay my respect to their Elders past and present and extend that respect to other Aboriginal and Torres Strait Islander people who may be present today.
   
   or
   
   (If meeting held in Adelaide)
   
   I would like to acknowledge this land that we meet on today as the traditional lands for the Kaurna people and we respect their spiritual relationship with their country. We also acknowledge the Kaurna people as the custodians of the greater Adelaide region and that their cultural and heritage beliefs are still as important to the living Kaurna people today.

2. Confirmation of Minutes of the Previous Meeting
   
   That the Minutes of the Council Meeting held on <insert date> be confirmed as a true and accurate record of proceedings.

3. Adoption of Council Resolutions
   
   3.1
   
   3.2
   
   3.3

4. Reports for Information
   
   4.1 Chief Executive
   
   4.2 Development Application Decisions

5. Community Presentations, Petitions and Deputations
   
   Nil

6. Next Meeting
   
   The next Ordinary Council Meeting is scheduled for <insert date> at <insert time> - Council Office Boardroom, 6-8 Richardson Place, Roxby Downs, unless advised otherwise, by notice on the Council’s website.

7. Closure
On 30 March 2020 the Minister for Transport, Infrastructure and Local Government issued a notice pursuant to section 302B of the Local Government Act 1999 (Notice No 1) varying or suspending the operation of the specified provisions of the Local Government Act 1999 as set out in Schedule 1 to Notice No 1. Notice No 1 commenced operation on 31 March 2020.

Notice No 1:

(a) provides that a Council is not required to adopt any provision in a code of practice that would prevent or inhibit members from participating in Council meetings or Council committee meetings by electronic means;

(b) provides that Council members may meet by electronic means to alter the code of practice of the Council, or substitute a new code of practice of the Council, even if the existing code of practice prevents or inhibits the Council members from meeting by electronic means;

(c) suspends the requirement in section 92(5) that before a Council adopts, alters or substitutes a code of practice it make copies of the proposed code, alterations or substitute code (as the case may be) available for inspection and purchase at the principal office of the Council and on a website determined by the Council and that the Council follow the steps set out in its public consultation policy.

1. ADOPTION
This Code was adopted by the Council on 29 April 2020.

2. STATEMENT OF PRINCIPLE
In fulfilling the role of an effective Council that is responsive to the needs of the community and which operates within the legal framework prescribed by the Local Government Act 1999 the Municipal Council of Roxby Downs is fully committed to the principle of open and accountable government. However, Council also recognises that on a limited number of occasions it may be necessary, in the broader community interest, to restrict public access to discussion/decision and/or documents.

3. INTRODUCTION
This Code sets out the commitment of the Municipal Council of Roxby Downs to provide public access to Council and Council committee meetings and documents and outlines the policies and procedures contained within the Local Government Act 1999 (“Act”), to restrict public access.
The Code includes:

- information on the relevant provisions of the Act;
- Council's policy on public access and participation;
- the process that will be adopted where public access to a meeting or a document is restricted;
- grievance procedures to be followed if a member of the public believes that the Council has unreasonably restricted public access on a particular matter.

This Code sets out the policy of Council for access to meetings and documents and includes information relating to:

- access to the agenda for meetings;
- public access to meetings;
- the process to exclude the public from meetings;
- matters for which the Council, or a Council committee, can order that the public be excluded;
- how the Council will approach the use of the confidentiality provisions in the Act;
- public access to documents, including minutes;
- review of confidentiality orders;
- accountability and reporting to the community, and the availability of the code; and
- grievances about the use of the code by Council.

4. PUBLIC ACCESS TO THE AGENDA FOR MEETINGS

4.1 At least three clear days\(^1\) before the Council or Council committee meeting (unless it is a special meeting) the Chief Executive must give written notice of the meeting to the Administrator/Committee members setting out the date, time and place of the meeting. The notice must contain or be accompanied by the agenda for the meeting.

4.2 Subject to clause 4.8 the notice of meeting and agenda will be placed on public display at each office of the Council that is open to the public for the general administration of Council business within its area at 6 Richardson Place, Roxby Downs and on Council's website www.roxbydowns.com.au.

4.3 Items listed on the agenda will be described accurately and in reasonable detail.

4.4 Subject to clause 4.8 the notice and agenda will be kept on public display and continue to be published on the website until the completion of the relevant Council or Council committee meeting.

4.5 Subject to clause 4.9 copies of the agenda documents and non-confidential reports that are to be considered at the meeting will be made available to members of the public in attendance.

4.6 Members of the public may obtain a copy of the agenda and any particular reports for a fee to cover the costs of photocopying, in accordance with a Council's schedule of fees and charges.

4.7 Where the Chief Executive (after consultation with the Administrator or in the case of a Committee – the presiding member) believes that a document or report on a particular matter should be considered in confidence with the public to be excluded, the basis under which the order could be made in accordance with section 90(3) of the Act will be specified.

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\(^1\) ‘clear days’ means that the time between the giving of the notice and the day of the meeting, but excluding both the day on which the notice was given and the day of the meeting, e.g. notice is given on a Thursday for a following Monday meeting, the clear days are Friday, Saturday and Sunday.

* Notice No.1 provides that place includes an electronic location (such as a virtual meeting room)
4.8 For the period of the operation of Notice No 1 the requirement that the Chief Executive give notice to the public of the times and places of council meetings by placing the notice of meeting and agenda on public display at each office of the Council that is open to the public for the general administration of Council business within its area is suspended.

4.9 For the period of the operation of Notice No 1:

4.9.1 the requirement that the Chief Executive must ensure that a reasonable number of copies of any document or report supplied to members of the Council for consideration at a meeting of the Council are available for inspection by members of the public at the principal office of the Council or at the meeting is suspended.

4.9.2 the Chief Executive (or a person nominated in writing by the Chief Executive) will ensure that any document or report supplied to members of the Council for consideration at a meeting of the Council is available for inspection by members of the public -

4.9.2.1 in the case of a document or report supplied to the Council before the meeting - on a website determined by the Chief Executive as soon as practicable after the time when the document or report is supplied to the Council; or

4.9.2.2 in the case of a document or report supplied to the Council at the meeting - on a website determined by the Chief Executive as soon as practicable after the time when the document or report is supplied to members of the Council.

5. PUBLIC ACCESS TO MEETINGS

Council and Council committee meetings are open to the public and attendance is encouraged, except where the Council (or the Council committee) believes it is necessary in the broader community interest to exclude the public from the discussion (and, if necessary, decision) of a particular matter.

The public will only be excluded when considered proper and necessary i.e. the need for confidentiality outweighs the principle of open decision-making.

Council encourages public attendance at meetings of the Council and Council committee through public notification of meetings by a notice on the website indicating the date and time of the next meeting.

During the period of COVID-19 restrictions on the number of people who may attend the meeting will apply in accordance with directions on public gatherings and non-essential travel. The Council’s Administrator may conduct the Council Meeting entirely by teleconference.

Notice No 1 provides that a Council meeting will be taken to be conducted in a place open to the public even if the meeting is conducted by electronic means provided that -

(a) the Chief Executive (or a person nominated in writing by the Chief Executive) makes available to the public a live stream\(^2\) of the meeting on a website determined by the Chief Executive and ensures that members of the public can hear the discussion via the live stream; or

(b) if the Chief Executive (or a person nominated in writing by the Chief Executive) has taken reasonable steps to make available a live stream of the meeting but is unable to make available a live stream of the meeting, the Chief Executive (or a person nominated in writing by the Chief Executive) makes available to the public a recording of the meeting as soon as practicable after the meeting on a website determined by the Chief Executive and

\(^2\) **live stream** means the transmission of audio and/or video from a meeting at the time that the meeting is occurring;
ensures that members of the public can hear the discussion at the meeting via the
recording.

If the Chief Executive (or a person nominated in writing by the Chief Executive) has taken
reasonable steps to make available to the public a live stream of the meeting or (if unable to
make available a live stream of the meeting) a recording of the meeting but is unable to comply
the Chief Executive (or a person nominated in writing by the Chief Executive) must publish on
a website determined by the Chief Executive the steps taken to comply.

6. **PROCESS TO EXCLUDE THE PUBLIC FROM A MEETING**

The practice of the Municipal Council of Roxby Downs is for the convenience of the public
present at a meeting, where it is resolved to consider a matter in confidence, this matter may
be deferred until all other business has been dealt with.

Before a meeting orders that the public be excluded to enable the receipt, discussion and
consideration of a particular matter, the meeting must, in public, formally determine if this is
necessary and appropriate, and then pass a resolution to exclude the public while dealing with
that particular matter. If this occurs then the public must leave the room. This means that all
members of the public (including staff), unless exempted by being named in the resolution as
entitled to remain, are required to leave the room.

Notice No 1 provides that the Council or Council committee must disconnect any live stream
or recording of a meeting for the period that the meeting is closed to the public pursuant to an
order made under section 90(2).

Once Council or Council committee has made the order, it is an offence for a person, who
knowing that an order is in force, enters or remains in a room in which such a meeting is being
held. It is lawful for an employee of Council or a member of the police to use reasonable force
to remove the person from the room if he or she fails to leave on request.

Further, Notice 1 provides that it is also an offence for person who, knowing that an order is in
force under section 90(2), to connect\(^3\) to a meeting of the Council or Council committee by
electronic means, or fail to disconnect\(^4\) from a meeting of the Council.

Once discussion on that particular matter is concluded, the public are then permitted to re-enter
or reconnect to the meeting. If there is a further matter that needs to be considered in
confidence it is necessary to again undertake the formal determination process and to resolve
to exclude the public as above.

Council or a Council committee can by inclusion within the resolution permit a particular person
or persons to remain in the meeting. An example would be allowing a ratepayer who is suffering
personal hardship to remain in the meeting when their circumstances concerning the payment
of rates is being discussed.

Notice No 1 provides that a Council meeting will be taken to be conducted in a place open to
the public by electronic means provided that -

(a) the Chief Executive (or a person nominated in writing by the Chief Executive) makes
available to the public a live stream of the meeting on a website determined by the Chief
Executive and ensures that members of the public can hear the discussion at the meeting
via the live stream; or

(b) if the Chief Executive (or a person nominated in writing by the Chief Executive) has taken
reasonable steps to make available a live stream of the meeting but is unable to make
available a live stream of the meeting, the Chief Executive (or a person nominated in writing
by the Chief Executive) makes available to the public a recording of the meeting as soon
as practicable after the meeting on a website determined by the Chief Executive and

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\(^3\) *connect* means able to hear and/or see the meeting, including via a live stream or recording of the meeting

\(^4\) *disconnect* means remove the connection so as to be unable to hear and see the meeting
ensures that members of the public can hear the discussion at the meeting via the recording.

If the Chief Executive (or a person nominated in writing by the Chief Executive) has taken reasonable steps to make available to the public a live stream of the meeting or, (if unable to make available a live stream of the meeting) a recording of the meeting but is unable to comply the Chief Executive (or a person nominated in writing by the Chief Executive) must publish on a website determined by the Chief Executive the steps taken to comply and the requirement will be suspended.

7. MATTERS FROM WHICH THE PUBLIC CAN BE EXCLUDED

In accordance with the requirements of section 90(3) of the Act, Council, or a Council or a Council committee may order that the public be excluded in the following circumstances:

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

(b) information the disclosure of which—
   (i) could reasonably be expected to confer a commercial advantage on a person with whom the Council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the Council; and
   (ii) would, on balance, be contrary to the public interest;

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

(d) commercial information of a confidential nature (not being a trade secret) the disclosure of which—
   (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and
   (ii) would, on balance, be contrary to the public interest;

(e) matters affecting the security of the Council, members or employees of the Council, or Council property, or the safety of any person;

(f) information the disclosure of which could reasonably be expected to prejudice the maintenance of law, including by affecting (or potentially affecting) the prevention, detection or investigation of a criminal offence, or the right to a fair trial;

(g) matters that must be considered in confidence in order to ensure that the Council does not breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty;

(h) legal advice;

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

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

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

(l) information relating to a proposed amendment to a Development Plan under the Development Act 1993 before a Plan Amendment Report relating to the amendment is released for public consultation under that Act; or

(m) information relating to a proposed amendment to a Development Plan under the Development Act 1993 before a Development Plan Amendment proposal relating to the amendment is released for public consultation under that Act;

(n) information relevant to the review of a determination of a Council under the Freedom of Information Act 1991.
Code of Practice for Access to Council Meetings

“Personal affairs” are defined in the Act as being a person’s financial affairs, criminal records, marital or other personal relationships, personal qualities, attributes or health status, or that person’s employment records, employment performance or suitability for a particular position, or other personnel matters relating to the person, but does not include the personal affairs of a body corporate.

In considering whether an order should be made under section 90(2), it is irrelevant that discussion of a matter in public may:

- cause embarrassment to the Council or Committee concerned, or to employees of the Council; or
- cause a loss of confidence in the Council or Committee [s.90(4)]

If a decision to exclude the public is taken, the Council or a Council committee is required to make a note in the minutes of the making of the order and the grounds on which it was made. Sufficient detail of the grounds on which the order was made will be included in the minutes.

8. PUBLIC ACCESS TO MINUTES

Minutes of a meeting of Council or a Council committee will be publicly available, including on the internet, within 5 days after the meeting.

Notice No 1 provides that a copy of the minutes of a meeting of the Council must be placed on public display on a website determined by the Chief Executive within five days after the meeting and kept on display for a period of one month.

9. USE OF THE CONFIDENTIALITY PROVISIONS

Any consideration of the use of the confidentiality provisions to exclude the public from the discussion of a particular matter at a meeting will require the identification of one or more of the grounds listed within section 90(3) of the Act and the factual reasons for the relevance and application of the ground(s) in the circumstances. These are listed in paragraph 7 of this Code.

The policy approach of the Municipal Council of Roxby Down is that:

1. The principle of open and accountable government is strongly supported;
2. Information of the grounds on which an order to exclude the public is made will be conveyed to the public at the time of them being ordered to leave the meeting – the public will not be excluded until after a confidentiality motion has been debated and passed and sufficient reasons for the need to exclude the public given;
3. Once discussion of the matter is concluded, the meeting will then consider if it is necessary to make an order that a document associated with this agenda item (including minutes) remain confidential. In determining this, the meeting will have regard to the provisions of section 91 and in particular section 91(8) which details when a Council must not order that a document remain confidential;
4. If the meeting determines that it is proper and necessary to keep a document confidential, then a resolution for an order to this effect is required to be resolved by the meeting in accordance with section 91(7) of the Act;
5. Council will not consider a number of agenda items “in confidence” together i.e. en bloc. It will determine each item separately and consider the exemptions relevant to each item.
6. Once discussion of the matter is concluded and the public have returned, the decision of the meeting in relation to this matter will be made publicly known unless the Council has resolved to order that some information remain confidential. Details relating to any order to keep information or a document confidential in accordance with section 91(7) are also to be made known. When making an order the meeting must specify the duration of the order or the circumstances in which the order will cease to apply, or a period after which the order must be reviewed. If the section 91(7) order is to apply for a period exceeding 12 months, then this order must be reviewed every 12 months from...
Code of Practice for Access to Council Meetings

the date it was made. This along with the making of the order pursuant to section 90(2) and the grounds pursuant to section 90(3) on which it was made are also to be recorded in the minutes.

7. In all cases the objective is that the information be made publicly available at the earliest possible opportunity and that the community is informed of any Council order and the associated implications; and

8. Where a person provides information to the Council and requests that it be kept confidential, Council is not able to even consider this request unless the matter is one that falls within section 90(3). If this is the case, Council will then be in a position to consider the request on its merits.

10. PUBLIC ACCESS TO DOCUMENTS

Various documents can be available for inspection and purchase (for a fee) by the public. Council may also make a document available in electronic form and place it on the Internet for public access.

Council or a Council committee will only order that a document associated with a discussion from which the public are excluded is to remain confidential if it is considered proper and necessary in the broader community interest.

Council or a Council committee can only resolve to keep minutes and/or documents confidential under section 91(7) if they were considered in confidence pursuant to sections 90(2) and 90(3). In accordance with section 91(8) the Council or a Council Committee must not make an order to prevent:

- the disclosure of the remuneration or conditions of service of an employee of the Council after the remuneration or conditions have been set or determined; or
- the disclosure of the identity of a successful tenderer for the supply of goods or the provision of services (including the carrying out of works), or of any reasons adopted by the Council as to why a successful tenderer has been selected; or
- the disclosure of the amount or amounts payable by the Council under a contract for the supply of goods or the provision of services (including the carrying out of works) to, or for the benefit of, the Council after the contract has been entered into by all parties to the contract; or
- the disclosure of the identity of land that has been acquired or disposed of by the Council, or of any reasons adopted by the Council as to why land has been acquired or disposed of by the Council.

Where keeping a document confidential is considered proper and necessary, a resolution to this effect is required which shall include:

- the grounds for confidentiality; and
- the duration of the order or the circumstances in which the order will cease to apply, or a period after which the order must be reviewed – if the order has a duration of more than 12 months, the order must be reviewed at least once in every year;
- (if applicable) whether the power to revoke the order will be delegated to an employee of the Council. [s.91(9)]

Requests to access Council and Council committee documents can be made under the Freedom of Information Act 1991. Inquiries in relation to the process for seeking access to documents held by Council should be directed to Council’s accredited Freedom of Information Officer who is the Group Manager Governance and Community 86710010.
11. EXAMPLE CONFIDENTIALITY PROVISIONS

The Municipal Council of Roxby Downs will record in the minutes of any Council or Committee meetings the making of an order in accordance with sections 90(2) and (3) and section 91(7) as follows:

11.1 Section 90(3)(a) Order

Pursuant to s.90(3)(a)

Pursuant to section 90(2) of the Local Government Act 1999 the Council orders that all members of the public (including staff except [insert names and job title for staff members present and/or names of any other person (i.e. consultant/external advisor)] to be excluded from attendance at the meeting for Agenda Item […] [insert brief description of agenda item].

The Council is satisfied that, pursuant to section 90(3) of the Act, the information to be received, discussed or considered in relation to the Agenda Item is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead) being [insert name of person] because [insert reasons].

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because [insert reasons]

11.2 Section 91(7) Order

Pursuant to s.91(7)

That having considered Agenda Item […] [insert brief description of agenda item] in confidence under section 90(2) and (3)(a) of the Local Government Act 1999, the Council, pursuant to section 91(7) of that Act orders that the [identify the documents and/or minutes relevant to Agenda Item X] be retained in confidence [for a period of (insert period of time i.e. 6 months, 18 months) or until (trigger can be an event i.e. the contract has been signed, a public announcement has been made)] and that this order be reviewed every 12 months [if the confidentiality period is longer than 12 months in duration].

12. REVIEW OF CONFIDENTIALITY ORDERS

A confidentiality order made under section 91(7) of the Act must specify the duration of the order or the circumstances in which the order will cease to apply, or a period after which the order must be reviewed. In any event, any order that operates for a period exceeding 12 months must be reviewed at least once in every year.

An order will lapse if the time or event specified has been reached or carried out. There is no need for the Council to resolve for the confidential order to be lifted. Once the order has lapsed, the minutes and/or documents automatically become public.

A review of the reports or documents that were considered under the provision of sections 90(3) and 91(7) of the Act will be conducted every 6 months to ensure that items are released in accordance with the resolution of Council, when the confidential provision no longer applies.

Orders that exceed 12 months must be reviewed annually and the Council must assess whether the grounds for non-disclosure are still relevant and, if so, provide the relevant grounds and reasons for the minutes and/or documents remaining confidential. The conduct of the annual review can be delegated to the Chief Executive and sub-delegated to an employee of the Council if appropriate. If there are any items that require a fresh confidentiality order because the original order is about to expire, then the reviewer will prepare a report to Council making recommendations with respect to each item to be retained in confidence. Each item must then be addressed separately and assessed against section 90(3) and section 91(7) of the Act. While a Council may delegate the power to undertake an annual review, the Council cannot delegate the power to apply sections 90(3) and 91(7) of the Act.

Council may resolve to exclude the public from a meeting to discuss and undertake consideration of the recommendations arising from the annual review in confidence, subject to
the application of the relevant ground under section 90(3) of the Act. Section 90(3) of the Act must be applied separately to each item and not en bloc.

If there is no longer any need for the confidentiality order then the Council or Council committee may delegate to an employee of the Council the power to revoke an order made in accordance with section 91(7) of the Act. The Council or Council committee may also include in the resolution whether any delegation is given to an employee to revoke the order and if relevant, any conditions associated with the delegation.

13. ACCOUNTABILITY AND REPORTING TO THE COMMUNITY

A report on the use of sections 90(2) and 91(7) by the Council and Council committees must be included in the annual report of a Council as required by Schedule 4 of the Act. This supports commitment to the principle of accountability to the community. The reporting should include the following information, separately identified for both Council and Council committees:

1. Number of occasions each of the provisions of sections 90(2) and 90(3) were utilised;
2. Number of occasions each of the provisions of sections 90(2) and 90(3) and section 91(7) were utilised, expressed as a percentage of total agenda items considered;
3. An indication of any particular issues that contributed to the use of confidentiality provisions on more than one occasion e.g. a proposal to acquire a parcel of land was considered on 3 separate occasions;
4. Number of occasions that information originally declared confidential has subsequently been made publicly available; and
5. Number of occasions that information declared confidential has not been made publicly available and the reason for this in each case.

14. AVAILABILITY OF THE CODE

The public may inspect a copy of the Code, without charge, at the offices of Council during office hours, and may obtain a copy for a fee fixed by Council. The Code is also available on the Internet at www.roxbydowns.sa.gov.au

15. REVIEW OF THE CODE

All variations issued under the Electronic Participation in Council Meetings Notice (No 1) 2020 are temporary and will cease to apply 28 days after all relevant State major emergency declarations end. The Code will then be reviewed on an annual basis to ensure that the principle of open government is being applied in a proper manner.

16. GRIEVANCE

Council has established procedures for the review of decisions under section 270 of the Act for:

- Council, and its committees
- employees of the Council; and
- other persons acting on behalf of the Council.

Should a person be aggrieved about public access to either a meeting or a document then they can lodge an application for review of that decision under the procedures established by Council.

17. COUNCIL CONTACT PERSON

Group Manager Governance and Community 8671 0010 or email Roxby@roxbycouncil.comm.au
REPORT FOR ORDINARY COUNCIL MEETING

Meeting Date 29 April 2020

Title of Report Public Access and Public Consultation Notice (No 2) 2020

1. Purpose

(a) To present the Public Consultation Policy for consideration. This policy has been temporarily amended to reflect the requirements of the Minister for Transport, Infrastructure and Local Government’s Public Health Emergency: Public Access and Public Consultation Notice No.2.

(b) To note other changes reflected in Notice No. 2 namely public access to documents and opening hours of the principal office

2. Recommendation

That Council:

1. Pursuant to Section 50 (5a) of the Local Government Act 1999, as described under the Public Access and Public Consultation Notice (No. 2) 2020, the Council alters its Public Consultation Policy by including the provisions set out in Attachment 2 and the Public Consultation Policy be published on the Council’s website.

2. In relation to any obligation under the Local Government Act 1999 to make a document available for inspection as the principal office of the Council, the document will be made available for inspection at www.roxbydowns.sa.gov.au or provided on request in an electronic copy format.

3. Background

On 15 March 2020 the South Australian Government declared, pursuant to Section 87 of the South Australian Public Health Act 2011, a public health emergency in South Australia in relation to the COVID-10 pandemic.

On 8 April 2020 the Minister for Transport, Infrastructure and Local Government issued a notice pursuant to Section 302B of the Local Government Act 1999 (Notice No.2) which varied or suspended the operation of specified provisions of the Local Government Act 1999. This Notice was published in the SA Government Gazette on 8 April 2020.

Notice No.2 (Public Access and Public Consultation Notice No (2) 2020) is an emergency variation to the Local Government Act 1999. The notice varies or suspends the requirement for councils to hold public meetings as part of public consultation processes.

All variations issued under the Electronic Participation in Council Meetings Notice (No 2) 2020 are temporary and will cease to apply 28 days after all relevant State major emergency declarations end.

4. Discussion

4.1 Principal Office

Notice No. 2 varies the operation of Section 45 of the Local Government Act 1999 which normally requires that members of the public must be able to access the physical premises of the Council’s principal office during normal business hours to transact business. Notice No. 2 allows a council to entirely close the principal office or vary opening hours if it satisfied that it is reasonably necessary as a result of the COVID -19 public health emergency. In both cases
public consultation is not required. If a council closes its principal office or varies opening hours pursuant to these provisions the council must make alternative arrangements to enable the community to access the services that are ordinarily available from the principal office. The council must also inform the community of these new arrangements.

This part of Notice No. 2 is provided for information. The Chief Executive does not currently propose to close the principal office or vary operating hours. If this changes in the future, a resolution detailing the proposed changes will be presented to the Council for consideration and adoption.

4.2 Public Consultation

Notice No. 2 varies the operation of the Local Government Act 1999 by removing the requirement that council hold public meetings as part of the public consultation relating to the draft annual business plan and upon changes to Council rating practices. Members of the public, however, must still be able to provide written submissions in the course of the public consultation. The requirement of councils to undertake public consultation when public consultation policies are altered or replaced has been suspended.

Council’s existing Public Consultation Policy has been amended to reflect these changes and is attached.

4.3 Public Access to Documents

Notice No.2 varies of the Local Government Act 1999 by requiring that a document available for inspection at the principal office will be made available via alternative means. Council will provide access to these documents on the Council website (www.roxbydowns.sa.gov.au) or upon request in an electronic copy. This requirement applies even when a council has not decided to close its principal office.

The obligation to make the assessment record available at the principal office is suspended and there is no requirement that any alternative access arrangements be provided. Councils must, however, still provide copies of entries in the assessment record on payment of a fee.

5. Policy Implications

5.1 Financial/Budget
No negative impact on the budget.

5.2 Resources
None required

5.3 Legal and Risk Management
These provisions allow Council to maintain operations safely while not compromising the ability of the community to access documents and participate in community consultation processes.

6. Report Consultation

This report is based on direction received from the Local Government Association of SA which applies to all councils (Circular 15.4).

It was prepared following reference to the Explanatory Paper – Public Access and Public Consultation Notice (No. 2) published by the Local Government Association of SA.

7. Attachments

- Public Consultation Policy
- Provisions to be inserted into Public Consultation Policy
8. **Report Authorisers**

Michelle Hales  
Group Manager Governance and Community
# POLICY – PUBLIC CONSULTATION COVID-19

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<td>Previous Council Reviews</td>
<td>27.11.19</td>
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## Applicable Legislation:
- Local Government Act 1999

## Related Policies (alphabetical list):

## Related Procedures:
- Public consultation Procedure

## Reference Documents:
- LGA Model Policies
Public Health Emergency: Public Access and Public Consultation

On 15 March 2020, the Chief Executive of the Department for Health and Wellbeing in the State of South Australia, pursuant to section 87 of the South Australian Public Health Act 2011, declared that an emergency which threatens to cause the death of, or injury or other damage to the health of any person is occurring or about to occur in relation to the transmission of COVID-19, and declared the emergency to be a public health emergency.

On 22 March 2020, the State Co-ordinator for the State of South Australia declared, pursuant to section 23 of the Emergency Management Act 2004, that a Major Emergency is occurring in respect of the outbreak of the Human Disease named COVID-19 within South Australia.

On 8 April 2020 the Minister for Transport, Infrastructure and Local Government issued a notice pursuant to section 302B of the Local Government Act 1999, the Public Access and Public Consultation Notice (No 2) 2020 (Notice No 2) varying or suspending the operation of the specified provisions of the Local Government Act 1999 as set out in Schedule 1 to Notice No 2. Notice No 2 commenced operation on 8 April 2020.

For the period Notice No 2 has effect (as provided for in Notice No 2), this Public Consultation Policy is altered as set out below and those alterations have effect notwithstanding any other provision in this Policy to the contrary.

For the avoidance of doubt, save for the alterations to the Policy as set out below, the Policy otherwise applies to public consultation undertaken by the Council for the purposes of the Local Government Act 1999.
Introduction

The Municipal Council of Roxby Downs ("Council") is committed to open, accountable and responsive decision making, which is informed by effective communication and consultation between Council and the community.

In carrying out its consultation process, Council applies the following principles:

- members of the community have a right to be informed about issues affecting their area and their lives and to influence council’s decisions about these
- community interest will vary depending on the issue and the number of people affected, and council’s level of consultation will reflect this
- community involvement in Council decision making should result in greater confidence in the Council and responsive decision making
- Council decision making will be open, transparent and accountable.

Policy Objective

The purpose of this policy is to engage citizens, community groups, organisations and businesses in the council’s problem solving, planning and decision making at both council and staff levels. Public consultation processes aim to:

- inform citizens, groups and organisations about specific decisions likely to affect them
- ensure all views are considered in planning and decision making
- create joint visions that speak to multiple interests and concerns
- initiate action to resolve issues and problems
- seek out and facilitate the involvement of those potentially affected
- provide participants with the information they need to participate in a meaningful way
- increase public confidence in local government and its management of local resources

Scope

This policy applies to the Administrator, council employees, contractors, agents and consultants acting on behalf of Council.

The Chief Executive is responsible for the implementation of the Public Consultation Policy, establishing the consultation level, reporting outcomes of the consultations to the Council, reviewing the value of the policy, and determining elements within that process where Council has delegated responsibility.
Policy Statement
The preparation and adoption of this policy fulfils the council’s obligations under section 50(1) of the
Local Government Act 1999. Section 50 provides that:

- Council must set out the steps that it will follow in cases where the Local Government Act
  requires consultation on a matter, and
- Council may set out the steps that it will follow in other cases involving the council’s decision-
  making.

Policy Principles
- Consultation should commence early and be part of the assessment process rather than being
  a one off event
- History of previous consultation programs should be taken into account
- The consultation program should be interesting, equitable, inclusive and adequately resourced
- Diverse consultation methods should be used to maximise opportunity for participation
- The purpose, expected outcomes and decision making process should be clearly
  communicated to all parties participating either personally or through broader communication
  channels

Temporary Amendments
1. Statutory Requirement to Hold Public Meetings Suspended

The Council will not publish a notice in a newspaper circulating in the area of the Council inviting
interested persons to attend a public meeting or meeting of the Council in relation to any matter within
the scope of Sections 123, 151 or 156 of the Local Government Act 1999 for which public consultation
is required under the Local Government Act 1999. The Council will not hold such a public meeting or
invite persons to attend a meeting of the Council to ask questions or make submissions on the matter.

The Council will publish a notice in a newspaper circulating in the area of the Council inviting interested
persons to make written submissions within the period stated in the notice (which will not be less than
21 days after the publication of the notice) in relation any matter within the scope of Sections 123, 151
or 156 of the Local Government Act 1999 for which public consultation is required under the Local

2. Other Requirement to Hold Public Meetings Suspended

The Council will not hold a public meeting in relation to any matter for which the Local Government Act
1999 requires the Council to follow the steps set out in its public consultation policy.

The Council will not hold a public meeting in relation to any matter for which this Policy would, but for
this provision, require the Council to hold a public meeting.

To the extent this Policy would otherwise require the Council to hold a public meeting in relation to a
matter, the Council will instead publish a notice on its website or in a newspaper circulating in the area
of the Council inviting interested persons to make written submissions in relation to any matter within
the period stated in the notice (which will not be less than 21 days after the publication of the notice,
unless the matter is considered by the Council to require urgent consideration and it is not otherwise
contrary to the Local Government Act 1999 to consult for a lesser period). The Council will consider the
submissions.
3. **Other Requirement to undertake in Person Consultation Activity Suspended**

The Council will not undertake any form of face-to-face or in person public consultation activity (including without limitation a door knock, focus group, forum, briefing session, workshop, open house, citizen panel, conversation café, citizen jury, round table or symposium) in relation to any matter for which the *Local Government Act 1999* requires the Council to follow the steps set out in its public consultation policy.

The Council will not undertake any form of face-to-face or in person public consultation activity (including without limitation a door knock, focus group, forum, briefing session, workshop, open house, citizen panel, conversation café, citizen jury, round table or symposium) in relation to any matter for which this Policy would, but for this provision, require the Council to hold such an activity.

To the extent this Policy would otherwise require the Council to hold a face-to-face or in person public consultation activity in relation to a matter, the Council will instead publish a notice on its website or in a newspaper circulating in the area of the Council inviting interested persons to make written submissions in relation any matter within the period stated in the notice (which will not be less than 21 days after the publication of the notice, unless the matter is considered by the Council to require urgent consideration and it is not otherwise contrary to the *Local Government Act 1999* to consult for a lesser period). The Council will consider the submissions.

4. **Suspension of Other Inconsistent Provisions**

To the extent that any other provision of this Policy could be read as requiring the Council to undertake public consultation with a person face-to-face or in person, the provision is suspended while these provisions are in effect and the provisions of paragraph 3 operate in their stead.

**Policy reviews**

This policy will be reviewed and temporary amendments removed 28 days after all relevant State major emergency declarations end.

**Further information**

This policy will be available to be downloaded, free of charge, from the council’s website: www.roxbydowns.sa.gov.au
For purposes of Public Access and Public Consultation Notice (No 2) 2020

Provisions to be inserted into Public Consultation Policy

Insert the following:

Public Health Emergency: Public Access and Public Consultation

On 15 March 2020, the Chief Executive of the Department for Health and Wellbeing in the State of South Australia, pursuant to section 87 of the South Australian Public Health Act 2011, declared that an emergency which threatens to cause the death of, or injury or other damage to the health of any person is occurring or about to occur in relation to the transmission of COVID-19, and declared the emergency to be a public health emergency.

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For the period Notice No 2 has effect (as provided for in Notice No 2), this Public Consultation Policy is altered as set out below and those alterations have effect notwithstanding any other provision in this Policy to the contrary.

For the avoidance of doubt, save for the alterations to the Policy as set out below, the Policy otherwise applies to public consultation undertaken by the Council for the purposes of the Local Government Act 1999.

Alterations to Public Consultation Policy

A. Definitions

For the purposes of these alterations the Council includes an officer or employee of the Council acting within the scope of that person’s ordinary functions and duties except in circumstances where these alterations expressly require a matter to be considered at a meeting of the Council.

B. Statutory Requirement to Hold Public Meetings Suspended

The Council will not publish a notice in a newspaper circulating in the area of the Council inviting interested persons to attend a public meeting or meeting of the Council in relation to any matter within the scope of Sections 123, 151 or 156 of the Local Government Act 1999 for which public consultation is required under the Local Government Act 1999. The Council will not hold such a public meeting or invite persons to attend a meeting of the Council to ask questions or make submissions on the matter.
The Council will publish a notice in a newspaper circulating in the area of the Council inviting interested persons to make written submissions within the period stated in the notice (which will not be less than 21 days after the publication of the notice) in relation any matter within the scope of Sections 123, 151 or 156 of the Local Government Act 1999 for which public consultation is required under the Local Government Act 1999. The Council will consider the submissions at a meeting of the Council.

C. Other Requirement to Hold Public Meeting Suspended

The Council will not hold a public meeting in relation to any matter for which the Local Government Act 1999 requires the Council to follow the steps set out in its public consultation policy.

The Council will not hold a public meeting in relation to any matter for which this Policy would, but for this provision, require the Council to hold a public meeting.

To the extent this Policy would otherwise require the Council to hold a public meeting in relation to a matter, the Council will instead publish a notice on its website or in a newspaper circulating in the area of the Council inviting interested persons to make written submissions in relation to any matter within the period stated in the notice (which will not be less than 21 days after the publication of the notice, unless the matter is considered by the Council to require urgent consideration and it is not otherwise contrary to the Local Government Act 1999 to consult for a lesser period). The Council will consider the submissions.

D. Other Requirement to undertake in Person Consultation Activity Suspended

The Council will not undertake any form of face-to-face or in person public consultation activity (including without limitation a door knock, focus group, forum, briefing session, workshop, open house, citizen panel, conversation café, citizen jury, round table or symposium) in relation to any matter for which the Local Government Act 1999 requires the Council to follow the steps set out in its public consultation policy.

The Council will not undertake any form of face-to-face or in person public consultation activity (including without limitation a door knock, focus group, forum, briefing session, workshop, open house, citizen panel, conversation café, citizen jury, round table or symposium) in relation to any matter for which this Policy would, but for this provision, require the Council to hold such an activity.

To the extent this Policy would otherwise require the Council to hold a face-to-face or in person public consultation activity in relation to a matter, the Council will instead publish a notice on its website or in a newspaper circulating in the area of the Council inviting interested persons to make written submissions in relation any matter within the period stated in the notice (which will not be less than 21 days after the publication of the notice, unless the matter is considered by the Council to require urgent consideration and it is not otherwise contrary to the Local Government Act 1999 to consult for a lesser period). The Council will consider the submissions.

E. Suspension of Other Inconsistent Provisions

To the extent that any other provision of this Policy could be read as requiring the Council to undertake public consultation with a person face-to-face or in person, the provision is suspended while these provisions are in effect and the provisions of paragraph D operate in their stead.
REPORT FOR ORDINARY COUNCIL MEETING

Meeting Date 29 April 2020
Title of Report Policy Review – Mobile Food Vendors Policy

1. Purpose

To review the Mobile Food Vendors Policy

2. Recommendation

That the updated version of the Mobile Food Vendors Policy be adopted and that the policy is placed on the Council website.

3. Background

In April 2018 Council’s Mobile Vendor Policy was replaced by this policy in preparation for the growing interest in mobile food trucks and to reflect new legislation that had been enacted (Local Government (Mobile Food Vendors) Amendment Act 2017). Since then two mobile food vendor permits have been issued for the Municipality.

4. Discussion

The Mobile Food Vendors Policy contains location rules which identify approved sites for trading. These location rules were established in 2018 and have not been amended in this review. The key factor is that mobile food vendors must operate a reasonable distance from any fixed food businesses to ensure that they do not interfere or conflict with these businesses. They must also not cause any public safety issues or nuisance to residents living nearby.

There are no restrictions on the type of food that can be sold.

The policy does not cover mobile food vendors operating on private land or those engaged as part of local events which are managed in accordance with Council’s Event Management Guidelines.

Permit feeds are currently kept at a modest level of $200.00 per annum as an incentive to encourage further applications.

Since the granting of permits the Council has not received any complaints about the conduct of authorised mobile food vendor operations.

5. Policy Implications

5.1 Financial/Budget

No negative impact on existing budget. Staff time spent on inspecting mobile food vendors for compliance with Food Safety Standards and individual permit conditions and services contracted through City of Salisbury will be covered through permit fees paid to Council.

5.2 Resources

Council’s Environmental Health Officer will be responsible for ensuring compliance with food safety standards.
5.3 **Legal and Risk Management**

Compliance with the requirements of the Local Government (Mobile Food Vendors) Amendment Bill 2017 and relevant regulations.

6. **Report Consultation**

No material changes have been made to the policy so no direct public consultation was undertaken.

7. **Attachments**

- Mobile Food Vendors Policy

8. **Report Authorisers**

Michelle Hales  
Group Manager Governance and Community
POLICY – MOBILE FOOD VENDORS POLICY

Latest Review Changes
Definitions have been expanded
Scope has been reworded to include what does and does not need permission
Legislative Principles have been added

Previous Council Reviews
19.05.15
18.04.20

Previous Audit Committee Reviews
Nil

Applicable Legislation:

Local Government Act 1999
Local Government (Mobile Food Vendors) Amendment Act 2017
Local Government (General) (Mobile Food Vendors) Variation Regulations 2017

Related Policies (alphabetical list):

Related Procedures:

Permit Applications
Event Management Guidelines

Reference Documents:

LGA Model Location Rules for Food Trucks
1. Principles

The Municipal Council of Roxby Downs (“Council”) goal is to promote local economic growth. To achieve this aim the Council is committed to balancing a desire to attract new businesses to town with the need to support existing traders. Mobile food vending represents an opportunity to diversify food business offerings.

2. Policy Objectives

This policy allows for the operation of mobile food vending businesses within the legislative requirements of the Local Government Act 1999 in a manner that does not interfere or conflict with the permanent local business operators and service traders. The policy will ensure that these activities are appropriate for the area and do not cause any public safety issues or nuisance to the surrounding residents or businesses and that the amenity of the area is protected.

3. Scope

Permission

Prior permission from Council is required in order to operate a Mobile Food Vending business within any area of municipality, other than privately owned land.

Permission is not required if:

- The catering is for an event on community land or road related area where a permit or licence has already been issued to the Event Holder in accordance with Event Management Plan Guidelines

- A Mobile Food Vendor permit is not required for trading on privately owned land in accordance with 5(2)(ab) in schedule 3 of the Development Regulations 2008. On privately owned land development approval is not required if the mobile food vendor can satisfy that the use of any land or building for the display and sale of food produce if:
  - the total floor area of the display does not exceed 30 square metres; and
  - the use of the land for the display and sale of food produce does not have a significant detrimental effect on the amenity of the locality or any part of the locality.

4. Definitions

Mobile Food Vending is defined as a business involving the sale of food or beverages from a vehicle (within the meaning of the Road Traffic Act 1961) either free of charge or at a cost.

Community Land is all local government land (except roads) that is owned or under the care and control of the Council unless excluded for operational purposes by a resolution of Council.

Road is a private or public street, road or thoroughfare to which public access is available.

Road Related Area is a footpath or nature strip adjacent to a road, an area that is not a road and is open to the public and designated for use by cyclists or animals, an area that is not a road and this open to the public for driving, riding or parking vehicles (including road verges and footpaths).

5. Legislative Principles

Community Land – Section 200 and 202 of the Local Government Act 1999 specifies that a person must not use community land for a business purpose unless the use is approved by the council.

Road/Road Related Area – Section 222 of the Local Government Act 1999 specifies that a person must not use a public road, including any part of the road reserve such as the footpath area, for business purposes unless authorised to do so by a permit from the council.
6. Policy Statement

Mobile food vendors should enhance the vibrancy of the Council area and have an offering that encourages visitors and residents.

Council will adopt location rules as where mobile food vendors may operate from with a permit (Appendix A). Council will take into consideration the following whilst setting permitted location rules:

- Location
- Permanent retail and service traders
- Benefit to the community
- Ambience created by the trader

Mobile trading must comply with the Local Government Act 1999 and relevant Council by-laws. The Permit holder must agree to comply with all the conditions which Council may impose. Council can modify or revoke a mobile trading permit if does not comply with the conditions.

The permit is to be carried at all times while trading and produced upon request by an authorised Council representative or SA Police.

Permanent retail and service traders and the amenity of the Council area must not be adversely affected by mobile trading.

Mobile Trading Operations:

- No fixed infrastructure, tables, chairs or signage or amplified sound are permitted
- All advertising must be fixed to the food vehicles and not encroach on the public realm
- Exclusive use of an area is not permitted and areas are not able to be reserved.
- The mobile vending area must be maintained at a high level of cleanliness. All waste and litter from the vendors operation must be disposed of. All waste water associated with the activities of the food vendor must be contained within the vendor’s vehicle. All refuse generated as part of the operation must be continuously removed by the mobile vendor
- Where Council has to undertake any cleaning or tidying of the area, the mobile vendor will be liable to reimburse the Council for costs incurred

Provision of permits:

- The permit holder takes full responsibility for the care, appearance, maintenance and operation of their activity area and is responsible for abiding by all legislative requirements relating to the activity
- Applicants will need to demonstrate an appropriate level of public liability insurance as per the conditions

Safety:

- Safety measures required by mobile vendors will be assessed on a case-by-case basis
- Mobile vendors must comply with all legislative requirements relating to business operations, work health and safety and any other relevant requirements
- All mobile food vendors must comply with all health and food safety aspects as contained within the Food Act 2011 and food safety standards. All mobile food vendors will be subject to an inspection from the Environmental Health Officer
- Safety of the public must be a primary consideration. Mobile food vendors must not compromise the safety of pedestrians, any road users or another users of the space

Fees:

A fee in accordance with the Council’s Fees and Charges Register will apply. Permits are either issued annually or monthly.
6. Complaints

Complaints relating to mobile vendors can be made in writing to Council’s Group Manager Governance and Community. All complaints will be investigated in accordance with Council’s Complaints policies.

7. Review

This policy will be reviewed every two years and also in response to any changes to legislation and relevant standards, codes and guidelines.
Mobile Food Vendors Policy
Location Rules

1. Introduction
A mobile food vending business requires a permit under section 222 of the Local Government Act 1999 to operate a business on a public road in the Council area.

A condition of a permit authorising mobile food vending business to operate on a public road in the Council area is that the permit holder complies with the location rules adopted by the Council under section 225A of the Local Government Act 1999.

Council has adopted the location rules set out in this document.

2. Mobile food vending business determined sites
A mobile food vending business holding a permit issued by the Council may operate anywhere in the Council area subject to complying with these location rules and any other requirements of its permit.

3. Operate a reasonable distance from a fixed food business
A mobile food vending business holding a permit issued by the Council must select a site for operation which allows for a reasonable distance between the mobile food vending business and fixed food businesses during the operating hours of the fixed food businesses. A reasonable distance will depend on the circumstances and may vary from location to location. A fixed food business is defined as a business where the primary purpose is retail sale of food or beverages that is carried on at fixed premises. Fixed food businesses include cafes, restaurants, takeaway food businesses, bakeries, supermarkets and service stations.

4. Take into account the effect of the operation of the mobile food vending business
A mobile food vending business must select a site for operation which takes into account the effect of its operation on:
(a) Vehicles and pedestrian traffic, footpaths, driveways, access points to buildings and parking areas for people with disabilities;
(b) Requirements relating to, and availability of, parking spaces; and
(c) Residents and businesses.

5. No undue interference with vehicles or road related infrastructure
A mobile food vending business must select a site for operation where it will not unduly interfere with:
(a) Vehicles driven on roads;
(b) Vehicles parking or standing on roads;
(c) A parking area for people with disabilities (within the meaning of rule 203(2) of the Australian Road Rules);
(d) Public transport and cycling infrastructure (including bus zones, taxi zones and bike lanes);
(e) Other road related infrastructure; or
(f) Infrastructure designed to give access to roads, footpaths and buildings.

6. Compliance with legislative requirements
A mobile food vending business must select a site for operation which does not breach any relevant requirements under the following legislation:
(a) Food Act 2001;
(b) South Australian Public Health Act 2011;
(c) Environment Protection Act 1993;
(d) Local Nuisance and Litter Control Act 2016;
(e) Motor Vehicle Act 1959 and the Road Traffic Act 1961;
(f) Legislation relating to electrical or gas installations or appliances; and
(g) Relevant legislation relating to health, safety or the environment.

7. Disputes may be referred to the Small Business Commissioner

If an operator of a food business in the Council area is directly adversely affect by these location rules then the operator may apply to the Small Business Commission for a review of location rules.

8. Amendment of these location rules

The location rules may be amended from time to time by the Council. The location rules must be amended by the Council if directed to by the Small Business Commissioner or to satisfy a requirement of the Minister for Local Government.
REPORT FOR ORDINARY COUNCIL MEETING

Meeting Date 25 March 2020

Title of Report Coronavirus (COVID-19) Update

1. Purpose

To provide Council with an update regarding the response to the COVID-19 Coronavirus.

2. For Information

At the time of writing there are no confirmed COVID-19 cases in Roxby Downs, Andamooka or Olympic Dam.

Council is continuing to monitor and follow advice published by the State Government. As a result Council followed the Direction given by the State Coordinator, SAPOL Commissioner Grant Stevens. Following a risk assessment conducted by Council playgrounds and the skate park were close to public access. The following Council services and facilities are now closed until further notice:

- All playgrounds
- Skate park
- Netball and tennis courts
- Indoor and outdoor pools and splashpad
- Indoor sports facilities (stadiums and squash courts)
- Pulse fitness gym
- Crèche and nippy gym
- Cinema
- Community Library
- Art Gallery
- Visitor Information Centre
- Community Youth Centre
- Roxbylink Kiosk

The following services and facilities remain open until further notice:

- Roxby Council Office
- Service SA and EzyReg services limited to Monday to Thursday 9am to 4:30pm
- Dunes Café – grab n go tea, coffee, cold drink and cake only. 8am-1pm, 7 days.

Council is encouraging the general public to stay at home and stop the COVID-19 spread by completing enquiries online, by email or over the phone wherever possible. The Library and the Youth Centre have implemented online programs, including cooking lessons, bed time stories, and toddler story time. The Library has also introduced a “Drop and Wave Library Service” where the team deliver library resources to residents.

It is still business as usual for waste collection, park and verge maintenance and animal control services, capital works projects such as the road reseal program continue to be delivered.

Council will continue to monitor the directions and declarations and will change its operations as necessary to comply.

Due to COVID-19 and the restrictions that were put in place the operations at Roxby Council were significantly reduced. The biggest impact is on the operations at Roxbylink. Due to the restrictions and the closure of facilities many of our important and highly valued casual staff were advised of a cancellation or a significant reduction in their shifts until further notice.
Council advised casual staff to register with Centrelink. Council will continue to monitor the restrictions that are in place and when the restrictions are eased Council will notify our casual work force and implement a strategy for re-employment.

Council is aware of the financial pressure that some businesses and residents may be under due to COVID-19 impacts. Council has hardship policies in place and encourages anyone who is facing hardship to contact the office to discuss their options for payment of their electricity, water or rates accounts.

Council continues to hold a weekly meeting with members from SA Health, SAPOL, local GP’s, Roxby Pharmacy, RFDS Clinic, BHP, schools, childcare and APOMA. This meeting covers both the Roxby Downs and Andamooka communities and provides valuable information on how our community is coping with COVID-19. Comments from this meeting have been positive with SAPOL and the GP’s praising the community for their cooperation during this time.

Mental Health is a major concern during this period, and BHP through the Vital Resources Fund has approved funding for an additional full-time mental health clinician to support Roxby Downs and the surrounding communities via telehealth.

**Report Authoriser**

Roy Blight  
Chief Executive
REPORT FOR ORDINARY COUNCIL MEETING

Meeting Date: 29 April 2020


1. Purpose

To report on how Council is meeting its compliance checking responsibilities in response to COVID-19 Emergency Management Directions.

2. For Information

Councils have an obligation to conduct public health monitoring to ensure the wellbeing of local communities. In response to the COVID-19 pandemic, councils have been asked to assist SA Police in conducting monitoring activities arising from the Emergency Management Directions issued by the State Coordinator. Compliance checking includes enforcing social distancing measures in local businesses, social gatherings and public spaces.

The Local Government Functional Support Group – the lead coordinating body for the local government sector – has requested each council develop local plans which reflect available resources. This recognises the fact each Council is different and has different resources and capacities.

Councils ordinarily utilise the services of Environmental Health Officers who have delegated authority under the South Australian Public Health Act 2011 to undertake monitoring and enforcement. Our Council outsources environmental health services to the City of Salisbury. The Officer is unable to travel to Roxby Downs due to the current travel restrictions on non-essential travel.

Roxby Police, which does have resources available, will undertake compliance checking relating to Emergency Management Directions. Council staff are still undertaking regular inspections of public spaces related to Council initiated closures (e.g. playgrounds, skate park etc) as they are not required to have delegated authority under the South Australian Public Health Act 2011 to complete this activity.

The attached Local Compliance Plan reflects Council’s operational commitments and collaboration with Roxby Police. This Plan was submitted to the Area Liaison Officer on 8 April 2020 and is provided for information.

3. Attachments


4. Report Authorisers

Michelle Hales
Group Manager Governance and Community
MUNICIPAL COUNCIL OF ROXBYS COVID-19 Local Compliance Plan

As at 8 April 2020

1. Context

The Municipal Council of Roxby Downs (“Council”) outsources Environmental Health Functions to the City of Salisbury. Council has requested that all visiting consultants cease non-essential travel to Roxby Downs at this time. As a result City of Salisbury Environmental Health Officers (EHO) are unable to visit Roxby Downs and attend to requirements in person. Support and advice is received via alternative means (e.g. telephone and email).

In the absence of a locally based EHO, Council does not have any local staff members with delegated authority to exercise powers and functions under the South Australian Public Health Act 2011. A locally based EHO is, therefore, not available to support any potential ‘non-conformances’.

2. Critical locations / areas

Council has identified the following critical locations/ areas which are likely to require additional coverage by SAPOL:

- All businesses located within the municipality (i.e. Roxby Downs and Olympic Dam) including those on Richardson Place, Tutop Street, Olympic Way and the Light Industrial Estate and Industrial.
- All open space where gatherings could take place (e.g. ovals)

3. Overview of Compliance Check Activities

Council has a close working relationship with the Roxby Downs SAPOL and by mutual agreement the local Officer in Charge has agreed to deploy police officers to undertake compliance check activities and enforcement of local businesses and gatherings. Council staff will be providing supplementary support through inspections and observations of public space and reporting matters of concern to local SAPOL. If local SAPOL request a higher level of Council involvement Council staff will be ready to undertake additional duties as directed. This COVID-19 Local Compliance Plan will be amended should there be any changes to current operating conditions.

The Council Ranger and Municipal Services Supervisor will be used to conduct vehicle patrols and onsite inspections of public facilities within Council the boundaries. The intent is to attend recreational and public areas daily. As observers they will not be approaching the general public on matters relating to State Government Emergency Declarations and Directions.
For Council initiated closures (e.g. playgrounds and skate parks) staff will monitor these and advise those people present if they are not conforming to requirements. This is an educative role only as staff do not have authority to undertake enforcement. SAPOL will be called upon in cases where there is an immediate threat to public safety.

4. Resource commitment

During normal business hours Council will be able to allocate the following resources in support of this Plan:

- Two (2) Council Officers for compliance observation tasks

Council staff will not be available to support local SAPOL after-hours or on public holidays.

5. Council Point of Contact (POC)

The Council POC for all Compliance Check activities will be Stuart Edwards Group Manager Essential Services and Assets 0490 681 777.
REPORT FOR ORDINARY COUNCIL MEETING

Meeting Date 29 April 2020
Title of Report Grant Register

1. Purpose

To report on the status of grant applications seeking external funding – for noting only.

2. For Information

2.1 Open Space and Places for People Funding

The State Government recently announced a stimulus package aimed at safeguarding the South Australian economy and to protect local jobs from the impacts of the coronavirus pandemic. This stimulus package included a doubling of the Planning and Development Fund. The aim of this fund is to support improvements to the public realm.

In response to this announcement Council has lodged two applications to improve public space:

2.2 Pump Track (Place for People Category)

The Pump Track project is a shovel ready project which has been fully designed and is ready for construction. The Pump Track will replace the existing BMX track that is 30 years old and has deteriorated to the state that it is no longer useable. The original intention for this project was that contractor’s pro bono support would be attracted to support Council’s seed funding for the delivery of this project. The COVID-19 response and the current economic landscape have changed the outlook for contractor pro bono support in the short term. As a local economic stimulus and to drive this project forward a project proposal has been submitted to SA Government for funding support. The project has been costed at $880,000 with $11,000 contribution from BHP via the Community Board. Council has applied for 50% funding of $434,500.

Acceptance of any grant award and confirmation of Council’s investment will be subject to a decision of the Council.

2.3 Arboretum (Open Space Category)

The original Arboretum was first established in 2001 by the Tidy Towns Committee. Over the last 19 years the site has not been maintained and is now in a derelict state. The Arboretum project will look to re-establish, upgrade and expand the Arboretum into an arid green space of primarily native vegetation for the enjoyment of the community. It will be cultivated for conservation, scientific and educational purposes with recreational walkways and gardens for the community. The total cost of the first phase of the project is estimated in the order of $400,000 and Council has applied for 50% funding ($200,000).

Acceptance of any grant award and confirmation of Council’s investment will be subject to a decision of the Council.

2.4 SA Youth Week 2020

Council applied for a grant from the Department of Human Services (DHS) of $1,500 for SA Youth Week 2020 to help cover the costs for running a Youth Careers Expo. SA Youth was scheduled to take place from 17-26 April 2020. This application was successful and the funds have been received.
Due to the public health risks posed by COVID-19 many Youth Week events and activities planned around the State were no longer able to go ahead as originally planned. DHS has provided councils with the option of running an alternative online format during SA Youth Week or postponing the event and holding it at a later date. The latter makes sense and will utilise these funds once the pandemic crisis is over.

3. **Attachments**

   Grant Register

4. **Report Authorisers**

   Michelle Hales
   Group Manager Governance and Community
### Municipal Council of Roxby Downs Grant Register

<table>
<thead>
<tr>
<th>Date Applied</th>
<th>Responsible Manager</th>
<th>Funding Body</th>
<th>Project</th>
<th>Total Cost</th>
<th>Outcome</th>
<th>Grant funding sought</th>
<th>Council component proposed</th>
<th>Other funding</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>15/2/2018</td>
<td>Paul McInerney</td>
<td>Office for Recreation and Sport</td>
<td>STARCLUB Field Officer Program 2018-2021</td>
<td>$358,209</td>
<td>15/3/2018 OIRS after $35,000 x 3 years $105,000</td>
<td>$60,734 x 3 years $167,202</td>
<td>$191,007 over 3 years</td>
<td>Currently awaiting delivery of funding agreements, Funding Agreement received, signed and returned 21 August 2019 2019/20 acceptance signed 13 August 2019 Project Underway</td>
<td></td>
</tr>
<tr>
<td>11/4/2018</td>
<td>Paul McInerney</td>
<td>Office for Recreation and Sport</td>
<td>Female Friendly Change Rooms for Recreation Precinct</td>
<td>$568,000</td>
<td>Terminated by State Government</td>
<td>$500,000</td>
<td>$50,000</td>
<td>SANFL $8,000 Roxby Downs Junior Football Assoc $5,000 Far North Football League $5,000 Application lodged 11 April 2018 3 September 2018 - program terminated by State Government and will be replaced by a new family friendly program. Application cycle completed</td>
<td></td>
</tr>
<tr>
<td>4/5/2018</td>
<td>Paul McInerney</td>
<td>BHP</td>
<td>Sport and Recreation Forum - Pump Track Design and Consulting Fees to Develop a Multipurpose Pump Track</td>
<td>$23,810</td>
<td>$20,810 to support the design and consulting fees to develop a multipurpose pump track</td>
<td>$23,810</td>
<td>$50,000 for implementation</td>
<td>The development phase of this project will include the recruitment of external funding. This grant was applied for by the Sport and Recreation Forum, Council supports the grant application. Application completed</td>
<td></td>
</tr>
<tr>
<td>14/9/2018</td>
<td>Paul McInerney</td>
<td>Community Sport Infrastructure 2018</td>
<td>Family Friendly Change Room Facility - Central Sporting Precinct Roxby Downs</td>
<td>$568,000</td>
<td>Pending</td>
<td>$500,000</td>
<td>$50,000</td>
<td>SANFL $5,000 Roxby Downs Junior Football Assoc $5,000 The grant application replaces the application for the Female Friendly Change Rooms which was terminated by the State Government in early September 2019. Notification received 21/12/2018 application not successful in first round Application remains eligible for second round. Three rounds completed and unsuccessful in all 3 rounds. Currently on hold.</td>
<td></td>
</tr>
<tr>
<td>5/10/2018</td>
<td>Michelle Hales</td>
<td>SA Youth Week 2019</td>
<td>Pump It Up</td>
<td>$2,900</td>
<td>Received</td>
<td>$1,200</td>
<td>$1,700</td>
<td>Youth based exps Grant approved 25 January 2019</td>
<td></td>
</tr>
<tr>
<td>24/9/2018</td>
<td>Stuart Edwards</td>
<td>Green Industries SA</td>
<td>Regional Transport Relief Fund</td>
<td>$4,623.84 plus GST</td>
<td>Received</td>
<td>$4,623.84 plus GST</td>
<td>Regional Transport Relief Fund is part of the SA Government’s support package and will provide temporary relief to SA local councils in rural and regional areas to support their continued recycling efforts.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>18/12/2018</td>
<td>Stuart Edwards</td>
<td>Roads to Recovery Program</td>
<td>Roads to Recovery Program</td>
<td>$215,061.00 for 1 July 2019 to 30 June 2024</td>
<td>Automatically allocated, no application required.</td>
<td></td>
<td></td>
<td>Council’s allocation under the Roads to Recovery Program from 1 July 2019 to 30 June 2024</td>
<td></td>
</tr>
<tr>
<td>17/12/2019</td>
<td>Paul McInerney</td>
<td>Office for Recreation, Sport and Racing</td>
<td>State Park expansion to include a skate park</td>
<td>$240,000</td>
<td>Unsuccessful</td>
<td>$120,000</td>
<td>$120,000</td>
<td>Nil Unsuccessful</td>
<td></td>
</tr>
<tr>
<td>5/12/2019</td>
<td>Michelle Hales</td>
<td>SA Govt - Department Communities Social Inclusion</td>
<td>SA Youth Week</td>
<td>$1,500</td>
<td>Successful</td>
<td>$1,500</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>20/3/2020</td>
<td>Stuart Edwards</td>
<td>Australia Government Department of Infrastructure, Transport, Regional Development and Communications</td>
<td>Roxby Downs Light Industrial Estate Reconstruction</td>
<td>$1,240,000</td>
<td></td>
<td>$1,140,000</td>
<td>$100,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>20/3/2020</td>
<td>Stuart Edwards</td>
<td>Australia Government Department of Infrastructure, Transport, Regional Development and Communications</td>
<td>Grill Road Re-sheeting</td>
<td>$250,000</td>
<td></td>
<td>$250,000</td>
<td>$25,000</td>
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</tr>
<tr>
<td>20/3/2020</td>
<td>Stuart Edwards</td>
<td>Australia Government Department of Infrastructure, Transport, Regional Development and Communications</td>
<td>Olympic Way Bitumen Resurfacing</td>
<td>$350,000</td>
<td></td>
<td>$300,000</td>
<td>$50,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7/04/2020</td>
<td>Stuart Edwards</td>
<td>Department Planning, Transport and Infrastructure - SA Government Open Space and Places for People</td>
<td>Multi-purpose Pump Track (Construction)</td>
<td>$880,000</td>
<td></td>
<td>$434,500</td>
<td>$434,500</td>
<td>Nil 11,000 contribution from the Community Board Council contribution subject to business case and detailed project plan for implementation being approved by Council. Notifications expected after 30 June 2020</td>
<td></td>
</tr>
<tr>
<td>8/04/2020</td>
<td>Stuart Edwards</td>
<td>Department Planning, Transport and Infrastructure - SA Government Open Space and Places for People</td>
<td>Stuart Road Arboretum (Construction)</td>
<td>$400,000</td>
<td></td>
<td>$200,000</td>
<td>$200,000</td>
<td>Council contribution subject to business case and detailed project plan for implementation being approved by Council. Notifications expected after 30 June 2020</td>
<td></td>
</tr>
</tbody>
</table>