

Council Agenda

AGENDA

NOTICE OF MEETING

Notice is hereby given that an ordinary meeting of Council will be held in the

**Council Chamber – Glenelg Town Hall
Moseley Square, Glenelg**

Wednesday 27 January 2021 at 7.00pm

Marnie Lock
ACTING CHIEF EXECUTIVE OFFICER



Ordinary Council Meeting Agenda

1. OPENING

The Mayor will declare the meeting open at 7:00pm.

2. KAURNA ACKNOWLEDGEMENT

We acknowledge Kaurna people as the traditional owners and custodians of this land.

We respect their spiritual relationship with country that has developed over thousands of years, and the cultural heritage and beliefs that remain important to Kaurna People today.

3. SERVICE TO COUNTRY ACKNOWLEDGEMENT

The City of Holdfast Bay would like to acknowledge all personnel who have served in the Australian forces and services, including volunteers, for our country.

4. PRAYER

Heavenly Father, we pray for your presence and guidance at our Council Meeting. Grant us your wisdom and protect our integrity as we carry out the powers and responsibilities entrusted to us on behalf of the community that we serve.

5. APOLOGIES

5.1 Apologies Received - Nil

5.2 Absent - Nil

6. ITEMS PRESENTED TO COUNCIL

7. DECLARATION OF INTEREST

If a Council Member has an interest (within the terms of the Local Government Act 1999) in a matter before the Council they are asked to disclose the interest to the Council and provide full and accurate details of the relevant interest. Members are reminded to declare their interest before each item.

8. CONFIRMATION OF MINUTES

Motion

That the minutes of the Ordinary Meeting of Council held on 8 December 2020 be taken as read and confirmed.

Moved Councillor _____, Seconded Councillor _____

Carried

9. PUBLIC PRESENTATIONS**9.1 Petitions**

- 9.1.1 Subdivision of the Grassed Area of Dover Square Reserve, South Brighton (Report No: 25/21)
- 9.1.2 Seaside Court, 42 Jetty Road Brighton, Impaired Vision When Exiting Driveway, Left Onto Jetty Road Brighton (Report No: 31/21)

9.2 Presentations - Nil**9.3 Deputations**

- 9.3.1 Returned Services League, South Australia (RSL SA) – Mr Bill Denny.
Mayor Wilson has approved a deputation from Mr Bill Denny on behalf of RSL SA regarding the Proposed Memorial to Honour Squadron Leader Robert Wilton Bungey.
- 9.3.2 Ms Amanda Kemperman
Mayor Wilson has approved a deputation from Ms Amanda Kemperman regarding sub-division of the grassed area of Dover Square Reserve, South Brighton.

10. QUESTIONS BY MEMBERS**10.1 Without Notice****10.2 On Notice - Nil****11. MEMBER'S ACTIVITY REPORTS**

- 11.1 Councillor Lindop's Activity Report for July 2020 – December 2020 (Report No: 23/21)

12. MOTIONS ON NOTICE

- 12.1 Vehicle Speed on Holder Road Hove – Councillor Fleming (Report No: 24/21)
- 12.2 Assessment of Exit Point from 42 Jetty Road Brighton (Report No: 30/21)

13. ADJOURNED MATTERS

- 13.1 Adjourned Report - Private Laneway – 54a Cedar Avenue, Brighton (Report No: 03/21)

14. REPORTS OF MANAGEMENT COMMITTEES AND SUBSIDIARIES

- 14.1 Minutes – Audit Committee – 16 December 2020 (Report No: 16/21)
- 14.2 Information Report – Southern Region Waste Resource Authority Board Meeting – 23 December 2020 (Report No: 04/21)
- 14.3 Appointment of Alwyndor Management Committee Member (Report No: 21/21)

- 14.4 Appointment of Independent Member to Audit Committee (Report No: 01/21)

15. REPORTS BY OFFICERS

- 15.1 Items in Brief (Report No: 22/21)
15.2 Proposed Memorial to Honour Squadron Leader Robert Wilton Bungey (Report No: 20/21)
15.3 Response for Greater Adelaide Regional Organisation of Councils (GAROC) Annual Business Plan 2021-22 (Report No: 26/21)
15.4 Code of Practice – Meeting Procedures – Annual Review (Report No: 27/21)
15.5 Purchase of a Large Multi-Use Marquee (Report No: 18/21)
15.6 Wigley Reserve Lighting (Report No: 19/21)
15.7 Car Share Trial (Report No: 14/21)
15.8 Attendance at National General Assembly 2021 and Calling for Notices of Motions (Report No: 28/21)
15.9 Delegations under the Planning, Development and Infrastructure Act 2016 (Report No: 02/21)
15.10 Commercial Road, Brighton – Traffic Investigation (Report No: 05/21)

16. RESOLUTIONS SUBJECT TO FORMAL MOTIONS

Presented for the information of Members is a listing of resolutions subject to formal resolutions, for Council and all Standing Committees, to adjourn or lay on the table items of Council business, for the current term of Council.

17. URGENT BUSINESS – Subject to the Leave of the Meeting

18. CONFIDENTIAL ITEMS

- 18.1 Minutes – Audit Committee - 16 December 2020 (Report No: 15/21)

Pursuant to Section 90(2) of the Local Government Act 1999 the Report attached to this agenda and the accompanying documentation is delivered to the Council Members upon the basis that the Council consider the Report and the documents in confidence under Part 3 of the Act, specifically on the basis that Council will receive, discuss or consider:

- e. matters affecting the security of the council, members or employees of the council, or council property, or the safety of any person.

- 18.2 Beach Activation Agreement (Report No: 17/21)

Pursuant to Section 90(2) of the Local Government Act 1999 the Report attached to this agenda and the accompanying documentation is delivered to the Council Members upon the basis that the Council consider the Report and the documents in confidence under Part 3 of the Act, specifically on the basis that Council will receive, discuss or consider:

- d. commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of the person who

supplied the information or to confer a commercial advantage on a third party: and 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.

18.3 Glenelg Oval Unisex Change Rooms (Report No: 32/21)

Pursuant to Section 90(2) of the Local Government Act 1999 the Report attached to this agenda and the accompanying documentation is delivered to the Council Members upon the basis that the Council consider the Report and the documents in confidence under Part 3 of the Act, specifically on the basis that Council will receive, discuss or consider:

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



MARNIE LOCK
ACTING CHIEF EXECUTIVE OFFICER

Item No: **9.1.1**

Subject: **PETITION – SUBDIVISION OF THE GRASSED AREA OF DOVER SQUARE RESERVE, SOUTH BRIGHTON.**

Date: 27 January 2021

Written By: Governance and Risk Officer

General Manager: Strategy and Business Services, Ms P Jackson

SUMMARY

A conforming petition has been received from Ms Amanda Kemperman of 8 Comley Street Brighton, SA 5048. Ms Kemperman lodged this petition on behalf of the 'Friends of Dover Square Dogs' Facebook group. There are 191 conforming signatures and the petition states:

"In August 2020 the City of Holdfast Bay conducted a community consultation with users of the Dover Square Reserve. An email was sent on 12 November 2020 by Julia Wallace, Team Leader Sport & Recreation Planning and stating:

-The results of the community engagement were considered at council on Tuesday 10 November 2020. Council resolved to proceed with a two-stage approach to upgrade Dover Square Reserve.

-The first stage, 'Stage 1' will include minor reserve improvements by extending the internal playspace fence line to increase the play space area for the inclusion of open grassed area and to ensure access can be made directly to the play space from the external boundary. In addition, landscaping works, turf upgrades to high traffic areas and the inclusion of additional amenities such as a water fountain and shelter will be undertaken.

-The second stage is the potential opportunity to connect the reserve to the Almond Grove, however this is yet to be investigated. If determined feasible, 'Stage 2' will be subject to further consultation and funding.

*The attached petitioners (194) and 'Friends of Dover Square Dogs' facebook group (145) are in support of all planned improvements and are **opposed to and have concerns about fencing off the grassed area (North to South of the reserve)** and we are requesting an amendment to the proposed plan.*

The results of the above-mentioned community engagement in 2020 showed:

-Almost half (45%) of those surveyed were in support of Option D however, Council has decided on Option C which, was only supported by 20% of those surveyed.

-Almost 60% (56) of reserve users have dogs accompany them.

-Only 4% (7 out of 191) of people reported dogs as a problem and as a reason they don't visit the reserve.

Council has said they want to make the reserve more 'equitable' however, we question this need and add:

-This is the only option available to most park users with a dog in the surrounding area.

-The beach is not a safe or viable alternative: not fully fenced, inaccessible to older people or people with physical ability issues and has a high volume of users during off-leash times which is overwhelming to many.

-Increased development means dog numbers will only increase.

-The current grassed area is fully utilised at different times (especially winter with reduced daylight hours) and is essential to be able to maintain the wellbeing and safety of different dogs and user groups.

-There are plenty of other play spaces locally for all other activities such as Scarborough Terrace Reserve (next to Patritti Wines), a four-minute walk from Dover Square Reserve and multiple others.

-The City has 4,600 dogs registered that need to be planned for and we have no designated dog park. Dogs are residents of the City of Holdfast and need to be considered and planned for.

-The dog community is an incredible community asset who creates a significant contribution to the health and wellbeing of the City and Council should support them.

-The fencing will be a substantial cost and funds would be better spent on a walking path as requested.

As a rate payer and regular local reserve user I and my fellow residents wish to instigate this petition and be heard at the next Council meeting."

RECOMMENDATION

That Council note the Petition from Ms Amanda Kemperman regarding sub-division of the grassed area of Dover Square Reserve, South Brighton.

COMMUNITY PLAN

Culture: Providing customer-centred services

Culture: Supporting excellent, efficient operations

COUNCIL POLICY

City of Holdfast Bay Code of Practice – Meeting Procedures

STATUTORY PROVISIONS

Local Government Act 1999

Local Government (Procedures at Meetings) Regulations 2013

BACKGROUND

On 19 January 2021, Administration received a petition relating to the sub-division of the grassed area of Dover Square Reserve, South Brighton. The petition submission makes reference to Council resolution (C101120/2127), Report No: 367/20 – Dover Square Reserve – Improving Equity of Use. The resolution from the Council meeting on 10 November 2020 was:

“That Council:

- 1. note the findings from the consultation ‘Improving equity of use at Dover Square Reserve;*
- 2. endorse the preferred option and proceeds with Stage 1 as per tabled plan, minor fence alterations, landscaping and additional amenities; and*
- 3. consider financial support for Stage 2 and maintenance program for turf improvements in 2021-22 budget.”*

A Division was called, the motion was carried and as a result, the petitioners are requesting *“an amendment to the proposed plan.”*

Refer Attachment 1

The petition received from Ms Amanda Kemperman meets the criteria for a conforming petition submission as outlined in the *Local Government (Procedures at Meeting Regulations) 2013*, Regulation 10 and *Council’s Code of Practice – Meetings Procedures Regulation 10 (1) - (9)*.

Ms Kemperman will deliver a Deputation at the Council meeting on Wednesday, 27 January 2021 in support of this petition submission.

BUDGET

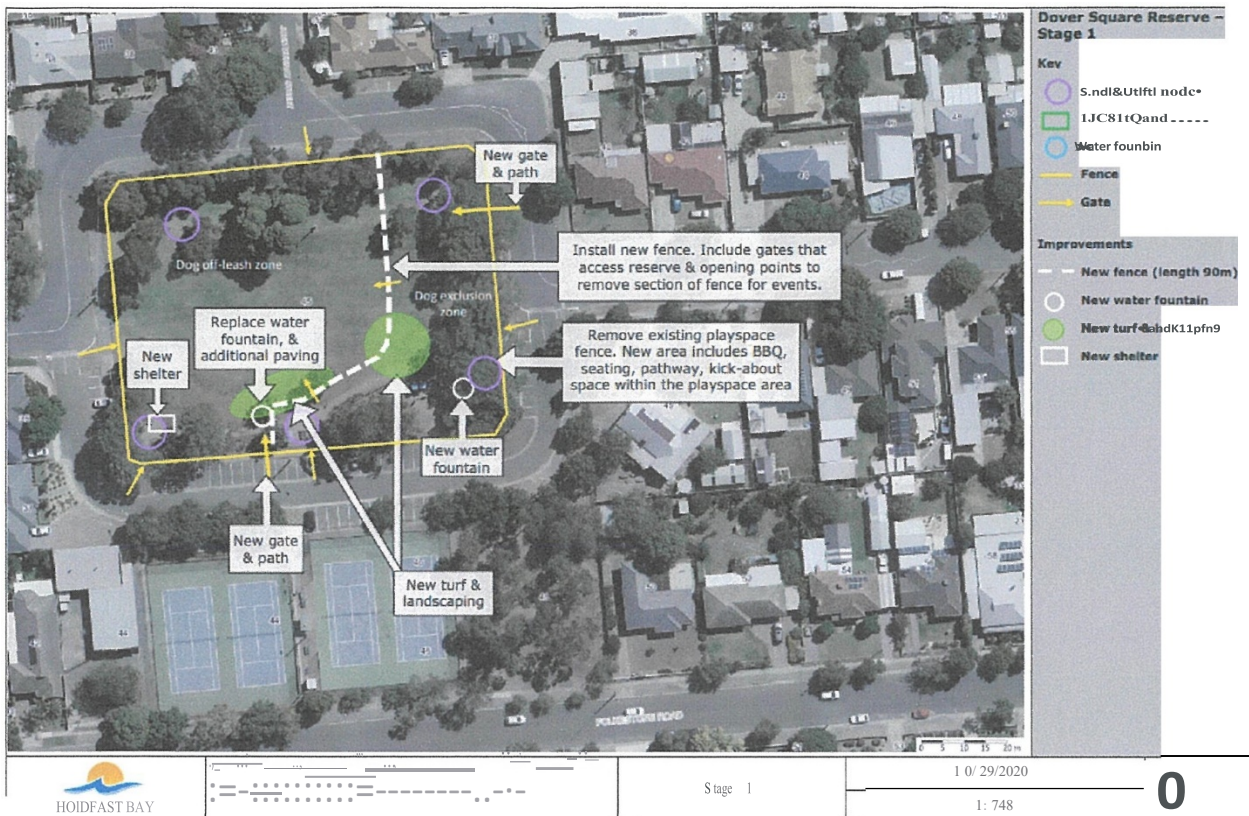
Not Applicable

LIFE CYCLE COSTS

Not Applicable

Attachment 1





Plan from website: https://www.yourholdfast.com/dover-square?utm_source=ehq_newsletter&utm_medium=email&utm_campaign=ehq-Update-Improving-Equity-of-Use-at-Dover-Square-Reserve&utm_campaign=website&utm_source=ehq&utm_medium=email

SAVE OUR DOVER RESERVE GRASSED AREA FROM EXCLUSION

Above are the City of Holdfast Council's approved proposed changes to Dover Square Reserve scheduled as the Stage 1 development. Note: a significant portion of the grassed area to be enclosed in the playground area and not accessible for dogs.

We the petitioners do not support Council's decision to: "extend the internal play space fence line to increase the play space area for the inclusion of open grassed area."

- This is the only fully fenced park in the southern wards for dogs to exercise sufficiently and safely and during peak times the full grass area is fully utilised.
- Reducing the size of the grassed area is dangerous and not equitable for most reserve users. The Engagement Summary Report Dover Square, Oct 2020 states:
 - 122 of 181 participants said they use the area for exercising the dog
 - 84 participants (45%) chose Option D - Extend current playground fence [not exclude dogs from any grassed area]
- There is a wide array of other local public spaces to cater for people without dogs.

- This is a vital space for residents to sufficiently and safely exercise their dogs and develop local social connections and local social supports imperative during the COVID- 19 pandemic.
- We support the extension of the playground fence to include BBQ and drink fountain; gate to access playground directly and the new drink fountain, shelter, turf and proposed Stage 2 development of Almond Grove

Item No: **9.1.2**

Subject: **PETITION – SEASIDE COURT, 42 JETTY ROAD BRIGHTON, IMPAIRED VISION WHEN EXITING DRIVEWAY, LEFT ONTO JETTY ROAD BRIGHTON**

Date: 27 January 2021

Written By: Governance and Risk Officer

General Manager: Strategy and Business Services, Ms P Jackson

SUMMARY

A petition has been received from Ms Karen Donaldson of Seaside Court, 42 Jetty Road Brighton. Ms Donaldson lodged the petition on behalf of all residents at the same address. There are 12 signatories and the petition states:

"I Karen Donaldson of Seaside Court, 42 Jetty Road Brighton, along with the undersigned residents of the same address, request that the City of Holdfast Bay give consideration to placing signage, SMALL CAR ONLY or MOTOR CYCLES ONLY on the first car park on the Western side of Seaside Court to enable clearer vision for drivers when departing the premises. Together with large cars and a large tree, it is extremely difficult to leave the driveway safely with vision being severely obstructed when turning left into Jetty Road, Brighton."

RECOMMENDATION

That Council note the petition from Ms Donaldson regarding obscured vision when exiting left from the driveway at Seaside Court, 42 Jetty Road Brighton.

COMMUNITY PLAN

Culture: Providing customer-centred services
Culture: Supporting excellent, efficient operations

COUNCIL POLICY

City of Holdfast Bay Code of Practice – Meeting Procedures

STATUTORY PROVISIONS

Local Government Act 1999

Local Government (Procedures at Meetings) Regulations 2013

BACKGROUND

On 20 January 2021, Administration received a petition relating to obscured vision upon exiting left from the driveway at 42 Jetty Road, Brighton. Vision is obscured by a large tree and also when large vehicles are parked in the car spaces adjacent the driveway.

The residents are requesting signage to be installed at the first car space on the Western side of the driveway at Seaside Court, 42 Jetty Road, Brighton indicating that the spaces are suitable for either small cars or motorcycles only.

A motion in support of this petition has been submitted by Councillor Clancy and will form part of the agenda on 27 January 2021.

BUDGET

Not Applicable

LIFE CYCLE COSTS

Not Applicable

Item No: **11.1**

Subject: **COUNCILLOR LINDOP'S ACTIVITY REPORT FOR JULY 2020 –
DECEMBER 2020**

Date: 27 January 2021

Written By: Personal Assistant, Strategy and Business Services

General Manager: Strategy and Business Services, Ms P Jackson

SUMMARY

Presented for the information of Members is the Activity Report for Councillor Lindop for July 2020 – December 2020

RECOMMENDATION

That Councillor Lindop's Activity Report for July 2020 to December 2020 be received and noted.

REPORT

Date	Activity
1/07/2020	Meeting at Brighton Civic Center with Matt Rechner and Fabienne Reilly and Cr Bradshaw re Kauri Sporting and Community Club
7/07/2020	Council Workshop
8/07/2020	Seacliff Plaza meeting with Alex Gaut re the Dunes
9/07/2020	Holdfast Bay Habitat Heroes and Trees For Life Dune Planting working bee Young St Drain Area Seacliff
10/07/2020	Coffee Catch Up with Minister Spiers – CREAM Jetty Rd Brighton
14/07/2020	Council Meeting
15/07/2020	Meeting with Anthony Marroncelli and residents of the Seacliff Ward
16/07/2020	Meeting at Ruggy's Foodland with Tim Rugless and Cr Annette Bradshaw
16/07/2020	Murray Darling Association Region 7 Meeting
20/07/2020	Dover Square Tennis Club meeting with President Paul and Council Administration re looking at possibility of Lights at the Tennis grounds
21/07/2020	Webinar SA Waste Strategy
21/07/2020	Council Workshop
23/07/2020	Volunteered in the Brighton Sand Dunes with Holdfast Habitat Heroes and McAuley School

23/07/2020	SRWRA Board Meeting via ZOOM
24/07/2020	Foodland meeting with Mayor Amanda Wilson, Cr Annette Bradshaw and Tim Rugless Interview with the Messenger
28/07/2020	Council Meeting
29/07/2020	Volunteered with Holdfast Habitat Heroes – Brighton Primary School
31/07/2020	Meeting with Gibson MP Corey Wingard
2/08/2020	National Tree Day – Seacliff Dunes helped lead a group of volunteers
3/08/2020	Volunteered with Holdfast Habitat Heroes and Seacliff Primary School in the Seacliff Dunes for a planting working bee
3/08/2020	SRWRA Board Meeting via ZOOM
4/08/2020	Council Workshop
5/08/2020	5049 and Council Administration meeting
6/08/2020	Meeting with Seacliff Ward Councilors and Pam Jackson re Kingston Park Café
10/08/2020	Meeting with Council Admin and Cr Annette Bradshaw re Kauri Sporting and Community Center
11/08/2020	Council Meeting
12/08/2020	Meeting with Alex Gaut and Di Wallace-Ward re Brighton Dunes Working Bee
15/08/2020	Brighton Sporting Club Rooms Official Opening
15/08/2020	Working Bee “Reclaim the Dunes” project with Brighton Surf Lifesaving Club
17/08/2020	Meeting with Council Admin and Seacliff Hockey Club
18/08/2020	Council Workshop – attended via ZOOM
21/08/2020	Lacrosse Club first game under lights
25/08/2020	Council Workshop and Meeting
26/08/2020	Meeting with Pam Jackson re Seacliff Ward Projects
26/08/2020	Meeting with Howard Lacy re Seacliff Toilets and Change rooms and area
30/08/2020	Council Strategic Planning day
01/09/2020	Council Workshop
7/09/2020	Seacliff Surf Life Saving Club Meeting – general
08/09/2020	Council Workshop and Meeting
9/09/2020	Meeting with 5049 representatives
12/09/2020	Drop in at Dover Square Community Consultation
15/09/2020	Brighton Sporting Clubs Official Opening
15/09/2020	Council Workshop
15/09/2020	Brighton Lions Club Guest Speaker
16/09/2020	5049 Coastal Community Meeting – Kingston Room
21/09/2020	SRWRA AGM and Board Meeting via zoom
22/09/2020	Council Workshop and Meeting
26/09/2020	Brighton Lacrosse Club Grand Finals
27/09/2020	Seacliff Community Produce Swap
28/09/2020	Nature Celebrations – 5049 community online presentation
6/10/2020	Council Workshop
9/10/2020	Meeting with Roberto Bria, Howard Lacy Minister David Spiers at Brighton Civic Centre
10/10/2020	Seacliff Surf Life Saving Club March Past and Opening of the Season

	Brighton and Seacliff Yacht Club Sail Past and Open of the Season
12/10/2020	Catch up with Marnie Lock and Sally Heading
13/10/2020	Council Workshop and Meeting
14/10/2020	Catch up with Mayor at Brighton Civic Centre
15/10/2020	Meeting with Seacliff Ward Councilors Annette Bradshaw and Susan Lonie and Howard Lacy re Seacliff Public Toilets Plans
19/10/2020	Catch up with CEO Roberto Bria – Brighton Civic Center
20/10/2020	Catch up with Pam Jackson re Kingston Park
	Council Workshop
21/10/2020	Meeting with Minister Wingard re items in Seacliff Ward which would be relevant to his area
27/10/2020	Council Workshop and Dinner
28/10/2020	WMRR SA Waste & Resources Recovery Conference with Cr John Smedley
9/11/2020	5049 community representatives catch up
10/11/2020	Council Workshop and Meeting
11/11/2020	Attended Remembrance Day in Mosely Square
	HBA AGM at Brighton Rugby Club
16/11/2020	Brief catch up with Pam Jackson and Cr Annette Bradshaw
17/11/2020	Council Workshop
24/11/2020	Council Meeting
26/11/2020	“Teams” meeting with Council Admin re Seacliff Plaza design brief
30/11/2020	Meeting with Pam Jackson at Brighton Civic Center
30/11/2020	Attended Seacliff Hockey Club Board Meeting
1/12/2020	Council Workshop
3/12/2020	Gilbertson Gully meeting with Ivan Winter and Council Admin
8/12/2020	Council Workshop and Meeting
9/12/2020	5049 Liaison Meeting Brighton Civic Center
11/12/2020	End of Year Council Staff Awards
14/12/2020	Meeting on site at Kauri Community and Sporting Complex re Public Toilet
15/12/2020	SRWRA Launch of Solar Farm event
17/12/2020	Meeting with Matt Rechner re Dover Square Tennis Club, Seacliff Hockey Club potential Sporting Grant Applications
23/12/2020	SRWRA Board Meeting via Zoom
27/12/2020	Seacliff Produce Swap Community event – Reserve corner of Wheatland St/Kauri
28/12/2020	Proclamation Day at the Old Gum Tree Event
	Bay Sheffield Event at Glenelg Oval
	Glenelg Cricket Club Tour of Facilities Cr Snewin
30/12/2020	Meeting with Resident at Alimentary

Item No: **12.1**

Subject: **MOTION ON NOTICE – VEHICLE SPEED ON HOLDER ROAD, HOVE – COUNCILLOR FLEMING**

Date: 27 January 2021

PROPOSED MOTION

Councillor Fleming proposed the following motion:

Could Administration review and report back to Council, the feasibility of speed humps on Holder Road between King George Avenue and The Esplanade, Hove.

BACKGROUND

Residents are concerned about the speed vehicles are travelling along Holder Road between King George Avenue and the beach. They are also concerned with the speed cars travel while doing Esplanade drives.

There have been many near misses with cyclists and cars driving at high speed.

ADMINISTRATION COMMENT

Due to its restricted network connectivity, Holder Road would mainly be used by local residents. The roads narrow 6.6m width does not permit vehicles to park directly opposite one other. The on street parking coupled with the narrow road creates a slow speed environment which is reflected in the most recent traffic survey undertaken in February 2020 which identified a Mean Speed of 37km/h and an 85%ile speed of 46km/h.

A review of previous requests for speed humps along Holder Road noted 2 requests were received between 2006 and 2020, as well as 9 additional requests regarding speeding and other traffic related matters. A petition was also received in December 2006 requesting 50km/h speed limit signs and speed humps. Each of these investigations determined no traffic management treatment was warranted along Holder Road. Based on recent traffic data from February 2020, this would still be the case.

Item No: **12.2**

Subject: **MOTION ON NOTICE – ASSESSMENT OF EXIT POINT FROM 42 JETTY ROAD BRIGHTON – COUNCILLOR CLANCY**

Date: 27 January 2021

PROPOSED MOTION

Councillor Clancy proposed the following motion:

That Administration assess the exit point from 42 Jetty Road Brighton onto Jetty Road Brighton and provide a report by 28 February 2021.

BACKGROUND

The petition received in tonight's agenda needs to be addressed as the residents at 42 Jetty Road Brighton have difficulty in obtaining good vision on the western side when leaving the premises.

Item No: **13.1**

Subject: **ADJOURNED REPORT – PRIVATE LANEWAY – 54A CEDAR AVE
BRIGHTON**

Date: 27 January 2021

Written By: Manager Engineering

General Manager: City Assets and Services, Mr H Lacy

SUMMARY

Administration had submitted Item 15.6, Report No: 327/20 - Private Laneway – 54A Cedar Ave Brighton for consideration by Council at its meeting on 24 November 2020 (refer Attachment A).

Council subsequently resolved to adjourn consideration of the matter for further information to be provided on the environmental considerations and upgrade options if Council purchases the land.

This report provides the requested information.

As the matter was adjourned prior to being moved and seconded, any motion, including the original motion, can be moved. No councillors have spoken to the motion.

RECOMMENDATION

From 24 November 2020 Council Meeting.

That Council:

- 1. advise the applicant, Minister Cory Wingard and The Public Trustee that it does not wish to acquire the laneway (Allotment 615 shown in the title included in Attachment 1);**
- 2. advise the Public Trustee that it will acquire the section of land within the road reserve (Allotment 10 DP 2498 shown in the title included in Attachment 1) within the Council road reserve; and**
- 3. allocate a budget of \$10,000 to undertake the acquisition process for the portion of land within the road reserve.**

COMMUNITY PLAN

Placemaking: Creating lively and safe places

Community: Building a healthy, active and resilient community

Culture: Supporting excellent, efficient operations

COUNCIL POLICY

Disposal of Land and Assets Policy

STATUTORY PROVISIONS

Local Government Act 1999

Roads (Opening and Closing) Act 1991

BACKGROUND

A private laneway off Cedar Avenue Brighton (54a Cedar Avenue Brighton) is part of a deceased estate of Thomas Edwards who died in 1918. The Estate is being administered by the Public Trustee.

The Estate owns two separate allotments, being:

- the laneway (refer Allotment 615 shown in the title included in Attachment 1); and
- land in Cedar Avenue near its intersection with Edward Street over which Council has constructed footpath and road (refer Allotment 10 DP 2498 shown in the title included in Attachment 1).

Refer Attachment 1

Details are provided below in Figure 1 (land parcels), Figures 2 and 3 (photos of the lane) and Figure 4 (photo of the road).

Council has received a request from a resident on Edwards Street who backs onto the private laneway at 54A Cedar Avenue Brighton and also a request from Cory Wingard MP from unnamed consistent(s) to see if Council would take over the lane and upgrade it and maintain it.

Figure 1 – Land Parcels & Location plan

Council at its meeting held on 24 November 2020 resolved to adjourn Report No: 327/20 on the basis that Council requires further information relating to the environmental considerations and upgrade options if Council purchase the land (C241120/2142)).

This report presents the original report (Report No: 327/20) as Attachment A and the additional information requested by Council.

Refer Attachment A

REPORT

Laneway Details

The private laneway is approximately 60 metres long and 5 metres wide. The lane is unsealed and in poor condition. Refer photos in Figures 2 and 3.



Figure 2 - Private Laneway looking east towards Cedar Avenue



Figure 3 - Private Laneway looking west from Cedar Avenue

There are 6 properties on Edwards Street that back onto the laneway, each having rear access to the private laneway supported by a Right of Way. Australian Standards AS2890.1 recommend a minimum of 6.3 m width to reverse out of a standard garage on a boundary.

SA Water has an easement over the full lane width of a significant portion of the laneway for a sewerage main (installed in 1931). As the laneway is only 5.0m wide, the turning manoeuvres are tight but some owners have set their garage doors back from the property line to allow a wider turn.

Option 1 – Seal or Pave the Laneway

A resident has requested that Council take over the lane, then upgrade and maintain it.

Should Council resolve to acquire the private laneway, the estimated acquisition cost is minimal, being the Public Trustee's administrative and legal costs. Once acquired, Council would however be expected to upgrade the laneway and then be responsible for future maintenance, renewal and depreciation costs.

The lane is currently unsealed and part of the request from adjoining property owners is to seal or pave the lane to improve serviceability and make access to the rear garages more functional.

The lane grades away from Cedar Ave and if sealed, would require drainage (most likely a surface drain, pit and pump) to transfer surface water back to Cedar Ave. An alternative would be to install permeable pavers which would allow surface water to soak into the underlying ground.

Options for maintenance or upgrade include:

- Maintain unsealed surface - Council would undertake regular grading and minor patching of the unsealed surface similar to other unsealed lanes. As this lane provides access to a number of properties it would require maintenance every few months. As the lane is very flat and falls to the west (the dead end) Council may receive complaints about water ponding or water flowing off Council land into private property. The cost of the initial upgrade to the unsealed surface is estimated at \$25,000 plus \$5,925 per year thereafter for ongoing maintenance and depreciation costs.
- Sealed laneway (asphalt) – the laneway would be reconstruct and asphalt sealed. As the lane drains to the west (away from Cedar Ave) a drainage system would need to be installed to remove and discharge surface water to Cedar Ave. This may require installation of a pit and pump depending on levels. The estimated cost (gravity discharge) is around \$60,000 whilst if a pump system is required, the estimated cost increases to around \$75,000.
- Permeable paving - a permeable paving option, will reduce stormwater runoff (excepting flood flows) and reduce Councils risk of nuisance flooding onto adjoining properties. However soakage trenches are not recommended over sewer mains and SA Water approval would be required. If permeable paving was approved with normal soak away, the estimated cost is approximately \$80,000. However if SA Water approval was not forthcoming, then traditional paving and a pumped drainage system would be proposed at an estimated cost of \$75,000. If permeable paving was approved by SA Water, then it would provide the best solution to adequately and reliably manage surface stormwater flows.

All costs allow for survey, design, consultation, legal clearances and project management.

Option 2 – Tree or Shrub Planting

There is one existing shrub planted in the laneway at its western end (south-west corner) – refer Figure 4.

Due to the narrowness of the lane, location and vehicle access requirements to/from residential garages, the Rights of Way and the SA Water sewer easement, there are no other opportunities for tree or shrub planting.

As vehicles access/exit from the garages, they travel over a swept path which marks out the area where the vehicle traverses. The layout of the garages and the swept paths prevent tree or shrub planting in the lane. There is simply no location that is not used.

In addition, the SA Water easement restricts tree or shrub being planted within at least 2 metres away from the sewer main which effectively restricts tree planting in the lane to a narrow strip 0.5m wide adjacent to the fences on the southern side of the lane and a 0.5m strip adjacent to the retaining wall located on the northern boundary of the lane.

Tree planting in a narrow strip of land less than 0.5m from either a retaining wall or garage structures is not considered practical as root growth may adversely affect the retaining wall and/or garage structures. As Council would be planting after the other structures were built, it could be liable for any damage caused.



Figure 4 – Private Laneway 54a Cedar Ave - Existing plantings
Conclusion

There is very little benefit to Council to acquire the laneway. The benefits to the property owners on Edward Street are significant in that they would have clear rear access to a public road (as opposed to the current access to private property via a right of way) and Council would be

responsible for initial improvement of the laneway and its long term upkeep – including providing drainage for the rear of the adjacent properties.

BUDGET

There is currently no budget allocation to acquire, upgrade or maintain the laneway or the Cedar Avenue allotment.

Should Council wish to proceed, the estimated costs for upgrading the laneway are:

Laneway Upgrade Options	Acquisition Costs	Upgrade Cost (Gravity Drainage)	Upgrade Cost (Pumped Drainage)
1a. Upgrade (Unsealed)	\$12,000	\$25,000	\$40,000
1b. Sealed (Asphalt)	\$12,000	\$60,000	\$75,000
1c. Paved (Permeable)	\$12,000	\$80,000	\$95,000
1d. Paved (traditional)	\$12,000	\$60,000	\$75,000

LIFE CYCLE COSTS

Should Council accept the laneway, ongoing costs will vary based on the surface treatment and drainage option proposed. If the lane was either paved or sealed, it would have reduced maintenance but increased depreciation, whilst a lower standard unsealed lane would incur higher annual maintenance but lower depreciation.

The estimated annual maintenance and depreciation costs are shown below:

Lane Upgrade Options (Gravity drainage)	Maintenance Cost (annual)	Depreciation (annual - 40 yrs)	Total Annual Cost
1a. Upgrade (Unsealed)	\$5,000	\$925	\$5,925
1b. Sealed (Asphalt)	\$600	\$1,800	\$2,400
1c. Paved (Permeable)	\$800	\$2,300	\$3,100
1d. Paved (traditional)	\$600	\$1,800	\$2,400

Lane Upgrade Options (Pumped drainage)	Maintenance Cost (annual)	Depreciation (annual - 40 yrs)	Total Annual Cost
1a. Upgrade (Unsealed)	\$7,000	\$1,300	\$8,300
1b. Sealed (Asphalt)	\$2,600	\$2,175	\$4,775
1c. Paved (Permeable)	\$2,700	\$2,675	\$5,375
1d. Paved (traditional)	\$2,600	\$2,175	\$4,775

Should Council acquire the laneway and upgrade the drainage and surface treatment, the additional maintenance costs, depreciation and operation/maintenance of any pumped drainage would range between \$2,400 and \$8,300.

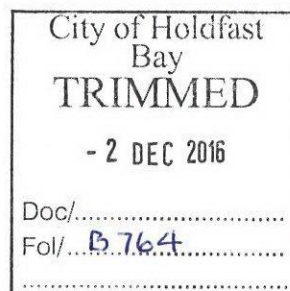
Attachment 1



Our Reference: schws01:1107519EL0100
T Edwards

Phone: 8226 9263 **Fax:** 82269233
Email: susanne.schwarz@sa.gov.au

Mr Steve Hodge
General Manager City Assets & Services
Holdfast Bay Council
PO Box 19
BRIGHTON SA 5048



30 November 2016

Dear Mr Hodge

ESTATE OF THOMAS EDWARDS (DECEASED)

Public Trustee is administering the deceased estate of Thomas Edwards who died in 1918.

Mr Edwards owned Certificate of Title 5836/818, a private road in Brighton, which was transmitted to the original administrator of his estate, Eliza Edwards. Eliza died without transferring the land and Public Trustee is now entitled to deal with the land via the chain of executorship.

The land consists of a small laneway off Cedar Avenue and a small strip of land on Cedar Avenue, which looks like it could be part of the footpath. I attach a copy the Certificate of Title.

The adjoining owners have rights of way of the laneway and are therefore not interested in purchasing the land.

Is it possible for the Council to acquire the land?

Please do not hesitate to contact me on 8226 9263 to discuss the land.

Yours faithfully



Susanne Schwarz
Senior Estates Services Officer



Title Register Search

LANDS TITLES OFFICE, ADELAIDE

Issued pursuant to the Real Property Act 1886 and certified overleaf

REGISTER SEARCH OF CERTIFICATE OF TITLE * VOLUME 5836 FOLIO 818 *

COST : \$14.50 (GST exempt)	PARENT TITLE : CT 5479/810
REGION : GROUND FLOOR, L.T.O.	AUTHORITY : RT 8994459
AGENT : GRFL BOX NO : 000	DATE OF ISSUE : 05/02/2001
SEARCHED ON : 19/08/2003 AT : 13:21:57	EDITION : 1

REGISTERED PROPRIETOR IN FEE SIMPLE

ELIZA EDWARDS OF BRIGHTON SA 5048 AS THE ADMINISTRATOR OF THOMAS EDWARDS WHO DIED ON 23.12.1918

DESCRIPTION OF LAND

ALLOTMENT 10 DEPOSITED PLAN 2498
IN THE AREA NAMED BRIGHTON
HUNDRED OF NOARLUNGA

ALLOTMENT 615 FILED PLAN 41503
IN THE AREA NAMED BRIGHTON
HUNDRED OF NOARLUNGA

BEING PRIVATE ROADS

EASEMENTS

SUBJECT TO A FREE AND UNRESTRICTED RIGHT OF WAY OVER ALLOTMENT 615

SUBJECT TO THE EASEMENT OVER THE LAND MARKED B TO THE MINISTER FOR INFRASTRUCTURE (T 1130414)

SCHEDULE OF ENDORSEMENTS

NIL

NOTATIONS

DOCUMENTS AFFECTING THIS TITLE

NIL

REGISTRAR-GENERAL'S NOTES

WITH NEXT DEALING LODGE CT 4297/236
THIS TITLE ISSUED VIDE 8994459

THE A.D. UNRESTRICTED

(SHOWN AS HELD IN DELIVERY EASEMENT)

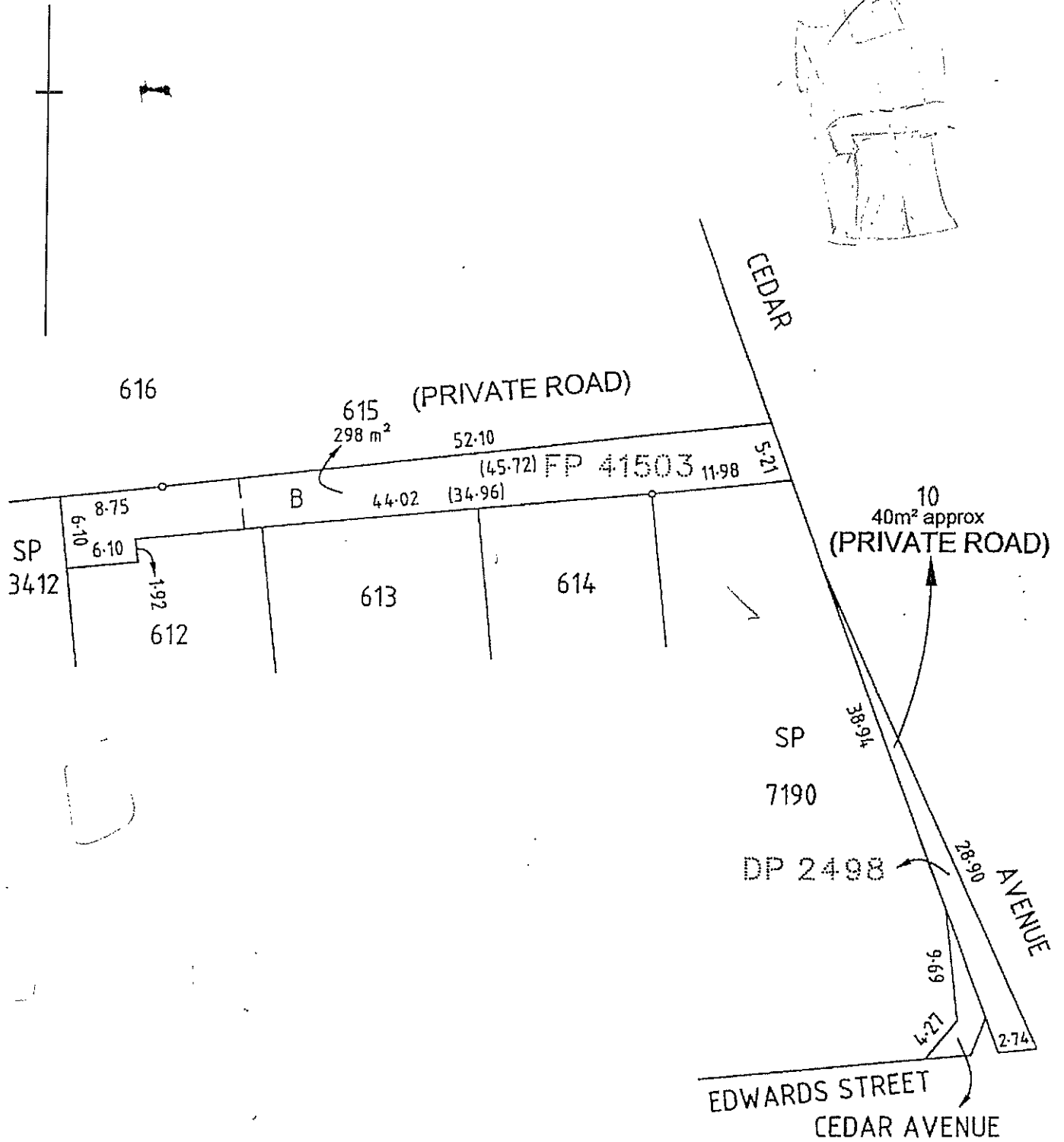
27 JAN - 2003

END OF TEXT.

LANDS TITLES OFFICE ADELAIDE SOUTH AUSTRALIA

DIAGRAM FOR CERTIFICATE OF TITLE VOLUME 5836 FOLIO 818

SEARCH DATE : 19/08/2003 TIME: 13:21:57



Attachment A



Item No: **15.6**

Subject: **PRIVATE LANEWAY – 54A CEDAR AVENUE, BRIGHTON**

Date: 24 November 2020

Written By: Manager Engineering

General Manager: City Assets and Services, Mr H Lacy

SUMMARY

A private laneway runs off Cedar Avenue Brighton. The private laneway is included within the title of 54A Cedar Avenue Brighton which is registered to the estate of the late Thomas Edwards, who died in 1918. The Public Trustee is administering the estate of the late Mr Edwards.

Council has received a request from a resident on Edwards Street whose property backs onto the private laneway together with a request from local State Member Cory Wingard MP on behalf of an unnamed constituent(s) to see if Council would take over the lane, upgrade it and maintain it.

There are 6 properties on Edwards Street that back onto the laneway, each having rear access to the private laneway supported by a right of way. SA Water also has an easement over a portion of the laneway. The private laneway is unsealed and in poor condition. The resident has requested that Council take over the lane and then upgrade and maintain it. The Public Trustee has also asked whether Council would be interested in taking over the land.

To further complicate the matter, there is also a section of the private allotment that contains the laneway that extends out into Cedar Ave and over which the council road and footpath have been constructed. Whilst this is low risk for Council, any works to convert the private lane into Council ownership would also benefit Council by resolving the encroachment of Council's footpath and road over private land.

The lane is approximately 60 metres long by 5 metres wide and should Council agree to upgrade it, the estimated costs would be in the order of \$80,000 as the works would include survey, design and most likely permeable paving as there is no underground drainage. In addition legal fees, survey and costs associated with the public trustee, conveyancing and transfer would add an estimated \$10,000 to the transfer costs.

The adjoining owners do not wish to purchase the land from the Public Trustee as they already have legal rights of way over the land. They would therefore prefer for council to purchase the laneway and maintain it at Council cost.

The Public Trustee has advised that it has no objection to Council acquiring the land subject to meeting the Public Trustee's costs - estimated at around \$3,000.

RECOMMENDATION

That Council:

1. Advise the applicant, Minister Cory Wingard and The Public Trustee that it does not wish to acquire the laneway (Allotment 615 shown in the title included in Attachment 1);
 2. Advise the Public Trustee that it will acquire the section of land within the road reserve (Allotment 10 DP 2498 shown in the title included in Attachment 1) within the Council road reserve;
 3. Allocate a budget of \$10,000 to undertake the acquisition process for the portion of land within the road reserve.
-

COMMUNITY PLAN

Placemaking: Creating lively and safe places

Community: Building a healthy, active and resilient community

Culture: Supporting excellent, efficient operations

COUNCIL POLICY

Disposal of Land and Assets Policy

STATUTORY PROVISIONS

Local Government Act

Roads Opening and Closing Act.

BACKGROUND

A private laneway off Cedar Avenue Brighton (54a Cedar Avenue Brighton) is part of a deceased estate of Thomas Edwards who died in 1918. The Estate is being administered by the Public Trustee.

The Estate owns two separate allotments, being:

- the laneway (refer Allotment 615 shown in the title included in Attachment 1)
- land in Cedar Avenue near its intersection with Edward Street over which Council has constructed footpath and road (refer Allotment 10 DP 2498 shown in the title included in Attachment 1).

Refer Attachment 1

Details are provided below in Figure 1 (land parcels), Figures 2 and 3 (photos of the lane) and Figure 4 (photo of the road).

Council has received a request from a resident on Edwards Street who backs onto the private laneway at 54A Cedar Avenue Brighton and also a request from Cory Wingard MP from unnamed consistent(s) to see if Council would take over the lane and upgrade it and maintain it.

Figure 1 – Land Parcels & Location plan



Figure 2 - Private Laneway looking east towards Cedar Avenue



Figure 3 - Private Laneway looking west from Cedar Avenue



Figure 4 - Cedar Avenue – part constructed over Private land

Administration has contacted the Public Trustee to ascertain their views on potentially converting the laneway and parcel in Cedar Avenue into public roads. The Public Trustee has advised that they would have no objection to converting both parcels of land to public road, but have indicated that as the Estate has no cash assets, any costs that the Public Trustee might incur due to the road opening process (including legal and court costs to empower the Public Trustee to deal with the properties) would need to be met by Council. A copy of the Public Trustee's email is presented in Attachment 2.

Refer Attachment 2

REPORT

The public trustee has advised that it is administering the deceased estate of Thomas Edwards who died in 1918. There are 6 properties on Edwards Street that back onto the laneway and have rear access and a right of way. The private laneway is unsealed and in poor condition. A resident has requested that Council take over the land and then upgrade and maintain the lane.

Currently Council does not maintain this lane but does maintain the adjoining road / footpath.

There is very little benefit to Council to acquire the laneway. The benefits to the property owners on Edward Street are significant in that they would have clear rear access to a public road (as opposed to the current access to private property via a right of way) and Council would be responsible for initial improvement of the laneway and its long term upkeep – including providing drainage for the rear of the adjacent property.

Council has a number of lanes, many unsealed and in poor condition. This lane, due to the 6 access points gets more use than some other unsealed lanes.

The lane itself is currently in poor condition and ponds water. The lane falls back away from Cedar Avenue so would be difficult and costly to drain.

If the lane was to be upgraded, a design would be required including engineering survey, level design and pavement design. Due to the levels, one solution may be permeable paving so that no underground drainage was required. A cost in the order of \$80,000 could be expected for survey, design and construction.

There is merit however in acquiring the parcel of land in Cedar Avenue near its intersection with Edward St as this would resolve a current encroachment by Council's existing footpath and road. Whilst it is not expected that the Public Trustee or any future land owner would exercise their rights over the land, it would allow council to correct a long standing irregularity.

Should Council wish to acquire either the laneway or the Cedar Avenue allotment or both, approval from the Public Trustee would be required. Council would then declare the road as public road pursuant to section 210 of the Local Government Act. The Public Trustee has already indicated that it has no objection to Council acquiring the lane (refer attachment 2) subject to Council meeting any costs associated with the transaction. The Public Trustee has not indicated that it would seek compensation or land value for the transaction as there appears to be no other beneficiaries to the Estate. This would be confirmed in writing prior to any s210 declarations being made.

In addition to the costs, other risks may be identified including encroachments due to the historic titles and deceased estate. These would be identified as part of the boundary survey and conveyancing.

BUDGET

There is currently no budget allocation to acquire, upgrade or maintain the laneway or the Cedar Avenue allotment.

Should Council wish to proceed, the estimated costs of the transaction (to be confirmed) are as follows:

One Off Costs	Laneway Only	Cedar Ave Allotment Only	Acquire both land parcels
Acquisition costs	\$9,000	\$7,000	\$10,000
Public Trustee costs	\$3,000	\$3,000	\$3,000
Upgrade Cost	\$80,000	\$0	\$80,000
Total - One off Costs	\$92,000	\$10,000	\$93,000

Annual Costs	Laneway Only	Cedar Ave Allotment Only	Acquire both land parcels
---------------------	---------------------	---------------------------------	----------------------------------

Maintenance Cost (annual)	\$800	\$0	\$800
Depreciation (40 yrs)	\$2,300	\$0	\$2,300
Total Annual Cost	\$3,100	\$0	\$3,100

LIFE CYCLE COSTS

Should Council accept the laneway and upgrade the laneway Council would be responsible for ongoing maintenance and replacement at end of asset life. An annual maintenance cost around \$800 for street sweeping and minor repairs and an annual depreciation of \$2,300/year.

Previous Report

Attachment 1

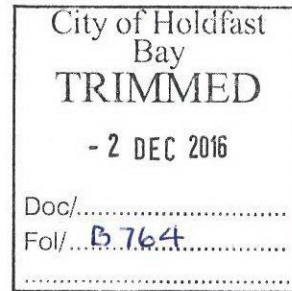
Previous Report



Our Reference: schws01:1107519EL0100
T Edwards

Phone: 8226 9263 Fax: 82269233
Email: susanne.schwarz@sa.gov.au

Mr Steve Hodge
General Manager City Assets & Services
Holdfast Bay Council
PO Box 19
BRIGHTON SA 5048



30 November 2016

Dear Mr Hodge

ESTATE OF THOMAS EDWARDS (DECEASED)

Public Trustee is administering the deceased estate of Thomas Edwards who died in 1918.

Mr Edwards owned Certificate of Title 5836/818, a private road in Brighton, which was transmitted to the original administrator of his estate, Eliza Edwards. Eliza died without transferring the land and Public Trustee is now entitled to deal with the land via the chain of executorship.

The land consists of a small laneway off Cedar Avenue and a small strip of land on Cedar Avenue, which looks like it could be part of the footpath. I attach a copy the Certificate of Title.

The adjoining owners have rights of way of the laneway and are therefore not interested in purchasing the land.

Is it possible for the Council to acquire the land?

Please do not hesitate to contact me on 8226 9263 to discuss the land.

Yours faithfully



Susanne Schwarz
Senior Estates Services Officer



Title Register Search

LANDS TITLES OFFICE, ADELAIDE

Issued pursuant to the Real Property Act 1886 and certified overleaf

REGISTER SEARCH OF CERTIFICATE OF TITLE * VOLUME 5836 FOLIO 818 *

COST : \$14.50 (GST exempt)	PARENT TITLE : CT 5479/810
REGION : GROUND FLOOR, L.T.O.	AUTHORITY : RT 8994459
AGENT : GRFL BOX NO : 000	DATE OF ISSUE : 05/02/2001
SEARCHED ON : 19/08/2003 AT : 13:21:57	EDITION : 1

REGISTERED PROPRIETOR IN FEE SIMPLE

ELIZA EDWARDS OF BRIGHTON SA 5048 AS THE ADMINISTRATOR OF THOMAS EDWARDS WHO DIED ON 23.12.1918

DESCRIPTION OF LAND

ALLOTMENT 10 DEPOSITED PLAN 2498
IN THE AREA NAMED BRIGHTON
HUNDRED OF NOARLUNGA

ALLOTMENT 615 FILED PLAN 41503
IN THE AREA NAMED BRIGHTON
HUNDRED OF NOARLUNGA

BEING PRIVATE ROADS

EASEMENTS

SUBJECT TO A FREE AND UNRESTRICTED RIGHT OF WAY OVER ALLOTMENT 615

SUBJECT TO THE EASEMENT OVER THE LAND MARKED B TO THE MINISTER FOR INFRASTRUCTURE (T 1130414)

SCHEDULE OF ENDORSEMENTS

NIL

NOTATIONS

DOCUMENTS AFFECTING THIS TITLE

NIL

REGISTRAR-GENERAL'S NOTES

WITH NEXT DEALING LODGE CT 4297/236
THIS TITLE ISSUED VIDE 8994459

Previous Report

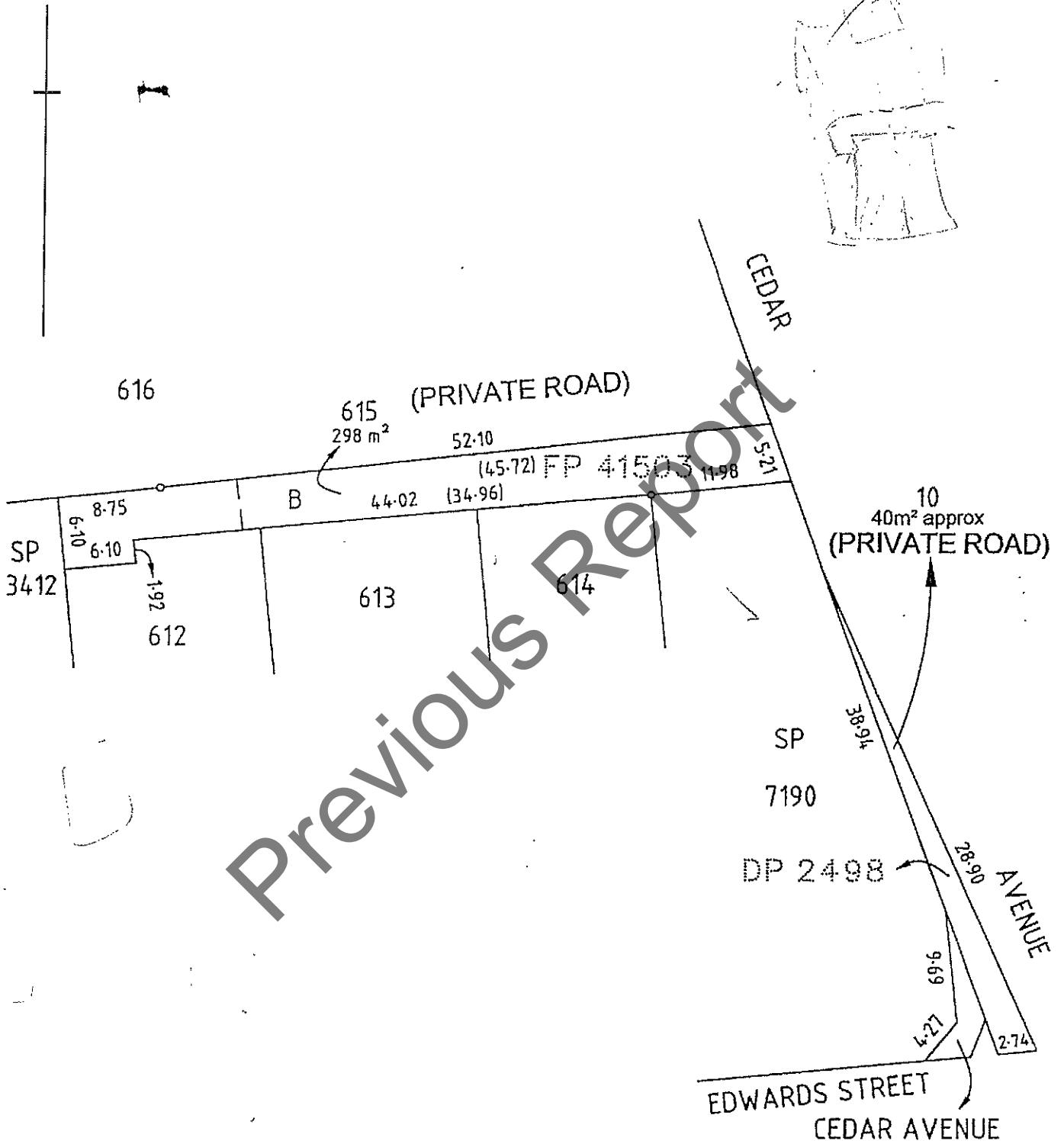
Handwritten notes:
 (shown as held in
 Delivery (condition)
 of ...)

END OF TEXT.

LANDS TITLES OFFICE ADELAIDE SOUTH AUSTRALIA

DIAGRAM FOR CERTIFICATE OF TITLE VOLUME 5836 FOLIO 818

SEARCH DATE : 19/08/2003 TIME: 13:21:57



Attachment 2

Previous Report



From: [Susanne01.PT](#)
To: [Michael de Heus](#)
Subject: RE: Estate of Thomas Edwards - Deceased - Reference schws01:1107519EL0100 - Private Road Cedar Avenue Brighton (CT 5836 Folio 818) [DLM=For-Official-Use-Only]
Date: Tuesday, 20 October 2020 4:14:03 PM
Attachments: [image009.png](#)
[image010.png](#)
[image011.png](#)
[image012.png](#)

For Official Use Only

Hi Michael

I confirm that Public Trustee has no objection to the council acquiring the land comprised in CT 5836 Folio 818.

Public Trustee is the executor of Eliza Edwards (deceased), who is the administrator of Thomas Edwards' estate and who holds the land on trust for the beneficiaries of Thomas Edwards' estate. Thomas Edwards appears to have died without a will. As his next of kin, Eliza obtained authorisation to administer his estate. As Eliza has died and Public Trustee administered her estate, we are entitled to apply to the Court to take over the administration of Thomas Edwards' estate. Thomas Edwards' other next of kin would also be entitled to administer the estate but they would have all died a long time ago. In addition, Public Trustee is the 'trustee of last resort' and is able to apply to the Court to administer estates where there is no one else appropriate to undertake the administration.

Thomas Edwards' estate was originally brought to our attention in 2004 by a developer who was considering purchasing the land. However, the sale never eventuated and Public Trustee never applied to the Court to formally take over the administration.

There are no funds in the estate so Public Trustee would not be in a position to contribute to any costs relating to the road being made public. In addition, if Public Trustee is required to obtain a Court Order to formally take over the estate administration (called a grant de bonis non) in order to transfer the land and sign as the transferee, then we would need the council to pay the Court fee and conveyancing costs (allow approximately \$3,000). I am not sure if this would be required if the council is compulsorily acquiring the land.

Unless the council or an adjoining owner or some other party wishes to acquire the land and cover the associated costs, Public Trustee does not intend to do anything in relation to the land, including upkeep, maintenance etc.

If you have any questions or wish to discuss the matter further, please do not hesitate to contact me.

Kind regards

Susanne Schwarz

Estate Services Officer

The Public Trustee is operating under changed conditions in response to the current COVID-19 environment. During this time it may not always be possible to speak to your usual estate officer. Where this occurs your call will be referred to another estate officer who will be able to assist you with your enquiry and maintain your contact records. Thank you for your continued patience during these difficult times.

PUBLIC TRUSTEE

211 Victoria Square Adelaide SA 5000

Phone: +61 8 8226 9313

Fax: +61 8 8226 9233

Email: susanne01.PT@sa.gov.au

Web: www.publictrustee.sa.gov.au

Please consider the environment before printing this e-mail

The information contained in this e-mail is confidential and may be legally or otherwise privileged. If you are not an intended recipient, you must not use, disclose or reproduce any of its contents or attachments. You are asked to delete all copies of the e-mail from your computer system and confirm that you have done so by return e-mail to the sender. This e-mail and any attachments should be scanned to detect any viruses and no liability for loss or damage resulting from the use of any attached file is accepted.



From: Michael de Heus <MdeHeus@holdfast.sa.gov.au>

Sent: Monday, 12 October 2020 4:59 PM

To: Schwarz, Susanne (PT) <Susanne.Schwarz@sa.gov.au>

Cc: Jillian Conner <jconner@holdfast.sa.gov.au>

Subject: Estate of Thomas Edwards - Deceased - Reference schws01:1107519EL0100 - Private Road Cedar Avenue Brighton (CT 5836 Folio 818)

RE: Estate of Thomas Edwards - Deceased - Reference schws01:1107519EL0100 - Private Road Cedar Avenue Brighton (CT 5836 Folio 818), 54A Cedar Avenue Brighton

Hello Susanne

Thank you for your time today regard the above property. The City of Holdfast Bay has been approached by a property owner backing onto the private road requesting that Council take over the private road and then upgrade and maintain it.

I am currently preparing a report for Council to consider whether Council should take over the private road.

Whilst this is a decision for Council, I would like to confirm that if Council does agree to take over the lane, that the Public Trustee has no objections to Council, under Section 210 of the Local Government Act declaring the land as public road.

If you have no objections, could you also advise if the Public Trustee would contribute to the costs associated with the transfer, including survey, advertising, conveyancing / legal etc.

If you have any queries, please contact me on the numbers below.

Kind regards



MICHAEL DE HEUS

Manager Engineering

City of Holdfast Bay

08 8229 9803

[0419840104](tel:0419840104)

mdeheus@holdfast.sa.gov.au

holdfast.sa.gov.au



Brighton Civic Centre

24 Jetty Road, Brighton SA 5048

The City of Holdfast Bay advises that, in order to comply with its obligations under the State Records Act 1997 and the Freedom of Information Act 1991, email messages may be monitored and/or accessed by Council staff and (in limited circumstances) third parties. The contents of this email are confidential and may be subject to copyright. This email is intended only for the addressee(s). If you have received this email in error please immediately advise the sender by return email and delete the message from your system. Use, disclosure or reproduction of this email by anyone other than the intended recipient(s) is strictly prohibited. No representation is made that the email is free of viruses or other defects. Virus scanning is recommended and is the responsibility of the recipient. All references to 'email' include references to attachments to the email. If you believe that you have been spammed please email mail@holdfast.sa.gov.au to report your complaint. If you have received this email by being on a subscription list and you wish to be removed, please forward this email to mail@holdfast.sa.gov.au. You will be removed within 5 working days.

Previous Report

Item No: **14.1**

Subject: **MINUTES – AUDIT COMMITTEE – 16 DECEMBER 2020**

Date: 27 January 2021

Written By: Personal Assistant, Strategy and Business Services

General Manager: Strategy and Business Services, Ms P Jackson

SUMMARY

The public minutes of the meeting of the Audit Committee held on 16 December 2020 are presented to Council for information and endorsement.

RECOMMENDATION

1. **That Council notes the public minutes of the Audit Committee meeting of December 2020 namely:**
 - (a) **That the Audit Committee advises Council it has received and considered a Standing Items Report addressing:**
 - **Monthly Financial Statements**
 - **Risk Management and Internal Control**
 - **Audit – External/Internal**
 - **Public Interest Disclosures – previously Whistle Blowing**
 - **Economy and Efficiency audits**
 - **Audit Committee Meeting Schedule and Membership**
-

COMMUNITY PLAN

A Place that Provides Value for Money

COUNCIL POLICY

Not Applicable.

STATUTORY PROVISIONS

Local Government Act 1999, Sections 41 and 126

BACKGROUND

The Audit Committee is established under Section 41 of the *Local Government Act 1999*, and Section 126 of the *Local Government Act 1999* defines the functions of the Audit Committee to include:

- reviewing annual financial statements to ensure that they present fairly the state of affairs of the council;
- proposing, and providing information relevant to, a review of the council's strategic management plans or annual business plan;
- proposing, and reviewing, the exercise of powers under section 130 A;
- if the council has exempted a subsidiary from the requirement to have an audit committee, the functions that would, apart from the exemption, have been performed by the subsidiary's audit committee;
- liaising with the council's auditor; and
- reviewing the adequacy of the accounting, internal control, reporting and other financial management systems and practices of the council on a regular basis.

REPORT

Public minutes of the meeting of the Audit Committee held on 16 December 2020 are attached for Members' information.

BUDGET

Not applicable

Attachment 1



Minutes of the meeting of the Audit Committee of the City of Holdfast Bay held in the Kingston Room, Civic Centre, 24 Jetty Road, Brighton on Wednesday 16 December 2020 at 5:00pm.

PRESENT

Members

Presiding Member – Councillor J Smedley
Councillor R Snewin
Mr S Spadavecchia
Mr S Tu
Ms P Davies

Staff

Chief Executive Officer – Mr R Bria
General Manager Strategy and Business Services – Ms P Jackson
General Manager, Alwyndor – Ms B Davidson-Park
Manager Finance – Mr J Newton

Guests (*Via audio and visual link*)

Janna Burnham – Internal Audit Director, Galpins
Jo Stewart – Rattray, Galpins

1. OPENING

The Presiding Member declared the meeting open at 5.00pm.

2. APOLOGIES

- 2.1 Apologies Received - Nil
- 2.2 Absent - Nil

3. DECLARATION OF INTEREST

Members were reminded to declare their interest before each item.

4. CONFIRMATION OF MINUTES

Motion

That the minutes of the Audit Committee held on 7 October 2020 be taken as read and confirmed.

Moved by Ms Davies, Seconded by Mr Spadavecchia

Carried

5. PRESENTATIONS - Nil

6. ACTION ITEMS

The Action Items were tabled and discussed.

7. REPORTS BY OFFICERS

7.1 Standing Items (Report No: 419/20)

The Audit Committee was provided with a report on standing items at each ordinary meeting.

Motion

That the Audit Committee advises Council it has received and considered a Standing Items Report addressing:

- **Monthly financial statements**
- **Risk Management and Internal control**
- **Audit – External/Internal**
- **Public Interest Disclosures – previously Whistle-Blowing**
- **Economy and efficiency audits**
- **Audit Committee Meeting Schedule and Membership**

Moved Ms Davies, Seconded Councillor Snewin

Carried

8. URGENT BUSINESS – SUBJECT TO THE LEAVE OF THE MEETING

8.1 Presiding Member Announcement

The Presiding Member thanked Mr Sam Spadavecchia for his six (6) year tenure as an Independent Member of the Audit Committee and wished him well for his future endeavours.

9. CONFIDENTIAL ITEMS

9.1 Internal Audit – Cyber Security Review (Report No: 420/20)

Motion – Exclusion of the Public – Section 90(3)(e) Order

1. **That pursuant to Section 90(2) of the *Local Government Act 1999* the Audit Committee hereby orders that the public be excluded from attendance at this meeting with the exception of the Chief Executive Officer and Staff in attendance at the meeting in order to consider Report No: 9.1 Internal Audit – Cyber Security Review in confidence.**

2. That in accordance with Section 90(3) of the *Local Government Act 1999* the Audit Committee is satisfied that it is necessary that the public be excluded to consider the information contained in Report No: 9.1 Internal Audit – Cyber Security Review on the following grounds:
 - e. pursuant to Section 90(3)(e) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is related to matters affecting the security of Council.
3. The Audit Committee is satisfied, the principle that the meeting be conducted in a place open to the public, has been outweighed by the need to keep the information or discussion confidential.

Moved Mr Tu, Seconded Ms Davies

Carried

RETAIN IN CONFIDENCE - Section 91(7) Order

Having considered Agenda Item 9.1 Internal Audit – Cyber Security Review in confidence under Section 90(2) and (3)(e) of the *Local Government Act 1999*, the Audit Committee, pursuant to Section 91(7) of that Act orders that the report, attachments and minutes be retained in confidence for a period of 24 months and that the Chief Executive Officer is authorised to release the documents prior to that time if and when all parties to the contract have provided their consent.

Moved Ms Davies, Seconded Mr Spadavecchia

Carried

9.2 **IT Disaster Recovery Plan (Report No: 421/20)**

Motion – Exclusion of the Public – Section 90(3)(e) Order

1. That pursuant to Section 90(2) of the *Local Government Act 1999* the Audit Committee hereby orders that the public be excluded from attendance at this meeting with the exception of the Chief Executive Officer and Staff in attendance at the meeting in order to consider Report No: 421/20 IT Disaster Recovery Plan in confidence.
2. That in accordance with Section 90(3) of the *Local Government Act 1999* the Audit Committee is satisfied that it is necessary that the public be excluded to consider the information contained in Report No: 421/20 IT Disaster Recovery Plan on the following grounds:
 - e. pursuant to Section 90(3)(e) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is related to matters affecting the security of Council.
3. The Audit Committee is satisfied, the principle that the meeting be conducted in a place open to the public, has been outweighed by the need to keep the information or discussion confidential.

Moved Mr Spadavecchia, Seconded Mr Tu

Carried

RETAIN IN CONFIDENCE - Section 91(7) Order

Having considered Agenda Item 9.2 IT Disaster Recovery Plan in confidence under Section 90(2) and (3)(e) of the *Local Government Act 1999*, the Audit Committee, pursuant to Section 91(7) of that Act orders that the report, attachments and minutes be retained in confidence for a period of 24 months and that the Chief Executive Officer is authorised to release the documents prior to that time if and when all parties to the contract have provided their consent.

Moved Councillor Snewin, Seconded Ms Davies

Carried

10. DATE AND TIME OF NEXT MEETING

The next meeting of the Audit Committee will be held on Wednesday 3 February 2021 in the Kingston Room, Civic Centre, 24 Jetty Road, Brighton.

11. CLOSURE

The Meeting closed at 6.38 pm

CONFIRMED 3 February 2021

PRESIDING MEMBER

Item No: **14.2**

Subject: **INFORMATION REPORT – SOUTHERN REGION WASTE RESOURCE AUTHORITY BOARD MEETING – 23 DECEMBER 2020**

Date: 27 January 2021

Written By: Chief Executive Officer

Chief Executive Officer: Mr R Bria

SUMMARY

The information reports of the Southern Region Waste Resource Authority (SRWRA) Board meeting held on 23 December 2020 are attached and provided for information.

RECOMMENDATION

- 1. That the Information Reports of the Southern Region Waste Resource Authority Board meeting held on 23 December 2020 be noted.**

RETAIN IN CONFIDENCE – Section 91(7) Order

- 2. That having considered Attachment 2 to Report No: 04/21 Information Report – Southern Region Waste Resource Authority Board Meeting – 23 December 2020 in confidence under Section 90(2) and 3(b) and 3(d) of the Local Government Act 1999, the Council, pursuant to Section 91(7) of the Act orders that Attachment 2 be retained in confidence for a period of 24 months and that this order be reviewed every 12 months.**
-

COMMUNITY PLAN

Economy: Supporting and growing local business
Economy: Harnessing emerging technology
Environment: Building an environmentally resilient city
Environment: Using resource efficiently
Environment: Fostering an environmentally connected community
Culture: Being financially accountable

COUNCIL POLICY

Not Applicable.

STATUTORY PROVISIONS

Not Applicable.

BACKGROUND

Southern Region Waste Resource Authority (SRWRA) is a regional subsidiary established by the Cities of Onkaparinga, Marion and Holdfast Bay (the "constituent councils"), pursuant to Section 43 of the Local Government Act, 1999. The functions of SRWRA include providing and operating waste management services on behalf of the constituent Councils.

In accordance with Section 2.5.2 of the SRWRA Charter - 2015, there shall be at least six ordinary meetings of the Board held in each financial year. Furthermore, Section 2.5.22 states that prior to the conclusion of each meeting of the Board, the Board must identify which agenda items considered by the Board at that meeting will be the subject of an information report to the Constituent Councils.

In accordance with the above, identified agenda items from the Board Meeting held on 23 December 2020 are attached for Members information as Attachments 1 and 2 (Constituent Council Information Report –Public and Confidential).

Refer Attachments 1 & 2

BUDGET

Not Applicable

LIFE CYCLE COSTS

Not Applicable

Attachment 1



Constituent Council Information Report

- PUBLIC -

Special Board Meeting Date: 23 December 2020

Report By: Chief Executive Officer

Report

In accordance with Section 2.5.22 of the *Southern Region Waste Resource Authority Regional Subsidiary Charter - 2015*, the SRWRA Board identified the following Agenda Items to be the subject of a Public Information Report to the Constituent Councils:

Agenda Item	Report
2.3	Crushing Tender Summary – A schedule of rates based panel of suppliers is to be established for rock crushing following an open tender process. The contract term is for 3 years with the option to extend for 2 years.
2.4	City of Onkaparinga Equestrian Use Proposal The City of Onkaparinga is seeking in-principle support from the SRWRA Board to lease to the City of Onkaparinga a 5.2 Hectare portion of buffer land owned by SRWRA for use for equestrian purposes. The Board requires additional information on potential uses of buffer land prior to considering the proposal.
2.5	Land Acquisition Notice Summary - SRWRA has received two Land Acquisition Notices from Department for Infrastructure and Transport for the acquisition of land required for the Victor Harbour Road Duplication Project and Main South Road Duplication Project. SRWRA's CEO has entered into discussions with the proponents and the proponents are seeking confirmation SRWRA will assist in providing the Commissioner of Highways with important information regarding land owned by SRWRA.

Item No: **14.3**

Subject: **APPOINTMENT OF ALWYNDOR MANAGEMENT COMMITTEE MEMBER**

Date: 27 January 2021

Written By: General Manager, Alwyndor

General Manager: Alwyndor, Ms B Davidson - Park

SUMMARY

Under the requirements of its Terms of Reference the Alwyndor Management Committee (AMC) consists of up to 9 persons including two (2) Elected Members. Councillors Susan Lonie and Philip Chabrel have been AMC members since November 2018 and Councillor Lonie has advised she can no longer fulfil this role. As such Council is required to nominate an Elected Member to this position.

RECOMMENDATION

That Council:

1. **appoint Councillor to the Alwyndor Management Committee for the remainder of the Council term; and**

RETAIN IN CONFIDENCE – Section 91(7) Order

2. **having considered Attachment 2 to Report No: 21/21 Appointment of Alwyndor Management Committee Member in confidence under Section 90(2) and 3(e) of the Local Government Act 1999, the Council, pursuant to Section 91(7) of the Act orders that Attachment 2 be retained in confidence for a period of 24 months and that this order be reviewed every 12 months.**

COMMUNITY PLAN

Culture: Supporting excellent, efficient operations

REPORT

The Alwyndor Management Committee (AMC) is a Section 41 Committee of Council.

Under the requirements of its Terms of Reference, revised in June 2020 and attached to this report (attachment 1) the Alwyndor Management Committee (AMC) consists of up to nine (9) persons including two (2) Elected Members. Councillors Susan Lonie and Philip Chabrel have been the nominees since November 2018 and Councillor Lonie has advised she can no longer fulfil this role. As such a Council is required to nominate an Elected Member to this position.

Refer Attachment 1

AMC is chaired by Kim Cheater, Julie Bonnici is Deputy Chair and there are four (4) independent members; Judy Searle, Lorraine Shepard, Trudy Sutton and Kevin Whitford with one independent member vacancy. The skills matrix is attached to this report and shows that AMC is currently well served in the areas of aged care and clinical governance as well as financial, business and risk management.

Refer Attachment 2

The Committee meets on the fourth Thursday of each month January – November. Additional commitments may include seasonal events at Alwyndor and AMC workshops on specific matters from time to time.

BUDGET

Honorarium payments do not apply to Elected Members from Alwyndor.

LIFE CYCLE COSTS

N/A

Attachment 1





ALWYNDOR MANAGEMENT COMMITTEE (AMC)

TERMS OF REFERENCE

1. BACKGROUND

Alwyndor is a provider of quality care and services to older people within the City of Holdfast Bay and surrounding metropolitan areas. It offers a continuum of care including residential care, allied health and wellness programs and in-home care and support.

Alwyndor is owned and operated by the City of Holdfast Bay, ('the Council') as the trustee of the Dorothy Cheater Trust, established in 1973. The key requirement of the Trust is that the Council establish and maintain a home for the aged on the property at 52 Dunrobin Road and keep in good order and condition the gardens and the grounds.

Alwyndor is a registered charity with the Australian Charities and Not-for-profits Commission.

Alwyndor is accredited by the Aged Care Quality and Safety Commission. The approved provider is the City of Holdfast Bay.

2. ESTABLISHMENT

The Alwyndor Management Committee (AMC) is an advisory committee of the City of Holdfast Bay formed under Section 41 of the *Local Government Act 1999*.

3. OBJECTIVES

3.1 The AMC is established to assist the Council by providing effective governance over the strategy, operations and performance of Alwyndor, and to advise Council on:

3.1.1 The provision of a range of quality care and accommodation options at Alwyndor primarily for aged persons including:

- 3.1.1.1 ageing in place accommodation and care
- 3.1.1.2 short stay restorative and respite services
- 3.1.1.3 wellbeing and therapy services.

3.2 The provision of services to the community including:

- 3.1.1.4 home care
- 3.1.1.5 health and wellness
- 3.1.1.6 rehabilitation
- 3.1.1.7 exercise and therapy programs to improve and maintain health and mobility.

4. PURPOSE

The AMC is responsible for assisting the Council as follows:

- 4.1 Ensure compliance with the terms of the Trust in the management and operations of Alwyndor.
- 4.2 Ensure Alwyndor has adequate processes in place to comply with the requirements of the *Aged Care Act 1997* (and the related Principles) and the rules and standards applied by the Aged Care Quality and Safety Commission.
- 4.3 Ensure Alwyndor has adequate processes in place to comply with all relevant legislative obligations, relevant Council policies and financial reporting obligations.
- 4.4 Ensure that Alwyndor has a Strategic Plan and supporting Financial Plan that sets out the objectives, strategies and performance targets and measures for Alwyndor. The AMC will review the Strategic Plan and supporting Financial Plan before it is presented to the Council for consideration and adoption.
- 4.5 Review and recommend an annual budget, including key financial targets, to Council for consideration and adoption.
- 4.6 Ensure that Alwyndor has appropriate operational plans and sufficient resources to achieve its Strategic Plan.
- 4.7 Ensure the monitoring of organisational culture including the application and modelling of appropriate Alwyndor values by the employees and the AMC.
- 4.8 Monitor the performance of Alwyndor against its Strategic Plan, supporting business plans and budgets and ensure that the Council is provided with relevant and timely information on the performance (both operational and financial) of Alwyndor. Review and monitor all significant strategic or business initiatives.
- 4.9 Review any external reporting for completeness and accuracy. This includes, but is not limited to, the Financial Statements of Alwyndor, reporting to the Australian Charities and Not-for-profits Commission, reporting to the Aged Care Quality and Safety Commission or any reporting to State or Federal Governments.
- 4.10 Ensure Alwyndor has established an effective risk management framework and processes. This includes ensuring that the key risks that Alwyndor is exposed to are clearly identified and that appropriate processes are in place to mitigate those risks. This includes the management of clinical risk in aged care services.
- 4.11 Ensure appropriate policies, internal controls and quality assurance and compliance processes are in place to manage the operational, financial and compliance risks of Alwyndor.
- 4.12 Ensure Alwyndor and the AMC acts in accordance with the delegations approved by the Council.
- 4.13 Consider the social, ethical and environmental impact of Alwyndor's activities.

5. DUTIES AND CONDUCT OF AMC MEMBERS

- 5.1 All members of the AMC are required to operate in accordance with the General Duties and Code of Conduct set out in s62 and s63 of the *Local Government Act 1999* as well as the mandatory Code of Conduct for Council Members.
- 5.2 All members of the AMC will support the approved resolutions of the AMC.
- 5.3 AMC members will comply with all relevant Council policies (and the Council will identify and communicate to AMC members those Policies that are deemed to apply to them).
- 5.4 All members of the AMC are required to operate in accordance with the Conflicts of Interests requirement set out in s73 to s75B of the *Local Government Act 1999*.
- 5.5 Each AMC member must attend relevant education and training programs as required from time to time.

6. MEETINGS

- 6.1 Meetings will be held a minimum of 8 times per year.
- 6.2 A notice of meetings will be prepared annually showing dates, times and locations and published on the Council and Alwyndor website(s) and be displayed in a place or places as determined by the CEO.
- 6.3 The Chairperson will be responsible for the conduct of all AMC meetings. The Chairperson and the General Manager will ensure that the agendas are comprehensive, that all agenda items are appropriate and that the recommendations are consistent with the responsibilities of the AMC.
- 6.4 Meeting procedures:
 - 6.4.1 Meetings of the AMC will be conducted in accordance with the Local Government Act 1999, Part 3 of the Local Government (Procedures at Meetings) Regulations 2000, these Terms of Reference and the City of Holdfast Bay Code of Practice.
 - 6.4.2 If a member of the AMC is unable to attend a meeting, they may participate in the meeting by telephone or video conference, in accordance with any procedures prescribed by the regulation or determined by the Council under section 89 *Local Government Act 1999* and provided that any members of the public attending the meeting can hear the discussion between all committee members.
 - 6.4.3 The decision of the Chairperson at the meeting of the AMC in relation to the interpretation and application of meeting procedures is final and binding on the AMC.
 - 6.4.4 All decisions of the AMC shall be made on the basis of a majority decision of the AMC members present.
 - 6.4.5 A quorum will be half of the AMC Members plus one, ignoring any fractions. No business can be transacted at a meeting of the AMC unless a quorum is present.
 - 6.4.6 The Chairperson has the right to refuse a motion without notice if they believe that the matter should be considered by way of a written notice of

motion, or if they believe the motion is vexatious, frivolous or outside of the scope of the AMC.

- 6.4.7 The Chairperson has the right to end debate if they believe that the matter has been canvassed sufficiently, considering the *Guiding Principles of the Local Government (Procedures at Meetings Regulations) 1999*.
- 6.4.8 The CEO has the ability to attend all meetings of the AMC.

7. MEETING MINUTES

- 7.1 Minutes of the AMC meetings will be submitted for confirmation at the next available AMC meeting.
- 7.2 Minutes will be presented to Council in draft at the next available meeting and placed on the Council's website following adoption by AMC.
- 7.3 Where a verbal update or report is required, the minutes of AMC will include commentary relevant to such a report and any associated resolutions of the meeting but will not be a verbatim record of the meeting.

8. MEMBERSHIP

- 8.1 The AMC consists of up to 9 persons constituted as follows:
 - 8.1.1 Two (2) Elected Members as determined and appointed by the CEO.
 - 8.1.2 Up to seven (7) and no less than three (3) other independent persons as determined and appointed by the Council for a term not exceeding three (3) years.
 - 8.1.3 On expiry of their term, members of the AMC may seek reappointment. The CEO, the Chairperson and one of the appointed Elected Members will consult and make a recommendation to Council who will decide on the reappointment.
 - 8.1.4 An AMC member may only serve a maximum of three (3) consecutive terms.
- 8.2 An AMC Member appointment will become vacant if:
 - 8.2.1 In the case of the Elected Members - ceasing to hold office
 - 8.2.2 In the case of the other AMC Members:
 - 8.2.2.1 upon the Council removing that person from office
 - OR
 - 8.2.2.2 the member resigning their position from the AMC.
 - 8.2.3 If Council proposes to remove a member from the AMC, it must give written notice to the member of its intention to do so.
 - 8.2.4 If any AMC member is absent for three consecutive meetings of the AMC without leave of the AMC, the AMC may recommend to the Council that it remove that member from the AMC.

9. METHOD OF APPOINTMENT OF NEW AMC MEMBERS

- 9.1 The method of appointment of new AMC Members will be as follows:
- 9.1.1 As required, the Council will advertise the vacancies and seek nominations for the position of member of the AMC.
 - 9.1.2 Nominations will be called for from appropriately skilled, experienced or qualified people.
 - 9.1.3 The selection panel will comprise one of the elected members appointed to AMC, the AMC Chairperson and the CEO.
 - 9.1.4 The selection panel will make a recommendation to Council as to the appointment of the AMC members for consideration and appointment by the Council.
 - 9.1.5 The selection panel will take into consideration the current and required skills for the AMC to fulfil its responsibilities, the current term of existing members and the gender diversity of the AMC.
 - 9.1.6 If required, to fulfil the minimum number requirements of AMC, Council may second a person to act as a member until such time as the above appointment process can be undertaken.

10. OFFICE BEARERS

- 10.1 The AMC shall nominate a Chairperson from amongst the AMC Members (not including Elected Members of the City of Holdfast Bay) for consideration and approval of appointment by Council.
- 10.2 The AMC shall nominate a Deputy Chairperson from amongst the AMC Members (not including Elected Members of the City of Holdfast Bay) for consideration and approval of appointment by Council.
- 10.3 Each of the Chairperson and Deputy Chairperson shall serve a three (3) year term in those positions unless removed from the position by the Council. On expiry of their term, the Chairperson and Deputy Chairperson can re-nominate for a further term (and for up to 3 terms).
- 10.4 The Deputy Chairperson will act in the absence of the Chairperson and, if both the Chairperson and Deputy Chairperson are absent from a meeting of the AMC, the AMC will choose a Member from those present, who are not Elected Members of the City of Holdfast Bay, to preside at the meeting as the Acting Chairperson.
- 10.5 The Chairperson of the AMC shall be an ex-officio member of all sub-committees of the AMC.

11. VOTING RIGHTS

- 11.1 All members have equal voting rights.
- 11.2 All resolutions of the AMC shall be made on the basis of a majority decision of the AMC members present.
- 11.3 Unless required by legislation not to vote (including for reasons of Conflict of Interest), each of the Elected Members who are members of AMC must vote on every matter which is before the AMC for decision.

- 11.4 The Chairperson has a deliberative vote but does not, in the event of an equality of votes, have a casting vote.

12. ROLES AND RESPONSIBILITIES

12.1 Chairperson:

- 12.1.1 To provide leadership to the AMC.
- 12.1.2 To act as the presiding member at all meetings of the AMC, ensuring that the meeting is conducted in a proper and orderly manner, complying with the requirements of the *Local Government Act 1999*.
- 12.1.4 To act as the AMC's primary contact with the General Manager.
- 12.1.5 To regularly liaise with the General Manager Alwyndor in relation to the work of the AMC.
- 12.1.6 To provide input to the CEO on the appointment and performance of the General Manager.

12.2 Deputy Chairperson:

- 12.2.1 In the absence of the Chairperson, to fulfil the role of the Chairperson.

12.3 AMC Members:

- 12.3.1 To make effective and appropriate contribution as an individual member so that AMC can carry out its role effectively.
- 12.3.2 To attend all meetings of the Committee as practical.
- 12.3.3 To prepare thoroughly for each AMC meeting.
- 12.3.4 To review all Agenda's and Meeting papers for AMC meetings unless granted a leave of absence.
- 12.3.5 To listen to alternate views and act respectfully to other AMC Members.
- 12.3.6 AMC members have no authority to direct the General Manager or employees of Alwyndor in any matter. Any issues or concerns with either the General Manager should be raised with the Chairperson and the CEO, any issues or concerns with employees of Alwyndor should be raised with the General Manager.

13. SITTING FEES

- 13.1 AMC Members, except for City of Holdfast Bay Elected Members, are entitled to a sitting fee for their attendance at AMC meetings.
- 13.2 The applicable rates will be determined by the Council.
- 13.3 Claims for payment of the sitting fees, will be based on attendance at meetings as recorded in the minutes.

14. ADMINISTRATION

- 14.1 The Council shall employ and appoint a General Manager Alwyndor who shall have full responsibilities for the effective management of Alwyndor and reports directly to and is accountable to the CEO. The CEO consult with the Chairperson on any key

decision regarding the appointment or performance of the General Manager. The General Manager will provide full support to the AMC to enable them to fulfil their responsibilities.

14.2 The General Manager shall be responsible for:

14.2.1 ensuring the appropriate leadership, management and administration of Alwyndor's operations in accordance with the requirements and directions of the Council, the CEO, the AMC, the Trust and applicable legislation.

14.2.2 Keeping the AMC informed in a timely manner of all matters relevant to their responsibilities or that may materially impact on Alwyndor's operations or reputation.

15. FINANCIAL MANAGEMENT

15.1 Financial records of Alwyndor will be maintained by the General Manager and will comply with the relevant financial policies and procedures adopted by Council and Alwyndor. The annual financial statements of Alwyndor will be reviewed by the AMC to enable them to make the declaration required under subdivision 60-B of the *Australian Charities and Not-for-profits Commission Regulation 2013*.

15.2 In accordance with the preparation of the annual Council budget cycle, the General Manager will present to the Council for its consideration and adoption, a proposed annual budget for Alwyndor's activities including those matters relating to the management, operations and capital expenditure of Alwyndor for the ensuing financial year before adoption by Council of its annual budget. This will be reviewed and considered by the AMC prior to being presented.

16. REPORTING REQUIREMENTS

16.1 The AMC shall, at least once every two years, review its own performance, terms of reference and membership and provide a report to the Council including any recommended changes. The CEO of Council can approve an extension of this timeframe if circumstances require.

16.2 The Chairperson and the General Manager will report to the Council annually summarising the activities of the AMC during the previous year.

17. SUB-COMMITTEES

17.1 The AMC may appoint such sub-committees as it sees fit to assist it with carrying out its responsibilities. Any subcommittee must regularly report to the AMC on its activities and will have no decision-making powers.

Item No: **14.4**

Subject: **APPOINTMENT OF INDEPENDENT MEMBER TO AUDIT COMMITTEE**

Date: 27 January 2021

Written By: Personal Assistant, Strategy and Business Services

General Manager: Strategy and Business Services, Ms P Jackson

SUMMARY

Council has received expressions of interest for the vacant position of independent member of its Audit Committee. Following review and interviews of short-listed candidates, the selection panel recommends an appointment.

RECOMMENDATION

- 1. That David Powell be appointed to Council's Audit Committee for a 3-year term expiring 21 January 2024.**
 - 2. That Council records its appreciation to Mr Spadavecchia for his valuable service on Council's Audit Committee since 2015.**
-

COMMUNITY PLAN

Culture: Being financially accountable
Culture: Enabling high performance
Culture: Supporting excellent, efficient operations

COUNCIL POLICY

Audit Committee Terms of Reference.

STATUTORY PROVISIONS

Sec 126 Local Government Act 1999.

BACKGROUND

The terms of reference for Council's Audit Committee provides for a membership of five (5) comprising not less than two (2) Elected Members and not less than two (2) independent members.

At its meeting on 11 December 2018, Council appointed two Elected Members, Councillors Smedley and Snewin to the Audit Committee for the term of Council. Councillor Smedley was appointed Presiding Member by the Committee.

A panel comprising the Presiding Member of the Audit Committee (Councillor John Smedley), Elected Member (Councillor Snewin), Chief Executive Officer (Mr Roberto Bria) and Chair, Alwyndor Management Committee (Mr Kim Cheater), have reviewed the expressions of interest received and interviewed the short listed candidates. The panel now makes a recommendation on the appointment.

REPORT

Advertisements inviting expressions of interest (EOIs) were displayed on the SEEK website and on Council's website for several weeks.

Twenty one (21) EOIs were received by the closing date of 4 November 2020. These were reviewed and a short-list of four (4) applicants were selected (one applicant withdrew) and three (3) interviewed by the panel on 11 December.

All short-listed applicants had demonstrable experience and skills for the position.

The panel recommends the appointment of David Powell for a term of 3 years ending 21 January 2024.

David Powell is qualified in accounting, auditing, governance and risk. He has vast consulting experience in Risk Management, Internal Controls, Internal Audit, External Audit, Governance and ICT Audit. He is a chartered accountant with over thirty six (36) years' experience including twenty five (25) years in three (3) of the Big 4 Accounting firms (including 10 years for Deloitte and Ernst & Young). Currently on the Audit Committees of City of Adelaide, City of Marion and City of Charles Sturt, he has significant insight into the operations of local government. The panel is confident that his broad experience and qualifications will add value and complement the skill set of Council's Audit Committee.

With the expiry of Mr Spadavecchia's term on the Audit Committee, it is appropriate that his valuable contribution over six years be recognised. Mr Spadavecchia was originally appointed to the Audit Committee in January 2015 and was re-appointed for another 3 year term expiring in January 2021. His service has been greatly appreciated by the Audit Committee.

BUDGET

This report does not have any budget implications. Sitting fees payable to independent members of the Audit Committee are provided for in the 2020/21 budget.

LIFE CYCLE COSTS

Not Applicable.

Item No: **15.1**

Subject: **ITEMS IN BRIEF**

Date: 27 January 2021

Written By: Personal Assistant

General Manager: Strategy and Business Services, Ms P Jackson

SUMMARY

These items are presented for the information of Members.

After noting the report any items of interest can be discussed and, if required, further motions proposed.

RECOMMENDATION

1. **Proclamation Day Thank You**
 2. **Veteran Community Support**
 3. **State Planning Reforms – Minister’s Response to Council’s Submission**
 4. **Glennelg Policing Petition and Update of Current Initiatives**
 5. **Nominations to the Dog and Cat Management Board Update**
 6. **Proclamation Day Event – Monday 28 December 2020**
 7. **Proclamation Day 2021, Old Gum Tree Reserve Letters**
-

COMMUNITY PLAN

Culture: Supporting excellent, efficient operations

COUNCIL POLICY

Not Applicable.

STATUTORY PROVISIONS

Not Applicable.

REPORT**1. Proclamation Day Thank You**

On 5 January 2021, the Hon Steven Marshall, Premier of South Australia wrote to Mayor Amanda Wilson congratulating the City of Holdfast Bay on a very successful Proclamation Event.

In his correspondence the Premier acknowledged how the event not only commemorated the State's proclamation but also included our rich indigenous history.

Refer Attachment 1

2. Veteran Community Support

Mr Barry Heffernan, Coordinator at William Kibby VC Veteran's Shed, wrote to Mayor Amanda Wilson on 5 January 2021. In his email, Mr Heffernan thanked Sue Dugan and City of Holdfast Bay staff for the food hampers delivered to the Shed over Christmas and the emotional, positive and on occasions, miraculous effect they had had on members.

Refer Attachment 2

3. State Planning Reforms – Minister's Response to Council's Submission

At its meeting held on 10 November 2020, Council resolved to write to the Hon. Vickie Chapman, Minister for Planning and Local Government, expressing Council's concerns with the planning reforms proposed through the draft Planning and Design Code, as well as associated procedural matters relating to the new planning system. A response has now been received from the Acting Minister for Planning and Local Government, Hon. Rob Lucas MLC. Although Council's letter was intended as a direct appeal for intervention by the Minister, the return advice is that the Council's letter has been forwarded to the State Planning Commission for consideration as part of the broader review of issues raised in submissions through the general consultation on the Planning and Design Code. Notwithstanding, some of the issues raised by Council in its letter to Minister Chapman have since been addressed, including strengthening the recognition of character areas through a revised land use zoning regime, addressing flooding of residential areas through the inclusion of evidence based mapping, and progressing discussion on the Somerton Precinct Industrial precinct as a means to gain separate and specific recognition in the Planning and Design Code.

Refer Attachment 3

4. Glenelg Policing Petition and Update of Current Initiatives

Steven Patterson MP, Member for Morphett wrote to Mayor Amanda Wilson on 18 December 2020 advising that he had convened a round table meeting with the Hon. Vincent Tarzia MP, Minister for Police, Emergency Services, and Correctional Services, Jetty Road stakeholders and representatives of City Holdfast Bay (CHB) and South Australian Police (SAPOL). The meeting was an opportunity for all parties to voice their concerns and to hear the focus SAPOL has placed on the Glenelg district.

Discussions at the meeting included:

- the recent petition that CHB distributed to businesses in Glenelg;
- implementation of multiple operations by SAPOL working with business and the community;
- mobile patrol operations based out of Henley Beach Police Station;
- potential impact of upgraded CCTV system along Jetty Road; and
- Council/Jetty Road Mainstreet Committee engaging a private security guard in conjunction with SAPOL patrols.

Mr Patterson also advised that a copy of the correspondence attached has also been copied into the Homelessness and Anti-social Behaviour Roundtable attendees so they are aware of current policing strategies in the Glenelg area.

Refer Attachment 4

5. Nominations to the Dog and Cat Management Board Update

Following Council's resolution on 22 September 2020 (C220920/2043) Council selected Councillor Fleming to be nominated to the Dog and Cat Management Board. On 18 December 2020, the Local Government Association advised Council three nominees are being recommended to the Minister for Environment and Water to appoint one member.

Refer Attachment 5

6. Proclamation Day Event – Monday 28 December 2020

The 184th anniversary of the reading of the Proclamation of South Australia was held at the Old Gum Tree reserve on Monday 28 December 2020.

Dignitaries in attendance:

- His Excellency Hieu Van Le, Governor of South Australia and his wife Lan
- Hon Steven Marshall MP, Premier of South Australia
- Hon Stephen Patterson MP, local Member for Morphett, and Minister for Trade and Investment, representing today the South Australian Government
- Dr Susan Close MP, Deputy Leader of the Opposition, representing the Leader of the Opposition the Hon Peter Malinauskas
- Matt Cowdrey OAM MP, Member for Colton
- Deputy Lord Mayor Mary Couros, representing the Lord Mayor and the City of Adelaide
- Mayor Michael Coxon, City of West Torrens
- Service Commanders from Navy, Airforce, Army, SES, MFS, SAPol
- Councillor Alexander Hyde, City of Adelaide
- Councillor Peter Denholm, Kangaroo Island Council
- Mayor and Elected Members of City of Holdfast Bay

Speeches by:

- His Excellency the Honourable Hieu Van Le AC, Governor of South Australia
- Mayor Amanda Wilson
- Hon Steven Marshall MP, Premier of South Australia
- Kurna representative, Uncle Tamaru
- MC – Roberto Bria, CEO City of Holdfast Bay
- Malcolm McInerney from the Department of Education

The Governor Civic Awards were presented by Malcolm McInerney from the Department of Education. The Awards are open to students from years 5 to 12 from all South Australian schools. Award recipients and their families were invited to the event.

The awards connect with the Australian Curriculum with an emphasis on:

- the establishment of the South Australian colony in the 19th Century
- the contribution of individuals and groups to the development of South Australia in the 20th Century
- values underpinning Australia's democracy
- formal rights and responsibilities of Australian citizens.

(More information: <https://www.education.sa.gov.au/governors-civics-awards-schools>)

Musical performances by the Glenelg Brass Band.

Fort Glanville Guards were in attendance and acknowledged by the CEO in his welcome address.

Uncle Tamaru performed a smoking ceremony and delivered the Welcome to Country.

Rotary Club of Glenelg prepared and served the BBQ morning tea following the ceremony.

SAPol and St John were both in attendance and reported no incidents.

Attendance was slightly lower than in previous years estimated at 500 people.

7. Proclamation Day 2021, Old Gum Tree Reserve Letters

On 16 December 2020, a joint letter from Mayor Amanda Wilson and Senior Kurna Mr Jeffrey Newchurch was sent to Premier Steven Marshall, The Right Honourable The Lord Mayor of Adelaide, Ms Sandy Verschoor, and His Excellency the Honourable Hieu Van Le AC requesting a meeting to discuss Proclamation Day 2021, Old Gum Tree Reserve.

Refer to Attachment 6

Premier Marshall has responded and a meeting has been scheduled for February 2021 discuss.

Attachment 1





THE HON STEVEN MARSHALL MP
PREMIER OF SOUTH AUSTRALIA

B908199

Ms Amanda Wilson
Mayor
City of Holdfast Bay
Email: c/o lgallacher@holdfast.sa.gov.au

Dear Mayor, *Amanda*

I write to congratulate the City of Holdfast Bay on your successful 2020 Proclamation Day event at the Old Gum Tree.

It was a pleasure to attend and deliver a speech at the 2020 Proclamation Day event. At the end of one of the most challenging years for our State, the Proclamation Day commemoration was a welcome celebration of the shared achievements of South Australians.

As Premier and being responsible for administering the Aboriginal Affairs and Reconciliation portfolio, I was particularly pleased by the way in which the event commemorated the proclamation of our State, while also acknowledging our rich indigenous history preceding that event. As you eloquently outlined in your speech, we all have a role to play as we walk the path of reconciliation together.

Once again, congratulations and I look forward to attending more events hosted by the City of Holdfast Bay in future.

Yours sincerely,

Hon Steven Marshall MP
PREMIER OF SOUTH AUSTRALIA

5 / 1 / 2021

PS. loved visiting Tati!

Attachment 2



On 5 Jan 2021, at 9:03 am, Robyn & Barry <bhc60800@bigpond.net.au> wrote:

Good morning Amanda,

I hope that Christmas and the New Year beginnings both went well for yourself and your family.

Amanda I thought that I would pass on this story to both yourself, Sue Dugan and your other Council Staff who made this story possible

Early in December Sue contacted me and asked if we were interested in having some food hampers delivered to us, in turn to be able to assist any struggling Veterans with whom we deal.

I jumped at the chance to take up the offer.

We were give 6 hampers initially.

The first 2 went to a Vietnam Veteran with whom we work who lives at Balhannah.

This bloke struggles and recently lost his son through Cancer.

He actually passed on his hamper to a more needy person who lives several doors away.

The second hamper was delivered by our Chaplain to an older Veteran who was the victim of a home invasion and who suffered some serious injuries as a result. The remaining 4, I delivered to a group of Veterans who live in RSL Supported accommodation at Sturt.

All of these men,(and one woman), have served in the ADF and suffer from their resultant service.

I approached Sue Dugan and asked if we could receive another 6 hampers because we still had a few Veterans wanted to assist.

She obliged straight away and we delivered these 6.

One was given to a Veteran who had been released from prison and was getting his life back on line .

We will become more involved with him this year.

Another hamper went to a former homeless Veteran who had been doing it pretty rough and had been sleeping on a golf course until just recently.

His family had kicked him out because of his problems.

He will also become involved with our Shed.

Amanda, I want to tell you that the effect of handing these Hampers at this time of the year was nothing short of miraculous in its result.

When grown men who have served their country and seen all sorts of tragedies, just break down and cry and hug you(me) , it tells a story of what the struggles we face at our Shed and in the wider Veteran Community.

At the end of all of this Amanda, I cannot say a big enough thanks you to your Council, yourself and your caring staff.

It has changed so many lives.

I look forward to catching up with you in the New Year.

Sincerely

Barry Heffernan OAM

Shed Coordinator

William Kibby VC Veterans' Shed

Attachment 3



The Hon Rob Lucas MLC

20MPL1656

Mayor Amanda Wilson
City of Holdfast Bay
PO Box 19
BRIGHTON SA 5048

By email: awilson@holdfast.sa.gov.au



**Government
of South Australia**

Deputy Premier

Attorney-General

Minister for Planning
and Local Government

GPO Exchange
10 Franklin Street
Adelaide SA 5000

GPO Box 464
Adelaide SA 5001
DX 336

Tel 08 8207 1723

Fax 08 8207 1736

Amanda
Dear Mayor Wilson

I write to thank you for your letter about the draft Phase Three Amendment to the Planning and Design Code (the Code). I am responding in my capacity as acting Minister for Planning and Local Government and apologise for the delay in responding to you.

The State Planning Commission (the Commission) has been provided with a copy of your correspondence for consideration and processing as a submission on the draft Code Amendment as part of the recently completed second round of consultation.

I understand that you have a range of concerns in relation to local policy content, public notification, private sector decision making, policy within the Somerton Park Light Industrial Zone and the policy response to noise impacts associated with Adelaide Airport.

I am advised that the Commission has been carefully considering a number of these items and has already made changes to the Code to respond to feedback received during the first consultation process.

Local policy

In relation to local variations, some key changes that have been introduced include:

- A new Established Neighbourhood Zone which acknowledges unique areas of established character and allows for local variations
- Enhanced Historic Area and Character Area Statements which describe what is important in particular places and the inclusion of contributory items as 'Representative Buildings'
- Expanded Technical and Numerical Variations, which allow local numerical standards to be included in the Code
- Additional subzones and Concept Plans that include more nuanced local policy as required.

Flooding

In relation to your specific concerns about local flooding, I am advised that local flood mapping provided by Council has been incorporated into the Code that was available for public consultation. This mapping is supported by a Stormwater Management Overlay, which includes policies to manage stormwater run-off associated with infill development through water sensitive urban design measures.

Somerton Park

I am advised that the Attorney-General's Department (the Department) has recently met with Council staff to further discuss the light Industry area in Somerton Park, which was a positive discussion and that this matter can be resolved.

Public Notification

In relation to public notification, the Minister for Planning and Local Government (the Minister) will receive advice from the Commission on how this has been addressed in response to the feedback received. The Commission is carefully considering this matter and is open to considering amendments that strike the right balance between procedural fairness and streamlined decision making.

Aircraft Noise

Regarding aircraft noise, I am advised that the latest Australian Noise Exposure Forecast (ANEF) for Adelaide Airport has been incorporated within the *Aircraft Noise Exposure Overlay* in the draft Code that was on consultation. In addition, the Department is currently working on preparing a Ministerial Building Standard which would complement this Overlay by prescribing appropriate noise attenuation requirements and construction techniques to assist in the assessment of sensitive development within noise affected areas.

Local knowledge in the assessment process

The matter of private decision-making in the planning system has been supported through the introduction of an Accredited Professionals Scheme (the Scheme). To date, the Scheme has accredited many South Australian planning and allied professionals with extensive knowledge and expertise in both the public and private sector.

The Scheme requires planning professionals who assess development applications to maintain minimum standards of professional practice and produce evidence that they are sufficiently qualified to make key decisions at certain levels. All Accredited Professionals must:

- hold professional indemnity insurance
- comply with an Accredited Professionals code of conduct
- participate in annual compliance checks
- complete specified units of continuing professional development
- be regularly audited for legislative compliance.

In relation to local variations, it is acknowledged that there is some judgement required in this decision-making process and as such professionals must be accredited at a higher level in order to make such decisions.

In addition, I am advised that the Commission is currently considering the preparation of a Practice Direction that may provide additional guidance to the determination of what is a local variation that could be assessed by a private sector accredited professional.

Next Steps

Following the close of the additional consultation period, the Commission is required to provide the Minister with an Engagement Report under Section 73 of the *Planning, Development and Infrastructure Act 2016* (the Act). The Engagement Report will set out how the draft Code is proposed to be altered in response to the matters raised in submissions.

The Minister will have an opportunity to consider the Commission's Engagement Report and recommendations in the first quarter of 2021 and will then be in a position to adopt the Code (with or without changes) taking into account the Commission's recommendations.

Thank you for raising these issues. I trust the above information is of assistance.

Yours sincerely



Hon Rob Lucas MLC
Acting Minister for Planning and Local Government

13 January 2021

Attachment 4





STEPHEN PATTERSON MP

MEMBER FOR MORPHETT



18th December 2020

Mayor Amanda Wilson
City of Holdfast Bay

By email: lgallacher@holdfast.sa.gov.au

Dear Mayor Wilson

Glenelg Policing Petition & Update of Current Initiatives

I write in relation to a roundtable meeting that I convened today relating to policing on Jetty Road, Glenelg, and the surrounding area. In attendance at the roundtable meeting were:

- Minister for Police, Emergency Services, and Correctional Services, the Hon. Vincent Tarzia MP
- Chief Inspector Ian Browne, Sergeant Jay Allanson and other South Australia Police (SAPOL) representatives
- City of Holdfast Bay, Deputy Mayor Rebecca Abley, Cr William Miller, and CEO Roberto Bria
- Jetty Road Mainstreet Committee, Chair Con Maios

The roundtable meeting gave an opportunity for Jetty Road stakeholders to voice their concerns to the Minister for Police, but also to hear from SAPOL regarding the focus that is being placed on the Jetty Road precinct, and the Glenelg area.

The roundtable meeting acknowledged the petition that the City of Holdfast Bay have distributed to business owners along Jetty Road, Glenelg regarding the current policing situation in our area. Other concerns raised included operating hours at the Glenelg Police Station compared to Henley Beach Police Station, response times to incidents, and perception issues around SAPOL presence on Jetty Road.

I have been working in conjunction with the Government and SAPOL to combat crime and anti-social behaviour along Jetty Road and the Glenelg surrounds, and have undertaken several steps towards this goal. This includes the implementation of multiple operations by SAPOL, working with local businesses and the community towards a safer Glenelg.



STEPHEN PATTERSON MP

MEMBER FOR MORPHETT



One of my key promises during the 2018 State Election campaign was to increase the operating hours of the Glenelg Police Station during the peak summer months. This is a promise which I, together with the Marshall Liberal Government, have delivered. This commitment also included a stronger SAPOL presence in the Glenelg area via mobile and foot patrols.

Chief Inspector Browne spoke at the roundtable meeting about the significant escalation in SAPOL operations since the 2018 State Election, and how these operations are reviewed each year following the peak summer period on an ongoing basis. Leading into this year's peak summer period, the following has been conducted:

- SAPOL have significantly increased the policing presence in Glenelg in the lead up to peak summer months.
- **Operation Safe Shores** commenced on 1st November 2020 and will continue until the end of March 2021.
- **Operation Safe Shores** is intended to decrease behavioral and alcohol-related offences using the following strategies:
 - High visibility policing, including foot patrols in and around license venues
 - Passive Alert Drug Detection (PADD) dog operations at licensed venues
 - Traffic strategies, including mobile and static random breath tests
 - Developing partnerships with local businesses
 - Proactively policing licensed premises ensuring compliance with the Liquor Licensing Act.
- **Operation Safe Shores** also now incorporates **Operation Jericho** therefore extending Operation Jericho until March 2021.
- **Operation Jericho** is an intelligence led policing operation being conducted to target any crime related issues identified within the Glenelg precinct and aims to address the incidences of crime and public disorder that occur at licensed premises and associated public spaces. Current strategies include the following allocation of resources:
 - A dedicated District Policing Team under the direction of a supervisor and responsible for the suburb of Glenelg is tasked with conducting high visibility foot and mobile patrols of Jetty Street and surrounds. This team is also tasked with liaising with business owners in Moseley Square and along Jetty Road to address any community safety concerns.
 - Western District Crime Prevention Section has been tasked with providing suitable crime prevention leaflets/material to assist local business owners.



STEPHEN PATTERSON MP

MEMBER FOR MORPHETT



- Western District Public Transport Policing Team has been tasked to proactively police the Jetty Road tram line, deploying foot and mobile patrols along the transport corridor.
- The Summer Opening Hours for Glenelg Police Station commenced on 1st November 2020, these are:
 - 9.00 am to 5.00 pm - Monday to Thursday
 - 9.00 am to 11.00 pm - Friday to Sunday and Public holidays.
- Summer Opening Hours will remain in place until 31 March 2021 subject to COVID-19 impacts.

The meeting acknowledged that there is a fine balance between allocating SAPOL resources to respond to incidents across the Western District, and a common goal to reduce response times along Jetty Road.

While Henley Beach Police Station is the base for patrols in our area of the Western District, SAPOL reassured the meeting that the patrols that operate out of that station service the Glenelg area with more frequency than the Henley Beach area.

SAPOL mentioned that it is important to note that the mobile patrols based out of the Henley Beach Police Station aren't waiting until they are dispatched to an incident, they are proactively patrolling the area, including the Jetty Road precinct, and the surrounding Glenelg area.

Also identified were preventative measures that can be undertaken to reduce the likelihood of criminal and anti-social incidents occurring in the first place.

SAPOL identified that the accuracy of modern CCTV in other jurisdictions, e.g. Adelaide CBD, leads to accurate offender identification and apprehension. This in turn provides a significant deterrent to criminal behaviour in those jurisdictions. The strong view of the meeting attendees is that an upgrade of the CCTV system along Jetty Road could have a large impact on crime prevention, as well as community safety. City of Holdfast Bay CEO, Roberto Bria, agreed to investigate this with SAPOL.

Another complementary initiative discussed was a private security guard being engaged by either Council, or the Jetty Road Mainstreet Committee. This security guard would act as a dedicated presence that traders could utilise in conjunction with regular SAPOL patrols to provide an additional level of deterrence, and to be a single point of contact for reporting



STEPHEN PATTERSON MP

MEMBER FOR MORPHETT



purposes. Deputy Mayor Abley has requested SAPOL attend a Jetty Road Mainstreet Committee meeting to discuss this initiative.

Con Maios identified that traders are still failing to report an incident as it occurs, and Chief Inspector Browne re-emphasised the importance of reporting these incidents to SAPOL.

In addition to today's meeting, as you are also aware, I have established a 'Roundtable on Homelessness and Anti-Social Behaviour' to investigate community safety matters around the Jetty Road precinct, and the surrounding Glenelg area. The 'Roundtable on Homelessness and Anti-Social Behaviour' included stakeholders from the following offices/organisations:

- Minister for Human Services
- Minister for Police, Emergency Services, and Correctional Services
- SAPOL
- SA Housing Authority (SAHA)
- The City of Holdfast Bay
- St Andrews Church
- Mary's Kitchen
- Bayside Village Shopping Precinct
- Uniting Care Wesley Bowden
- Jetty Road Mainstreet Committee

The learnings from the 'Roundtable on Homelessness and Anti-Social Behaviour' were able to be called upon in today's meeting to provide practical evidence-based solutions to criminal and anti-social behaviour within the Jetty Road precinct, and the surrounding Glenelg area.

As a former Mayor of the City of Holdfast Bay, and now State Member of Parliament for Morphett, I am well aware of the challenges faced by businesses and locals along Jetty Road, and the policing situation in Glenelg.

Going forward, the consensus of the meeting is that we can achieve the best results for our community by all stakeholders continuing to work collaboratively towards the common goal of a safe, family friendly Jetty Road precinct.



STEPHEN PATTERSON MP

MEMBER FOR MORPHETT



I trust this information is of some use to you and can allay some of your concerns regarding the SAPOL response to crime and anti-social behaviour in Glenelg, and along Jetty Road.

As always, please do not hesitate to contact either my office or myself with any further concerns.

Yours sincerely

Stephen Patterson MP
Member for Morphett

CC: The Hon. Vincent Tarzia, Minister for Police, Emergency Services, and Correctional Services

Chief Inspector Ian Browne, South Australia Police

Detective Sergeant Jay Allanson, South Australia Police

Cr Rebecca Abley, Deputy Mayor, City of Holdfast Bay

Cr William Miller, Councillor, City of Holdfast Bay

Roberto Bria, CEO, City of Holdfast Bay

Con Maios, Chair, Jetty Road Mainstreet Committee

Rev Christine Gilbert, Reverend, St Andrews by the Sea Uniting Church

Attachment 5



In reply please quote our reference: ECM 727815 AC

18 December 2020

Mr Roberto Bria
Chief Executive Officer
City of Holdfast Bay
PO Box 19
Brighton SA, 5048

Emailed: rbria@holdfast.sa.gov.au; mail@holdfast.sa.gov.au

Dear Mr Bria

Dog and Cat Management Board

At its meeting on 17 December 2020 the LGA Board of Directors resolved to submit a panel of three nominees as listed below (in alphabetical order) from which a member is to be appointed by the Minister for Environment and Water to the Dog and Cat Management Board:

- Mayor Gillian Aldridge (City of Salisbury)
- Mayor Phillip Heaslip (District Council of Mount Remarkable)
- Mr Brenton Thomass (City of Port Adelaide Enfield)

Thank you for your Council's nomination. Please notify Councillor Fleming of the Board of Director's decision.

If you have any queries in relation to this matter please contact me.

Yours sincerely



Alicia Stewart

Director Governance & Legislation

Telephone: (08) 8224 2037

Email: alicia.stewart@lga.sa.gov.au

Attachment 6





holdfast.sa.gov.au
Brighton Civic Centre 24 Jetty Road, Brighton SA 5048
PO Box 19 Brighton SA 5048
P 08 8229 9999 F 08 298 4561
Glenelg Customer Service Centre and
Library 2 Colley Terrace, Glenelg SA 5045

OFFICE OF THE MAYOR

16 December 2020

Premier Steven Marshall MP
GPO Box 2343
ADELAIDE SA 5000

premier@sa.gov.au

CC: Richard.yeeles@sa.gov.au

Dear Premier,

RE: Proclamation Day 2021, Old Gum Tree Reserve

On behalf of the City of Holdfast Bay and the Kurna Nation, particularly Jeffrey Newchurch, Lynette Crocker and Merle Simpson, we invite you to join us in preliminary discussions around the future directions of Proclamation Day. The last four years has seen Council and the Kurna Nation embrace working together to deliver shared goals, projects and outcomes that strengthen our communities understanding of Kurna culture, connection to place and history.

Through this time we have embarked on various projects that have aimed to enhance this understanding, including Tiati Wanganthi Kumangka (Truth-Telling Together), an exhibition at our Glenelg museum, co-curated by Kurna and Council around the central theme of Truth-Telling and the Letters Patent.

In the lead up to December 2021, which will mark 185 years since the Proclamation of our State, I hope that you will be able to join both Council and Kurna to begin discussions around how we may be able to work together to build upon the current ceremony format and historical signage at the Old Gum Tree Reserve. We also welcome the opportunity to provide you with a tour of Tiati Wanganthi Kumangka.

Understanding your schedule of commitments and the current climate with COVID-19 for our state, we are open to working with you regarding availability.

Yours sincerely,

Amanda Wilson
Mayor

Jeffrey Newchurch
Kurna Nation





holdfast.sa.gov.au
Brighton Civic Centre 24 Jetty Road, Brighton SA 5048
PO Box 19 Brighton SA 5048
P 08 8229 9999 F 08 298 4561
Glenelg Customer Service Centre and
Library 2 Colley Terrace, Glenelg SA 5045

OFFICE OF THE MAYOR

16 December 2020

His Excellency the Honourable Hieu Van Le AC
Governor of South Australia
Government House
GPO Box 2373
ADELAIDE SA 5001

Dear Your Excellency,

RE: Proclamation Day 2021, Old Gum Tree Reserve

On behalf of the City of Holdfast Bay and the Kurna Nation, particularly Jeffrey Newchurch, Lynette Crocker and Merle Simpson, we invite you to join us in preliminary discussions around the future directions of Proclamation Day. The last four years has seen Council and the Kurna Nation embrace working together to deliver shared goals, projects and outcomes that strengthen our communities understanding of Kurna culture, connection to place and history.

Through this time we have embarked on various projects that have aimed to enhance this understanding, including Tiati Wanganthi Kumangka (Truth-Telling Together), an exhibition at our Glenelg museum, co-curated by Kurna and Council around the central theme of Truth-Telling and the Letters Patent.

In the lead up to December 2021, which will mark 185 years since the Proclamation of our State, I hope that you will be able to join both Council and Kurna to begin discussions around how we may be able to work together to build upon the current ceremony format and historical signage at the Old Gum Tree Reserve. We also welcome the opportunity to provide you with a tour of Tiati Wanganthi Kumangka.

Understanding your schedule of commitments and the current climate with COVID-19 for our state, we are open to working with you regarding availability.

Yours sincerely,

Amanda Wilson
Mayor

Jeffrey Newchurch
Kurna Nation





holdfast.sa.gov.au
Brighton Civic Centre 24 Jetty Road, Brighton SA 5048
PO Box 19 Brighton SA 5048
P 08 8229 9999 F 08 298 4561
Glenelg Customer Service Centre and
Library 2 Colley Terrace, Glenelg SA 5045

OFFICE OF THE MAYOR

16 December 2020

The Right Honourable The Lord Mayor of Adelaide
Sandy Verschoor
City of Adelaide
GPO Box 2252
ADELAIDE SA 5001

Dear Lord Mayor,

RE: Proclamation Day 2021, Old Gum Tree Reserve

On behalf of the City of Holdfast Bay and the Kurna Nation, particularly Jeffrey Newchurch, Lynette Crocker and Merle Simpson, we invite you to join us in preliminary discussions around the future directions of Proclamation Day. The last four years has seen Council and the Kurna Nation embrace working together to deliver shared goals, projects and outcomes that strengthen our communities understanding of Kurna culture, connection to place and history.

Through this time we have embarked on various projects that have aimed to enhance this understanding, including Tiati Wanganthi Kumangka (Truth-Telling Together), an exhibition at our Glenelg museum, co-curated by Kurna and Council around the central theme of Truth-Telling and the Letters Patent.

In the lead up to December 2021, which will mark 185 years since the Proclamation of our State, I hope that you will be able to join both Council and Kurna to begin discussions around how we may be able to work together to build upon the current ceremony format and historical signage at the Old Gum Tree Reserve. We also welcome the opportunity to provide you with a tour of Tiati Wanganthi Kumangka.

Understanding your schedule of commitments and the current climate with COVID-19 for our state, we are open to working with you regarding availability.

Yours sincerely,

Amanda Wilson
Mayor

Jeffrey Newchurch
Kurna Nation



Item No: **15.2**

Subject: **PROPOSED MEMORIAL TO HONOUR SQUADRON LEADER ROBERT WILTON BUNGEY**

Date: 27 January 2020

Written By: Curator, History & Exhibitions

General Manager: Community Services, Ms M Lock

SUMMARY

This report investigates the proposed memorial to honour Squadron Leader Robert Wilton Bungey, including liaison with the Department of Veterans Affairs and the Office of Australian War Graves. Administration has investigated and make the following recommendations.

RECOMMENDATION

That Council endorses:

- 1. the construction of a bronze plaque memorial dedicated to Squadron Leader Robert Wilton Bungey be placed along the Esplanade coast park to the south of Phillipps Street, Somerton Park;**
 - 2. funds of \$2,000 be allocated in the 2021/22 to undertake the project; and**
 - 3. that Council continue to liaise with the Bungey family and RSL SA to determine the appropriate wording for the plaque.**
-

COMMUNITY PLAN

Placemaking: Creating lively and safe places
Placemaking: Building character and celebrating history
Community: Celebrating culture and diversity
Community: Providing welcoming and accessible facilities

COUNCIL POLICY

Naming of Public Places Policy

STATUTORY PROVISIONS

Not Applicable.

BACKGROUND

Council resolved at its meeting on the 11 August 2019, Resolution No C110820/1988:

1. *That Administration undertake a review of the proposed memorial to honour Squadron Leader Robert Wilton Bungey, aligned with the Naming of Public Places Policy and bring back a report to Council for consideration.*

Council resolved at its meeting on 24 November 2020, Resolution No C241120/2131:

1. *That Council rescind the motion (C271020/2095) in relation to Report No: 290/20*

Council resolved at its meeting on 24 November 2020, Resolution No C241120/2132:

1. *That Council liaise with the Department of Veterans Affairs to determine where a plaque should be placed and the wording on the bronze plaque memorial dedicated to Squadron Leader Robert Wilton Bungey.*

Council resolved at its meeting on 24 November 2020, Resolution No C241120/2133:

1. *That the motion proposed be adjourned until such time as Administration has further information from the Department of Veterans Affairs.*

Squadron Leader Robert Wilton Bungey DFC was born in Fullarton, South Australia on 4 October 1914 and was educated at Glenelg Primary School with his family residing in Tarlton Street, Somerton Park. Roberts's son, Richard Bungey, resides here still with his family.

Bungey trained with the RAAF at Point Cook in 1936 and sailed for England on 22 July 1937. Bungey joined 226 Squadron at Harwell on 27 November 1937, and was in action throughout the Battle of France, the first major military campaign fought entirely by air forces. His flying career was immense and for his dedication to his role he was awarded the Distinguished Flying Cross (DFC) for the gallant leadership of his squadron in 1941.

Squadron Leader Bungey died on 10 June 1943 and is buried at St Jude's Cemetery, Brighton.

In July 2020, the Returned Services League South Australia (RSL SA) in conjunction with the Bungey family requested that council consider a memorial dedicated to Squadron Leader Robert Wilton

Bungey. This request remains, with the Bungey family and RSL SA are keen to proceed with the original resolution including the chosen location, plaque and boulder.

REPORT

Following the most recent motion, contact was made with the Department of Veterans Affairs and the Office of Australian War Graves in November 2020. The Department of Veterans Affairs hold no objection 'to the creation and placement of private memorials honouring Australia's combat veterans'. There is therefore no requirement for Council to work with the Department of Veterans Affairs in the process of choosing a location or appropriate text for this memorial. Key stakeholders remain RSL SA and the Bungey family.

Since Council's first resolution (No C110820/1988), Mr Richard Bungey and Mr Bill Denny (RSL SA) have written their preferred text for the plaque and submitted to Administration for consideration. It is intended that Council will work with Mr Richard Bungey and Mr Bill Denny (RSL SA) to refine this text. The Bungey family and RSL SA wish to proceed with the previously chosen location, plaque and boulder.

Administration has further engaged with Mr Barry Heffernan at the William Kibby VC Veterans Shed in Glenelg North. Barry has indicated that he 'cannot speak for all at the shed' as inferred in Resolution No C241120/2131 and that he does not oppose Council moving forward with a memorial in the proposed location. Though he is keen to include Bungey's name within the Harmony Garden at the William Kibby VC Veterans Shed, this project is independent of Council and the initial request by the RSL SA on 1 July 2020. As indicated by the key stakeholders in this project, the preferred location of a memorial is an area close to the Bungey family home and within Somerton Park.

Based on the discussions with Mr Richard Bungey and RSL SA, it remains the recommendation of Administration that a bronze plaque, approximately 300 mm x 200 mm, dedicated to Squadron Leader Robert Wilton Bungey be placed along the Esplanade coast path and to the south of Phillipps Street, Somerton Park. A bluestone boulder will be specially selected for the memorial. This location is ideal being close to the Bungey family home. Council will continue to work closely with the RSL SA and the Bungey family to develop wording focused on Bungey's military service.

BUDGET

There has been no budget allocated for this project in the 2020/21 financial year. Budget will need to be submitted as a New Initiative in the 2021/22 budget planning process.

LIFE CYCLE COSTS

Life cycle costs will be developed through the planning process.

Item No: **15.3**

Subject: **RESPONSE FOR GREATER ADELAIDE REGIONAL ORGANISATION OF COUNCILS (GAROC) ANNUAL BUSINESS PLAN 2021- 22**

Date: 27 January 2021

Written By: Team Leader Governance

General Manager: Strategy and Business Services, Ms P Jackson

SUMMARY

The Local Government Association (LGA) on behalf of the Greater Adelaide Regional Organisation of Councils (GAROC) committee requests input into the development of their Annual Business Plan 2021-22, in alignment with GAROCs strategic themes in their Strategic Plan 2019-23.

This provides Council with the opportunity to comment on the questions raised by GAROC as part of their engagement process with Councils.

RECOMMENDATION

That Council endorses the proposed responses being provided in writing by the Mayor to Greater Adelaide Regional Organisation of Councils (GAROC) committee (*Attachment 2*).

COMMUNITY PLAN

Placemaking: Creating lively and safe places
Placemaking: Developing walkable connected neighbourhoods
Placemaking: Building character and celebrating history
Placemaking: Housing a diverse population
Economy: Supporting and growing local business
Economy: Making it easier to do business
Economy: Harnessing emerging technology
Economy: Boosting our visitor economy
Environment: Building an environmentally resilient city
Culture: Supporting excellent, efficient operations

COUNCIL POLICY

Not Applicable.

STATUTORY PROVISIONS

Local Government Act 1999

BACKGROUND

GAROC was formally established through the Local Government Association (LGA) Constitution in October 2018. Its membership comprises all metropolitan Councils split into regional groupings of North, West, South, East and Adelaide City Council. The City of Holdfast Bay is in the Western grouping.

Through GAROCs Strategic Plan 2019-23 it has committed to prioritise and address issues that are common across the metropolitan region, and to be responsive to the needs of metropolitan councils. GAROC is increasing its engagement with all metropolitan councils.

REPORT

Council received correspondence from GAROCs Chairperson on 4 January 2021. A copy of the current GAROC Annual Business Plan 2020-21 is also attached for reference.

Refer Attachments 1 and 2

The GAROC Annual Business Plan 2021-22 considers the following strategic themes:

- Economic Development
- Design, Planning and Placemaking
- Environmental Reform

GAROC has raised question/s under each of the above themes. Administration has prepared the following responses for endorsement by Council. If approved, a response can be provided by the Mayor. Initial written responses are required to be provided to GAROC by Friday, 5 February 2021.

Refer Attachment 3

GAROC will also host workshops commencing February 2021 with council members, CEOs and managers/ practitioners to facilitate further discussions and input in their Annual Business Plan 2021-22.

BUDGET

Not applicable.

LIFE CYCLE COSTS

Not applicable.

Attachment 1



In reply please quote our reference: ECM 724840 AD/MD

4 January 2021

Mayor Amanda Wilson
City of Holdfast Bay
PO Box 19
BRIGHTON SA 5048
Emailed: awilson@holdfast.sa.gov.au

Dear Mayor Wilson

Greater Adelaide Regional Organisation of Councils (GAROC) Annual Business Plan 2021-22

I am writing on behalf of the Local Government Association's GAROC committee to seek your input into the development of our Annual Business Plan 2021-22.

The Annual Plan is a key driver of GAROC's mission *to provide advocacy, policy initiation and review, leadership, engagement and capacity building in collaboration with the LGA for the benefit of metropolitan South Australian councils and their communities.*

Through our Strategic Plan 2019-23, GAROC has committed to prioritise and address issues that are common across the metropolitan region, and to be responsive to the needs of metropolitan councils. We look forward to working with you and GAROC members to advance the following strategic themes.

Economic Development

Metropolitan Adelaide is a key driver of South Australia's economy. GAROC recognises the important role of councils to enable, facilitate and enhance local economic opportunities.

What are the ways in which GAROC can support metropolitan councils to play their important role in stimulating the economic growth in post COVID-19 recovery?

Design, Planning and Placemaking

GAROC recognises the importance of good decision making that enhances the built environment and supports well-considered planning processes that achieve quality design outcomes and the preservation of tree canopy, character and local heritage.

How can metropolitan councils come together through GAROC to maintain our positive influence planning reforms?

Environmental Reform

GAROC acknowledges local government's role in protecting and enhancing the environment and recognises that climate change poses a serious risk to local communities and ecosystems.

How can GAROC support climate change mitigation and adaptation efforts within metropolitan councils?

Are there any other key issues, under these themes or our fourth Strategic Theme of Reform and Innovation that you would like GAROC to focus on in the coming year?

A copy of the current GAROC Annual Business Plan may be accessed via this link: [GAROC Annual Business Plan 2020-21](#) for further reference.

GAROC is keen to increase our engagement with all metropolitan councils and provide opportunities for staff and members to contribute to and learn about the work we are doing together. I encourage you to discuss ideas with your fellow mayors in GAROC's regions (North, South, East, West). The GAROC committee members from each region are provided as an attachment.

We welcome your initial written response by **Friday, 5 February 2021**. Subsequently, GAROC will host a series of workshops commencing in February 2021 with council members, CEOs and managers/practitioners to facilitate discussion and input in setting the 2021-22 Annual Business Plan.

If you have any questions, or require further information, please email Allison Down, Executive Coordinator GAROC & SAROC Committees, at allison.down@lga.sa.gov.au or telephone 8224 2054.

Thank you in advance for your input. Together we can continue play an essential role in the long-term prosperity, sustainability and wellbeing of the Greater Adelaide community.

Yours sincerely



Mayer David O'Loughlin

Chairperson - Greater Adelaide Region Organisation of Councils (GAROC)

Email: lgasa@lga.sa.gov.au

Copy – CEO Roberto Bria

GAROC groupings, members, and committee members

Regional Grouping of Members	Members	GAROC committee Members
North	Gawler Playford Salisbury Tea Tree Gully	Mayor Karen Redman Mayor Gillian Aldridge OAM
West	Charles Sturt Holdfast Bay Port Adelaide Enfield West Torrens	Mayor Angela Evans Mayor Claire Boan
South	Marion Mitcham Onkaparinga	Mayor Dr Heather Holmes-Ross Mayor Erin Thompson
East	Adelaide Hills Burnside Campbelltown Norwood Payneham & St Peters Prospect Unley Walkerville	Mayor Dr Jan-Claire Wisdom Mayor David O'Loughlin
* Plus	Adelaide	Lord Mayor Sandy Verschoor

Attachment 2



GAROC Annual Business Plan 2020-21



Introduction

The Greater Adelaide Region Organisation of Councils (GAROC) is a committee established by the Local Government Association of South Australia (LGA). It is responsible to the LGA Board of Directors for the discharge of its functions.

One of the functions of GAROC is to develop a four-year Strategic Plan in consultation with metropolitan councils. GAROC's Strategic Plan for the period 2019-2023 should be read in-conjunction with this Annual Business Plan. This revised Strategic Plan 2019-23 identifies four strategic themes and objectives. These are:

Theme 1: Economic Development

GAROC recognises that local government's significant investment in infrastructure and services is a driver of the local economy. A strong state economy is underpinned by a financially sustainable local government sector that promotes its area and provides an attractive climate and locations for the development of business, commerce, industry and tourism.

GAROC recognises the important role of councils to enable, facilitate and enhance local economic opportunities. With the right policy settings and partnerships, councils can help to create the best conditions for local businesses to grow and thrive.

Objective: Enable advocacy and partnership opportunities that recognise the specific needs and opportunities in metropolitan Adelaide and assist councils to contribute to creating conditions for productivity that supports sustainable job growth and pathways to employment.

Objective: Support member councils to play their important role in stimulating the economic and social recovery of their communities in post COVID-19 recovery.

Theme 2: Design, Planning and Placemaking

GAROC recognises the importance of good decision making that enhances the built environment and supports well-considered planning processes that achieve quality design outcomes and the preservation of character and local heritage.

Objective: Advocate to the State Government and Parliament to ensure that South Australia's planning system reflects leading practice, facilitates better design outcomes and supports local decision making.

Objective: Provide assistance and resources to metropolitan councils that support their important role as local place makers and custodians of public spaces.

Theme 3: Environmental Reform

GAROC acknowledges local government's role in protecting and enhancing the environment and recognises that climate change poses a serious risk to local communities and ecosystems. GAROC also recognises the important role councils play in providing high quality, innovative and sustainable waste management services that meet the needs of the community

Objective: Support LGA advocacy to State and Federal Government and assists member councils to ensure that all levels of government undertake mitigation and adaptation actions that reduce climate risks and build community resilience.

Objective: Support councils to improve waste and recycling practices and deliver viable and innovative waste services that meet the needs of the community and grow the Circular Economy and advocate for State and Federal Government legislation, policies, funding and programs that will enable and support these outcomes.

Theme 4: Reform and Innovation

GAROC recognises the opportunity to work with metropolitan councils to lead reform and innovations that enhance decision making, build community trust and drive downward pressure on council rates.

Objective: Assist councils to enhance local government through innovations in benchmarking, systems thinking, data management and engagement processes.

Reporting and Approval Process

This Annual Business Plan links the key activities that the GAROC will undertake on an annual basis to support the implementation of the Strategic Plan.

The GAROC Annual Business Plan will be supported by a budget to cover anticipated expenses of the proposed activities to be undertaken during the financial year.

The GAROC Annual Business Plan and budget is required to be presented to the LGA Board of Directors for approval by June each year.

On a quarterly basis, GAROC will assess its performance against the Strategic Plan and Annual Business Plan and provide a report to the LGA Board of Directors and member councils.

Other Plans

The GAROC recognises the work of other organisations and their plans which support the business of the GAROC, these other plans include:

1. The LGA Strategic Plan and Annual Business Plan
2. The LGA Advocacy Plan
3. LGA Work Plans
4. The LGA Research and Development Fund Annual Business Plan

GAROC Annual Business Plan 2020-21

Theme 1: Economic Development

Objective: Enable advocacy and partnership opportunities that recognise the specific needs and opportunities in metropolitan Adelaide and assist councils to contribute to creating conditions for productivity that supports sustainable job growth and pathways to employment.

Objective: Support member councils to play their important role in stimulating the economic and social recovery of their communities in post COVID-19 recovery.

Actions	Milestone	Proposed Outcomes	Budget / Resources	Link to GAROC role
<p>Supporting economic development – advocacy</p> <p>Economic stimulus and local recovery</p> <p>Support LGA advocacy to Federal and State governments for funding, initiatives and legislation that assists councils to support businesses and communities to respond and recover from the COVID-19 pandemic.</p> <p>Reducing red tape</p> <p>Advocate for the reinstatement of the State/Local Government Red Tape Taskforce and seek opportunities for all levels of government to work proactively to simplify decision-making, planning and administration policies and practices.</p>	June 2021	<p>GAROC will listen to and represent the interests of metropolitan councils, and advocate for funding, policy and legislation that supports economic and social recovery from the COVID-19 pandemic.</p> <p>Key opportunities for future advocacy will arise from the COVID-19 pandemic. GAROC will seek opportunities to consult with member councils to inform and support written submissions to influence the response from State and Federal government.</p> <p>Reinstatement of the State/Local Government Red Tape Taskforce would ensure government continues to support local business as they recover from the impact of COVID-19, including strengthening member council commitments to the Small Business Friendly Council initiative.</p>	<p>LGA Secretariat</p> <p>\$50,000 budget allocation in 2020-21 to support actions in the Economic Development theme - for research and workshops identified in the actions.</p>	<p>Policy initiation and review</p> <p>Leadership</p> <p>Regional advocacy</p>

<p>Supporting economic development – assistance</p> <p><i>Collaboration and Leadership</i></p> <p>Host a series of workshops to inform local government’s role in economic and community recovery from COVID-19.</p> <p><i>Strategy and purpose</i></p> <p>Commissioning an assessment to develop an understanding of State and federal government policies and initiatives that support local government’s economic development role and a framework for the economic development strategies within metropolitan councils.</p>	<p>June 2021</p>	<p>Efforts to support economic recovery from the impacts of COVID-19 provides an opportunity for GAROC to bring metropolitan councils together to encourage a culture of collaboration and further participate in existing networks to build and maintain effective relationships with key stakeholders.</p> <p>GAROC will bring together Economic and Community Development practitioners within councils to drive a cohesive approach, cross-collaboration, innovation and build the evidence base for meaningful partnerships with local businesses, not-for-profit groups and other stakeholders to identify practical actions and activities that stimulate economic and community development in their areas.</p> <p>Metropolitan councils come together to collaborate and build partnerships with each other and with other agencies, authorities and organisations that have a complementary role in economic and community development.</p> <p>Metropolitan councils are assisted to adopt a customer service approach to support economic development to make it easier to do business in South Australia.</p> <p>Metropolitan councils are aware of and are supported to align their key objectives and priorities to leverage funding support from Federal and State government policies and initiatives.</p>	<p>As above.</p>	<p>Regional advocacy</p> <p>Leadership</p> <p>Policy initiation and review</p> <p>Leadership</p> <p>Regional advocacy</p>
--	------------------	--	------------------	---

Theme 2: Design, Planning and Placemaking

Objective: Advocate to the State Government and Parliament to ensure that South Australia's planning system reflects leading practice, facilitates better design outcomes and supports local decision making.

Objective: Provide assistance and resources to metropolitan councils that support their important role as local place makers and custodians of public spaces.

Action	Milestone	Proposed outcomes	Budget	Link to GAROC role
<p>Heritage</p> <p>Engage with metropolitan councils further understand and represent their interests on local heritage issues.</p> <p>Infill</p> <p>Undertake a review of the Planning and Design Code with respect to the impacts of infill development in consultation with councils.</p>	June 2021	<p>Listen and represent the interest of metropolitan councils and advocate for planning reform that supports quality design outcomes that complement and preserve the special qualities of local communities.</p> <p>There is an opportunity for GAROC member councils to support strong advocacy on the Planning and Design Code. It is important for the local government sector to assist in ensuring that the planning system underpins the ability of councils to deliver sustainable developments and public spaces.</p>	<p>LGA Secretariat</p> <p>\$40,000 budget allocation in 2020-21 for optional research and workshop activities as required, as identified by GAROC.</p>	<p>Regional advocacy</p> <p>Leadership</p>

Theme 3: Environmental Reform				
<i>Objective: Support LGA advocacy to State and Federal Government and assists member councils to ensure that all levels of government undertake mitigation and adaptation actions that reduce climate risks and build community resilience.</i>				
<i>Objective: Support councils to improve waste and recycling practices and deliver viable and innovative waste services that meet the needs of the community and grow the Circular Economy and advocate for State and Federal Government legislation, policies, funding and programs that will enable and support these outcomes.</i>				
Action	Milestone	Proposed outcomes	Budget	Link to GAROC role
<p>Climate Change – coordination</p> <p>Support LGA advocacy to the State Government for</p> <ul style="list-style-type: none"> the State - Local Government Climate Change Partnership Proposal; and renewal of the Regional Climate Partnerships – Sector Agreements <p>by working with member councils and the Regional Climate Partnerships coordinators to clearly identify and communicate their success in delivering practical, proactive, and positive climate action.</p>	June 2021	<p>Build State Government awareness and appreciation for the practical outcomes of the Regional Climate Partnerships and activities being undertaken by member councils.</p> <p>Commence a <i>State - Local Government Climate Change Partnership Proposal</i> with the State Government to jointly progress actions that harness economic opportunity, reduce greenhouse gas emissions, and build resilience to climate risk.</p> <p>Renewed commitment and co-investment from the State Government in the eleven Regional Climate Partnerships (Resilient South, AdaptWest, Resilient East and Adapting Northern Adelaide are the Partnerships within Greater Adelaide).</p> <p>Realise the potential for greater collaboration and alignment between State and local government on climate change.</p> <p>Support capacity building in councils including climate risk in asset management, identifying sector-wide needs and</p>	LGA Secretariat \$10,000 budget allocation in 2020-21 for workshop activities and promotional materials as identified.	Regional advocacy

		improve understanding of state and federal government priorities and funding programs.		
Coastal Management Financial contribution to the activities and resourcing of the SA Coastal Council Alliance.	January 2021	Ensure the financial sustainability of SA Coastal Council Alliance, that the momentum generated through the early start-up phase of the Alliance is not lost, and that issues facing coastal councils continue to be strongly advocated and workable solutions implemented.	\$20,000	Regional advocacy
Food Waste Provide in-principal support to a proposal to partner with a supermarket chain to support community uptake of food waste recycling.	June 2021	Leverage opportunity from the Food Waste Recycling Proposal. by providing waste recycling initiatives and education campaigns, partnering with councils and Green Industries SA (GISA) to provide kitchen caddies free through supermarkets.	\$50,000	Leadership

Theme 4: Reform and Innovation

Objective: Assist councils to enhance local government through innovations in benchmarking, systems thinking, data management and engagement processes.

Action	Milestone	Proposed outcomes	Budget	Link to GAROC role
<p>Benchmarking, expenditure framework, service reviews and data</p> <p>Support LGA activities in sector-wide performance measurement and enhance integrated long-term asset and financial management.</p>	June 2021	Metropolitan councils' issues sufficiently considered in local government reform and innovations.	<p>Nil required from 2020-21</p> <p>(\$70,000 allocated in 2019-20)</p>	<p>Engagement and capacity building</p> <p>Leadership</p> <p>Policy initiation and review</p>
<p>Integrated service, asset management and financial planning</p> <p>Support the LGA's Local Government Asset Management Integration Program</p>	June 2021	Maturity of metropolitan asset management plans assessed and increased understanding of integrated asset management to deliver better services and community outcomes.	<p>Nil required from 2020-21</p> <p>(\$30,000 allocated in 2019-20)</p>	<p>Leadership</p> <p>Policy initiation and review</p>
<p>Establishing GAROC regions</p> <p>Support councils in the transition to GAROC regions</p>	June 2021	<p>New GAROC regions will come into effect in October 2021.</p> <p>After that time, subject to other priorities, GAROC may seek to bring interested councils together for a further workshop to discuss a consistent approach to the transition to a regionalised GAROC structure.</p>	No significant allocation required.	<p>Engagement and capacity building</p>

Attachment 3



Response to GAROCs Questions for Annual Business Plan 2021-22 Development

Strategic Theme	Council's response
<p><u>Economic Development</u></p> <p>Metropolitan Adelaide is a key driver of South Australia's economy. GAROC recognises the important role of councils to enable, facilitate and enhance local economic opportunities.</p> <p>What are the ways in which GAROC can support metropolitan councils to play their important role in stimulating the economic growth in post COVID-19 recovery?</p>	<p>The following would support in stimulating growth in post COVID-19 recovery:</p> <ul style="list-style-type: none"> • Access to real-time data including Spendmapp, Neighbourlytics, ABS, RemPlan, and Economy ID for historical data. Often this data is expensive, unobtainable or not supported for some local government areas, however the data can inform short and long term economic drivers; • Foster a circular economy and greater emphasis on local supply chains; • Re-establish the LGA red-tape reduction committee to implement the work already identified by the State and local government group. The industry have long been asking for a more streamline approach to regulatory processes and with the lingering impacts of COVID, businesses need to be nimble in their attempt to reinvent themselves and be innovative. Council processes can impact the speed with which these innovations can occur; and • Support for regional metropolitan programs to enhance/build on existing business support programs such as the Southern Business Mentoring Program, the Adelaide Business Hub, and the Adelaide Beaches tourism website.
<p><u>Design, Planning and Placemaking</u></p> <p>GAROC recognises the importance of good decision making that enhances the built environment and supports well-considered planning processes that achieve</p>	<p>Given that the planning reforms will consolidate 16 individual metropolitan council Development Plans into a single Design Code, the opportunity now presents itself for councils to come together in seeking to influence land use and building policy for</p>

<p>quality design outcomes and the preservation of tree canopy, character and local heritage.</p> <p>How can metropolitan councils come together through GAROC to maintain our positive influence planning reforms?</p>	<p>the benefit of all, with some degree of consensus. This is particularly critical if councils are to benefit from increased urban consolidation (for example, higher density walkable neighbourhoods, etc) rather than bear the negative consequences of piecemeal development (for example, unfettered loss of tree canopy, etc).</p> <p>The LGA already facilitates regular meetings with representatives of all metropolitan councils to discuss issues relating to the planning reforms. The outcomes of these weekly meetings could then be consolidated for GAROC's consideration, at a higher level.</p> <p>This process seems to be the most timely and efficient means by which metropolitan councils can come together through GAROC to maintain our positive influence planning reforms.</p>
<p><u>Environmental Reform</u></p> <p>GAROC acknowledges local government's role in protecting and enhancing the environment and recognises that climate change poses a serious risk to local communities and ecosystems.</p> <p>How can GAROC support climate change mitigation and adaptation efforts within metropolitan councils?</p>	<p>With much of South Australia still feeling the effects of the 2019/20 bushfire season, and all levels of government now focused on economic recovery from the COVID-19 pandemic, there has never been a more critical time to build the climate resilience of our State. GAROC could play a lead role in both supporting South Australian councils to prioritise a green recovery, and advocating for State and Federal co-investment in this objective.</p> <p>A green recovery would deliver both short and long-term value, with co-benefits reaching far beyond immediate job creation. A green recovery could reduce waste, pollution, congestion, instability and natural disaster risks – while improving health and wellbeing outcomes, liveability, affordability, biodiversity, and ecosystem sustainability.</p>

Metropolitan councils could play a critical role in a green recovery by investing in job-building initiatives like constructing coastal protection works and stormwater infrastructure upgrades, retrofitting homes for energy efficiency and climate resilience, upgrading streetscapes to install green infrastructure, enhancing parks and gardens to improve liveability and manage urban heat, driving the circular economy through improved waste management, and stimulating uptake of climate-friendly transport, including electric vehicles and charging infrastructure.

The two new LGA central coordinator roles will greatly assist knowledge sharing, spread and uptake of best practice, and in securing financial support to progress shared priorities.

We consider the following to be the most effective ways that GAROC can support climate change mitigation and adaption efforts:

- The top priority is for the LGA to subsidise a Climate Change Governance Risk Assessment for all SA councils that have not yet done this. Having all councils assessed will allow us to benchmark against each other and learn where our collective gaps, and therefore priorities, are and also to learn which councils are leading in particular areas and then learn from them;
- Employ a Climate Change Officer in SA. LGA to focus on adaptation and mitigation in addition to the two new roles created recently to support the Regional Climate Partnerships;

- Better linkages and advocacy with State Government, particularly in provision of funds to help councils reduce their community emission profiles. The Building Upgrade Finance program, Retailer Energy Efficiency Scheme and investment in the Electric Vehicle Action Plan (to install a state-wide network of charging stations) are all contributing to this but at an individual Council level, more support from the LGA could even further reduce our community emissions profiles;
- Support with tracking all Council's Community Emissions Profiles over time – this is underway with [Snapshot](#) but the LGA could take ownership of this state-wide on behalf of the sector to help us track progress over time in our cities;
- Support the LGA's advocacy by calling for the State Government to fund and lead the development of an agreed approach between State and local government to coordinate data acquisition and analysis for common hazards relevant to metropolitan councils;
- Stronger representation and involvement in the Regional Climate Partnerships Programme Management Committees (PMC), including a regular representative at PMC meetings;
- Support for greening fleets – procurement, business cases, implementation and training support for the sector to continue and grow stronger. As councils transition to lower emission fleets, they are supporting a green economic recovery flowing from COVID, as well as supporting Australian innovation;
- Establishment of science-derived emissions reduction targets for all SA local government areas that link to international State and national targets;

	<ul style="list-style-type: none"> • Purchasing 100% renewable energy. There is currently a working group working with LGA Procurement planning and advocating for an outcome post-December 2022. However, this group could benefit from the support of the LGA and GAROC to amplify messages to the market, ensure equitable access to 100% renewable energy by all SA councils and by generally supporting the working group; and • Support and promote the outcomes of the Resilient South, LGR&DS funded project – Incorporating Climate Risk into Asset Management.
<p>Are there any other key issues, under these themes or our fourth Strategic Theme of Reform and Innovation that you would like GAROC to focus on in the coming year?</p>	<p>There are a number of common issues and challenges that councils experience in undertaking the business of local governance and service provision. In some cases efficient solutions do not yet exist in the form of ‘off the shelf’ products or services, even if the relevant technology does. Smaller councils may not have the necessary scale to be able to commission solutions on their own and less affluent councils may struggle to justify such investments. A whole of sector approach could provide the necessary scale to stimulate the market to innovate to solve our challenges.</p> <p>For example, a common ‘market place’ where councils could lodge their problems/challenges that innovators/the market could choose to service could be helpful. This could be done with small seed grants (for example, similar to the State’s D3 challenge model) or a simple ‘wish list’ of solutions for the market to choose to service. As well as making it easier for businesses to find willing customers, such an initiative could stimulate innovators and start-ups across a number of industries.</p>

Item No: **15.4**

Subject: **CODE OF PRACTICE – MEETING PROCEDURES – ANNUAL REVIEW**

Date: 27 January 2021

Written By: Team Leader Governance

General Manager: Strategy and Business Services, Ms P Jackson

SUMMARY

The City of Holdfast Bay's Code of Practice – Meeting Procedures (the Meeting Code) is recommended by the *Local Government (Procedures at Meetings) Regulations 2013* (the Regulations) to be reviewed annually (Regulation 6(2)). The Meeting Code has been reviewed accordingly.

The Council resolution to amend the Meeting Code needs to be supported by at least two thirds of the members of the Council in order to be adopted as the new Code of Practice and may be altered at any time (Regulation 6(3) of the Regulations).

RECOMMENDATION

That Council adopts the revised Code of Practice – Meeting Procedures.

COMMUNITY PLAN

Culture: Supporting excellent, efficient operations.

COUNCIL POLICY

Not Applicable.

STATUTORY PROVISIONS

Local Government Act 1999

Local Government (Procedures at Meetings) Regulations 2013

Electronic Participation in Council Meetings Notice (No 1) 2020

BACKGROUND

The *Local Government Act 1999* (the Act), sections 86(8) and 89(1) prescribe that the procedures at Council and Council Committee meetings are to be observed as prescribed by the Regulations,

and where the procedure is not prescribed by regulation, as determined by the Council or by the Council Committee.

The Regulations outline the statutory requirements for meeting procedures and Council may add additional provisions into the Meeting Code where permitted by the Regulations.

REPORT

The Meeting Code was last amended and endorsed by Council on 7 April 2020 in response to the *Electronic Participation in Council Meetings Notice (No1) 2020*, to allow for electronic participation in meetings by Council members and to manage the closure of Council offices. This review only related to the additional provisions arising from the Notice. A full review of the Meeting Code was last endorsed by Council on 22 October 2019.

A review has now been undertaken to review all aspects of the Code. The principal changes to the Meeting Code are as follows:

- Inclusion of the provisions for meetings in person as well as meetings by electronic means (shown by the addition of 'OR' and followed by writing in blue) e.g. Regulation 11(1). Where Council meetings are in person the provisions in black will apply but where meetings are electronic the provisions in blue will prevail.
- Re-insertion of the provisions relating to not being permitted to photograph or record Council or Committee meetings unless permission of the Mayor and CEO is sought prior to a meeting (previously removed for electronic meetings) - Regulation 7(9).
- Clarification on deadlines for petitions in relation to 'clear days' and details for counting signatories (must include name and address or will not be counted as a valid signature) - Regulation 10(7), (8) and (9).
- Insertion of deadlines for Deputations to allow for administrative processing akin to the provisions for petitions – Regulation 11(8).
- Clarification on deadlines for member's activity reports, consistent with wording provisions for petition and deputation deadlines – Miscellaneous Meeting Procedures clause 1.1 and 1.2.

The proposed version of the Meeting Code for Council adoption with the track changes showing is attached (Attachment 1). A clean copy of the Code with the changes incorporated is attached (Attachment 2).

Refer Attachment 1 and 2

There is no requirement for public consultation on any changes to the Meeting Code.

BUDGET

Not applicable.

LIFE CYCLE COSTS

Not applicable.

Attachment 1





Code of Practice – Meeting Procedures

Adopted by Council ~~x_7 April xxx~~ 2021₀
Review by ~~306 April June~~ 2022₁

Contents

Introduction.....	3
Local Government (Procedures at Meetings) Regulations 2013, including Variations.....	4
Part 1—Preliminary	4
Regulation 1—Short title	4
Regulation 2—Commencement	4
Regulation 3—Interpretation	4
Regulation 4—Guiding Principles	5
Part 2—Meetings of councils and key committees	5
Regulation 5—Application of Part	5
Regulation 6—Discretionary procedures	6
Regulation 7—Commencement of meetings and quorums	7
Regulation 8—Minutes	8
Regulation 9—Questions	9
Regulation 10—Petitions	10
Regulation 11—Deputations	11
Regulation 12—Motions	11
Regulation 13—Amendments to motions	14
Regulation 14—Variations etc	14
Regulation 15—Addresses by members etc	14
Regulation 16—Voting	15
Regulation 17—Divisions	16
Regulation 18—Tabling of information	16
Regulation 19—Adjourned business	16
Regulation 20—Short-term suspension of proceedings	17
Regulation 21—Chief executive officer may submit report recommending revocation or amendment of council decision	17
Part 3—Meetings of other committees	18
Regulation 22—Application of Part	18
Regulation 23—Notice of meetings for members	18
Regulation 24—Public notice of committee meetings	18
Regulation 25—Minutes	18
Part 4—Miscellaneous	19
Regulation 26—Quorum for committees	19
Regulation 27—Voting at committee meetings	19
Regulation 28—Points of order	19
Regulation 29—Interruption of meetings by members	20
Regulation 30—Interruption of meetings by others	21
City of Holdfast Bay - Miscellaneous Meeting Procedures	22
1. Pre-Meeting	22
2. Agenda	22
3. Fire Evacuation Process	22
4. Meeting Protocols	22
5. Appointment to External Bodies	22

Introduction

The City of Holdfast Bay is committed to the principles of honest, open and accountable government and encourages community participation in the business of Council.

The *Local Government Act (Procedures at Meetings) Regulations 2013* (the 'Regulations') stipulate the statutory procedures to be undertaken during the operation of Council and Committee meetings. Under the Regulations, Council may adopt a Code of Practice for its own meetings, which varies the provisions that are capable of variation.

Sections 86(8) and 89(1) of the *Local Government Act 1999* (the Act) provides that where a procedure is not prescribed by regulation, Council (or a Council Committee when Council does not determine the procedures for the Committee) can determine its own procedures, provided it is not inconsistent with the Act or Regulations.

This document is the City of Holdfast Bay's Code of Practice for Procedures at Meetings, which provides for:

- variations to the meeting procedures prescribed in the Regulations which have been adopted by Council (inserted in **red** text to enable them to be read in conjunction with the formal requirements of the Regulations);
- Supplementary City of Holdfast Bay meeting procedures that apply to both Council and Committee meetings (unless stated otherwise)- see grey shaded areas and the 'Miscellaneous Meeting Procedures';
- guidelines on how Council and Committee meetings are to be conducted; and
- guidance to the community on how meetings of Council are conducted.

As recommended by ~~legislation~~ the Regulations (Regulation 6(2)), this Code of Practice should be reviewed at least once in every financial year ~~is reviewed annually~~ and the Council may at any time, by resolution supported by at least two-thirds of members, alter, substitute or revoke the Code of Practice (Regulation 6(3)).

Section 302B of the Act empowered the Minister for Transport, Infrastructure and Local Government to vary or suspend the operation of provisions of the Act. Changes to the Regulations have been implemented by the *Electronic Participation in Council Meetings Notice (No 1) 2020* provisions, which have been incorporated into this Code and are shown in **blue**.

The additional provisions **in blue** will remain in operation during ~~any the current~~ public health emergency (COVID-19) declarations, and and whilst the Minister's Notice remains in operation and particularly where meetings are required to be held by electronic means. Where meetings are by physical attendance then the initial provisions will apply and prevail.

Formatted: Condensed by 0.1 pt

Formatted: Condensed by 0.1 pt

Formatted: Condensed by 0.1 pt

Formatted: No underline, Underline color: Auto, Condensed by 0.1 pt

Formatted: No underline, Underline color: Auto

Formatted: No underline, Underline color: Auto, Condensed by 0.1 pt

Formatted: No underline, Underline color: Auto

Formatted: No underline, Underline color: Auto, Condensed by 0.1 pt

Formatted: No underline, Underline color: Auto

Formatted: No underline, Underline color: Auto, Condensed by 0.1 pt

Local Government (Procedures at Meetings) Regulations 2013 **(including Variations)**

Formatted: Font: Italic

Part 1—Preliminary

Regulation 1—Short title

These regulations may be cited as the *Local Government (Procedures at Meetings) Regulations 2013*.

Regulation 2—Commencement

These regulations will come into operation on 1 January 2014.

Regulation 3—Interpretation

(1) In these regulations, unless the contrary intention appears—

Act means the *Local Government Act 1999*;

clear days (see subregulations (2) and (3));

deputation means a person or group of persons who wish to appear personally before a council or council committee in order to address the council or committee (as the case may be) on a particular matter;

electronic means includes a telephone, computer or other electronic device used for communication;

Formatted: Font: Bold, Italic

formal motion means a motion—

- (a) that the meeting proceed to the next business; or
- (b) that the question be put; or
- (c) that the question lie on the table; or
- (d) that the question be adjourned; or
- (e) that the meeting be adjourned¹;

Guiding Principles—see regulation 4;

member means a member of the council or council committee (as the case may be);

point of order means a point raised to draw attention to an alleged breach of the Act or these regulations in relation to the proceedings of a meeting;

presiding member means the person who is the presiding member of a council or council committee (as the case may be) and includes any person who is presiding at a particular meeting;

written notice includes a notice given in a manner or form determined by the council;

(2) In the calculation of **clear days** in relation to the giving of notice before a meeting—

- (a) the day on which the notice is given, and the day on which the meeting occurs, will not be taken into account; and

(b) Saturdays, Sundays and public holidays will be taken into account.

(b)

Formatted: Right, Indent: Left: 3.2 cm, No bullets or numbering

(3) For the purposes of the calculation of **clear days** under subregulation (2), if a notice is given after 5 p.m. on a day, the notice will be taken to have been given on the next day.

(4) For the purposes of these regulations, a vote on whether **leave of the meeting** is granted may be conducted by a show of hands (but nothing in this subregulation prevents a division from being called in

relation to the vote).

(4)

OR

(4) For the purposes of these regulations, a vote on whether leave of the meeting

is granted may be conducted by-

(a) a show of hands; or

(b) where a member is participating in a meeting by electronic means which has audio only, a verbal indication of voting in the affirmative or voting in the negative,

(but nothing in this subregulation prevents a division from being called in relation to the vote).

(5) For the purposes of subregulation (1), a reference to “appear personally” includes to appear by electronic means.

(6) For the purposes of these regulations, a member participating in a meeting by electronic means is taken to be present at the meeting provided that the member:

(a) can hear all other members present at the meeting;

(b) can be heard by all other members present at the meeting; and

(c) can be heard by the person recording the minutes of the meeting.

Note—

1 See regulation 12 for specific provisions about formal motions.

Formatted: Justified, Indent: Left: 0.19 cm, Hanging: 1.5 cm, Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: -1.5 cm + Indent at: 0 cm

Formatted: Font: (Default) +Body (Calibri)

Formatted: Indent: Left: 0.25 cm, Hanging: 1.5 cm, Space Before: 0 pt, Line spacing: 1.5 lines

Formatted: Space After: 12 pt

Formatted: Indent: Left: 1.75 cm, First line: 0 cm, Space After: 12 pt

Formatted: Left, Space After: 12 pt, Tab stops: Not at 1.69 cm

Formatted: Font: 10 pt

Formatted: Font: 10 pt

Formatted Table

City of Holdfast Bay Meeting Procedures

(7) For the purposes of the definition of ‘written notice’ in Regulation 3 above, the Council has determined that written notice will include a legibly hand written or typed document provided in either hard copy or electronic format.

Regulation 4—Guiding Principles

The following principles (the *Guiding Principles*) should be applied with respect to the procedures to be observed at a meeting of a council or a council committee:

(a) procedures should be fair and contribute to open, transparent and informed decision-making;

(b) procedures should encourage appropriate community participation in the affairs of the council;

(c) procedures should reflect levels of formality appropriate to the nature and scope of responsibilities exercised at the meeting;

(d) procedures should be sufficiently certain to give the community and decision-makers confidence in the deliberations undertaken at the meeting.

Part 2—Meetings of councils and key committees

Regulation 5—Application of Part

The provisions of this Part apply to or in relation to—

- (a) the meetings of a council; and
- (b) the meetings of a council committee performing regulatory activities; and
- (c) the meetings of any other council committee if the council has, by resolution, determined that this Part should apply to that committee.

City of Holdfast Bay Meeting Procedures

- (d) This Part 2 applies to the Strategic Planning and Development Policy Committee.

Formatted Table

Regulation 6—Discretionary procedures

- (1) Subject to the requirements of the Act, if a provision of this Part is expressed to be capable of being varied at the discretion of the council pursuant to this regulation, then a council may, by a resolution supported by at least two-thirds of the members of the council entitled to vote on the resolution, determine that a code of practice prepared or adopted by the council that establishes its own procedures for the relevant matter or matters will apply in substitution for the relevant provision (and such a determination will have effect according to its terms).
- (2) A council should, at least once in every financial year, review the operation of a code of practice under this regulation.
- (3) A council may at any time, by resolution supported by at least two-thirds of the members of the council entitled to vote on the resolution, alter a code of practice, or substitute or revoke a code of practice.
- (3a) Without limiting subregulation (3), a council may at any time, by resolution supported by the prescribed number of members of the council entitled to vote on the resolution, alter a code of practice to facilitate participation by council members in council meetings by electronic means.
- (3b) For the purposes of subregulation (3a), the prescribed number of members of a council is a number ascertained by dividing the total number of members of the council for the time being in office by 2, ignoring any fraction resulting from the division, and adding one.
- (4) A council must, in considering the exercise of a power under this regulation, take into account the Guiding Principles.
- (5) A person is entitled to inspect (without charge) the code of practice of a council under this regulation at the principal office of the council during ordinary office hours.
- (6) A person is entitled, on payment of a fee fixed by the council, to a copy of the code of practice.
- (7) Regulation 12(4) does not apply to a motion under subregulation (3).
- OR
- (7) Regulation 12(4) does not apply to a motion under subregulation (3) or subregulation (3a).
- (8) This regulation does not limit or derogate from the operation of regulation 20¹.

Formatted: Font: 9.5 pt, Not Expanded by / Condensed by

Formatted: Right, Indent: Left: 1.5 cm, No bullets or numbering

Note—

¹ Furthermore, if a matter is not dealt with by the Act or these regulations (including under a code of

Formatted: Font: 10 pt

Formatted: Indent: Left: 0.19 cm, Hanging: 2.81 cm

Formatted: Font: 10 pt

practice under this regulation), then the relevant procedure will be—

~~(a)~~ ^(a) as determined by the council; or

~~(b)~~ ^(b) in the case of a council committee where a determination has not been made by the council— as determined by the committee.

(See sections 86(8) and 89(1) of the Act.)

Formatted: Font: 10 pt

Formatted: Indent: Left: 0.19 cm, Hanging: 2.81 cm, No bullets or numbering, Tab stops: 2.5 cm, Left + 4.25 cm, Left + Not at 3.19 cm

Formatted

Formatted: Left, Indent: Left: 0.19 cm, Hanging: 4.06 cm, Right: 0 cm, Line spacing: single, No bullets or numbering, Tab stops: 2.5 cm, Left + 4.25 cm, Left + Not at 3.19 cm

Formatted: Normal, Right: 0 cm

Formatted: Font: 10 pt

Formatted: Body Text, Indent: Left: 0.19 cm, Hanging: 1.31 cm, Line spacing: single, Tab stops: 3 cm, Left

Proposed Changes

Regulation 7—Commencement of meetings and quorums

- (1) A meeting will commence as soon after the time specified in the notice of meeting as a quorum is present.
 - (2) If the number of apologies received by the chief executive officer indicates that a quorum will not be present at a meeting, the chief executive officer may adjourn the meeting to a specified day and time.
 - (3) If at the expiration of 30 minutes from the time specified in the notice of meeting as the time of commencement a quorum is not present, the presiding member or, in the absence of a presiding member, the chief executive officer, will adjourn the meeting to a specified day and time.
 - (4) If a meeting is adjourned for want of a quorum, the chief executive officer will record in the minute book the reason for the adjournment, the names of any members present, and the date and time to which the meeting is adjourned.
 - (5) If a meeting is adjourned to another day, the chief executive officer must—
 - (a) give notice of the adjourned meeting to each member setting out the date, time and place of the meeting; and
 - (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 placed on display at the principal office of the council.
- OR**
- (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 officer.

Formatted: Font: (Default) Calibri, 13 pt, Bold, Condensed by 0.05 pt

Formatted: Normal, Right: 0 cm

Formatted: Condensed by 0.05 pt

City of Holdfast Bay Meeting Procedures

- (6) The following will appear at the beginning of all Council and Committee Meetings and will be read by the **p**residing **m**ember at the commencement of each meeting:

Kaurna Acknowledgement

We acknowledge Kaurna people as the traditional owners and custodians of this land.

We respect their spiritual relationship with country that has developed over thousands of years, and the cultural heritage and beliefs that remain important to Kaurna People today.

Service to Country Acknowledgement

The City of Holdfast Bay would like to acknowledge all personnel who have served in the Australian forces and services, including volunteers, for our country.

Council Prayer

Heavenly Father, we pray for your presence and guidance at our Council Meeting.

Grant us your wisdom and protect our integrity as we carry out the powers and responsibilities entrusted to us on behalf of the community that we serve.

- (7) At the appropriate place on the **a**genda the **p**residing **m**ember will draw the attention of members to the Disclosure Statement relating to sections 73, 74, ~~and 75~~ **and 75A** of the *Local Government Act 1999*. Any disclosure of interest will be recorded in the Minutes.

- ~~(8)~~ The Chair of a Committee or any member of a Committee may provide apologies to the relevant Council officer at a meeting of a section 41 Committee, in which case, the apologies will be recorded in the minutes of the meeting.

- ~~(8)(9)~~ The proceedings of a Council or Committee meeting are not permitted to be photographed or recorded.

Formatted: Indent: Left: 1.3 cm

Formatted: Indent: Left: 1.27 cm, No bullets or numbering

in any way by members of the public unless permission is specifically sought and given by the Mayor and Chief Executive Officer prior to the meeting.

Regulation 8—Minutes

- (1) The minutes of the proceedings at a meeting must be submitted for confirmation at the next meeting or, if that is omitted, at a subsequent meeting.
- (2) No discussion on the minutes may occur before confirmation, except as to the accuracy of the minutes as a record of proceedings.
- (3) On the confirmation of the minutes, the presiding member will—
 - (a) initial each page of the minutes, which pages are to be consecutively numbered; and
 - (b) place his or her signature and the date of confirmation at the foot of the last page of the minutes.
- (3a) For the purposes of subregulation (3), the presiding member may initial or sign the minutes in hardcopy or electronically.
- (4) The minutes of the proceedings of a meeting must include—
 - (a) the names of the members present at the meeting; and
 - (b) in relation to each member present—
 - (i) the time at which the person entered or left the meeting; and
 - (ii) unless the person is present for the whole meeting, the point in the proceedings at which the person entered or left the meeting; and
 - (iii) the method of attendance by the person; and

Example—
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.
 - (c) each motion or amendment, and the names of the mover and seconder; and
 - (d) any variation, alteration or withdrawal of a motion or amendment; and
 - (e) whether a motion or amendment is carried or lost; and
 - (f) any disclosure of interest made by a member ; and
 - (g) an account of any personal explanation given by a member; and
 - (h) details of the making of an order under subsection (2) of section 90 of the Act (see subsection (7) of that section); and
 - (i) a note of the making of an order under subsection (7) of section 91 of the Act in accordance with the requirements of subsection (9) of that section; and
 - (j) details of any adjournment of business; and

- (k) a record of any request for documents to be tabled at the meeting; and
- (l) a record of any documents tabled at the meeting; and
- (m) a description of any oral briefing given to the meeting on a matter of council business; and
- (n) any other matter required to be included in the minutes by or under the Act or any regulation.

City of Holdfast Bay Meeting Procedures

- (5) Minutes will be made available electronically to members and placed on Council’s website within 5 days of the meeting.
- (6) Minutes will include any Apologies, Leave of Absences granted and Absences.
- (7) The name(s) of person(s) wishing to appear as a deputation and the subject matter will be recorded in the minutes of a Council or Committee meeting, but the details of the content of the deputation will not be included.
- (8) The minutes of Council and Committee meetings will not include voting patterns, or record the names of individuals voting for and against, other than in the case of a division.
- (9) For the purposes of Regulation 8(4)(f), in the case of a material conflict of interest, the minutes must record the details specified under section 74(5) of the Act, and in the case of an actual or perceived conflict of interest, the details specified under section 75A(4) of the Act.

Regulation 9—Questions

- (1) A member may ask a question on notice by giving the chief executive officer written notice of the question at least 5 clear days before the date of the meeting at which the question is to be asked.
- (2) If notice of a question is given under subregulation (1)—
 - (a) the chief executive officer must ensure that the question is placed on the agenda for the meeting at which the question is to be asked; and
 - (b) the question and the reply must be entered in the minutes of the relevant meeting.
- (3) A member may ask a question without notice at a meeting.
- (4) The presiding member may allow the reply to a question without notice to be given at the next meeting.
- (5) A question without notice and the reply will not be entered in the minutes of the relevant meeting unless the members present at the meeting resolve that an entry should be made.
- (6) The presiding member may rule that a question with or without notice not be answered if the presiding member considers that the question is vague, irrelevant, insulting or improper.

City of Holdfast Bay Meeting Procedures

- (7) Questions on notice are required to be received by the Chief Executive Officer no later than 5.00pm, 5 clear days before the date of the meeting at which the question is to be asked (in this case as the Council meets on a Tuesday, the deadline is 5.00pm the prior Wednesday).
- (8) A question received after the timeframe specified in City of Holdfast Bay provision 7 above will be treated

as a question for a subsequent meeting of the Council.

- (9) The answer to a question on notice is to be circulated in writing at the Council Meeting at which the question is asked. If it is not possible for the Administration to compile an answer in the time prior to the Council Meeting, the reason is to be recorded in the minutes and the answers provided at the next available Council Meeting.
- (10) For the purposes of Regulation 9(6), the **p**residing **m**ember must give reasons for ruling that a question with or without notice not be answered at the time the determination is made. The reasons will be communicated to the member who asked the question.
- (11) A member may ask a question prior to the moving of a motion or during debate on a motion (or an amendment) for clarification purposes only, without losing their right to speak to the motion (or the amendment). Questions should be succinct and relevant to the matter and not a statement.
- (12) Questions asked during the course of discussion or debate in a meeting that requires an answer will be directed to the **p**residing **m**ember, and will not be asked directly to a member or officer. Answers given in response to such questions will also be directed to the **p**residing **m**ember.

Regulation 10—Petitions

- (1) A petition to the council must—
 - (a) be legibly written or typed or printed; and
 - (b) clearly set out the request or submission of the petitioners; and
 - (c) include the name and address of each person who signed or endorsed the petition; and
 - (d) be addressed to the council and delivered to the principal office of the council.

OR

 - (d) be addressed to the council and delivered to the council by means determined by the chief executive officer.
- (2) If a petition is received under subregulation (1), the chief executive officer 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, a committee of the council.
- (3) Subregulation (2) may be varied at the discretion of the council pursuant to regulation 6.

City of Holdfast Bay Meeting Procedures

- (4) Each page of a petition is to be presented by the head petitioner to Council's Administration and identify the name and contact details of the head petitioner.
- (5) Each page of a petition presented to Council is to restate the whole of the request or submission of the petitioners.
- (6) Where a page of a petition does not comply with City of Holdfast Bay provision 5 above, the signatures on that page are not to be taken into account by the Council when considering the petition.
- (7) A petition to the Council must be received no less than 6 clear days prior to the date of the next ordinary

meeting of the Council (in this case as the Council meets on a Tuesday, the deadline is 5.00pm the prior Tuesday), or the date at which the head petitioner requests that the petition be presented to the Council. Petitions received less than 6 clear days will be tabled at the next subsequent meeting.

(8) On receipt of a petition, a summary report providing the statement as to the nature of the request or submission of the petitioners, and the number of signatures with name and address details (address includes street name and/or suburb name) on the petition ~~contains~~, will be placed on the agenda for the next ordinary council meeting, subject to provision 76 above. A full copy of the petition will be available for viewing upon request, but will not be placed on the agenda.

~~(9)~~ Signatures without name and address details will not be counted as valid signatories.

~~(9)~~ (10) Online petitions will be dealt with as above and must meet the following requirements to be presented to Council:

- the petition must clearly set out the request or submission of the petitioners
- the names and addresses of each signatory must be clearly identified (in the case of an address, this must be by reference to at least a street and suburb)
- the petition must be provided to Council either by mail (including email) or in person.

Formatted: Space After: 12 pt

Regulation 11—Deputations

(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.

OR

(1) 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 officer) a written request to the council.

(2) The chief executive officer must transmit a request received under subregulation (1) to the presiding member.

(3) The presiding member may refuse to allow the deputation to appear at a meeting.

(4) The chief executive officer must take reasonable steps to ensure that the person or persons who requested a deputation are informed of the outcome of the request.

(5) If the presiding member refuses to allow a deputation to appear at a meeting, the presiding member must report the decision to the next meeting of the council or council committee (as the case may be).

(6) The council or council committee may resolve to allow a deputation to appear despite a contrary ruling by the presiding member.

(7) A council may refer the hearing of a deputation to a council committee.

City of Holdfast Bay Meeting Procedures

~~(10)~~ _____

(8) A request for a deputation to the Council must be received no less than 6 clear days prior to the date of the next ordinary meeting of the Council (in this case as the Council meets on a Tuesday, the deadline is 5.00pm the prior Tuesday). Any request for a deputation received after this time will be treated as a request to appear at the next subsequent meeting.

Formatted: No bullets or numbering

Formatted: Indent: Left: 0.05 cm, Hanging: 1.5 cm, Right: 0.19 cm, Line spacing: Multiple 1.15 li, Tab stops: 0.95 cm, Left + 1.55 cm, Left

(98) Any person(s) wishing to appear as a deputation on behalf of an organisation, must, prior to the Council or Committee meeting at which they wish to appear, advise the Chief Executive Officer in writing of the date of formation and/or incorporation of their organisation, provide a copy of the Constitution and/or Rules of the organisation, a list of members, and evidence in the form of a minute that the organisation and/or body has approved the deputation.

Formatted

Formatted: Indent: Left: 0.05 cm, Hanging: 1.5 cm, Right: 0.19 cm, Line spacing: Multiple 1.15 li, Tab stops: 0.95 cm, Left + 1.55 cm, Left

(109) Where an organisation has provided its incorporation details as outlined in provision 8 above, it will not be required to provide this information again for the term of the current Council.

Formatted

Formatted: Indent: Left: 0.05 cm, Hanging: 1.5 cm, Right: 0.19 cm, Line spacing: Multiple 1.15 li, Tab stops: 0.95 cm, Left + 1.55 cm, Left

(110) A deputation may not exceed 3 people, and will must not exceed 5 minutes in total, not including questions from members at the end of the deputation, except with the consent of the presiding member.

Formatted

Formatted: Indent: Left: 0.05 cm, Hanging: 1.5 cm, Right: 0.19 cm, Line spacing: Multiple 1.15 li, Tab stops: 0.95 cm, Left + 1.55 cm, Left

Formatted

Regulation 12—Motions

- (1) A member may bring forward any business in the form of a written notice of motion.
- (2) The notice of motion must be given to the chief executive officer at least 5 clear days before the date of the meeting at which the motion is to be moved.
- (3) A motion the effect of which, if carried, would be to revoke or amend a resolution passed since the last general election of the council must be brought by written notice of motion.
- (4) If a motion under subregulation (3) is lost, a motion to the same effect cannot be brought—
 - (a) until after the expiration of 12 months; or
 - (b) until after the next general election, whichever is the sooner.
- (5) Subject to the Act and these regulations, a member may also bring forward any business by way of a motion without notice.
- (6) The presiding member may refuse to accept a motion without notice if, after taking into account the Guiding Principles, he or she considers that the motion should be dealt with by way of a written notice of motion.
- (7) The presiding member may refuse to accept a motion if the subject matter is, in his or her opinion, beyond the power of the council or council committee (as the case may be).
- (8) A motion will lapse if it is not seconded at the appropriate time.
- (9) A member moving or seconding a motion will speak to the motion at the time of moving or seconding the motion, **unless the seconder reserves their right to speak to the motion at a later stage of the debate, in which case the seconder will not be considered to have spoken to the motion.**
- (10) A member may only speak once to a motion **(which includes speaking to an amendment to a motion)** except—
 - (a) to provide an explanation in regard to a material part of his or her speech, but not so as to introduce any new matter; or
 - (b) with leave of the meeting; or
 - (c) as the mover in reply.

- (11) A member who has spoken to a motion **or has reserved their right to speak to the motion at a later stage pursuant to sub-regulation (9)** may not at a later stage of the debate move or second an amendment to the motion.
- (12) A member who has not spoken in the debate on a question may move a formal motion.
- (13) A formal motion must be in the form of a motion set out in subregulation (14) (and no other formal motion to a different effect will be recognised).
- (14) If the formal motion is—
- (a) that ***the meeting proceed to the next business***, then the effect of the motion, if successful, is, in the case of an amendment, that the amendment lapses and the meeting proceeds with the consideration of the motion before the meeting without further reference to the amendment and, in the case of a motion, that the motion lapses and the meeting proceeds to the next item of business; or
 - (b) that ***the question be put***, then the effect of the motion, if successful, is that debate is terminated and the question put to the vote by the presiding member without further debate; or
 - (c) that ***the question lie on the table***, then the effect of the motion, if successful, is that the meeting immediately moves to the next item of business and the question can then only be retrieved at a later time by resolution (and, if so retrieved, debate is then resumed at the point of interruption); or
 - (d) that ***the question be adjourned***, then the effect of the motion, if successful, is that the question is disposed of for the time being but debate can be resumed at the later time (at the point of interruption); or
 - (e) that ***the meeting be adjourned***, then the effect of the motion, if successful, is that the meeting is brought to an end immediately without the consideration of further business.
- (15) If seconded, a formal motion takes precedence and will be put by the presiding member without discussion unless the motion is for an adjournment (in which case discussion may occur (but only occur) on the details for resumption).
- (16) A formal motion does not constitute an amendment to a substantive motion.
- (17) If a formal motion is lost—
- (a) the meeting will be resumed at the point at which it was interrupted; and
 - (b) if the formal motion was put during debate (and not at the end of debate) on a question, then a similar formal motion (ie a motion to the same effect) cannot be put until at least 1 member has spoken on the question.
- (18) A formal motion for adjournment must include the reason for the adjournment and the details for resumption.
- (19) Any question that lies on the table as a result of a successful formal motion under subregulation (14)(c) lapses at the next general election.
- (20) The chief executive officer must report on each question that lapses under subregulation (19) to the council at the first ordinary meeting of the council after the general election.
- (21) Subregulations (9), (10) and (11) may be varied at the discretion of the council pursuant to regulation 6.

(24)

Formatted: Indent: Left: 3.2 cm, No bullets or numbering

City of Holdfast Bay Meeting Procedures

- (22) All notices of motion are required to be received by the Chief Executive Officer no later than 5.00pm 5 clear days before the date of the meeting at which the motion is to be moved (in this case as the Council meets on a Tuesday, the deadline is 5.00pm the prior Wednesday).
- (23) A notice of motion received after the time specified in City of Holdfast Bay provision 22 above will be treated as a notice of motion for a subsequent meeting of the Council.
- (24) When placing a motion with notice in an aAgenda, the Chief Executive Officer may take the opportunity to provide written comments to assist the Council to make an informed decision in relation to the item (Administrative comments).
- (25) A member may ask a question prior to the moving of a motion, or during debate on a motion (including debate on an amendment to the motion), for clarification purposes only, without losing their right to speak to the motion. Questions should be succinct and relevant to the matter and not a statement.
- (26) A motion without notice (unrelated to an agenda item of business) will not be accepted for debate at the meeting at which it is brought forward unless:
 - the pResiding mMember determines that the matter is one of urgency; and
 - in the opinion of the pResiding mMember, the motion relates to an issue that does not require additional information in order to make an informed decision on the motion.
- (27) A member wishing to move a motion that is different from that recommended in a Council report is encouraged to make available a written copy of their proposed motion to assist the pResiding mMember in the conduct of the meeting.
- (28) Where a member who has given notice of motion in accordance with Regulation 12(2) is absent from the meeting at which the motion is to be considered, the motion will be adjourned to the next meeting, unless the pResiding mMember has received written authority from the member in advance of the meeting for a different member to move the notice of motion.
- (29) For the purposes of Regulation 12(8), the pResiding mMember is to ask for a seconder before declaring that an amendment has lapsed.
- (30) For the purposes of Regulation 12(10), an amendment to a motion is an alteration to the wording of a motion. It is a procedural device for the purposes of refining the motion, it is not a motion in its own right. As such, a member speaking to an amendment will be taken to have spoken to the motion. Similarly, a member that has spoken to a motion prior to the proposed amendment is not permitted to speak to the amendment, in the absence of leave of the meeting.

Regulation 13—Amendments to motions

- (1) A member who has not spoken to a motion at an earlier stage of the debate may move or second an amendment to the motion.
- (2) An amendment will lapse if it is not seconded at the appropriate time.
- (3) A person who moves or seconds an amendment (and, if he or she chooses to do so, speaks to the amendment) will, in so doing, be taken to have spoken to the motion to which the amendment

relates, **unless at the time of moving or seconding the amendment, the mover or seconder reserves their right to speak to later in the debate, in which case the mover or seconder will not be taken to have spoken to the amendment, or the motion to which the amendment relates.**

- (4) If an amendment is lost, only 1 further amendment may be moved to the original motion.
- (5) If an amendment is carried, only 1 further amendment may be moved to the original motion.
- (6) Subregulations (1), (3), (4) and (5) may be varied at the discretion of the council pursuant to regulation 6.

City of Holdfast Bay Meeting Procedures

- (7) Where possible, amendments are to be provided to the minute taker in writing to ensure accuracy of recording in the minutes.
- (8) For the purposes of Regulation 13(2), the pPresiding mMember is to ask for a seconder before declaring that an amendment has lapsed.

Regulation 14—Variations etc

- (1) The mover of a motion or amendment may, with the consent of the seconder, request leave of the meeting to vary, alter or withdraw the motion or amendment.
- (2) The presiding member must immediately put the question for leave to be granted and no debate will be allowed on that question.

Regulation 15—Addresses by members etc

- (1) A member must not speak for longer than **3 minutes** at any 1 time without leave of the meeting.
- (2) A member may, with leave of the meeting, raise a matter of urgency.
- ~~(3)~~ A member may, with leave of the meeting, make a personal explanation.
- ~~(3)~~~~(4)~~ The subject matter of a personal explanation may not be debated.
- ~~(4)~~~~(5)~~ The contribution of a member must be relevant to the subject matter of the debate.
- ~~(5)~~~~(6)~~ Subregulations (1) and (2) may be varied at the discretion of the council pursuant to regulation 6.

Formatted: Not Expanded by / Condensed by

Formatted: Space After: 12 pt

City of Holdfast Bay Meeting Procedures

- ~~(7)~~ A member at a Council meeting held in person (as opposed to electronically) is to stand at the meeting to make an address to other members unless:
 - 7.1 that member is prevented from doing so due to physical disability;
 - 7.2 the item is discussed in Confidence; or
 - 7.3 the presiding member determines otherwise.
- ~~(8)~~~~(6)~~ A member who wishes to speak at a Council meeting held electronically is ~~asked~~ required to raise their hand electronically to indicate to the pPresiding mMember that they wish to speak, who will then call upon them in turn.
- ~~(9)~~~~(7)~~ The pPresiding mMember shall reserve their contribution to the end of the debate (but before the mover speaks in reply) so as to avoid any suggestion of 'leading' the meeting. Noting that the role of

Formatted: Indent: Left: 0 cm, Hanging: 1.56 cm

Formatted: Not Expanded by / Condensed by

Formatted: Not Expanded by / Condensed by

Formatted: Not Expanded by / Condensed by

Formatted: Not Expanded by / Condensed by

the ~~p~~residing ~~m~~ember is to enhance the debate and that they can ask questions and add valuable information to the debate that the meeting may not be fully aware of.

Regulation 16—Voting

- (1) The presiding member, or any other member, may ask the chief executive officer to read out a motion before a vote is taken.
- (2) The presiding member will, in taking a vote, ask for the votes of those members in favour of the question and then for the votes of those members against the question (and may do so as often as is necessary to enable him or her to determine the result of the voting), and will then declare the outcome.
- (3) A person who is not in his or her seat is not permitted to vote.
- (4) Subregulation (3)—
 - (a) may be varied at the discretion of the council pursuant to regulation 6; and
 - (b) does not apply in relation to a member participating in a council committee meeting by telephone or electronic means approved in accordance with procedures determined by the council or council committee for the purposes of section 89 of the Act.

OR

- (4) Subregulation (3)—
 - (a) may be varied at the discretion of the council pursuant to regulation 6;
 - (b) does not apply in relation to a member participating in a council committee meeting by telephone or electronic means approved in accordance with procedures determined by the council or council committee for the purposes of section 89 of the Act; and
 - (c) is varied in relation to a member participating in a council meeting by electronic means such that the reference to “not in his or her seat” is taken to include a disconnection of the electronic means.
- (5) In this regulation—

~~disconnection of the electronic means~~—includes—

 - (a) ending a telephone connection such that the discussion and voting at the meeting cannot be heard;
 - (b) ending a video conferencing 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; or
 - (e) ~~_____~~ disconnecting any other electronic means such that the discussion and voting at the meeting cannot be seen or heard.

Formatted: Font: Bold

City of Holdfast Bay Meeting Procedures

- (6) Each item of business on the agenda is to be voted on separately.

(7) A member who is unable to stand due to injury, illness, infirmity, disability or other cause, must advise the presiding member that they require special arrangements to be made in order for their vote to be adequately signaled to those persons present, and it is accurately recorded in the minutes (particularly relevant in the case of a division being called). The presiding member may, in consultation with the member concerned, determine the manner in which the member is to signal their vote and will communicate this to the meeting.

Formatted: Justified, Indent: Left: 0 cm, Hanging: 1.27 cm, Right: 0.41 cm, Line spacing: Multiple 1.15 li

Regulation 17—Divisions

- (1) A division will be taken at the request of a member.
- (2) If a division is called for, it must be taken immediately and the previous decision of the presiding member as to whether the motion was carried or lost is set aside.
- (3) The division will be taken as follows:
 - (a) _____the members voting in the affirmative will, until the vote is recorded, stand in their places;
 - (b) the members voting in the negative will, until the vote is recorded, sit in their seats;
 - (c) the presiding member will count the number of votes and then declare the outcome.

OR

- (3) The division will be taken as follows:
 - (a) subject to subregulation (3a), the members voting in the affirmative will, until the vote is recorded, stand in their places;
 - (b) subject to subregulation (3a), the members voting in the negative will, until the vote is recorded, sit in their seats;
 - (c) the presiding member will count the number of votes and then declare the outcome.
- (3a) Where a member is participating in a meeting by electronic means which has audio only, the member will provide a verbal indication of voting in the affirmative or voting in the negative.
- (4) The chief executive officer will record in the minutes the names of members who voted in the affirmative and the names of the members who voted in the negative (in addition to the result of the vote).
- (5) Subregulation (3) may be varied at the discretion of the council pursuant to regulation 6.

Regulation 18—Tabling of information

- (1) A member may require the chief executive officer to table any documents of the council relating to a motion that is before a meeting (and the chief executive officer must then table the documents within a reasonable time, or at a time determined by the presiding member after taking into account the wishes of the meeting, and if the member who has required the tabling indicates that he or she is unwilling to vote on the motion until the documents are tabled, then the matter must not be put to the vote until the documents are tabled).
- (2) The chief executive officer may, in tabling a document, indicate that in his or her opinion consideration should be given to dealing with the document on a confidential basis under section 90 or 91 of the Act.

Regulation 19—Adjourned business

- (1) If a formal motion for a substantive motion to be adjourned is carried—
 - (a) the adjournment may either be to a later hour of the same day, to another day, or to another place; and
 - (b) the debate will, on resumption, continue from the point at which it was adjourned.
- (2) If debate is interrupted for want of a quorum and the meeting is then adjourned, the debate will, on resumption, continue from the point at which it was interrupted.
- (3) Business adjourned from a previous meeting must be dealt with before any new business at a subsequent meeting.
- (4) The provisions of this regulation may be varied at the discretion of the council pursuant to regulation 6.

Regulation 20—Short-term suspension of proceedings

- (1) If the presiding member considers that the conduct of a meeting would benefit from suspending the operation of all or some of the provisions of this Division for a period of time in order to allow or facilitate informal discussions, the presiding member may, with the approval of at least two-thirds of the members present at the meeting, suspend the operation of this Division (or any part of this Division) for a period determined by the presiding member.
- (2) The Guiding Principles must be taken into account when considering whether to act under subregulation (1).
- (3) If a suspension occurs under subregulation (1)—
 - (a) a note of the suspension, including the reasons for and period of suspension, must be entered in the minutes; and
 - (b) the meeting may proceed provided that a quorum is maintained but, during the period of suspension—
 - (i) the provisions of the Act must continue to be observed¹; and
 - (ii) no act or discussion will have any status or significance under the provisions which have been suspended; and
 - (iii) no motion may be moved, seconded, amended or voted on, other than a motion that the period of suspension should be brought to an end; and
 - (c) the period of suspension should be limited to achieving the purpose for which it was declared; and
 - (d) the period of suspension will come to an end if—
 - (i) the presiding member determines that the period should be brought to an end; or
 - (ii) at least two-thirds of the members present at the meeting resolve that the period should be brought to an end.

Note—

¹ See particularly Part 4 of Chapter 5, and Chapter 6, of the Act.

Regulation 21 —Chief executive officer may submit report recommending revocation or

Formatted: Font: 10 pt

Formatted: Indent: First line: 1.27 cm

Formatted: Font: 10 pt

amendment of council decision

- (1) The chief executive officer may submit a report to the council recommending the revocation or amendment of a resolution passed since the last general election of the council.
- (2) The chief executive officer must ensure that the report is placed on the agenda for the meeting at which the report is to be considered.

~~(3)~~ The provisions of this regulation may be varied at the discretion of the council pursuant to regulation 6.

~~(3)~~

Formatted: Indent: Left: 0 cm, Hanging: 1.27 cm, Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: -1.5 cm + Indent at: 0 cm

Part 3—Meetings of other committees

Regulation 22—Application of Part

The provisions of this Part apply to or in relation to the meetings of any council committee that is not subject to the operation of Part 2.

City of Holdfast Bay Meeting Procedures

- (1) A member at a Council Committee meeting may remain seated when speaking to a matter being considered at a Committee meeting.
- (2) This Part 3 applies to the Alwyndor Management Committee, Audit Committee, Executive Committee and the Jetty Road Mainstreet Committee.

Regulation 23—Notice of meetings for members

Pursuant to section 87(15) of the Act, section 87 is modified in its application in relation to the meetings of a committee to which this Part applies as if subsections (4) and (7) to (10) of that section provided as follows:

- (a) that notice of a meeting of the committee may be given in a form determined by the committee after taking into account the nature and purpose of the committee;
- (b) that notice need not be given for each meeting separately;
- (c) that if ordinary meetings of the committee have a set agenda then notice of such a meeting need not contain, or be accompanied by, the agenda for the meeting;
- (d) that it is not necessary for the chief executive officer to ensure that each member of the committee at the time that notice of a meeting is given is supplied with a copy of any documents or reports that are to be considered at the meeting.

Regulation 24—Public notice of committee meetings

Pursuant to section 88(7) of the Act, section 88 is modified in its application in relation to the meetings of a committee to which this Part applies as if subsections (2), (3) and (4) provided as follows:

- (a) that public notice need not be given for each meeting separately; and
- (b) that public notice may be given by displaying a notice and agenda in a place or places determined by the chief executive officer after taking into account the nature and purpose of the committee.

Regulation 25—Minutes

- (1) The minutes of the proceedings of a meeting must include—
- (a) the names of the members present at the meeting; and
 - (b) each motion carried at the meeting; and
 - (c) any disclosure of interest made by a member; and
 - (d) details of the making of an order under subsection (2) of section 90 of the Act (see subsection (7) of that section); and
 - (e) a note of the making of an order under subsection (7) of section 91 of the Act in accordance with the requirements of subsection (9) of that section.
- (2) The minutes of the proceedings at a meeting must be submitted for confirmation at the next meeting or, if that is omitted, at a subsequent meeting.
- (2)

Formatted: Not Expanded by / Condensed by

Formatted: Indent: Left: 1.27 cm, No bullets or numbering

Part 4—Miscellaneous

Regulation 26—Quorum for committees

- (1) The prescribed number of members of a council committee constitutes a quorum of the committee and no business can be transacted at a meeting unless a quorum is present.
- (2) For the purposes of this regulation, the **prescribed number** of members of a council committee is—
- (a) unless paragraph (b) applies—a number ascertained by dividing the total number of members of the committee by 2, ignoring any fraction resulting from the division, and adding 1; or
 - (b) a number determined by the council.

Note—

See also section 41(6) of the Act.

Formatted: Font: 10 pt

Regulation 27—Voting at committee meetings

- (1) Subject to the Act and these regulations, a question arising for decision at a meeting of a council committee will be decided by a majority of the votes cast by the members present at the meeting and entitled to vote on the question.
- (2) Each member of a council who is a member of a council committee and who is present at a meeting of the committee must, subject to a provision of the Act to the contrary, vote on a question arising for decision at that meeting.
- (3) The presiding member of a council committee has a deliberative vote on a question arising for decision at the meeting but does not, in the event of an equality of votes, have a casting vote.

City of Holdfast Bay Meeting Procedures

- (4) Each member of a Council Committee who is present at a meeting of the Committee, must, subject to a provision of the Act to the contrary, vote on a question for decision at that meeting.

- (5) If a vote is tied and cannot be resolved by the Committee the matter is to be considered as lost.

Regulation 28—Points of order

- (1) The presiding member may call to order a member who is in breach of the Act or these regulations.
- (2) A member may draw to the attention of the presiding member a breach of the Act or these regulations, and must state briefly the nature of the alleged breach.
- (3) A point of order takes precedence over all other business until determined.
- (4) The presiding member will rule on a point of order.
- (5) If an objection is taken to the ruling of the presiding member, a motion that the ruling not be agreed with must be moved immediately.
- (6) The presiding member is entitled to make a statement in support of the ruling before a motion under subregulation (5) is put.
- (7) A resolution under subregulation (5) binds the meeting and, if a ruling is not agreed with—
 - (a) the ruling has no effect; and
 - (b) the point of order is annulled.

Regulation 29—Interruption of meetings by members

- (1) A member of a council or council committee must not, while at a meeting—
 - (a) behave in an improper or disorderly manner; or
 - (b) cause an interruption or interrupt another member who is speaking.
- (2) Subregulation (1)(b) does not apply to a member who is—
 - (a) objecting to words used by a member who is speaking; or
 - (b) calling attention to a point of order; or
 - (c) calling attention to want of a quorum.
- (3) If the presiding member considers that a member may have acted in contravention of subregulation (1), the member must be allowed to make a personal explanation.
- (4) Subject to complying with subregulation (3), the relevant member must leave the meeting while the matter is considered by the meeting.
- (5) If the remaining members resolve that a contravention of subregulation (1) has occurred, those members may, by resolution—
 - (a) censure the member; or
 - (b) suspend the member for a part, or for the remainder, of the meeting.
- (6) A member who—
 - (a) refuses to leave a meeting in contravention of subregulation (4); or
 - (b) enters a meeting in contravention of a suspension under subregulation (5), is guilty of

an offence.

Maximum penalty: \$1 250.

City of Holdfast Bay Meeting Procedures

- (7) Mobile telephones may not be used during a Council or Committee meeting by members or Council officers.
- (8) Mobile telephones must be switched off or turned to silent mode before ~~the~~a meeting commences.

Formatted: Indent: Left: 0 cm

Regulation 30—Interruption of meetings by others

A member of the public who is present at a meeting of a council or council committee must not—

- (a) behave in a disorderly manner; or
- (b) cause an interruption.

Maximum penalty: \$500.

Proposed Changes

City of Holdfast Bay - Miscellaneous Meeting Procedures

1. Pre-Meeting

- 1.1 Members are required to submit their activity reports in writing to the Chief Executive Officer no ~~less than 6 clear days prior to the date of the next ordinary meeting of the Council (in this case as the Council meets on a Tuesday, the deadline is later than 5.00pm the prior Tuesday).~~ prior to the Council meeting.
- 1.2 A member's activity report ~~less than 6 clear days received~~ after the time specified in paragraph 1.1 above will be treated as an item ~~for at the next~~ subsequent meeting ~~of the Council.~~

Formatted: Normal, Left, Indent: Left: 0 cm, First line: 0 cm, Right: 0 cm

Formatted: Not Expanded by / Condensed by

Formatted: Not Expanded by / Condensed by

2. Agenda

- 2.2 There will be no ~~i~~tem of "Other business" on the ~~a~~genda for meetings. Sufficient opportunity is afforded to members to raise any issue in accordance with this Code of Practice, the Act and the Regulations.
- 2.3 The ~~p~~residing ~~m~~ember may alter the order of the agenda, subject to the leave of the Council or Committee, where it is expedient to do so e.g. if there are public in the gallery interested in a particular item in the agenda.

3. Fire Evacuation Process

A copy of the Fire Evacuation process will be displayed in the Council chamber.

Formatted: Indent: Left: 0.42 cm, First line: 1.27 cm

4. Meeting Protocols

Council and Committee meetings will conclude no later than 10.30pm, unless the meeting formally resolves on each specific occasion to continue beyond that time. When a meeting is likely to continue beyond 10.30pm a motion is to be put to the meeting whether to continue or adjourn to another date and time.

Formatted: Indent: Left: 1.69 cm

5. Appointment to External Bodies

- 5.1 The ~~p~~residing ~~m~~ember is to call for nominations before debate on a motion to appoint members to Committees and/or organisations (Council and external) can occur. If there are more nominations than positions a ballot ~~will be~~ conducted.
- 5.2 All elected members (including the ~~p~~residing ~~m~~ember) will indicate which member(s) they wish to vote for on the ballot paper ~~or by show of hands (or where the meeting is by electronic means through including by)~~ electronic voting methods).

~~5.3~~ A senior council officer will conduct the count and provide the vote outcome to the.

~~5.45.3~~ The Chief Executive Officer, who is to report the numbers to the ~~p~~residing ~~m~~ember and confirms the vote count.

~~5.55.4~~ In the case of a tied ballot, elected members are to cast a further vote for their preferred candidate from the candidates who are tied (repeat paragraph 5.2 and 5.3 above). In the event that a revote cannot determine a clear winner (there is a continuing tie), then lots must be drawn to determine which candidate(s) will be excluded.

Formatted: Indent: Left: 1.69 cm, Outline numbered + Level: 2 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: -1.5 cm + Indent at: 0 cm

Formatted: Left, Right: 0 cm, Line spacing: single

~~5.65.5~~ The ~~p~~residing ~~m~~ember will then announce the successful candidate.

~~5.75.6~~ The meeting will then make the appointment by resolution.

Proposed Changes

Attachment 2





Code of Practice – Meeting Procedures

Adopted by Council x xxx 2021
Review by 30 June 2022

Contents

Introduction.....	3
Local Government (Procedures at Meetings) Regulations 2013, including Variations.....	4
Part 1—Preliminary	4
Regulation 1—Short title	4
Regulation 2—Commencement	4
Regulation 3—Interpretation	4
Regulation 4—Guiding Principles	5
Part 2—Meetings of councils and key committees	5
Regulation 5—Application of Part	5
Regulation 6—Discretionary procedures	6
Regulation 7—Commencement of meetings and quorums	7
Regulation 8—Minutes	8
Regulation 9—Questions	9
Regulation 10—Petitions	10
Regulation 11—Deputations	11
Regulation 12—Motions	11
Regulation 13—Amendments to motions	14
Regulation 14—Variations etc	14
Regulation 15—Addresses by members etc	14
Regulation 16—Voting	15
Regulation 17—Divisions	16
Regulation 18—Tabling of information	16
Regulation 19—Adjourned business	16
Regulation 20—Short-term suspension of proceedings	17
Regulation 21—Chief executive officer may submit report recommending revocation or amendment of council decision	17
Part 3—Meetings of other committees	18
Regulation 22—Application of Part	18
Regulation 23—Notice of meetings for members	18
Regulation 24—Public notice of committee meetings	18
Regulation 25—Minutes	18
Part 4—Miscellaneous	19
Regulation 26—Quorum for committees	19
Regulation 27—Voting at committee meetings	19
Regulation 28—Points of order	19
Regulation 29—Interruption of meetings by members	20
Regulation 30—Interruption of meetings by others	21
City of Holdfast Bay - Miscellaneous Meeting Procedures	22
1. Pre-Meeting	22
2. Agenda	22
3. Fire Evacuation Process	22
4. Meeting Protocols	22
5. Appointment to External Bodies	22

Introduction

The City of Holdfast Bay is committed to the principles of honest, open and accountable government and encourages community participation in the business of Council.

The *Local Government (Procedures at Meetings) Regulations 2013* (the 'Regulations') stipulate the statutory procedures to be undertaken during the operation of Council and Committee meetings. Under the Regulations, Council may adopt a Code of Practice for its own meetings, which varies the provisions that are capable of variation.

Sections 86(8) and 89(1) of the *Local Government Act 1999* (the Act) provides that where a procedure is not prescribed by regulation, Council (or a Council Committee when Council does not determine the procedures for the Committee) can determine its own procedures, provided it is not inconsistent with the Act or Regulations.

This document is the City of Holdfast Bay's Code of Practice for Procedures at Meetings, which provides for:

- variations to the meeting procedures prescribed in the Regulations which have been adopted by Council (inserted in **red** text to enable them to be read in conjunction with the formal requirements of the Regulations);
- supplementary City of Holdfast Bay meeting procedures that apply to both Council and Committee meetings (unless stated otherwise)- see grey shaded areas and the 'Miscellaneous Meeting Procedures';
- guidelines on how Council and Committee meetings are to be conducted; and
- guidance to the community on how meetings of Council are conducted.

As recommended by the Regulations (Regulation 6(2)), this Code of Practice should be reviewed at least once in every financial year and the Council may at any time, by resolution supported by at least two-thirds of members, alter, substitute or revoke the Code of Practice (Regulation 6(3)).

Section 302B of the Act empowered the Minister for Transport, Infrastructure and Local Government to vary or suspend the operation of provisions of the Act. Changes to the Regulations have been implemented by the *Electronic Participation in Council Meetings Notice (No 1) 2020* provisions, which have been incorporated into this Code and are shown in **blue**.

The additional provisions in **blue** will remain in operation during any public health emergency (COVID-19) declarations, and whilst the Minister's Notice remains in operation and particularly where meetings are required to be held by electronic means. Where meetings are by physical attendance then the initial provisions will apply and prevail.

Local Government (Procedures at Meetings) Regulations 2013 **(including Variations)**

Part 1—Preliminary

Regulation 1—Short title

These regulations may be cited as the *Local Government (Procedures at Meetings) Regulations 2013*.

Regulation 2—Commencement

These regulations will come into operation on 1 January 2014.

Regulation 3—Interpretation

(1) In these regulations, unless the contrary intention appears—

Act means the *Local Government Act 1999*;

clear days (see subregulations (2) and (3));

deputation means a person or group of persons who wish to appear personally before a council or council committee in order to address the council or committee (as the case may be) on a particular matter;

electronic means includes a telephone, computer or other electronic device used for communication;

formal motion means a motion—

(a) that the meeting proceed to the next business; or

(b) that the question be put; or

(c) that the question lie on the table; or

(d) that the question be adjourned; or

(e) that the meeting be adjourned¹;

Guiding Principles—see regulation 4;

member means a member of the council or council committee (as the case may be);

point of order means a point raised to draw attention to an alleged breach of the Act or these regulations in relation to the proceedings of a meeting;

presiding member means the person who is the presiding member of a council or council committee (as the case may be) and includes any person who is presiding at a particular meeting;

written notice includes a notice given in a manner or form determined by the council;

(2) In the calculation of **clear days** in relation to the giving of notice before a meeting—

(a) the day on which the notice is given, and the day on which the meeting occurs, will not be taken into account; and

(b) Saturdays, Sundays and public holidays will be taken into account.

(3) For the purposes of the calculation of **clear days** under subregulation (2), if a notice is given after 5 p.m. on a day, the notice will be taken to have been given on the next day.

(4) For the purposes of these regulations, a vote on whether **leave of the meeting** is granted may be conducted by a show of hands (but nothing in this subregulation prevents a division from being called in

relation to the vote).

OR

- (4) For the purposes of these regulations, a vote on whether leave of the meeting is granted may be conducted by-
- (a) a show of hands; or
 - (b) where a member is participating in a meeting by electronic means which has audio only, a verbal indication of voting in the affirmative or voting in the negative,
- (but nothing in this subregulation prevents a division from being called in relation to the vote).
- (5) For the purposes of subregulation (1), a reference to “appear personally” includes to appear by electronic means.
- (6) For the purposes of these regulations, a member participating in a meeting by electronic means is taken to be present at the meeting provided that the member:
- (a) can hear all other members present at the meeting;
 - (b) can be heard by all other members present at the meeting; and
 - (c) can be heard by the person recording the minutes of the meeting.

Note—

- 1 See regulation 12 for specific provisions about formal motions.

City of Holdfast Bay Meeting Procedures

- (7) For the purposes of the definition of ‘written notice’ in Regulation 3 above, the Council has determined that written notice will include a legibly hand written or typed document provided in either hard copy or electronic format.

Regulation 4—Guiding Principles

The following principles (the *Guiding Principles*) should be applied with respect to the procedures to be observed at a meeting of a council or a council committee:

- (a) procedures should be fair and contribute to open, transparent and informed decision-making;
- (b) procedures should encourage appropriate community participation in the affairs of the council;
- (c) procedures should reflect levels of formality appropriate to the nature and scope of responsibilities exercised at the meeting;
- (d) procedures should be sufficiently certain to give the community and decision-makers confidence in the deliberations undertaken at the meeting.

Part 2—Meetings of councils and key committees

Regulation 5—Application of Part

The provisions of this Part apply to or in relation to—

- (a) the meetings of a council; and

- (b) the meetings of a council committee performing regulatory activities; and
- (c) the meetings of any other council committee if the council has, by resolution, determined that this Part should apply to that committee.

City of Holdfast Bay Meeting Procedures

- (d) This Part 2 applies to the Strategic Planning and Development Policy Committee.

Regulation 6—Discretionary procedures

- (1) Subject to the requirements of the Act, if a provision of this Part is expressed to be capable of being varied at the discretion of the council pursuant to this regulation, then a council may, by a resolution supported by at least two-thirds of the members of the council entitled to vote on the resolution, determine that a code of practice prepared or adopted by the council that establishes its own procedures for the relevant matter or matters will apply in substitution for the relevant provision (and such a determination will have effect according to its terms).
- (2) A council should, at least once in every financial year, review the operation of a code of practice under this regulation.
- (3) A council may at any time, by resolution supported by at least two-thirds of the members of the council entitled to vote on the resolution, alter a code of practice, or substitute or revoke a code of practice.
- (3a) Without limiting subregulation (3), a council may at any time, by resolution supported by the prescribed number of members of the council entitled to vote on the resolution, alter a code of practice to facilitate participation by council members in council meetings by electronic means.
- (3b) For the purposes of subregulation (3a), the prescribed number of members of a council is a number ascertained by dividing the total number of members of the council for the time being in office by 2, ignoring any fraction resulting from the division, and adding one.
- (4) A council must, in considering the exercise of a power under this regulation, take into account the Guiding Principles.
- (5) A person is entitled to inspect (without charge) the code of practice of a council under this regulation at the principal office of the council during ordinary office hours.
- (6) A person is entitled, on payment of a fee fixed by the council, to a copy of the code of practice.
- (7) Regulation 12(4) does not apply to a motion under subregulation (3).
- OR**
- (7) Regulation 12(4) does not apply to a motion under subregulation (3) or subregulation (3a).
- (8) This regulation does not limit or derogate from the operation of regulation 20¹.

Note—

- 1 Furthermore, if a matter is not dealt with by the Act or these regulations (including under a code of practice under this regulation), then the relevant procedure will be—
 - (a) as determined by the council; or
 - (b) in the case of a council committee where a determination has not been made by the council— as determined by the committee.
 (See sections 86(8) and 89(1) of the Act.)

Regulation 7—Commencement of meetings and quorums

- (1) A meeting will commence as soon after the time specified in the notice of meeting as a quorum is present.
- (2) If the number of apologies received by the chief executive officer indicates that a quorum will not be present at a meeting, the chief executive officer may adjourn the meeting to a specified day and time.
- (3) If at the expiration of 30 minutes from the time specified in the notice of meeting as the time of commencement a quorum is not present, the presiding member or, in the absence of a presiding member, the chief executive officer, will adjourn the meeting to a specified day and time.
- (4) If a meeting is adjourned for want of a quorum, the chief executive officer will record in the minute book the reason for the adjournment, the names of any members present, and the date and time to which the meeting is adjourned.
- (5) If a meeting is adjourned to another day, the chief executive officer must—
 - (a) give notice of the adjourned meeting to each member setting out the date, time and place of the meeting; and
 - (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 placed on display at the principal office of the council.

OR

 - (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 officer.](#)

City of Holdfast Bay Meeting Procedures

- (6) The following will appear at the beginning of all Council and Committee Meetings and will be read by the presiding member at the commencement of each meeting:

Kaurna Acknowledgement

We acknowledge Kaurna people as the traditional owners and custodians of this land.

We respect their spiritual relationship with country that has developed over thousands of years, and the cultural heritage and beliefs that remain important to Kaurna People today.

Service to Country Acknowledgement

The City of Holdfast Bay would like to acknowledge all personnel who have served in the Australian forces and services, including volunteers, for our country.

Council Prayer

Heavenly Father, we pray for your presence and guidance at our Council Meeting.

Grant us your wisdom and protect our integrity as we carry out the powers and responsibilities entrusted to us on behalf of the community that we serve.

- (7) At the appropriate place on the agenda the presiding member will draw the attention of members to the Disclosure Statement relating to sections 73, 74, 75 and 75A of the *Local Government Act 1999*. Any disclosure of interest will be recorded in the Minutes.
- (8) The Chair of a Committee or any member of a Committee may provide apologies to the relevant Council officer at a meeting of a section 41 Committee, in which case, the apologies will be recorded in the minutes of the meeting.
- (9) The proceedings of a Council or Committee meeting are not permitted to be photographed or recorded

in any way by members of the public unless permission is specifically sought and given by the Mayor and Chief Executive Officer prior to the meeting.

Regulation 8—Minutes

- (1) The minutes of the proceedings at a meeting must be submitted for confirmation at the next meeting or, if that is omitted, at a subsequent meeting.
- (2) No discussion on the minutes may occur before confirmation, except as to the accuracy of the minutes as a record of proceedings.
- (3) On the confirmation of the minutes, the presiding member will—
 - (a) initial each page of the minutes, which pages are to be consecutively numbered; and
 - (b) place his or her signature and the date of confirmation at the foot of the last page of the minutes.
- (3a) For the purposes of subregulation (3), the presiding member may initial or sign the minutes in hardcopy or electronically.
- (4) The minutes of the proceedings of a meeting must include—
 - (a) the names of the members present at the meeting; and
 - (b) in relation to each member present—
 - (i) the time at which the person entered or left the meeting; and
 - (ii) unless the person is present for the whole meeting, the point in the proceedings at which the person entered or left the meeting; and
 - (iii) the method of attendance by the person; and

Example—

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.
- (c) each motion or amendment, and the names of the mover and seconder; and
 - (d) any variation, alteration or withdrawal of a motion or amendment; and
 - (e) whether a motion or amendment is carried or lost; and
 - (f) any disclosure of interest made by a member ; and
 - (g) an account of any personal explanation given by a member; and
 - (h) details of the making of an order under subsection (2) of section 90 of the Act (see subsection (7) of that section); and
 - (i) a note of the making of an order under subsection (7) of section 91 of the Act in accordance with the requirements of subsection (9) of that section; and
 - (j) details of any adjournment of business; and
 - (k) a record of any request for documents to be tabled at the meeting; and
 - (l) a record of any documents tabled at the meeting; and

- (m) a description of any oral briefing given to the meeting on a matter of council business; and
- (n) any other matter required to be included in the minutes by or under the Act or any regulation.

City of Holdfast Bay Meeting Procedures

- (5) Minutes will be made available electronically to members and placed on Council's website within 5 days of the meeting.
- (6) Minutes will include any Apologies, Leave of Absences granted and Absences.
- (7) The name(s) of person(s) wishing to appear as a deputation and the subject matter will be recorded in the minutes of a Council or Committee meeting, but the details of the content of the deputation will not be included.
- (8) The minutes of Council and Committee meetings will not include voting patterns, or record the names of individuals voting for and against, other than in the case of a division.
- (9) For the purposes of Regulation 8(4)(f), in the case of a material conflict of interest, the minutes must record the details specified under section 74(5) of the Act, and in the case of an actual or perceived conflict of interest, the details specified under section 75A(4) of the Act.

Regulation 9—Questions

- (1) A member may ask a question on notice by giving the chief executive officer written notice of the question at least 5 clear days before the date of the meeting at which the question is to be asked.
- (2) If notice of a question is given under subregulation (1)—
 - (a) the chief executive officer must ensure that the question is placed on the agenda for the meeting at which the question is to be asked; and
 - (b) the question and the reply must be entered in the minutes of the relevant meeting.
- (3) A member may ask a question without notice at a meeting.
- (4) The presiding member may allow the reply to a question without notice to be given at the next meeting.
- (5) A question without notice and the reply will not be entered in the minutes of the relevant meeting unless the members present at the meeting resolve that an entry should be made.
- (6) The presiding member may rule that a question with or without notice not be answered if the presiding member considers that the question is vague, irrelevant, insulting or improper.

City of Holdfast Bay Meeting Procedures

- (7) Questions on notice are required to be received by the Chief Executive Officer no later than 5.00pm, 5 clear days before the date of the meeting at which the question is to be asked (in this case as the Council meets on a Tuesday, the deadline is 5.00pm the prior Wednesday).
- (8) A question received after the timeframe specified in City of Holdfast Bay provision 7 above will be treated as a question for a subsequent meeting of the Council.
- (9) The answer to a question on notice is to be circulated in writing at the Council Meeting at which the

question is asked. If it is not possible for the Administration to compile an answer in the time prior to the Council Meeting, the reason is to be recorded in the minutes and the answers provided at the next available Council Meeting.

- (10) For the purposes of Regulation 9(6), the presiding member must give reasons for ruling that a question with or without notice not be answered at the time the determination is made. The reasons will be communicated to the member who asked the question.
- (11) A member may ask a question prior to the moving of a motion or during debate on a motion (or an amendment) for clarification purposes only, without losing their right to speak to the motion (or the amendment). Questions should be succinct and relevant to the matter and not a statement.
- (12) Questions asked during the course of discussion or debate in a meeting that requires an answer will be directed to the presiding member, and will not be asked directly to a member or officer. Answers given in response to such questions will also be directed to the presiding member.

Regulation 10—Petitions

- (1) A petition to the council must—
 - (a) be legibly written or typed or printed; and
 - (b) clearly set out the request or submission of the petitioners; and
 - (c) include the name and address of each person who signed or endorsed the petition; and
 - (d) be addressed to the council and delivered to the principal office of the council.

OR

 - (d) [be addressed to the council and delivered to the council by means determined by the chief executive officer.](#)
- (2) If a petition is received under subregulation (1), the chief executive officer 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, a committee of the council.
- (3) Subregulation (2) may be varied at the discretion of the council pursuant to regulation 6.

City of Holdfast Bay Meeting Procedures

- (4) Each page of a petition is to be presented by the head petitioner to Council's Administration and identify the name and contact details of the head petitioner.
- (5) Each page of a petition presented to Council is to restate the whole of the request or submission of the petitioners.
- (6) Where a page of a petition does not comply with City of Holdfast Bay provision 5 above, the signatures on that page are not to be taken into account by the Council when considering the petition.
- (7) A petition to the Council must be received no less than 6 clear days prior to the date of the next ordinary meeting of the Council (in this case as the Council meets on a Tuesday, the deadline is 5.00pm the prior Tuesday), or the date at which the head petitioner requests that the petition be presented to the Council. Petitions received less than 6 clear days will be tabled at the next subsequent meeting.

- (8) On receipt of a petition, a summary report providing the statement as to the nature of the request or submission of the petitioners, and the number of signatures with name and address details (address includes street name and/or suburb name) on the petition, will be placed on the agenda for the next ordinary council meeting, subject to provision 7 above. A full copy of the petition will be available for viewing upon request, but will not be placed on the agenda.
- (9) Signatures without name and address details will not be counted as valid signatories.
- (10) Online petitions will be dealt with as above and must meet the following requirements to be presented to Council:
 - the petition must clearly set out the request or submission of the petitioners
 - the names and addresses of each signatory must be clearly identified (in the case of an address, this must be by reference to at least a street and suburb)
 - the petition must be provided to Council either by mail (including email) or in person.

Regulation 11—Deputations

- (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.

OR

- (1) [A person or persons wishing to appear as a deputation at a meeting must deliver \(to the council by means determined by the chief executive officer\) a written request to the council.](#)
- (2) The chief executive officer must transmit a request received under subregulation (1) to the presiding member.
- (3) The presiding member may refuse to allow the deputation to appear at a meeting.
- (4) The chief executive officer must take reasonable steps to ensure that the person or persons who requested a deputation are informed of the outcome of the request.
- (5) If the presiding member refuses to allow a deputation to appear at a meeting, the presiding member must report the decision to the next meeting of the council or council committee (as the case may be).
- (6) The council or council committee may resolve to allow a deputation to appear despite a contrary ruling by the presiding member.
- (7) A council may refer the hearing of a deputation to a council committee.

City of Holdfast Bay Meeting Procedures

- (8) A request for a deputation to the Council must be received no less than 6 clear days prior to the date of the next ordinary meeting of the Council (in this case as the Council meets on a Tuesday, the deadline is 5.00pm the prior Tuesday). Any request for a deputation received after this time will be treated as a request to appear at the next subsequent meeting.
- (9) Any person(s) wishing to appear as a deputation on behalf of an organisation, must, prior to the Council or Committee meeting at which they wish to appear, advise the Chief Executive Officer in writing of the date of formation and/or incorporation of their organisation, provide a copy of the Constitution and/or Rules of the organisation, a list of members, and evidence in the form of a minute that the organisation and/or body has approved the deputation.

- | | |
|------|--|
| (10) | Where an organisation has provided its incorporation details as outlined in provision 8 above, it will not be required to provide this information again for the term of the current Council. |
| (11) | A deputation may not exceed 3 people and must not exceed 5 minutes in total, not including questions from members at the end of the deputation, except with the consent of the presiding member. |

Regulation 12—Motions

- (1) A member may bring forward any business in the form of a written notice of motion.
- (2) The notice of motion must be given to the chief executive officer at least 5 clear days before the date of the meeting at which the motion is to be moved.
- (3) A motion the effect of which, if carried, would be to revoke or amend a resolution passed since the last general election of the council must be brought by written notice of motion.
- (4) If a motion under subregulation (3) is lost, a motion to the same effect cannot be brought—
 - (a) until after the expiration of 12 months; or
 - (b) until after the next general election, whichever is the sooner.
- (5) Subject to the Act and these regulations, a member may also bring forward any business by way of a motion without notice.
- (6) The presiding member may refuse to accept a motion without notice if, after taking into account the Guiding Principles, he or she considers that the motion should be dealt with by way of a written notice of motion.
- (7) The presiding member may refuse to accept a motion if the subject matter is, in his or her opinion, beyond the power of the council or council committee (as the case may be).
- (8) A motion will lapse if it is not seconded at the appropriate time.
- (9) A member moving or seconding a motion will speak to the motion at the time of moving or seconding the motion, **unless the seconder reserves their right to speak to the motion at a later stage of the debate, in which case the seconder will not be considered to have spoken to the motion.**
- (10) A member may only speak once to a motion **(which includes speaking to an amendment to a motion)** except—
 - (a) to provide an explanation in regard to a material part of his or her speech, but not so as to introduce any new matter; or
 - (b) with leave of the meeting; or
 - (c) as the mover in reply.
- (11) A member who has spoken to a motion **or has reserved their right to speak to the motion at a later stage pursuant to sub-regulation (9)** may not at a later stage of the debate move or second an amendment to the motion.
- (12) A member who has not spoken in the debate on a question may move a formal motion.
- (13) A formal motion must be in the form of a motion set out in subregulation (14) (and no other formal motion to a different effect will be recognised).
- (14) If the formal motion is—

- (a) that ***the meeting proceed to the next business***, then the effect of the motion, if successful, is, in the case of an amendment, that the amendment lapses and the meeting proceeds with the consideration of the motion before the meeting without further reference to the amendment and, in the case of a motion, that the motion lapses and the meeting proceeds to the next item of business; or
 - (b) that ***the question be put***, then the effect of the motion, if successful, is that debate is terminated and the question put to the vote by the presiding member without further debate; or
 - (c) that ***the question lie on the table***, then the effect of the motion, if successful, is that the meeting immediately moves to the next item of business and the question can then only be retrieved at a later time by resolution (and, if so retrieved, debate is then resumed at the point of interruption); or
 - (d) that ***the question be adjourned***, then the effect of the motion, if successful, is that the question is disposed of for the time being but debate can be resumed at the later time (at the point of interruption); or
 - (e) that ***the meeting be adjourned***, then the effect of the motion, if successful, is that the meeting is brought to an end immediately without the consideration of further business.
- (15) If seconded, a formal motion takes precedence and will be put by the presiding member without discussion unless the motion is for an adjournment (in which case discussion may occur (but only occur) on the details for resumption).
- (16) A formal motion does not constitute an amendment to a substantive motion.
- (17) If a formal motion is lost—
- (a) the meeting will be resumed at the point at which it was interrupted; and
 - (b) if the formal motion was put during debate (and not at the end of debate) on a question, then a similar formal motion (ie a motion to the same effect) cannot be put until at least 1 member has spoken on the question.
- (18) A formal motion for adjournment must include the reason for the adjournment and the details for resumption.
- (19) Any question that lies on the table as a result of a successful formal motion under subregulation (14)(c) lapses at the next general election.
- (20) The chief executive officer must report on each question that lapses under subregulation (19) to the council at the first ordinary meeting of the council after the general election.
- (21) Subregulations (9), (10) and (11) may be varied at the discretion of the council pursuant to regulation 6.

City of Holdfast Bay Meeting Procedures

- (22) All notices of motion are required to be received by the Chief Executive Officer no later than 5.00pm 5 clear days before the date of the meeting at which the motion is to be moved (in this case as the Council meets on a Tuesday, the deadline is 5.00pm the prior Wednesday).
- (23) A notice of motion received after the time specified in City of Holdfast Bay provision 22 above will be treated as a notice of motion for a subsequent meeting of the Council.

- (24) When placing a motion with notice in an agenda, the Chief Executive Officer may take the opportunity to provide written comments to assist the Council to make an informed decision in relation to the item (Administrative comments).
- (25) A member may ask a question prior to the moving of a motion, or during debate on a motion (including debate on an amendment to the motion), for clarification purposes only, without losing their right to speak to the motion. Questions should be succinct and relevant to the matter and not a statement.
- (26) A motion without notice (unrelated to an agenda item of business) will not be accepted for debate at the meeting at which it is brought forward unless:
- the presiding member determines that the matter is one of urgency; and
 - in the opinion of the presiding member, the motion relates to an issue that does not require additional information in order to make an informed decision on the motion.
- (27) A member wishing to move a motion that is different from that recommended in a Council report is encouraged to make available a written copy of their proposed motion to assist the presiding member in the conduct of the meeting.
- (28) Where a member who has given notice of motion in accordance with Regulation 12(2) is absent from the meeting at which the motion is to be considered, the motion will be adjourned to the next meeting, unless the presiding member has received written authority from the member in advance of the meeting for a different member to move the notice of motion.
- (29) For the purposes of Regulation 12(8), the presiding member is to ask for a seconder before declaring that an amendment has lapsed.
- (30) For the purposes of Regulation 12(10), an amendment to a motion is an alteration to the wording of a motion. It is a procedural device for the purposes of refining the motion, it is not a motion in its own right. As such, a member speaking to an amendment will be taken to have spoken to the motion. Similarly, a member that has spoken to a motion prior to the proposed amendment is not permitted to speak to the amendment, in the absence of leave of the meeting.

Regulation 13—Amendments to motions

- (1) A member who has not spoken to a motion at an earlier stage of the debate may move or second an amendment to the motion.
- (2) An amendment will lapse if it is not seconded at the appropriate time.
- (3) A person who moves or seconds an amendment (and, if he or she chooses to do so, speaks to the amendment) will, in so doing, be taken to have spoken to the motion to which the amendment relates, **unless at the time of moving or seconding the amendment, the mover or seconder reserves their right to speak to later in the debate, in which case the mover or seconder will not be taken to have spoken to the amendment, or the motion to which the amendment relates.**
- (4) If an amendment is lost, only 1 further amendment may be moved to the original motion.
- (5) If an amendment is carried, only 1 further amendment may be moved to the original motion.
- (6) Subregulations (1), (3), (4) and (5) may be varied at the discretion of the council pursuant to regulation 6.

City of Holdfast Bay Meeting Procedures

- (7) Where possible, amendments are to be provided to the minute taker in writing to ensure accuracy of recording in the minutes.
- (8) For the purposes of Regulation 13(2), the presiding member is to ask for a seconder before declaring that an amendment has lapsed.

Regulation 14—Variations etc

- (1) The mover of a motion or amendment may, with the consent of the seconder, request leave of the meeting to vary, alter or withdraw the motion or amendment.
- (2) The presiding member must immediately put the question for leave to be granted and no debate will be allowed on that question.

Regulation 15—Addresses by members etc

- (1) A member must not speak for longer than **3 minutes** at any 1 time without leave of the meeting.
- (2) A member may, with leave of the meeting, raise a matter of urgency.
- (3) A member may, with leave of the meeting, make a personal explanation.
- (4) The subject matter of a personal explanation may not be debated.
- (5) The contribution of a member must be relevant to the subject matter of the debate.
- (6) Subregulations (1) and (2) may be varied at the discretion of the council pursuant to regulation 6.

City of Holdfast Bay Meeting Procedures

- (7) A member at a Council meeting held in person (as opposed to electronically) is to stand at the meeting to make an address to other members unless:
 - 7.1 that member is prevented from doing so due to physical disability;
 - 7.2 the item is discussed in Confidence; or
 - 7.3 the presiding member determines otherwise.
- (8) A member who wishes to speak at a Council meeting held electronically is required to raise their hand **electronically** to indicate to the presiding member that they wish to speak, who will then call upon them in turn.
- (9) The presiding member shall reserve their contribution to the end of the debate (but before the mover speaks in reply) so as to avoid any suggestion of 'leading' the meeting. Noting that the role of the presiding member is to enhance the debate and that they can ask questions and add valuable information to the debate that the meeting may not be fully aware of.

Regulation 16—Voting

- (1) The presiding member, or any other member, may ask the chief executive officer to read out a motion

before a vote is taken.

- (2) The presiding member will, in taking a vote, ask for the votes of those members in favour of the question and then for the votes of those members against the question (and may do so as often as is necessary to enable him or her to determine the result of the voting), and will then declare the outcome.
- (3) A person who is not in his or her seat is not permitted to vote.
- (4) Subregulation (3)—
 - (a) may be varied at the discretion of the council pursuant to regulation 6; and
 - (b) does not apply in relation to a member participating in a council committee meeting by telephone or electronic means approved in accordance with procedures determined by the council or council committee for the purposes of section 89 of the Act.

OR

- (4) Subregulation (3)—
 - (a) may be varied at the discretion of the council pursuant to regulation 6;
 - (b) does not apply in relation to a member participating in a council committee meeting by telephone or electronic means approved in accordance with procedures determined by the council or council committee for the purposes of section 89 of the Act; and
 - (c) is varied in relation to a member participating in a council meeting by electronic means such that the reference to “not in his or her seat” is taken to include a disconnection of the electronic means.
- (5) In this regulation—

disconnection of the electronic means includes—

 - (a) ending a telephone connection such that the discussion and voting at the meeting cannot be heard;
 - (b) ending a video conferencing 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; or
 - (e) disconnecting any other electronic means such that the discussion and voting at the meeting cannot be seen or heard.

City of Holdfast Bay Meeting Procedures

- (6) Each item of business on the agenda is to be voted on separately.
- (7) A member who is unable to stand due to injury, illness, infirmity, disability or other cause, must advise the presiding member that they require special arrangements to be made in order for their vote to be adequately signaled to those persons present, and it is accurately recorded in the minutes (particularly relevant in the case of a division being called). The presiding member may, in consultation with the member concerned, determine the manner in which the member is to signal their vote and will communicate this to the meeting.

Regulation 17—Divisions

- (1) A division will be taken at the request of a member.

- (2) If a division is called for, it must be taken immediately and the previous decision of the presiding member as to whether the motion was carried or lost is set aside.
- (3) The division will be taken as follows:
 - (a) the members voting in the affirmative will, until the vote is recorded, stand in their places;
 - (b) the members voting in the negative will, until the vote is recorded, sit in their seats;
 - (c) the presiding member will count the number of votes and then declare the outcome.

OR

- (3) The division will be taken as follows:
 - (a) subject to subregulation (3a), the members voting in the affirmative will, until the vote is recorded, stand in their places;
 - (b) subject to subregulation (3a), the members voting in the negative will, until the vote is recorded, sit in their seats;
 - (c) the presiding member will count the number of votes and then declare the outcome.
- (3a) Where a member is participating in a meeting by electronic means which has audio only, the member will provide a verbal indication of voting in the affirmative or voting in the negative.
- (4) The chief executive officer will record in the minutes the names of members who voted in the affirmative and the names of the members who voted in the negative (in addition to the result of the vote).
- (5) Subregulation (3) may be varied at the discretion of the council pursuant to regulation 6.

Regulation 18—Tabling of information

- (1) A member may require the chief executive officer to table any documents of the council relating to a motion that is before a meeting (and the chief executive officer must then table the documents within a reasonable time, or at a time determined by the presiding member after taking into account the wishes of the meeting, and if the member who has required the tabling indicates that he or she is unwilling to vote on the motion until the documents are tabled, then the matter must not be put to the vote until the documents are tabled).
- (2) The chief executive officer may, in tabling a document, indicate that in his or her opinion consideration should be given to dealing with the document on a confidential basis under section 90 or 91 of the Act.

Regulation 19—Adjourned business

- (1) If a formal motion for a substantive motion to be adjourned is carried—
 - (a) the adjournment may either be to a later hour of the same day, to another day, or to another place; and
 - (b) the debate will, on resumption, continue from the point at which it was adjourned.
- (2) If debate is interrupted for want of a quorum and the meeting is then adjourned, the debate will, on resumption, continue from the point at which it was interrupted.
- (3) Business adjourned from a previous meeting must be dealt with before any new business at a subsequent meeting.
- (4) The provisions of this regulation may be varied at the discretion of the council pursuant to regulation 6.

Regulation 20—Short-term suspension of proceedings

- (1) If the presiding member considers that the conduct of a meeting would benefit from suspending the operation of all or some of the provisions of this Division for a period of time in order to allow or facilitate informal discussions, the presiding member may, with the approval of at least two-thirds of the members present at the meeting, suspend the operation of this Division (or any part of this Division) for a period determined by the presiding member.
- (2) The Guiding Principles must be taken into account when considering whether to act under subregulation (1).
- (3) If a suspension occurs under subregulation (1)—
 - (a) a note of the suspension, including the reasons for and period of suspension, must be entered in the minutes; and
 - (b) the meeting may proceed provided that a quorum is maintained but, during the period of suspension—
 - (i) the provisions of the Act must continue to be observed¹; and
 - (ii) no act or discussion will have any status or significance under the provisions which have been suspended; and
 - (iii) no motion may be moved, seconded, amended or voted on, other than a motion that the period of suspension should be brought to an end; and
 - (c) the period of suspension should be limited to achieving the purpose for which it was declared; and
 - (d) the period of suspension will come to an end if—
 - (i) the presiding member determines that the period should be brought to an end; or
 - (ii) at least two-thirds of the members present at the meeting resolve that the period should be brought to an end.

Note—

- 1 See particularly Part 4 of Chapter 5, and Chapter 6, of the Act.

Regulation 21 —Chief executive officer may submit report recommending revocation or amendment of council decision

- (1) The chief executive officer may submit a report to the council recommending the revocation or amendment of a resolution passed since the last general election of the council.
- (2) The chief executive officer must ensure that the report is placed on the agenda for the meeting at which the report is to be considered.
- (3) The provisions of this regulation may be varied at the discretion of the council pursuant to regulation 6.

Part 3—Meetings of other committees

Regulation 22—Application of Part

The provisions of this Part apply to or in relation to the meetings of any council committee that is not subject to the

City of Holdfast Bay Meeting Procedures

- (1) A member at a Council Committee meeting may remain seated when speaking to a matter being considered at a Committee meeting.
- (2) This Part 3 applies to the Alwyndor Management Committee, Audit Committee, Executive Committee and the Jetty Road Mainstreet Committee.

Regulation 23—Notice of meetings for members

Pursuant to section 87(15) of the Act, section 87 is modified in its application in relation to the meetings of a committee to which this Part applies as if subsections (4) and (7) to (10) of that section provided as follows:

- (a) that notice of a meeting of the committee may be given in a form determined by the committee after taking into account the nature and purpose of the committee;
- (b) that notice need not be given for each meeting separately;
- (c) that if ordinary meetings of the committee have a set agenda then notice of such a meeting need not contain, or be accompanied by, the agenda for the meeting;
- (d) that it is not necessary for the chief executive officer to ensure that each member of the committee at the time that notice of a meeting is given is supplied with a copy of any documents or reports that are to be considered at the meeting.

Regulation 24—Public notice of committee meetings

Pursuant to section 88(7) of the Act, section 88 is modified in its application in relation to the meetings of a committee to which this Part applies as if subsections (2), (3) and (4) provided as follows:

- (a) that public notice need not be given for each meeting separately; and
- (b) that public notice may be given by displaying a notice and agenda in a place or places determined by the chief executive officer after taking into account the nature and purpose of the committee.

Regulation 25—Minutes

- (1) The minutes of the proceedings of a meeting must include—
 - (a) the names of the members present at the meeting; and
 - (b) each motion carried at the meeting; and
 - (c) any disclosure of interest made by a member; and
 - (d) details of the making of an order under subsection (2) of section 90 of the Act (see subsection (7) of that section); and
 - (e) a note of the making of an order under subsection (7) of section 91 of the Act in accordance with the requirements of subsection (9) of that section.
- (2) The minutes of the proceedings at a meeting must be submitted for confirmation at the next meeting or, if that is omitted, at a subsequent meeting.

Part 4—Miscellaneous

Regulation 26—Quorum for committees

- (1) The prescribed number of members of a council committee constitutes a quorum of the committee and no business can be transacted at a meeting unless a quorum is present.
- (2) For the purposes of this regulation, the ***prescribed number*** of members of a council committee is—
 - (a) unless paragraph (b) applies—a number ascertained by dividing the total number of members of the committee by 2, ignoring any fraction resulting from the division, and adding 1; or
 - (b) a number determined by the council.

Note—

See also section 41(6) of the Act.

Regulation 27—Voting at committee meetings

- (1) Subject to the Act and these regulations, a question arising for decision at a meeting of a council committee will be decided by a majority of the votes cast by the members present at the meeting and entitled to vote on the question.
- (2) Each member of a council who is a member of a council committee and who is present at a meeting of the committee must, subject to a provision of the Act to the contrary, vote on a question arising for decision at that meeting.
- (3) The presiding member of a council committee has a deliberative vote on a question arising for decision at the meeting but does not, in the event of an equality of votes, have a casting vote.

City of Holdfast Bay Meeting Procedures

- (4) Each member of a Council Committee who is present at a meeting of the Committee, must, subject to a provision of the Act to the contrary, vote on a question for decision at that meeting.
- (5) If a vote is tied and cannot be resolved by the Committee the matter is to be considered as lost.

Regulation 28—Points of order

- (1) The presiding member may call to order a member who is in breach of the Act or these regulations.
- (2) A member may draw to the attention of the presiding member a breach of the Act or these regulations, and must state briefly the nature of the alleged breach.
- (3) A point of order takes precedence over all other business until determined.
- (4) The presiding member will rule on a point of order.
- (5) If an objection is taken to the ruling of the presiding member, a motion that the ruling not be agreed with must be moved immediately.
- (6) The presiding member is entitled to make a statement in support of the ruling before a motion under subregulation (5) is put.
- (7) A resolution under subregulation (5) binds the meeting and, if a ruling is not agreed with—
 - (a) the ruling has no effect; and

- (b) the point of order is annulled.

Regulation 29—Interruption of meetings by members

- (1) A member of a council or council committee must not, while at a meeting—
 - (a) behave in an improper or disorderly manner; or
 - (b) cause an interruption or interrupt another member who is speaking.
- (2) Subregulation (1)(b) does not apply to a member who is—
 - (a) objecting to words used by a member who is speaking; or
 - (b) calling attention to a point of order; or
 - (c) calling attention to want of a quorum.
- (3) If the presiding member considers that a member may have acted in contravention of subregulation (1), the member must be allowed to make a personal explanation.
- (4) Subject to complying with subregulation (3), the relevant member must leave the meeting while the matter is considered by the meeting.
- (5) If the remaining members resolve that a contravention of subregulation (1) has occurred, those members may, by resolution—
 - (a) censure the member; or
 - (b) suspend the member for a part, or for the remainder, of the meeting.
- (6) A member who—
 - (a) refuses to leave a meeting in contravention of subregulation (4); or
 - (b) enters a meeting in contravention of a suspension under subregulation (5), is guilty of an offence.

Maximum penalty: \$1 250.

City of Holdfast Bay Meeting Procedures

- (7) Mobile telephones may not be used during a Council or Committee meeting by members or Council officers.
- (8) Mobile telephones must be switched off or turned to silent mode before a meeting commences.

Regulation 30—Interruption of meetings by others

A member of the public who is present at a meeting of a council or council committee must not—

- (a) behave in a disorderly manner; or
- (b) cause an interruption.

Maximum penalty: \$500.

City of Holdfast Bay - Miscellaneous Meeting Procedures

1. Pre-Meeting

- 1.1 Members are required to submit their activity reports in writing to the Chief Executive Officer no less than 6 clear days prior to the date of the next ordinary meeting of the Council (in this case as the Council meets on a Tuesday, the deadline is 5.00pm the prior Tuesday).
- 1.2 A member's activity report less than 6 clear days after the time specified in paragraph 1.1 above will be treated as an item at the next subsequent meeting.

2. Agenda

- 2.2 There will be no Item of "Other business" on the agenda for meetings. Sufficient opportunity is afforded to members to raise any issue in accordance with this Code of Practice, the Act and the Regulations.
- 2.3 The presiding member may alter the order of the agenda, subject to the leave of the Council or Committee, where it is expedient to do so e.g. if there are public in the gallery interested in a particular item in the agenda.

3. Fire Evacuation Process

A copy of the Fire Evacuation process will be displayed in the Council chamber.

4. Meeting Protocols

Council and Committee meetings will conclude no later than 10.30pm, unless the meeting formally resolves on each specific occasion to continue beyond that time. When a meeting is likely to continue beyond 10.30pm a motion is to be put to the meeting whether to continue or adjourn to another date and time.

5. Appointment to External Bodies

- 5.1 The presiding member is to call for nominations before debate on a motion to appoint members to Committees and/or organisations (Council and external) can occur. If there are more nominations than positions a ballot will be conducted.
- 5.2 All elected members (including the presiding member) will indicate which member(s) they wish to vote for on the ballot paper (or where the meeting is by electronic means throughh electronic voting methods).
- 5.3 A senior council officer will conduct the count and provide the vote outcome to the Chief Executive Officer, who is to report the numbers to the presiding member and confirm the vote count.
- 5.4 In the case of a tied ballot, elected members are to cast a further vote for their preferred candidate from the candidates who are tied (repeat paragraph 5.2 and 5.3 above). In the event that a revote cannot determine a clear winner (there is a continuing tie), then lots must be drawn to determine which candidate(s) will be excluded.
- 5.5 The presiding member will then announce the successful candidate.
- 5.6 The meeting will then make the appointment by resolution.

Item No: **15.5**

Subject: **PURCHASE OF A LARGE MULTI-USE MARQUEE**

Date: 27 January 2021

Written By: Manager, City Activation

General Manager: Community Services, Ms M Lock

SUMMARY

In response to the Motion on Notice raised at the Council Meeting on 10 November 2020, in regards to the purchase of a large multi-use outdoor tent, Administration conducted a review of the associated costs and risk comparison for both the purchase and hire of a marquee, which are reflected within this report.

RECOMMENDATION

That Council continue with the hiring of large multi-use marquees.

COMMUNITY PLAN

Not Applicable.

COUNCIL POLICY

Not Applicable.

STATUTORY PROVISIONS

Not Applicable.

BACKGROUND

At the Council Meeting on 10 November 2020, a Motion on Notice was put forward by Councillor Bouchee (Report No 361/20) regarding the purchase of a large multi-use outdoor tent with the following resolution (Resolution No C101120/2114):

1. *That the Chief Executive Officer initiate a report assessing the viability of Council purchasing a large multi-use outdoor tent similar to that which is now located in Moseley Square.*

REPORT

The City of Holdfast Bay hires large, multi-use marquees for events as required throughout the year. For events such as Winter Wonderland, Bay City Rolling the marquee is sized at 20m x 50m. When hiring a marquee, the cost paid also includes insurance, transport, installation and removal by qualified riggers, any additional onsite equipment such as forklifts and maintenance and repairs of the structure. This is of particular value if a structure is vandalised – such as at the 2020 Bay City Rolling event when a man walked up to the marquee, slashed two panels with a sharp object and walked off. The hire company was able to replace within hours and no additional costs were charged to the City of Holdfast Bay.

The City of Holdfast Bay historically hires a marquee once to twice a year as part of the events schedule, including pre-pandemic.

BUDGET

Purchase

Based on quotes received, the purchase of a 20m x 50m marquee is approximately **\$309,600 inc GST**. The City of Holdfast Bay does not have staff experienced in this type of specialised installation, nor the space required to store the marquee when not in use. The costs for transportation, labour and machine hire has been quoted at **\$12,870 inc GST for each use**, and **\$3,848 inc GST for the concrete weights each use**. Costs for annual storage would also need to be investigated if Council chose to proceed with the purchase of its own marquee.

The above costs do not include additional replacement walling panels, or costs associated with the deterioration of the structure over time.

Hire

To hire a 20m x 50m marquee, costs have been approximately \$21,900, for the marquee, and \$3,848 for the 26 x 1700kg concrete weights required to safely secure the marquee up to 120km/h winds, for a total of **\$25,748 inc GST**. These costs also include labour, delivery, insurances and forklifts. When there is an extended hire for a series of events, the cost is negotiated direct with the hire company based on the length of time required, and can be \$5,000 - \$10,000 in additional costs.

It should also be noted that the above costs in both scenarios are for the marquee structure only, and does not include flooring, lighting, furniture, theming etc, all of which will still need to be hired.

An analysis of the purchase vs hire scenario, assuming a seven year life and two events per annum it shows that there is no positive payback over the life of the asset.

Assuming 2 events per annum

Purchase option (ex GST)

	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Total
Purchase	\$281,455	\$0	\$0	\$0	\$0	\$0	\$0	
Transport/Labour/Other hire - annual costs	\$32,736	\$32,736	\$32,736	\$32,736	\$32,736	\$32,736	\$32,736	
Annual Depreciation - assume 7 year life	\$40,248	\$40,248	\$40,248	\$40,248	\$40,248	\$40,248	\$40,248	
Estimated total cost	\$354,439	\$72,984	\$72,984	\$72,984	\$72,984	\$72,984	\$72,984	\$792,346

Hire option (ex GST)

Marquee & weights	\$46,815	\$46,815	\$46,815	\$46,815	\$46,815	\$46,815	\$46,815	
Contingency for additional costs	\$7,000	\$7,000	\$7,000	\$7,000	\$7,000	\$7,000	\$7,000	
	\$53,815	\$53,815	\$53,815	\$53,815	\$53,815	\$53,815	\$53,815	\$376,702

RECOMMENDATION

Based on the costs and risks for the purchase of a Council owned marquee, it is recommended that Council continues with the hire process.

Item No: **15.6**

Subject: **WIGLEY RESERVE LIGHTING**

Date: 27 January 2021

Written By: Team Leader, Recreation & Sport Planning

General Manager: Community Services, Ms M Lock

SUMMARY

A Motion on Notice was raised at a Council meeting on 22 September 2020 to investigate and options and costs for the installation of recreational lighting at Wigley Reserve. Administration engaged a lighting consultant to assess the space and develop a lighting concept for recreational grade lighting for a portion of the reserve. A concept has been developed with the most cost effective solution with minimal impact on surrounding residents. This concept will require planning consent and community consultation. Simultaneously Administration has engaged a consultant to develop concepts for the revitalisation of the old Buffalo site at Wigley Reserve, providing an opportunity to integrate the two projects, saving on associated construction and implementation costs.

RECOMMENDATION

That Council notes the lighting concept for Wigley Reserve that will be integrated into the concept design for the revitalisation of the old Buffalo site concept design project.

COMMUNITY PLAN

Placemaking: Creating lively and safe places
Community: Building a healthy, active and resilient community
Community: Providing welcoming and accessible facilities

COUNCIL POLICY

Not Applicable.

STATUTORY PROVISIONS

Development Regulations 2008

BACKGROUND

At the Council meeting on 22 September 2020, a Motion on Notice, Wigley Reserve Lighting, (Motion C220920/2038) proposed the following:

“That Administration investigate and report back to Council by the end of November 2020 with options and costs for the installation of recreational lighting at Wigley Reserve.

Such information would be used to inform capital works Budget 21/22 discussions.”

Subsequent to this motion, Administration engaged a consultant develop a concept for recreational lighting for a portion of Wigley Reserve. In addition to the concept for lighting at Wigley Reserve, Administration has also engaged a consultant for the revitalisation of the old Buffalo site which adjoins Wigley Reserve.

REPORT

The aim of the lighting concept is to provide the opportunity for the community to maintain fitness and exercise or utilise the reserve in a safe, well-lit environment over a portion of the reserve. The concept that has been developed ensures the light infrastructure is positioned to improve the utility of the passive exercise facility in a way that minimises visual impact and light spill on surrounding residences and apartments. The concept provides sufficient lighting for recreation level activities such as running and fitness activities however it is not intended for formal organised sport as per Attachment 1.

Refer Attachment 1

The Wigley Reserve lighting concept proposes to position a 12 meter pole with 2 floodlights alongside the shelter, near the Norfolk Pine tree line. It is proposed that the height of the pole will be lower than the Norfolk Pines and the street lights along Anzac Highway and Adelphi Terrace. It is anticipated that this will provide approximately 50 lux light level which will also provide light for the designated fitness area that adjoins the new playspace. The light spill will fade and remain within the area of the playspace, without spilling into neighboring apartments and it is proposed that the floodlights will be tilted so they would look relatively flat in elevation.

Since the completion of the Wigley Reserve playspace in November 2020 and the opening of the Tram Side Kiosk in December 2020, Wigley Reserve has increased in popularity, which as a result has increased the demand to renew the area holistically. The revitalisation of the old Buffalo site concept design will provide the opportunity to integrate the proposed lighting concept to coordinate and deliver projects simultaneously. It is anticipated that concepts for the old Buffalo site and proposed lighting will be presented to Council in February 2021.

A budget variation of \$3,500 will be applied this financial year as a result of the concept design that was undertaken for the lighting concept. It is estimated that the budget required to install recreational lighting at Wigley Reserve will cost \$25,000, excluding associated landscaping

required to reinstate turf and paving that surrounds the area. This budget will be included into any future project costings for the redevelopment of the old Buffalo site. The \$25,000 budget will be sufficient for:

- Supply of 12m pole, cage, cross arm.
- Painting and coating of pole.
- Supply of 2x 500W Clearflood LED Floodlights.
- Installation of footing and standing of pole.
- Hydro-excavation of conduits between pole and switchboard and lighting cables.
- Controls (timer and ability to program lights).
- Switchboard modifications.

During the community engagement process for the playspace at Wigley Reserve undertaken in 2019, there were concerns from residents about lighting playspace and attracting undesirable behaviour. The proposed lighting will constitute the requirement for a planning consent as it is not exempt from the definition of development in that it is not regarded as “street furniture” in accordance with Schedule 3(2)(g); and not considered to be association with a “recreational path” in accordance with Schedule 3(19)(v) of the Development Regulations 2008.

BUDGET

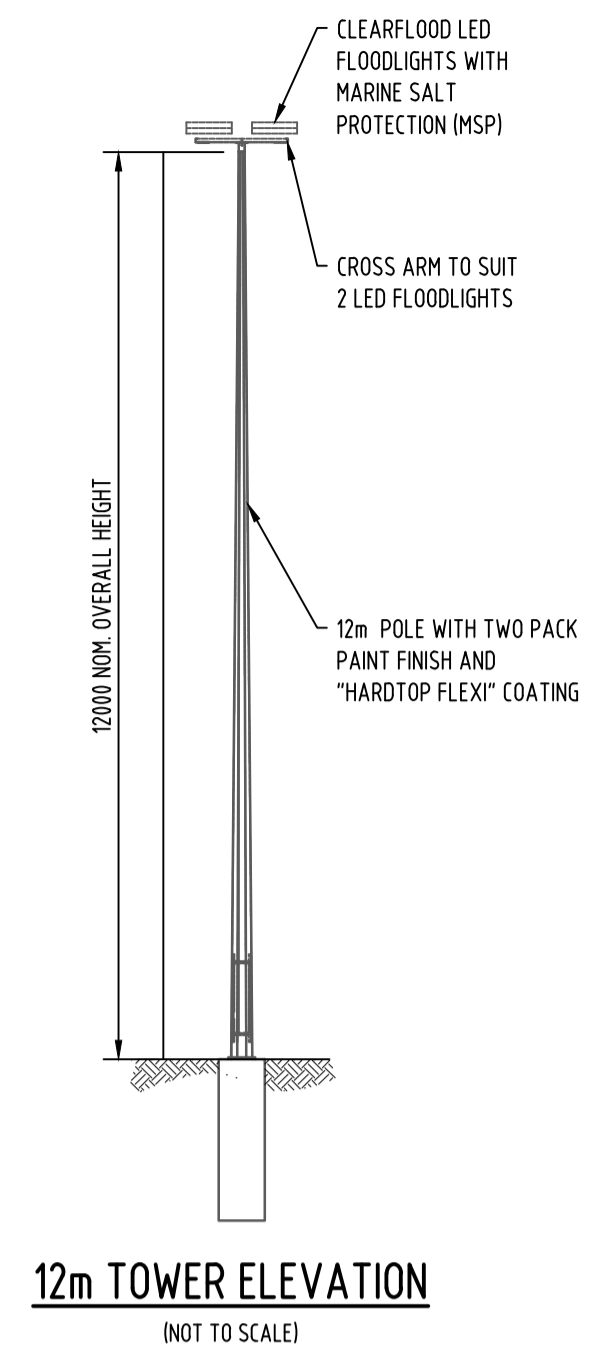
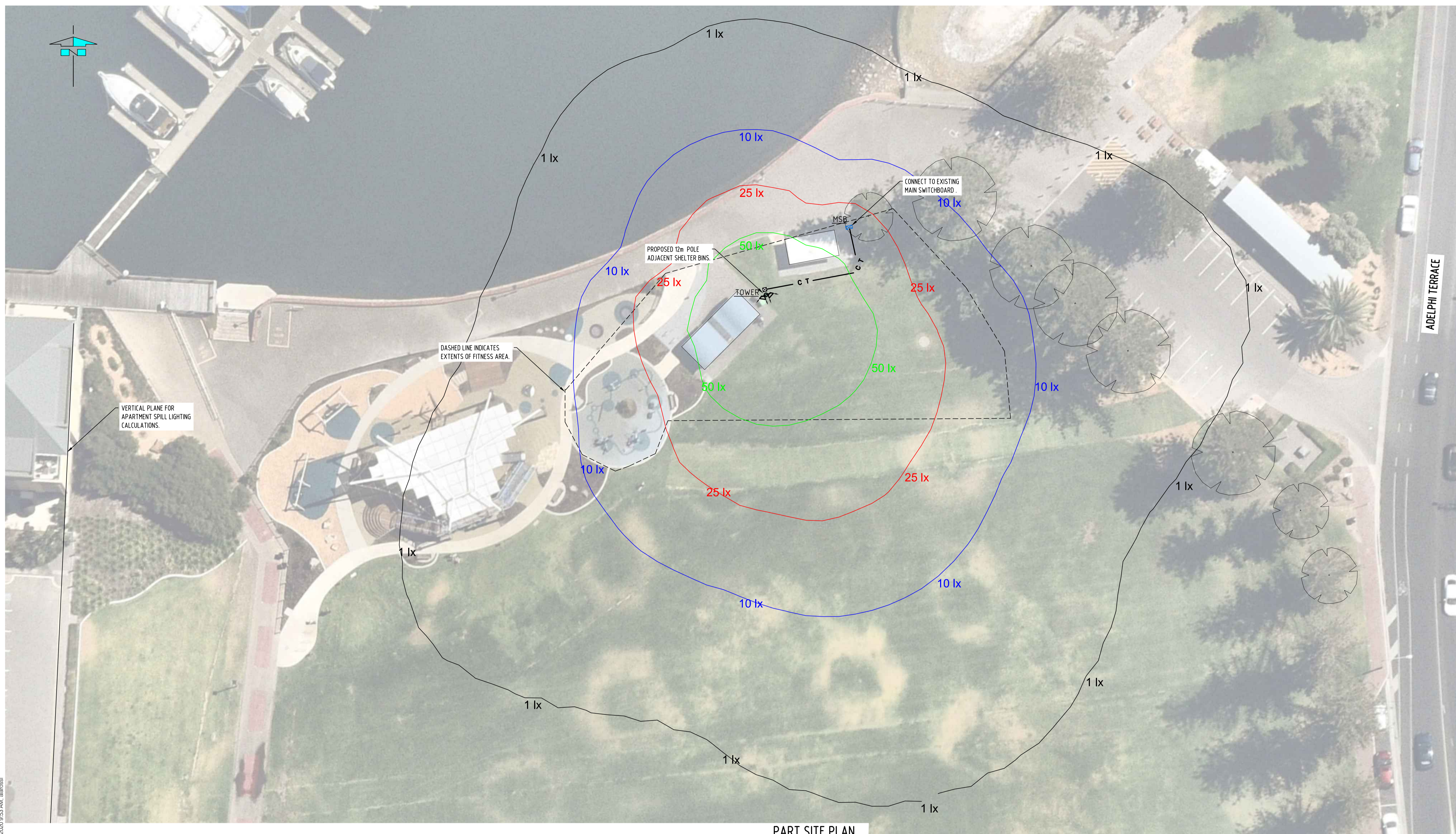
A budget variation of \$3,500 was required for the concept design in the 2020-21 financial year.

LIFE CYCLE COSTS

Not applicable

Attachment 1





Obtrusive Light - Compliance Report
AS/NZS 4282:2019, A3 - Medium District Brightness, Non-Curfew L1
Filename: Wigley Reserve
16/12/2020 10:58:06 AM

Illuminance
Maximum Allowable Value: 10 Lux

Calculations Tested (1):

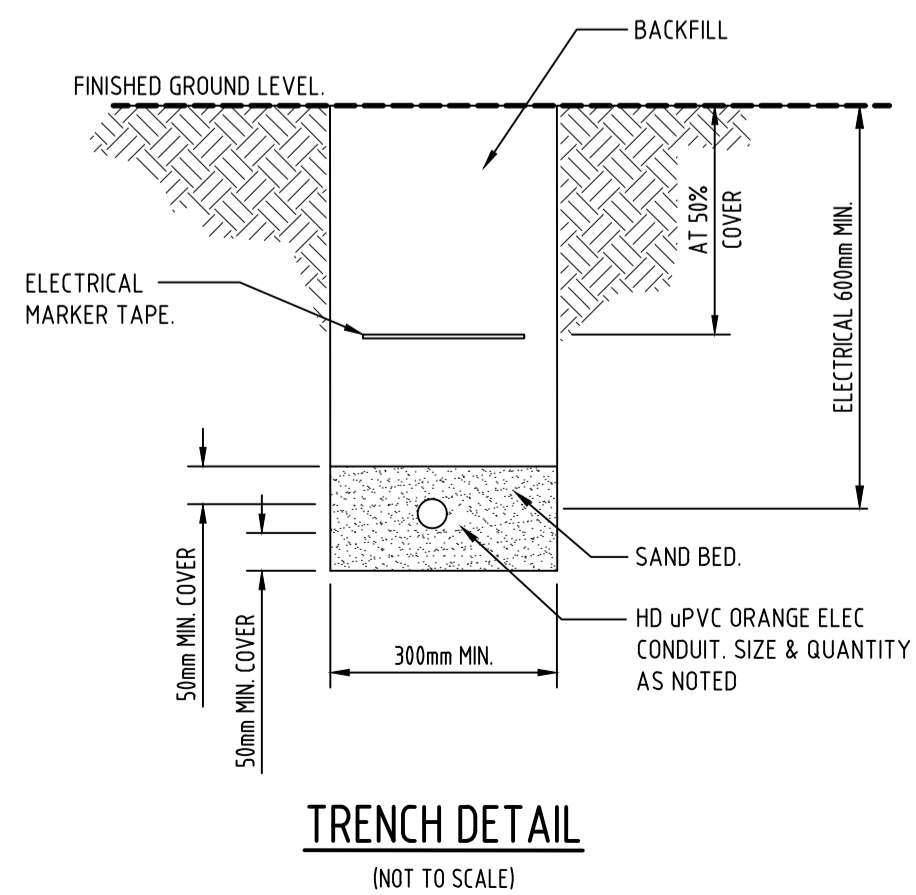
Calculation Label	Test Results	Max. Illum.
Apartments Spill	PASS	0.18

Luminous Intensity (Cd) At Vertical Planes
Maximum Allowable Value: 12500 Cd

Calculations Tested (1):

Calculation Label	Test Results
Apartments Spill_Cd	PASS

Calculation Summary					
Label	CalcType	Units	Avg	Max	Min
Fitness Area	Illuminance	Lux	44.02	96.23	8.61



LIGHTING CONTROLS STRATEGY

- PROVIDE ASTRONOMICAL TIME CLOCK ENABLING THE LIGHTS TO BE TURNED ON BETWEEN THE FOLLOWING TIMES:
 - 30mins BEFORE SUNSET AND 8:30PM
- USER INTERFACE - WEATHER PROOF BELL PRESS PUSH BUTTON WITH ADJUSTABLE ELECTRONIC TIME DELAY SWITCH (SET TO 1HR)
 - PRESS BUTTON TO START TIMER
 - PRESS BUTTON (WHEN LIGHTS ARE ON) TO RESET TIMER
 - HOLD BUTTON TO TURN OFF (WHEN LIGHTS ARE ON)

INFORMATION ISSUE
NOT FOR CONSTRUCTION

REV.	DATE	DESCRIPTION	DRAFT	ENG.	CHKD
A	17.12.2020	PRELIMINARY ISSUE	WGA	AI	

WGA
WALLBRIDGE GILBERT AZTEC
60 Wyatt Street, Adelaide
South Australia 5000
Telephone 08 8223 7433
Email adelaide@wga.com.au

CITY OF HOLDFAST BAY
FITNESS AREA LIGHTING
WIGLEY RESERVE, GLENELG
LIGHTING CONCEPT

A1 DOCUMENT NUMBER
Project Number Sheet No. Rev.

Design WGA Drawn WGA
WGA191742-SK-EE-0004



W:\projects\2019\191700 - 191700\191742 - Holdfast Lighting\Drawings\WGA191742-SK-EE-0004.dwg, A, 17/12/2020 9:53 AM, alinosi

Item No: **15.7**

Subject: **CAR SHARE TRIAL**

Date: 27 January 2021

Written By: Manager, Strategy and Governance

General Manager: Strategy and Business Services, Ms P Jackson

SUMMARY

The Royal Automobile Association (RAA) have approached the City of Holdfast Bay to participate in the trial of a car share service. A twelve month trial, commencing March 2021 is proposed and will require two street parks in the Glenelg area to be marked as dedicated Flexicar spaces. Given the strategic alignment of this proposal, the low costs and risks to Council, and the potential benefit to the community, it is recommended that the trial proceed.

RECOMMENDATION

That Council approve the participation of the City of Holdfast Bay in the RAA/Flexicar car share trial, noting that two street parks will be set aside in Glenelg for the vehicles for the twelve month duration of the trial.

COMMUNITY PLAN

Placemaking: Creating lively and safe places
Placemaking: Developing walkable connected neighbourhoods
Community: Building a healthy, active and resilient community
Economy: Harnessing emerging technology
Economy: Boosting our visitor economy
Environment: Building an environmentally resilient city
Environment: Fostering an environmentally connected community
Culture: Providing customer-centred services

COUNCIL POLICY

Not applicable.

STATUTORY PROVISIONS

Not Applicable

BACKGROUND

Car share provides an alternative option to owning a car, allowing occasional use of vehicles for short periods of time across geographically dispersed locations.

While car share options are common in many other cities, there is only one service currently in Adelaide, based in the CBD, GoGet. GoGet describes car share as “more convenient than car rental, cheaper than owning a car, and more flexible than both...GoGet gives you access to more cars, for less dollars.”

As part of their Future Mobility Program, the RAA are establishing a trial of a car share service in partnership with Flexicar, who are a subsidiary of Hertz Car Rentals and are well established interstate. As part of the trial, the RAA are considering a number of matters including car sharing needs in the State, the impacts of competition on the service and market tests of their own future services, amongst other things.

RAA are proposing a 12 month trial, commencing March 2021, in four areas: Glenelg, Bowden, Tonsley and Adelaide CBD.

REPORT

Vehicle congestion on local roads and parking in some parts of the City are key community concerns. While the Integrated Transport Strategy is still in development, per the workshop with Elected Members in 2020, reduced reliance on individually-owned vehicles is likely to be a long-term goal of the Strategy.

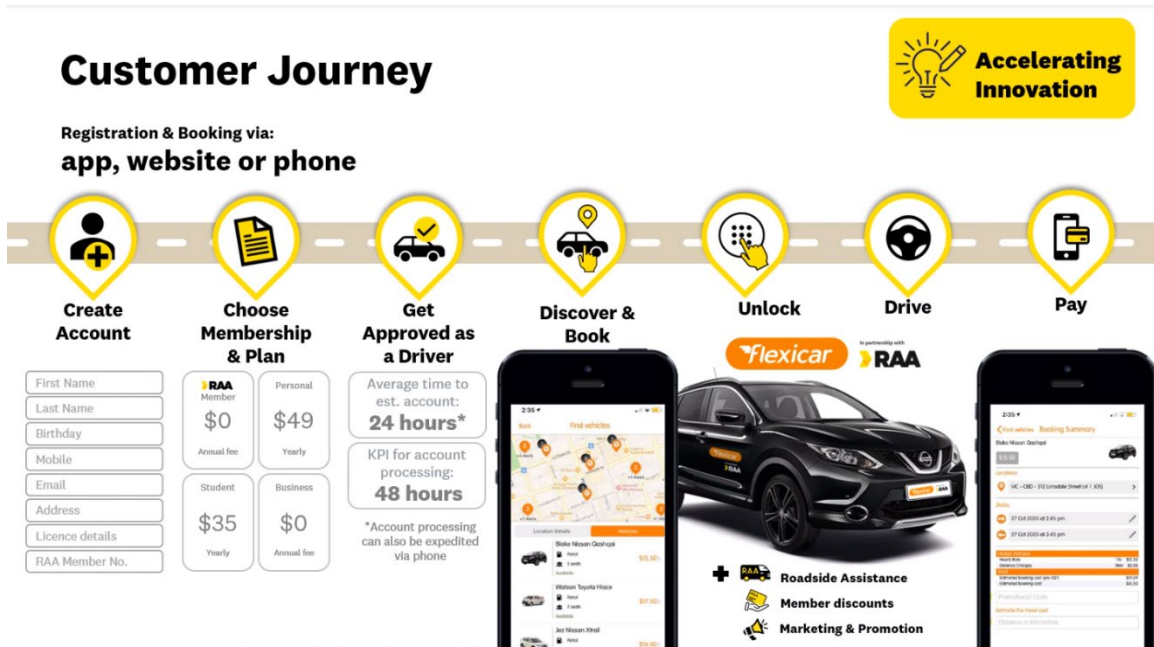
Car share models are one of a number of possible options that could enable the behavioural changes that will be needed over time to reduce traffic congestion, enable environmental objectives such as a carbon neutral community by 2030, and support improved health outcomes via reduced emissions and increased opportunities for incidental exercise.

The trial will be managed by RAA and the imposition on Council is negligible.

Two street parks in Glenelg are proposed to be set aside for a twelve month period, and will be marked as ‘Flexicar’ Bays. Using street parks means that no revenue is lost. In future, commercial arrangements could be considered for service providers but this is not recommended at this time.

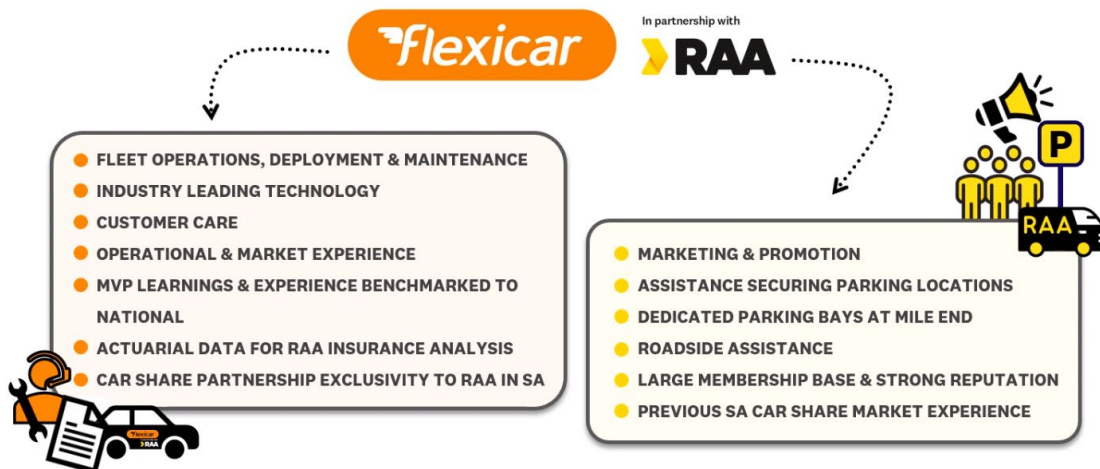
The proposed location is Moseley Street, opposite Elizabeth Street car park. This area enjoys relatively steady car and foot traffic to support passive advertising of the service and is close for visitors who may arrive by public transport, but is not in such a high volume area that it will impinge on neighbouring businesses.

Two Flexicar vehicles will be available at this location for use for return trips by customers. The process from a customer perspective is expected to be as follows:



The RAA has a formal partnership in place with Flexicar with roles and responsibilities articulated as follows:

Partnership Model



There are a number of benefits to being part of such a pioneering initiative. In addition to strategic alignment and the opportunity to shape future mobility strategies for the State, RAA will also

share market insights and other relevant data, which may assist Council in future transport planning.

It is therefore recommended that Council approve participation in the trial.

BUDGET

Nil

LIFE CYCLE COSTS

Nil

Item No: **15.8**

Subject: **ATTENDANCE AT NATIONAL GENERAL ASSEMBLY 2021 AND CALLING FOR NOTICES OF MOTIONS**

Date: 27 January 2021

Written By: Team Leader Governance

General Manager: Strategy and Business Services, Ms P Jackson

SUMMARY

The National General Assembly (NGA) 2021, will be hosted by the Australian Local Government Association (ALGA) from 20 - 23 June 2021 at the National Convention Centre in Canberra. The theme is "Working Together for Our Communities". This is the same theme intended for the NGA 2020, which was cancelled due to COVID-19.

Registrations are open to attend the NGA 2021 and the program is available. Council is requested to consider attendance at the NGA 2021. Previously for NGA 2020, it was resolved at the Council meeting on 11 February 2020 (resolution number C110220/1736) that Mayor Wilson (as voting delegate) and Councillor Abley attend, but they were unable to do so due to its cancellation.

This year, there is the option of virtual attendance and this may be considered if COVID-19 restrictions are still in place at the time of the conference.

The Australian Local Government Association (ALGA) has also written to Council calling for Notices of Motions for the NGA 2021. Proposed motions need to be endorsed by Council by no later than the Council meeting on 9 March 2021.

RECOMMENDATION

- 1. That Council approves the attendance of _____ and _____ at the National General Assembly (NGA) 2021 from 20 - 23 June 2021, in accordance with Council's 'Elected Member Training and Development Policy'.**
 - 2. That both Elected Members attending the National General Assembly 2021, present a written report back to Council.**
 - 3. That _____ be Council's voting delegate at the National General Assembly 2021.**
-

COMMUNITY PLAN

A Place that Provides Value for Money

COUNCIL POLICY

Elected Member Training and Development Policy

STATUTORY PROVISIONS

Not applicable

BACKGROUND

In June 2019 Councillors Bouchee and Chabrel attended the NGA conference. For the June 2020 NGA, Councillor Abley and Mayor Wilson were nominated to attend but were unable to do so due to COVID-19 restrictions causing cancellation of the event.

Council's Elected Member Training and Development Policy (the Policy) allows for the Mayor and one Elected Member (or two Elected Members in the absence of the Mayor) to attend the NGA, with the understanding that different members will attend in different years (Clause 2.8(b)).

Members should note that the Policy states, Council will only support the attendance by all members at one intrastate local government related conference and one interstate local government related conference or similar every two years (Clause 2.8(a)). Therefore the members that attended in 2019 are unable to attend the NGA 2021.

The NGA provides a platform for the local government sector to address national issues and lobby the federal government on critical issues. The theme for the NGA 2021 is 'Working Together for our Communities'. The theme acknowledges the need to come together with other partners, including other tiers of government to deliver for communities.

REPORT

The attendance at the NGA by members provides a unique opportunity to enhance their understanding of local government across Australia and to network with others throughout the sector.

The keynote speaker for the NGA 2021 is Craig Foster, former Soccerroo, Broadcaster, Adjunct Professor Sport and Social Responsibility and Human Rights Advocate.

The registration fees include:

- Attendance at all General Assembly sessions;
- Morning tea, lunch and afternoon tea as per the General Assembly program;
- One ticket to the Welcome Reception on Sunday 20 June (5pm – 7pm); and

- General Assembly satchel and materials.

There are social events during the time period (additional fees apply for the dinners) including:

- Networking Dinner on Monday 21 June (7pm – 11pm); and
- General Assembly Dinner on Tuesday 22 June (7pm to 11pm).

Accommodation will be booked by administration in consultation with the nominated members.

There is the option of virtual attendance at the NGA 2021 but this would restrict attendance at the social events. An elected member may elect to attend the virtual event only or consider this only if COVID-19 restrictions are in place.

Council has been invited by the ALGA to submit motions that meet the 8 numbered criteria and a discussion paper has been provided which includes 'Other Things to Consider'. The motions must have a clear national objective, a summary of the key arguments in support of the motion and be endorsed by Council. Motions need to be lodged online by Administration by no later than 11.59pm on Friday 26 March 2021. The letter of invitation is attached for reference.

Refer Attachment 1

Elected Members should raise any proposed motions on notice for consideration by Council, in accordance with the criteria, by no later than the Council meeting on 9 March 2021 meeting (to allow sufficient time for motions to be submitted by Administration).

BUDGET

Attendance at the NGA including: flights, accommodation, transfers, registration and dinners costs approximately \$4,250 per attendee. Costs would be reduced by virtual attendance.

The Elected Member Training and Travel and Accommodation budget for 2020/2021 is \$15,000 in total sufficient providing funds to cover the costs.

LIFE CYCLE COSTS

Not applicable.

Attachment 1





Received

09 DEC 2020

CITY OF HOLDFAST BAY

27 November 2020

City of Holdfast Bay
PO Box 19
BRIGHTON SA 5048

To the Mayor, Councillors and CEO (please distribute accordingly)

The Australian Local Government Association (ALGA) is now calling for Notices of Motions for National General Assembly 2021 (NGA).

The NGA provides a platform for Local Government to address national issues and advocate to the federal government on critical issues facing our sector.

The theme for the 2021 NGA is '*Working Together for our Communities*'. This theme acknowledges the need to come together and with other partners, including the Federal Government, to deliver for our communities.

ALGA received significant feedback on the motions process and topics from the 2018 and 2019 NGA. In response to the feedback received, ALGA has prepared a discussion paper that explores data that identifies critical areas local government needs to consider now and into the future.

To inform the submission of motions, please read the discussion paper (included with this letter) and ensure motions meet the identified criteria.

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

1. be relevant to the work of local government nationally;
2. be consistent with the themes of the NGA;
3. complement or build on the policy objectives of your state and territory local government association;
4. be from a council which is a financial member of their state or territory local government association;
5. propose a clear action and outcome; and
6. not be advanced on behalf of external third parties that may seek to use the NGA to apply pressure to Board members or to gain national political exposure for positions that are not directly relevant to the work of, or in the national interests of, local government.

All motions require, among other things, a contact officer, a clear national objective, a summary of the key arguments in support of the motion, and endorsement of your council. Motions should be lodged online at alga.asn.au no later than 11:59pm on Friday 26 March 2021.

Any administrative inquiries can be directed to ALGA by calling 02 6122 9400.

Included with the Discussion Paper is an invitation to register for the 2021 National General Assembly for Local Government, which will be held in Canberra on 20-23 June. The Regional Forum will be held onsite in Canberra on 20 June 2021. At this time it is unclear whether COVID-19 restrictions will still be in force in June 2021, but if this is the case the NGA may also include virtual participation and attendance. Lastly, Stilmark has recently become a major sponsor for the Australian Local Government Association events and we have included a brochure outlining how they wish to partner with Councils to improve the resilience of telecommunications for your community.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Adrian Beresford-Wylie', written in a cursive style.

Adrian Beresford-Wylie
ALGA CEO

The background of the entire page is filled with various colorful geometric shapes, including circles, squares, triangles, and rectangles in shades of blue, yellow, green, and red. The text is arranged in a central column of white boxes with dark blue borders.

WORKING

TOGETHER

FOR

OUR

COMMUNITIES

NGA21

Call for Motions

20 - 23 June 2021

National Convention Centre Canberra



AUSTRALIAN
LOCAL GOVERNMENT
ASSOCIATION

KEY DATES

16 November 2020

Opening of Call for Motions

26 March 2021

Acceptance of Motions Close

20 - 23 June 2021

National General Assembly

To submit your motion go to:

alga.asn.au

SUBMITTING MOTIONS

The National General Assembly of Local Government (NGA) is an important opportunity for you and your council to influence the national policy agenda.

The 2020 NGA “Working Together for Our Communities” was unfortunately cancelled due to COVID-19 but the ALGA Board has decided to retain the theme and emphasise the importance of partnerships to building and maintaining resilience in our councils and our communities.

To assist you to identify motions that address the theme of the 2021 NGA, the Australian Local Government Association (ALGA) Secretariat has prepared this short discussion paper. You are encouraged to read all the sections of the paper but are not expected to respond to every question. Your motion/s can address one or more of the issues identified in the discussion paper.

Remember that the focus of the NGA is on partnerships, working together, and resilience so your questions could focus on how local governments can work in partnership with the Australian Government to address the challenges our communities face, or the opportunities that are arising to build back better.

Criteria for motions

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

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

OTHER THINGS TO CONSIDER

Motions should generally be in a form that seeks the NGA's support for a particular action or policy change at the Federal level which will assist local governments to meet local community needs. Motions should commence as follows: This National General Assembly calls on the Australian Government to restore funding for local government Financial Assistance Grants to a level equal to at least 1% of Commonwealth taxation revenue.

To ensure efficient and effective debate where there are numerous motions on a similar issue, the ALGA Board NGA Subcommittee will group the motions together under an overarching strategic motion. The strategic motions have either been drafted by ALGA or are based on a motion submitted by a council which best summarises the subject matter. Debate will focus on the strategic motions. Associated sub-motions will be debated by exception only.

Motions should be lodged electronically using the online form available on the NGA website at: www.alga.asn.au. All motions require, among other things, a contact officer, a clear national objective, a summary of the key arguments in support of the motion, and the endorsement of your council. Motions should be received no later than 11:59pm AEST on Friday 26 March 2021.

Please note that for every motion it is important to complete the background section on the form. The background section helps all delegates, including those with no previous knowledge of the issue, in their consideration of the motion. There is a word limit of 150 for the motion and 200 for the national objective and 300 for the key arguments.

All motions submitted will be reviewed by the ALGA Board's NGA Sub-Committee, as well as by state and territory local government associations to determine their eligibility for inclusion in the NGA Business Papers. When reviewing motions, the Sub-Committee considers the importance and relevance of the issue to local government and whether the motions meet all the criteria detailed above.

Please note that motions should not be prescriptive in directing how the matter should be pursued.

With the agreement of the relevant council, motions may be edited before inclusion in the NGA Business Papers to ensure consistency. If there are any questions about the substance or intent of a motion, the ALGA Secretariat will raise these with the nominated contact officer.

Any motion deemed to be primarily concerned with local, state or territory issues will be referred to the relevant state or territory local government association and will not be included in the NGA Business Papers.

There is an expectation that any council that submits a motion will be present at the National General Assembly to move and speak to the motion.

INTRODUCTION

2020 has been a year like no other. A year that many individuals and organisations, including councils, would wish to forget. While the drought lessened its hold on parts of the country to be replaced by floods, more than 110 local government areas were severely impacted by the Black Summer (2019-20) bushfires - and no one was spared the effects of the battle against COVID-19. The 2020-21 storm and fire season may add to the sense that it was a year of disasters.

Friedrich Nietzsche said: "That which does not kill us, makes us stronger." So how can councils become stronger after 2020? How can we ensure that our communities are stronger and more resilient? How do we work together and with our partners to ensure that we build back better from the series of unprecedented events that have marked 2020?

COUNCIL RESILIENCE

In the first quarter of 2020, state and territory Governments closed facilities where people gathered in numbers to reduce the probability that hospitals would be overwhelmed by a rise in COVID-19 cases. This included a substantial number of council owned and operated revenue generating facilities which had flow-on effects for other revenue- generating enterprises such as paid parking. Major funding gaps rapidly emerged in many councils that typically generated significant amounts of own revenue.

Councils that cannot generate significant amounts of the own revenue are typically dependent on grant funding from other levels of government, including Financial Assistance Grants from the Australian Government. These councils tend to service rural, regional and remote communities that are often large in area but small in terms of population. The capacity of these councils to deliver all their required services and infrastructure can be severely strained at any time.

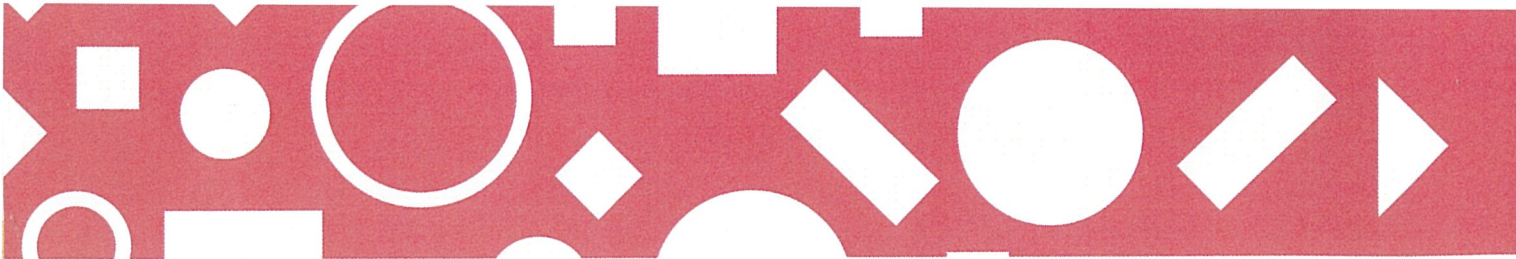
With local government funding under pressure across the nation, and other levels of government facing fiscal constraints, councils may need to do more with less in the near term and be innovative with both budgeting, service delivery, balancing competing demands and longer term financial planning. Services may need to be scaled down or delivered in innovative ways. Asset management and maintenance programs may need to be varied. Working collaboratively with neighbouring councils or forming alliances may be a way of achieving efficiencies and enhancing service delivery along with fostering innovation, cutting red tape, and working in partnership with third parties may be others.

Digital service delivery and working from home - adopted during the height of the pandemic - may become the new norm. This may increase opportunities for councils to innovate, work together and share resources, and fill long term skill gaps. New challenges may emerge including how staff are supported and how productivity, collaboration and motivation maintained. There may be significant consequences for local democracy and council's ability to engage authentically with their communities. Digital transformation and technology modernisation will be essential for some councils. Even already well-established adopters of digital technology may need to rethink their approach.

Can the Australian Government assist councils with efficiency measures that reduce the cost of services without a major change in service levels experienced by the community?

What opportunities are available to enhance the adaptive capacity of councils and its potential to 'weather the storm' through innovation and creativity? How can the Australian Government assist?

Apart from Financial Assistance Grants, how can the Australian Government assist councils to become more financially sustainable and able to better meet the needs of their communities? Are there new partnership programs or policy changes the Government



COMMUNITY RESILIENCE

Community resilience is the capacity of communities to respond to, withstand, and recover from adverse situations including natural disasters, persistent drought, pandemics, fluctuations in global trade, recession, and a rise in inequality. In some circumstances in response to these pressures and stresses, local communities are not able to recover to their previous state. Instead they need to adapt to cope with long term stresses. But ideally, we want all communities to not only survive but thrive.

Local governments play a critical role in building resilient and sustainable communities and helping to buffer people and places against social, economic, and environmental disruptions and overcome adversity. One critical area is through the provision of resilient infrastructure. Councils' infrastructure should meet the community's current and future demand, be built to contemporary standards, be affordable for both the council and the user, and be reliable with appropriate asset management practices in place to ensure maximum return on investment.

In addition to physical infrastructure, social infrastructure is also vital for resilience. Social infrastructure is broader than just buildings, it includes the individuals and groups, places, and institutions, including councils, that foster community cohesion and social support. Communities and individuals with good social networks and connections demonstrate greater resilience.

The loneliness epidemic is challenging social resilience. Research produced before the coronavirus pandemic revealed that one in four adult Australians are experiencing loneliness with over half the nation reporting they feel lonely for at least one day each week. In addition to its impacts on community resilience, feeling lonely can pose a bigger risk for premature death than smoking or obesity and can be associated with depression, poorer cardiovascular health and, in old age, a faster rate of cognitive decline and dementia.

Communities that are more vulnerable to shocks and disasters are often reliant on only one industry, have minimal redundancy or no backups for essential services and infrastructure such as only one source of water, one powerline or one access road. They also often only have few voluntary or charitable organisations working in the community. Often community leadership is weak or fails to inspire, engage, and unleash the power of other leaders and critical social networks.

Community resilience cannot be built and then left to its own devices. It needs to be strengthened continuously, not just in times of crisis. It involves people getting together to create sustainable links within their community and the community and its leaders having the ability to learn from experience and improve over time.

How can councils work in partnership with the other tiers of government to adopt a community development approach that builds resilience?

What are the best models available to councils to ensure that our communities thrive and focus on prevention and preparation rather than relief and recovery? How can the Australian Government partner with councils to ensure thriving communities?

What actions can councils take, in partnership with others including the Australian Government to promote community resilience and protect against external shocks such as industry closures or natural disasters? Are tools available to assist councils build community resilience or do we need new or different tools?

COLLABORATION AND PARTNERSHIPS

Creating a resilient community and ensuring a resilient and sustainable council requires partners. Councils can work with partners in different ways to find local solutions to local problems. They can partner with a wide range of organisations including other councils, other levels of government, the voluntary and community sector or business and research sector organisations. The aims of these partnerships are typically to improve services and deliver changes to benefit the local area.

Collaboration and partnerships with other councils and public or private organisations can also bring benefit from economies of scale in providing services or purchasing in bulk for example. Procurement partnerships have been a particularly successful example of this. Working in partnership can make a considerable contribution to efficiency improvements, such as through cost savings in back-office functions or sharing of plant and equipment.

Other benefits associated with partnerships and collaboration include opening the way for local communities to share ideas and connect with others. Partnerships enhance the ability of a council to access innovation, enhance skills development, work across council boundaries to address regional issues, and maximise competitive advantage in the delivery of major infrastructure projects.

Strategic collaboration is not just about savings and sharing resources. It is also about maximising capacity in addressing community expectations, or working with members of the community to overcome challenges and seize opportunities. For example, building and maintaining productive partnerships with Aboriginal and Torres Strait Islander people and communities is critical for councils committed to Closing the Gap and involving Aboriginal and Torres Strait Islander communities in decision-making and service development and delivery.

Collaboration and partnerships that work well are underpinned by good governance, an agreed purpose, and mutual benefit.

There is a long history of local government partnering with the Australian Government to deliver projects and programs that benefit local communities, achieve fairness and equity across the nation, and support local delivery of services and infrastructure. In the absence of constitutional change, how do we further build and strengthen this partnership with the Australian Government?

How do we encourage and incentivise councils to embrace partnerships and collaborative arrangements more enthusiastically including those which seek to ensure the development of economic development supporting infrastructure?

What are the obstacles to working in partnership with other councils or organisations? Can the Australian Government help overcome these?

How do councils, together with their communities, work in partnership to build resilience and entrench it into everyday life?



AUSTRALIAN
LOCAL GOVERNMENT
ASSOCIATION

AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION
8 Geils Court Deakin ACT 2600 PHONE (02) 6122 9400
EMAIL alga@alga.asn.au WEB www.alga.asn.au



**WORKING
TOGETHER
FOR
OUR
COMMUNITIES
NGA21**

20—23 June 2021
Canberra

Register Now

nga2021.com.au



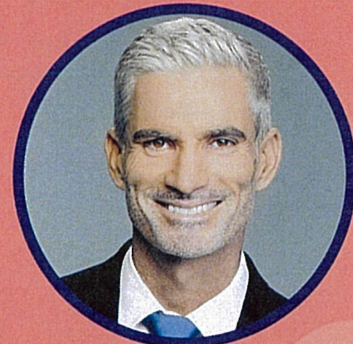
AUSTRALIAN
LOCAL GOVERNMENT
ASSOCIATION

NATIONAL GENERAL ASSEMBLY 20-23 June 2021 - CANBERRA



The new ALGA President, Cr Linda Scott is excited to invite you to attend the 2021 National General Assembly.

We are pleased to announce Craig Foster, Former Soccerroo, Broadcaster, Adjunct Professor Sport & Social Responsibility and Human Rights Advocate as a keynote presenter for next years NGA.



Registrations are open, register now to access the early bird rates and book your accommodation before it sells out!

nga2021.com.au

Item No: **15.9**

Subject: **DELEGATIONS UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016**

Date: 27 January 2021

Written By: Manager Development Services

General Manager: City Assets and Services, Mr H Lacy

SUMMARY

In readiness for the introduction of the Planning and Design Code, the Local Government Association has prepared model Instruments for delegating decision making to the Chief Executive Officer. This report recommends that Council endorses the Instruments of Delegation prepared by the Local Government Association, and refined by Norman Waterhouse Lawyers specifically for the City of Holdfast Bay, as a means for the Council to fulfil its obligations in delivering decisions under the new planning regime.

RECOMMENDATION

- 1. In exercise of the power contained in Section 44 of the *Local Government Act 1999* the powers and functions under the *Planning, Development and Infrastructure Act 2016* and statutory instruments made thereunder contained in the proposed Instrument of Delegation (annexed to this report and entitled Instrument A) are hereby delegated this 27th day of January 2021 to the person occupying or acting in the office of Chief Executive Officer of the Council subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions in the proposed Instrument of Delegation.**
- 2. Such powers and functions may be further delegated by the Chief Executive Officer in accordance with Sections 44 and 101 of the *Local Government Act 1999* as the Chief Executive Officer sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation.**
- 3. In exercise of the power contained in Section 100 of the *Planning, Development and Infrastructure Act 2016* the powers and functions under the *Planning, Development and Infrastructure Act 2016* and statutory instruments made thereunder contained in the proposed Instrument of Delegation (annexed to the Report dated 27 January 2021 and entitled Instrument B) are hereby delegated this 27th day of January 2021 to the person occupying or acting in the office of Chief Executive Officer of the Council**

subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions in the proposed Instrument of Delegation.

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

COMMUNITY PLAN

Culture: Enabling high performance
Culture: Supporting excellent, efficient operations.

COUNCIL POLICY

N/A

STATUTORY PROVISIONS

Local Government Act 1999
Development Act 1993
Planning, Development and Infrastructure Act 2016

BACKGROUND

Council staff will be required to make decisions regarding development applications and other land use matters upon activation of the Planning and Design Code, as the transition from the *Development Act 1993* to the *Planning, Development and Infrastructure Act 2016* continues to take place. The assignment of delegations to the Chief Executive Officer are therefore required to fulfill these responsibilities in readiness for the Planning and Designs Code's activation.

REPORT

In readiness for the activation of the Planning and Design Code, the Local Government Association has prepared two model Instruments for delegating powers to Chief Executive Officers across South Australian Council, which have been further refined by Norman Waterhouse Lawyers specifically for adoption by the City of Holdfast Bay. Once assigned, the Chief Executive Officer can then sub-delegate powers to individual members of staff, in the regular manner. This report recommends that Council endorses the Instruments of Delegation provided as Attachment 1 and 2 to this report as a means for the Council to fulfil its obligations in delivering decisions under the new planning regime.

Refer Attachments 1 and 2

It is important to note that the Instruments of Delegation provided as Attachments 1 and 2 do not confer additional powers to the Chief Executive Officer under the *Planning, Development and*

Infrastructure Act 2016 than otherwise currently assigned for comparable sections in the soon to be repealed *Development Act 1993*, as this is simply an exercise in procedural readiness rather than structural change.

BUDGET

Not applicable.

LIFE CYCLE COSTS

Not applicable.

Attachment 1



INSTRUMENT A

INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016, REGULATIONS, PLANNING & DESIGN CODE AND PRACTICE DIRECTIONS OF POWERS OF A COUNCIL AS:

- A COUNCIL;
- A DESIGNATED AUTHORITY;
- A DESIGNATED ENTITY

NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

1. Planning Regions and Greater Adelaide	Delegation
1.1 The power pursuant to Section 5(5)(b) of the Planning, Development and Infrastructure Act 2016 (the PDI Act) to make submissions to the Minister on a proposed proclamation under Section 5 of the PDI Act.	Not Delegated
2. Subregions	
2.1 The power pursuant to Section 6(3)(b) of the PDI Act to make submissions to the Minister on the Minister's proposed course of action.	Not Delegated
3. Environment and Food Production Areas – Greater Adelaide	
3.1 The power pursuant to Section 7(5)(b) of the PDI Act, in relation to a proposed development in an environment and food production area that involves a division of land that would create 1 or more additional allotments to concur in the granting of the development authorisation to the development.	Delegation unnecessary – Holdfast Bay is not within an EFP Area
4. Functions	

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

4.1	The power pursuant to Section 22(4)(a)(i) of the PDI Act to, if an inquiry is conducted by the Commission under Section 22(1)(e) of the PDI Act make submissions or representations.	Not Delegated
5.	Planning Agreements	
5.1	The power pursuant to Section 35(1)(a) of the PDI Act and subject to Section 35 of the PDI Act to enter into an agreement (a planning agreement) with the Minister relating to a specified area of the State subject to Section 35 of the PDI Act.	Not Delegated
5.2	The power pursuant to Section 35(3) of the PDI Act to, in a planning agreement, include provisions that outline the purposes of the agreement and the outcomes that the agreement is intended to achieve and to provide for:	
5.2.1	the setting of objectives, priorities and targets for the area covered by the agreement; and	Not Delegated
5.2.2	the constitution of a joint planning board including, in relation to such a board:	
5.2.2.1	the membership of the board, being between 3 and 7 members (inclusive); and	
5.2.2.2	subject to Section 35(4) of the PDI Act, the criteria for membership; and	
5.2.2.3	the procedures to be followed with respect to the appointment of members; and	
5.2.2.4	the terms of office of members; and	
5.2.2.5	conditions of appointment of members, or the method by which those conditions will be determined, and the grounds on which, and the procedures by	

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

	which, a member may be removed from office; and	
5.2.2.6	the appointment of deputy members; and	
5.2.2.7	the procedures of the board; and	
5.2.3	the delegation of functions and powers to the joint planning board (including, if appropriate, functions or powers under another Act); and	Not Delegated
5.2.4	the staffing and other support issues associated with the operations of the joint planning board; and	Not Delegated
5.2.5	financial and resource issues associated with the operations of the joint planning board, including:	Not Delegated
5.2.5.1	the formulation and implementation of budgets; and	
5.2.5.2	the proportions in which the parties to the agreement will be responsible for costs and other liabilities associated with the activities of the board; and	
5.2.6	such other matters as the delegate thinks fit.	Not Delegated
5.3	The power pursuant to Section 35(5)(a) of the PDI Act, at the expiry of a planning agreement, to replace it with a new agreement (in the same or different terms).	Not Delegated
5.4	The power pursuant to Section 35(5)(b) of the PDI Act, to vary or terminate a planning agreement by agreement between the parties to the agreement.	Not Delegated
6.	Appointment of Administrator	

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

6.1	The power pursuant to Section 41(2)(a) of the PDI Act to make submissions to the Minister on the Minister appointing an administrator under Section 41 of the PDI Act.	Not Delegated
7.	Community Engagement Charter	
7.1	The power pursuant to Section 44(6)(a) of the PDI Act, to make submissions in relation to any proposal to prepare or amend a designated instrument under Part 5 Division 2 Subdivision 5 of the PDI Act that is relevant to the Council (unless the proposal has been initiated by the Council).	Chief Executive Officer
7.2	The power pursuant to Section 44(9)(b) of the PDI Act to the extent that Section 44(9)(a) of the PDI Act does not apply, have regard to, and seek to achieve, any principles or performance outcomes that apply in a relevant case.	Chief Executive Officer
7.3	The power pursuant to Section 44(10) of the PDI Act to:	Chief Executive Officer
7.3.1	seek the approval of the Commission to adopt an alternative way to achieving compliance with a requirement of the charter; and	
7.3.2	with the approval of the Commission, adopt an alternative way to achieving compliance with a requirement of the charter.	

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

8. Preparation and Amendment of Charter	
8.1 The power pursuant to Section 45(2)(c) of the PDI Act to make representations (including in writing or via the SA planning portal) on a proposal to prepare or amend the charter.	Not Delegated
9. Preparation and Amendment	
9.1 The power pursuant to Section 73(2)(b)(iv) of the PDI Act to:	Chief Executive Officer
9.1.1 seek the approval of the Minister to initiate a proposal to amend a designated instrument; and	
9.1.2 initiate a proposal to amend a designated instrument with the approval of the Minister acting on the advice of the Commission.	
9.2 The power pursuant to Section 73(6) of the PDI Act where the Council is authorised or approved under Section 73 of the PDI Act, after all of the requirements of Section 73 of the PDI Act have been satisfied:	Chief Executive Officer
9.2.1 to prepare a draft of the relevant proposal; and	
9.2.2 to comply with the Community Engagement Charter for the purposes of consultation in relation to the proposal; and	
9.2.3 to the extent that paragraph (b) of Section 73(6) of the PDI Act does not apply, in the case of a proposed amendment to a regional plan that has been prepared by a joint planning board where the amendment is not being proposed by the joint planning board –consult with the joint planning board; and	
9.2.4 to the extent that paragraph (b) of Section 73(6) of the PDI Act does not apply, in the	

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

	case of a proposed amendment to the Planning and Design Code that will have a specific impact on 1 or more particular pieces of land in a particular zone or subzone (rather than more generally) – to take reasonable steps to give:	
	9.2.4.1 an owner or occupier of the land; and	
	9.2.4.2 an owner or occupier of each piece of adjacent land,	
	a notice in accordance with the regulations; and	
	9.2.5 to consult with any person or body specified by the Commission and any other person or body as the delegate thinks fit; and	
	9.2.6 to carry out such investigations and obtain such information specified by the Commission; and	
	9.2.7 to comply with any requirement prescribed by the regulations.	
9.3	The power pursuant to Section 73(7) of the PDI Act, after complying with Section 73(6) of the PDI Act, to prepare a report in accordance with any practice direction that applies for the purposes of Section 73 of the PDI Act (including information about any change to the original proposal that the delegate considers should be made) and furnish a copy of the report to the Minister.	Not Delegated
9.4	The power pursuant to Section 73(8) of the PDI Act, after the Council has furnished a report to the Minister under Section 73(7) of the PDI Act, to ensure that a copy of the report is published on the SA planning portal in accordance with a practice direction that applies for the purposes of Section 73 of the PDI Act.	Chief Executive Officer

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

9.5	The power pursuant to Section 73(9) of the PDI Act to enter into an agreement with a person for the recovery of costs incurred by the Council in relation to an amendment of the Planning and Design Code or a design standard under Section 73 of the PDI Act (subject to the requirement to charge costs under Section 73(4)(b) of the PDI Act (if relevant)).	Chief Executive Officer
10. Parliamentary Scrutiny		
10.1	The power pursuant to Section 74(8)(c) of the PDI Act if the ERD Committee is proposing to suggest an amendment under Section 74(4) of the PDI Act and the amendment is specifically relevant to the Council, to provide a comment and response within the period of 2 weeks.	Chief Executive Officer
11. Complying Changes – Planning and Design Code		
11.1	The power pursuant to Section 75(1) of the PDI Act to submit to the Minister a proposal to agree to an amendment to the Planning and Design Code under Section 75 of the PDI Act if:	Chief Executive Officer
11.1.1	the amendment comprises a change to:	
11.1.1.1	the boundary of a zone or subzone; or	
11.1.1.2	the application of an overlay; and	
11.1.2	the amendment is consistent with a recommendation in the relevant regional plan that, through the use of:	
11.1.2.1	specific maps or other spatial information; and	
11.1.2.2	specific information about the changes that are being proposed,	

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

	clearly and specifically identifies (in the opinion of the Minister) the changes that are considered to be appropriate.	
11.2	The power pursuant to Section 75(3) of the PDI Act to effect an amendment under Section 75 of the PDI Act by an instrument deposited on the SA Planning database (in accordance with requirements established by the Chief Executive).	Chief Executive Officer
12.	Entities Constituting Relevant Authorities	
12.1	The power pursuant to Section 82(d) of the PDI Act, subject to the PDI Act, to appoint an assessment panel.	Chief Executive Officer
13.	Panels Established by Joint Planning Boards or Councils	
13.1	The power pursuant to Section 83(1) of the PDI Act in relation to an assessment panel appointed by the Council under Division 1 of Part 6 of the PDI Act, to:	Chief Executive Officer
13.1.1	appoint more than 1 assessment panel and if the delegate does so, to clearly specify which class of development each assessment panel is to assess;	
13.1.2	determine:	
13.1.2.1	the membership of the assessment panel, being no more than 5 members, only 1 of which may be a member of a Council, and, if the delegate thinks fit, on the basis that the assessment panel will be constituted by a different number of members depending on the particular class of development that is being assessed by the assessment panel; and	

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

13.1.2.2	the procedures to be followed with respect to the appointment of members; and	
13.1.2.3	the terms of office of members; and	
13.1.2.4	conditions of appointment of members, or the method by which those conditions will be determined, (including as to their remuneration) and the grounds on which, and the procedures by which, a member may be removed from office; and	
13.1.2.5	the appointment of deputy members; and	
13.1.2.6	who will act as the presiding member of the panel and the process for appointing an acting presiding member.	
13.2	The power pursuant to Section 83(1)(h) of the PDI Act to arrange the staffing and support required for the purposes of the operations of the panel.	Chief Executive Officer
13.3	The power pursuant to Section 83(1)(i) of the PDI Act to substitute the existing members of the panel with new members if directed to do so by the Minister acting on recommendation of the Commission under Section 86 of the PDI Act.	Chief Executive Officer
13.4	The power pursuant to Section 83(2) of the PDI Act to form the opinion and be satisfied that a person to be appointed as a member of an assessment panel who is a member, or former member, of a Council is appropriately qualified to act as a member of the assessment panel on account of the person's experience in local government.	Chief Executive Officer
14.	Panels Established by Minister	
14.1	The power pursuant to Section 84(1)(c)(ii)(A) of the PDI Act to request the Minister to constitute a	Not Delegated

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

	regional assessment panel in relation to the combined areas of the Council and one or more other Councils.	
14.2	The power pursuant to Section 84(1)(c)(ii)(B) of the PDI Act to make submissions to the Minister about the constitution of a regional assessment panel in relation to the area of the Council and one or more other Councils (or parts of such areas).	Chief Executive Officer
15.	Substitution of Local Panels	
15.1	The power pursuant to Section 86(2)(a) of the PDI Act to make submissions to the Commission in relation to an inquiry.	Chief Executive Officer
16.	Notification of Acting	
16.1	The power pursuant to Section 89(b) of the PDI Act to require an accredited professional to provide such information or documentation as the delegate may require.	Chief Executive Officer
17.	Relevant Authority - Commission	
17.1	The power pursuant to Section 94(1)(g) of the PDI Act to make a request to the Minister that the Minister declare, by notice served on the proponent, that the Minister desires the Commission to act as the relevant authority in relation to the proposed development.	Chief Executive Officer
18.	Matters Against which Development Must be Assessed	
18.1	The power pursuant to Section 102(1)(c)(iv) of the PDI Act in relation to a proposed division of land (otherwise than under the Community Titles Act 1996 or the Strata Titles Act 1988) where land is to be vested in the Council, to consent to the vesting.	Chief Executive Officer
18.2	The power pursuant to Section 102(1)(d)(iv) of the PDI Act in relation to a proposed division of land under the Community Titles Act 1996 or the Strata	Chief Executive Officer

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

	Titles Act 1988 where land is to be vested in the Council, to consent to the vesting.	
18.3	The power pursuant to Section 102(11)(b) of the PDI Act to impose a reasonable charge on account of an encroachment over land under the care, control and management of the Council when the relevant development is undertaken.	Chief Executive Officer
19.	Restricted Development	
19.1	The power pursuant to Section 110(2)(b) of the PDI Act to, in accordance with the regulations and within a period prescribed by the regulations, make representations to the Commission in relation to the granting or refusal of planning consent.	Chief Executive Officer
19.2	The power pursuant to Section 110(c)(ii) of the PDI Act to appear personally or by representative before the Commission to be heard in support of the Council's representation.	Chief Executive Officer
19.3	The power pursuant to Section 110(7) of the PDI Act to appeal against a decision on a development classified as restricted development.	Chief Executive Officer
20.	Level of Detail	
20.1	The power pursuant to Section 112(b) of the PDI Act to express views in relation to the level of detail required in relation to an EIS.	Chief Executive Officer
21.	EIS Process	
21.1	The power pursuant to Section 113(5)(a)(iii) of the PDI Act to comment and report within the time prescribed by the regulations on an EIS referred to the Council by the Minister.	Chief Executive Officer
22.	Amendment of EIS	
22.1	The power pursuant to Section 114(2)(b) of the PDI Act to make written submissions on the amendment to the Minister.	Chief Executive Officer

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

<p>23. Essential Infrastructure – Alternative Assessment Process</p>	
<p>23.1 The power pursuant to Section 130(6) of the PDI Act to report to the Commission on any matters contained in a notice under Section 130(5) of the PDI Act.</p>	<p>Chief Executive Officer</p>
<p>23.2 The power pursuant to Section 130(14) of the PDI Act to, if the Council has, in relation to any matters referred to the Council under Section 130(5) of the PDI Act, expressed opposition to the proposed development in its report under Section 130(6) of the PDI Act, withdraw the Council’s opposition.</p>	<p>Chief Executive Officer</p>
<p>24. Development Assessment – Crown Development</p>	
<p>24.1 The power pursuant to Section 131(7) of the PDI Act to report to the Commission on any matters contained in a notice under Section 131(6) of the PDI Act.</p>	<p>Chief Executive Officer</p>
<p>24.2 The power pursuant to Section 131(15) of the PDI Act to, if the Council has, in relation to any matters referred to the Council under Section 131(6) of the PDI Act expressed opposition to the proposed development in its report under Section 131(7) of the PDI Act, withdraw the Council’s opposition.</p>	<p>Chief Executive Officer</p>
<p>25. Land Division Certificate</p>	
<p>25.1 The power pursuant to Section 138(1) of the PDI Act to enter into a binding agreement supported by adequate security and if the regulations so require in a form prescribed by the regulations.</p>	<p>Chief Executive Officer</p>
<p>25.2 The power pursuant to Section 138(2) of the PDI Act to furnish the Commission with appropriate information as to compliance with a particular condition and to comply with any requirement prescribed by the regulations.</p>	<p>Chief Executive Officer</p>
<p>26. Action if Development Not Completed</p>	

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

<p>26.1 The power pursuant to Section 141(1) of the PDI Act, if:</p>	
<p>26.1.1 an approval is granted under the PDI Act; but</p>	<p>Chief Executive Officer</p>
<p>26.1.2 -</p>	
<p>26.1.2.1 the development to which the approval relates has been commenced but not substantially completed within the period prescribed by the regulations for the lapse of the approval; or</p>	
<p>26.1.2.2 in the case of a development that is envisaged to be undertaken in stages - the development is not undertaken or substantially completed in the manner or within the period contemplated by the approval,</p>	
<p>to apply to the Court for an order under Section 141 of the PDI Act.</p>	
<p>26.1.3 The power pursuant to Section 141(5) of the PDI Act, if the Court makes an order under Section 141(3)(a), (b) or (d) of the PDI Act and a person fails to comply with the order within the period specified by the Court, to cause any work contemplated by the order to be carried out, and to recover the costs of that work, as a debt from the person.</p>	<p>Chief Executive Officer</p>
<p>26.1.4 The power pursuant to Section 141(6) of the PDI Act, if an amount is recoverable from a person by the Council under Section 141(5) of the PDI Act:</p>	<p>Chief Executive Officer</p>
<p>26.1.4.1 to, by notice in writing to the person, fix a period, being not less than 28 days from the date</p>	

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

	of the notice, within which the amount must be paid by the person.	
27. Completion of Work		
27.1	The power pursuant to Section 142(1) of the PDI Act, if:	Chief Executive Officer
27.1.1	an approval is granted under the PDI Act; but	
27.1.2	the development to which the approval relates has been substantially but not fully completed within the period prescribed by the regulations for the lapse of the approval,	
	to, by notice in writing, require the owner of the relevant land to complete the development within a period specified in the notice.	
27.2	The power pursuant to Section 142(2) of the PDI Act, if an owner fails to carry out work as required by a notice under Section 142(1) of the PDI Act, to cause the necessary work to be carried out.	Chief Executive Officer
27.3	The power pursuant to Section 142(3) of the PDI Act to recover as a debt due from the owner, the reasonable costs and expenses incurred by the Council (or any person acting on behalf of the Council) under Section 142 of the PDI Act.	Chief Executive Officer
27.4	The power pursuant to Section 142(4) of the PDI Act, if an amount is recoverable from a person by the Council under Section 142 of the PDI Act:	Chief Executive Officer
27.4.1	to, by notice in writing to the person, fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid by the person.	
28. Notification During Building		

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

<p>28.1 The power pursuant to Section 146(3) of the PDI Act to, subject to Section 146(4) of the PDI Act, direct a person who is carrying out building work to stop building work when a mandatory notification stage has been reached pending an inspection by an authorised officer who holds prescribed qualifications.</p>	<p>Chief Executive Officer</p>
<p>29. Classification of Buildings</p>	
<p>29.1 The power pursuant to Section 151(2) of the PDI Act to assign to a building erected in the Council's area a classification that conforms with the regulations.</p>	<p>Chief Executive Officer</p>
<p>29.2 The power pursuant to Section 151(3) of the PDI Act, if the Council assigns a classification under Section 151 of the PDI Act, to give notice in writing to the owner of the building to which the classification has been assigned, of the classification assigned to the building.</p>	<p>Chief Executive Officer</p>
<p>30. Certificates of Occupancy</p>	
<p>30.1 The power pursuant to Section 152(2) of the PDI Act to issue a certificate of occupancy.</p>	<p>Chief Executive Officer</p>
<p>30.2 The power pursuant to Section 152(3)(a) of the PDI Act to require an application for a certificate of occupancy to include any information required by the delegate.</p>	<p>Chief Executive Officer</p>
<p>30.3 The power pursuant to Section 152(3)(c) of the PDI Act to determine the appropriate fee.</p>	<p>Chief Executive Officer</p>
<p>30.4 The power pursuant to Section 152(5) of the PDI Act to consider any report supplied under Section 152(4) of the PDI Act before deciding the application.</p>	<p>Chief Executive Officer</p>
<p>30.5 The power pursuant to Section 152(6) of the PDI Act to issue the certificate if the delegate is satisfied (in accordance with procedures set out in the regulations and on the basis of information</p>	<p>Chief Executive Officer</p>

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

	provided or obtained under Section 152 of the PDI Act) that the relevant building is suitable for occupation and complies with such requirements as may be prescribed by the regulations for the purposes of Section 152(6) of the PDI Act.	
30.6	The power pursuant to Section 152(10) of the PDI Act, if the Council refuses an application to notify the applicant in writing of:	Chief Executive Officer
30.6.1	the refusal; and	
30.6.2	the reasons for the refusal; and	
30.6.3	the applicant's right of appeal under the PDI Act.	
30.7	The power pursuant to Section 152(12) of the PDI Act to issue a certificate of occupancy that applies to the whole or part of a building.	Chief Executive Officer
30.8	The power pursuant to Section 152(13) of the PDI Act to, in accordance with the regulations, revoke a certificate of occupancy in prescribed circumstances.	Chief Executive Officer
31.	Temporary Occupation	
31.1	The power pursuant to Section 153(1) of the PDI Act to grant an approval to a person to occupy a building on a temporary basis without a certificate of occupancy.	Chief Executive Officer
31.2	The power pursuant to Section 153(2) of the PDI Act to grant an approval under Section 153(1) of the PDI Act on such conditions (if any) as the delegate thinks fit to impose.	Chief Executive Officer
31.3	The power pursuant to Section 153(3) of the PDI Act if the Council refuses an application to notify the applicant in writing of:	Chief Executive Officer
31.3.1	the refusal; and	
31.3.2	the reasons for the refusal; and	

INSTRUMENT A

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

31.3.3	the applicant's right of appeal under the PDI Act.	
32.	Emergency Orders	
32.1	The power pursuant to Section 155(5) of the PDI Act, if an owner fails to carry out work as required by an emergency order, to cause the necessary work to be carried out.	Chief Executive Officer
32.2	The power pursuant to Section 155(6) of the PDI Act to recover as a debt due from the owner the reasonable costs and expenses incurred by the Council (or any person acting on behalf of the Council) under Section 155 of the PDI Act.	Chief Executive Officer
32.3	The power pursuant to Section 155(7) of the PDI Act, if an amount is recoverable from a person by the Council under Section 155 of the PDI Act to, by notice in writing to the person, fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid by the person.	Chief Executive Officer
33.	Fire Safety	
33.1	The power pursuant to Section 157(16) of the PDI Act to establish a body and designate it as an appropriate authority under Section 157 of the PDI Act.	Chief Executive Officer
33.2	The power pursuant to Section 157(17) of the PDI Act to:	
33.2.1	appoint to the appropriate authority:	
33.2.1.1	a person who holds prescribed qualifications in building surveying; and	Chief Executive Officer
33.2.1.2	an authorised officer under Part 3 Division 5 or Section 86 of the Fire and Emergency Services Act 2005 who has been approved by the Chief Officer of the relevant fire authority to	Chief Executive Officer

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

	participate as a member of the appropriate authority; and	
33.2.1.3	a person with expertise in the area of fire safety; and	Chief Executive Officer
33.2.1.4	if so determined by the delegate, a person selected by the delegate;	Chief Executive Officer
33.2.2	specify a term of office of a member of the appropriate authority (other than a member under Section 157(17)(a)(ii) of the PDI Act;	Chief Executive Officer
33.2.3	remove a member of the appropriate authority from office for any reasonable cause;	Chief Executive Officer
33.2.4	appoint deputy members;	Chief Executive Officer
33.2.5	determine the appropriate authority's procedures (including as to quorum).	Chief Executive Officer
34.	Initiation of Scheme	
34.1	The power pursuant to Section 163(3)(b) of the PDI Act to request the Minister initiate a proposal to proceed under Section 163 of the PDI Act.	Not Delegated
34.2	The power pursuant to Section 163(10) of the PDI Act to make submissions to the Minister in relation to the draft outline.	Not Delegated
35.	Initiation of Scheme	
35.1	The power pursuant to Section 164(3) of the PDI Act to request the Minister initiate a proposal to proceed under Section 164 of the PDI Act.	Not Delegated
35.2	The power pursuant to Section 164(12) of the PDI Act to make submissions to the Minister in relation to the draft outline.	Chief Executive Officer
36.	Consideration of Proposed Scheme	

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

36.1	The power pursuant to Section 166(1)(c) of the PDI Act to consult with a scheme coordinator in relation to a scheme in accordance with the Community Engagement Charter.	Chief Executive Officer
37.	Adoption of Scheme	
37.1	The power pursuant to Section 167(7) of the PDI Act to make submissions to the Minister in relation to a variation to an outline of a scheme.	Not Delegated
38.	Funding Arrangements	
38.1	The power pursuant to Section 169(2)(b) of the PDI Act in relation to a scheme that provides for the collection of contributions under Subdivision 8 of the PDI Act to apply for any matter to be considered or determined by ESCOSA or some other prescribed person or body as part of a periodic review of the levels and amounts of those contributions.	Not Delegated
38.2	The power pursuant to Section 169(9) of the PDI Act to make submissions to the Commission in relation to a funding arrangement that is specifically relevant to the Council.	Chief Executive Officer
39.	Contributions by Constituent Councils	
39.1	The power pursuant to Section 177(4) of the PDI Act to make submissions to the Minister in relation to the Council's share.	Chief Executive Officer
39.2	The power pursuant to Section 177(5) of the PDI Act to, at the request of the Minister, supply the Minister with information in the possession of the Council to enable the Minister to determine shares under Sections 177(2) and (3) of the PDI Act.	Chief Executive Officer
40.	Imposition of Charge by Councils	
40.1	The power pursuant to Section 180(7) of the PDI Act, if the Council incurs costs in recovering a charge as a debt, to claim the reimbursement of those costs (insofar as they are reasonable) from	Chief Executive Officer

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

	the relevant fund established under subdivision 9, Division 1, Part 13 of the PDI Act.	
41. Authorised Works		
41.1	The power pursuant to Section 187(1) of the PDI Act, subject to Section 187(3) of the PDI Act, to carry out any infrastructure works if the Council is authorised to so do by or under the PDI Act or any other Act.	Chief Executive Officer
41.2	The power pursuant to Section 187(5) of the PDI Act, subject to Section 187(6) of the PDI Act, to in relation to a proposal that involves disturbing the surface of a road, or that otherwise relates to a road to:	Chief Executive Officer
41.2.1	inform the relevant road maintenance authority of the proposal at least 28 days before the proposed commencement of any work; and	
41.2.2	give the relevant road maintenance authority a reasonable opportunity to consult with the Council in relation to the matter; and	
41.2.3	ensure that proper consideration is given to the views of the road maintenance authority.	
41.3	The power pursuant to Section 187(5)(b) of the PDI Act to make submissions to the designated entity in relation to the matter.	Chief Executive Officer
41.4	The power pursuant to Section 187(6) of the PDI Act, in a case of emergency, to only comply with Section 187(5) of the PDI Act to such extent as is practicable in the circumstances.	Chief Executive Officer
42. Entry onto Land		
42.1	The power pursuant to Section 188(1) of the PDI Act to authorise a person for the purpose of undertaking any work or activity in connection with	Chief Executive Officer

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

the exercise of a power under Division 2 of Part 13 of the PDI Act to:	
42.1.1 enter and pass over any land; and	
42.1.2 bring onto any land any vehicles, plant or equipment; and	
42.1.3 temporarily occupy land; and	
42.1.4 do anything else reasonably required in connection with the exercise of the power.	
42.2 The power pursuant to Section 188(4) of the PDI Act to pay reasonable compensation on account of any loss or damage caused by the exercise of a power under Section 188(1) of the PDI Act.	Chief Executive Officer
43. Acquisition of Land	
43.1 The power pursuant to Section 189(1) of the PDI Act, to:	Not Delegated
43.1.1 seek the consent of the Minister to acquire land for a purpose associated with infrastructure works under and in accordance with the <i>Land Acquisition Act 1969</i> ; and	
43.1.2 with the consent of the Minister, acquire land for a purpose associated with infrastructure works under and in accordance with the <i>Land Acquisition Act 1969</i> .	
44. Land Management Agreements	
44.1 The power pursuant to Section 192(1) of the PDI Act to enter into an agreement relating to the development, management, preservation or conservation of land with the owner of the land or a designated entity.	Chief Executive Officer
44.2 The power pursuant to Section 192(2) of the PDI Act to enter into an agreement relating to the	Chief Executive Officer

INSTRUMENT A

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

	management, preservation or conservation of the land with a greenway authority.	
44.3	The power pursuant to Section 192(4) of the PDI Act in considering whether to enter into an agreement under Section 192 of the PDI Act which relates to the development of land and, if such an agreement is to be entered into, in considering the terms of the agreement, to have regard to:	Chief Executive Officer
44.3.1	the provisions of the Planning and Design Code and to any relevant development authorisation under the PDI Act; and	
44.3.2	the principle that the entering into of an agreement under Section 192 of the PDI Act by the Council should not be used as a substitute to proceeding with an amendment to the Planning and Design Code under the PDI Act.	
44.4	The power pursuant to Section 192(5) of the PDI Act to register agreements entered into under Section 192 of the PDI Act in accordance with the regulations.	Chief Executive Officer
44.5	The power pursuant to Section 192(8) of the PDI Act to carry out on private land any work for which provision is made by agreement under Section 192 of the PDI Act.	Chief Executive Officer
44.6	The power pursuant to Section 192(9) of the PDI Act to include in an agreement under Section 192 of the PDI Act an indemnity from a specified form of liability or right of action, a waiver or exclusion of a specified form of liability or right of action, an acknowledgment of liability, or a disclaimer, on the part of a party to the agreement.	Chief Executive Officer
44.7	The power pursuant to Section 192(10) of the PDI Act to express a provision under Section 192(9) of the PDI Act as extending to, or being for the benefit of, a person or body who or which is not a party to the agreement.	Chief Executive Officer

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

<p>44.8 The power pursuant to Section 192(11) of the PDI Act to consent to the owner of land entering into an agreement under Section 192 of the PDI Act where the Council has a legal interest in the land.</p>	<p>Chief Executive Officer</p>
<p>44.9 The power pursuant to Section 192(12) of the PDI Act to apply to the Registrar-General, to note the agreement against the relevant instrument of title or, in the case of land not under the provisions of the Real Property Act 1886, against the land.</p>	<p>Chief Executive Officer</p>
<p>44.10 The power pursuant to Section 192(15) of the PDI Act to apply to the Registrar-General in relation to an agreement to which a note has been made under Section 192 of the PDI Act that has been rescinded or amended, to enter a note of the rescission or amendment against the instrument of title, or against the land.</p>	<p>Chief Executive Officer</p>
<p>44.11 The power pursuant to Section 192(16) of the PDI Act to provide in an agreement under Section 192 of the PDI Act for remission of rates or taxes on the land.</p>	<p>Chief Executive Officer</p>
<p>44.12 The power pursuant to Section 192(17) of the PDI Act to seek the Minister's consent to providing in an agreement under Section 192 of the PDI Act entered into by the Council for the remission of rates or taxes payable to the Crown.</p>	<p>Chief Executive Officer</p>
<p>44.13 The power pursuant to Section 192(17) of the PDI Act to consent to an agreement entered into by the Minister under Section 192 of the PDI Act, providing for the remission of rates or taxes payable to the Council.</p>	<p>Chief Executive Officer</p>
<p>44.14 The power pursuant to Section 192(18) of the PDI Act to take into account the existence of an agreement under Section 192 of the PDI Act when assessing an application for a development authorisation under the PDI Act.</p>	<p>Chief Executive Officer</p>
<p>45. Land Management Agreements – Development Applications</p>	

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

<p>45.1 The power pursuant to Section 193(1) of the PDI Act to, subject to Section 193 of the PDI Act, enter into an agreement under Section 193 of the PDI Act with a person who is applying for a development authorisation under the PDI Act that will, in the event that the relevant development is approved, bind:</p>	<p>Chief Executive Officer</p>
<p>45.1.1 the person; and</p>	
<p>45.1.2 any other person who has the benefit of the development authorisation; and</p>	
<p>45.1.3 the owner of the relevant land (if he or she is not within the ambit of Sections 193(a) or (b) of the PDI Act and if the other requirements of Section 193 of the PDI Act are satisfied).</p>	
<p>45.2 The power pursuant to Section 193(2) of the PDI Act to enter into an agreement under Section 193 of the PDI Act in relation to any matter that the delegate agrees is relevant to the proposed development (including a matter that is not necessarily relevant to the assessment of the development under the PDI Act).</p>	<p>Chief Executive Officer</p>
<p>45.3 The power pursuant to Section 193(3) of the PDI Act to have regard to:</p>	<p>Chief Executive Officer</p>
<p>45.3.1 the provisions of the Planning and Design Code; and</p>	
<p>45.3.2 the principle that the entering into of an agreement under Section 193 of the PDI Act by the Council should not be used as a substitute to proceeding with an amendment to the Planning and Design Code under the PDI Act.</p>	
<p>45.4 The power pursuant to Section 193(5) of the PDI Act to register agreements entered into under Section 193 of the PDI Act in accordance with the regulations.</p>	<p>Chief Executive Officer</p>

INSTRUMENT A

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

45.5	The power pursuant to Section 193(10) of the PDI Act to consent to an application to note the agreement against the relevant instrument of title or the land.	Chief Executive Officer
45.6	The power pursuant to Section 193(11) of the PDI Act to consent to an owner of land entering into an agreement or giving a consent under Section 192(10) of the PDI Act where the Council has a legal interest in the land.	Chief Executive Officer
45.7	The power pursuant to Section 193(13) of the PDI Act to apply to the Registrar-General to note the agreement against the relevant instrument of title or, in the case of land not under the provisions of the Real Property Act 1886, against the land.	Chief Executive Officer
45.8	The power pursuant to Section 193(15) of the PDI Act to apply to the Registrar-General in relation to an agreement under Section 193 that has been rescinded or amended, to enter a note of the rescission or amendment against the instrument of title, or against the land.	Chief Executive Officer
45.9	The power pursuant to Section 193(16) of the PDI Act, if an agreement under Section 193 of the PDI Act does not have effect under Section 193 of the PDI Act within the period prescribed by the regulations, to by notice given in accordance with the regulations, lapse the relevant development approval.	Chief Executive Officer
46.	Off-setting Contributions	
46.1	The power pursuant to Section 197(1)(b) of the PDI Act to seek the approval of the Minister to act under Section 197 of the PDI Act.	Chief Executive Officer
46.2	The power pursuant to Section 197(2) of the PDI Act to establish a scheme under Section 197 of the PDI Act that is designed to support or facilitate:	Chief Executive Officer
46.2.1	development that may be in the public interest or otherwise considered by the delegate as being appropriate in particular	

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

	circumstances (including by the provision of facilities at a different site); or	
46.2.2	planning or development initiatives that will further the objects of the PDI Act or support the principles that relate to the planning system established by the PDI Act; or	
46.2.3	any other initiative or policy:	
	46.2.3.1 designated by the Planning and Design Code for the purposes of Section 197(2)(c)(i) of the PDI Act;	
	46.2.3.2 prescribed by the regulations for the purposes of Section 197(2)(c)(ii) of the PDI Act.	
46.3	The power pursuant to Section 197(3) of the PDI Act to include in a scheme established under Section 197 of the PDI Act:	Chief Executive Officer
46.3.1	an ability or requirement for a person who is proposing to undertake development (or who has the benefit of an approval under the PDI Act):	
	46.3.1.1 to make a contribution to a fund established as part of the scheme; or	
	46.3.1.2 to undertake work or to achieve some other goal or outcome (on an 'in kind' basis); or	
	46.3.1.3 to proceed under a combination of Sections 197(3)(a)(i) and (ii) of the PDI Act,	
	in order to provide for or address a particular matter identified by the scheme; and	

INSTRUMENT A

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

46.3.2	an ability for a provision of the Planning and Design Code to apply with a specified variation under the terms of the scheme; and	
46.3.3	an ability for any relevant authority to act under or in connection with Sections 197(3)(a) or (b) of the PDI Act.	
46.4	The power pursuant to Section 197(4)(b) of the PDI Act to apply the fund towards the purposes of the scheme in accordance with any directions or approvals of the Treasurer made or given after consultation with the Minister.	Chief Executive Officer
46.5	The power pursuant to Section 197(4)(c) of the PDI Act to invest money that is not immediately required for the purposes of the fund in accordance with provisions included in the scheme.	Chief Executive Officer
46.6	The power pursuant to Section 197(7) of the PDI Act to:	Chief Executive Officer
46.6.1	seek the approval of the Minister to vary or wind up a scheme under Section 197 of the PDI Act; and	
46.6.2	to vary or wind up a scheme under Section 197 of the PDI Act with the approval of the Minister.	
47.	Open Space Contribution Scheme	
47.1	The power pursuant to Section 198(1) of the PDI Act, where an application for a development authorisation provides for the division of land in the Council's area into more than 20 allotments, and 1 or more allotments is less than 1 hectare in area to require:	Chief Executive Officer
47.1.1	that up to 12.5% in area of the relevant area be vested in the Council to be held as open space; or	
47.1.2	that the applicant make the contribution prescribed by the regulations in	

INSTRUMENT A

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

	accordance with the requirements of Section 198 of the PDI Act; or	
47.1.3	that land be vested in the Council under Section 198(1)(c) of the PDI Act and that the applicant make a contribution determined in accordance with Section 198(8) of the PDI Act,	
	according to the determination and specification of the delegate, and to have regard to any relevant provision of the Planning and Design Code that designates land as open space and to seek the concurrence of the Commission to taking any action that is at variance with the Planning and Design Code.	
47.2	The power pursuant to Section 198(3) of the PDI Act to enter into an agreement referred to in Section 198(2)(d) of the PDI Act.	Chief Executive Officer
47.3	The power pursuant to Section 198(4)(a) of the PDI Act to concur with an area being vested in the Council.	Chief Executive Officer
47.4	The power pursuant to Section 198(11) of the PDI Act in relation to money received under Section 198 of the PDI Act to immediately pay it into a fund established for the purposes of Section 198 of the PDI Act and apply it for the purpose of acquiring or developing land as open space.	Chief Executive Officer
47.5	The power pursuant to Section 198(12) of the PDI Act to form the opinion that the division of land is being undertaken in stages.	Chief Executive Officer
48. Urban Trees Fund		
48.1	The power pursuant to Section 200(1) of the PDI Act to,	Chief Executive Officer
48.1.1	seek the approval of the Minister to establish a fund (an urban trees fund) for an area designated by the delegate; and	

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

48.1.2	to, with the approval of the Minister establish a fund (an urban trees fund) for an area designed by the delegate (a designated area).	
48.2	The power pursuant to Section 200(2) of the PDI Act to effect the establishing of the fund by notice published in the Gazette.	Chief Executive Officer
48.3	The power pursuant to Section 200(3) of the PDI Act to define a designated area by reference to an area established by the Planning and Design Code.	Chief Executive Officer
48.4	The power pursuant to Section 200(5) of the PDI Act to invest any money in an urban trees fund that is not immediately required for the purpose of the fund and to pay any resultant income into the fund.	Chief Executive Officer
48.5	The power pursuant to Section 200(6) of the PDI Act to apply money standing to the credit of an urban trees fund:	Chief Executive Officer
48.5.1	to maintain or plant trees in the designated area which are or will (when fully grown) constitute significant trees under the PDI Act; or	
48.5.2	to purchase land within the designated area in order to maintain or plant trees which are or will (when fully grown) constitute significant trees under the PDI Act.	
48.6	The power pursuant to Section 200(7) of the PDI Act if, the Council subsequently sells land purchased under Section 200(6)(b) of the PDI Act, to pay the proceeds of sale into an urban trees fund maintained by the Council under Section 200 of the PDI Act, subject to the qualifications in Sections 200(7)(a) and (b).	Chief Executive Officer
49.	Appointment of Authorised Officers	
49.1	The power pursuant to Section 210(1) of the PDI Act to:	Chief Executive Officer

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

49.1.1	appoint a person to be an authorised officer for the purposes of the PDI Act; and	
49.1.2	appoint a person who holds the qualifications prescribed by the regulations to be an authorised officer for the purposes of the PDI Act if the Council is required to do so by the regulations.	
49.2	The power pursuant to Section 210(2) of the PDI Act to make an appointment of an authorised officer subject to conditions.	Chief Executive Officer
49.3	The power pursuant to Section 210(3) of the PDI Act to issue each authorised officer an identity card:	Chief Executive Officer
49.3.1	containing a photograph of the authorised officer; and	
49.3.2	stating any conditions of appointment limiting the authorised officer's appointment.	
49.4	The power pursuant to Section 210(5) of the PDI Act to, at any time, revoke an appointment which the Council has made, or vary or revoke a condition of such an appointment or impose a further such condition.	Chief Executive Officer
50. Enforcement Notices		
50.1	The power pursuant to Section 213(1) of the PDI Act, if the delegate has reason to believe on reasonable grounds that a person has breached the PDI Act or the repealed Act, to do such of the following as the delegate considers necessary or appropriate in the circumstances:	Chief Executive Officer
50.1.1	direct a person to refrain, either for a specified period or until further notice, from the PDI Act, or course of action, that constitutes the breach;	

INSTRUMENT A

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

50.1.2	direct a person to make good any breach in a manner, and within a period, specified by the delegate;	
50.1.3	take such urgent action as is required because of any situation resulting from the breach.	
50.2	The power pursuant to Section 213(2) of the PDI Act to give a direction under Section 213(1) of the PDI Act by notice in writing unless the delegate considers that the direction is urgently required.	Chief Executive Officer
50.3	The power pursuant to Section 213(5) of the PDI Act, if a person fails to comply with a direction under Section 213(1)(b) of the PDI Act within the time specified in the notice, to cause the necessary action to be taken.	Chief Executive Officer
50.4	The power pursuant to Section 213(6) of the PDI Act to recover the reasonable costs and expenses incurred by the Council (or any person acting on behalf of the Council) under Section 213 of the PDI Act, as a debt due from the person whose failure gave rise to the PDI Action	Chief Executive Officer
50.5	The power pursuant to Section 213(7) of the PDI Act, if an amount is recoverable from a person by the Council under Section 213 of the PDI Act to, by notice in writing to the person, fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid by the person.	Chief Executive Officer
51.	Applications to Court	
51.1	The power pursuant to Section 214(1) of the PDI Act to apply to the Court for an order to remedy or restrain a breach of the PDI Act or the repealed Act.	Chief Executive Officer
51.2	The power pursuant to Section 214(2) of the PDI Act to consent to proceedings under Section 214 of the PDI Act being brought in a representative capacity on behalf of the Council.	Chief Executive Officer

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

<p>51.3 The power pursuant to Section 214(4) of the PDI Act to make an application without notice to any person and to make an application to the Court to serve a summons requiring the respondent to appear before the Court to show cause why an order should not be made under Section 214 of the PDI Act.</p>	<p>Chief Executive Officer</p>
<p>51.4 The power pursuant to Section 214(6) of the PDI Act to make submissions to the Court on the subject matter of the proceedings.</p>	<p>Chief Executive Officer</p>
<p>51.5 The power pursuant to Section 214(9) of the PDI Act to appear before a final order is made and be heard in proceedings based on the application.</p>	<p>Chief Executive Officer</p>
<p>51.6 The power pursuant to Section 214(10) of the PDI Act to make an application to the Court to make an interim order under Section 214 of the PDI Act.</p>	<p>Chief Executive Officer</p>
<p>51.7 The power pursuant to Section 214(11) of the PDI Act to make an application for an interim order without notice to any person.</p>	<p>Chief Executive Officer</p>
<p>51.8 The power pursuant to Section 214(12) of the PDI Act, if the Court makes an order under Section 214(6)(d) of the PDI Act and the respondent fails to comply with the order within the period specified by the Court, to cause any work contemplated by the order to be carried out, and recover the costs of that work, as a debt, from the respondent</p>	<p>Chief Executive Officer</p>
<p>51.9 The power pursuant to Section 214(13) of the PDI Act, if an amount is recoverable from a person by the Council under Section 214(12) of the PDI Act to, by notice in writing to the person, fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid by the person.</p>	<p>Chief Executive Officer</p>
<p>51.10 The power pursuant to Section 214(17) of the PDI Act to apply to the Court to vary or revoke an order previously made under Section 214 of the PDI Act.</p>	<p>Chief Executive Officer</p>
<p>52. Proceedings for Offences</p>	

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

52.1	The power pursuant to Section 219(1) of the PDI Act to commence proceedings for an offence against the PDI Act.	Chief Executive Officer
53.	Adverse Publicity Orders	
53.1	The power pursuant to Section 223(2) of the PDI Act to make an application to the Court for an adverse publicity order.	Chief Executive Officer
53.2	The power pursuant to Section 223(4) of the PDI Act, if the offender fails to give evidence to the Council in accordance with Section 224(1)(b) of the PDI Act to:	Chief Executive Officer
53.2.1	take the PDI Action or actions specified in the order; and	
53.2.2	authorise a person in writing to take the PDI Action or actions specified in the order.	
53.3	The power pursuant to Section 223(5) of the PDI Act, if:	Chief Executive Officer
53.3.1	the offender gives evidence to the Council in accordance with Section 223(1)(b) of the PDI Act; and	
53.3.2	despite the evidence, the delegate is not satisfied that the offender has taken the PDI Action or actions specified in the order in accordance with the order,	
	to apply to the court for an order authorising the Council, or a person authorised in writing by the Council, to take the PDI Action or actions and to authorise a person in writing to take the PDI Action or actions.	
53.4	The power pursuant to Section 223(6) of the PDI Act, if the Council, or a person authorised in writing by the Council, takes an action or actions in accordance with Section 223(4) of the PDI Act or an order under Section 223(5) of the PDI Act, to recover from the offender an amount in relation to	Chief Executive Officer

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

	the reasonable expenses of taking the PDI Action or actions, as a debt, due to the Council.	
54. Civil Penalties		
54.1	The power pursuant to Section 225(1) of the PDI Act, subject to Section 225 of the PDI Act, if the delegate is satisfied that a person has committed an offence by contravening a provision of the PDI Act, to, as an alternative to criminal proceedings, recover, by negotiation or by application to the Court, an amount as a civil penalty in respect of the contravention.	Chief Executive Officer
54.2	The power pursuant to Section 225(2) of the PDI Act, in respect of a contravention where the relevant offence does not require proof of intention or some other state of mind, to determine whether to initiate proceedings for an offence or take action under Section 225 of the PDI Act, having regard to the seriousness of the contravention, the previous record of the offender and any other relevant factors.	Chief Executive Officer
54.3	The power pursuant to Section 225(3) of the PDI Act to serve on the person a notice in the prescribed form advising the person that the person may, by written notice to the Council, elect to be prosecuted for the contravention.	Chief Executive Officer
54.4	The power pursuant to Section 225(13) of the PDI Act to seek the authorisation of the Attorney-General to the commencement of proceedings for an order under Section 225 of the PDI Act.	Chief Executive Officer
54.5	The power pursuant to Section 225(17) of the PDI Act to seek an authorisation from the Commission for the Council to act under Section 225 of the PDI Act.	Chief Executive Officer
55. Make Good Order		
55.1	The power pursuant to Section 228(7) of the PDI Act to apply to the Court to vary or revoke an order under Section 228 of the PDI Act.	Chief Executive Officer

INSTRUMENT A

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

56. Recovery of Economic Benefit	
56.1 The power pursuant to Section 229(5) of the PDI Act to apply an amount paid to the Council in accordance with an order under Section 229(1) of the PDI Act for the purpose of acquiring or developing land as open space and to hold it in a fund established for the purposes of Section 198 of the PDI Act.	Chief Executive Officer
57. Enforceable Voluntary Undertakings	
57.1 The power pursuant to Section 230(1) of the PDI Act to accept (by written notice) a written undertaking given by a person in connection with a matter relating to a contravention or alleged contravention by the person of the PDI Act.	Chief Executive Officer
57.2 The power pursuant to Section 230(4) of the PDI Act if the delegate considers that a person has contravened an undertaking accepted by the Council, to apply to the Court for enforcement of the undertaking.	Chief Executive Officer
57.3 The power pursuant to Section 230(7) of the PDI Act to agree in writing with a person who has made an undertaking to:	Chief Executive Officer
57.3.1 vary the undertaking; or	
57.3.2 withdraw the undertaking.	
57.4 The power pursuant to Section 230(11) of the PDI Act to accept an undertaking in respect of a contravention or alleged contravention before proceedings in respect of that contravention have been finalised.	Chief Executive Officer
57.5 The power pursuant to Section 230(12) of the PDI Act if the delegate accepts an undertaking before the proceedings are finalised, to take all reasonable steps to have the proceedings discontinued as soon as possible.	Chief Executive Officer
57.6 The power pursuant to Section 230(14) of the PDI Act to seek an authorisation from the Commission	Chief Executive Officer

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

<p>for the Council to act under Section 230 of the PDI Act.</p>	
<p>58. Advertisements</p>	
<p>58.1 The power pursuant to Section 231(1) of the PDI Act, if, in the opinion of the delegate, an advertisement or advertising hoarding:</p>	<p>Chief Executive Officer</p>
<p>58.1.1 disfigures the natural beauty of a locality or otherwise detracts from the amenity of a locality; or</p>	
<p>58.1.2 is contrary to the character desired for a locality under the Planning and Design Code,</p>	
<p>to, by notice served in accordance with the regulations on the advertiser or the owner or occupier of the land on which the advertisement or advertising hoarding is situated, whether or not a development authorisation has been granted in respect of the advertisement or advertising hoarding, order that person to remove or obliterate the advertisement or to remove the advertising hoarding (or both) within a period specified in the notice (of at least 28 days from the date of service of the notice).</p>	
<p>58.2 The power pursuant to Section 231(3) of the PDI Act if a person on whom a notice is served under Section 231(1) of the PDI Act fails to comply with a notice within the time allowed in the notice to enter on the land and take the necessary steps for carrying out the requirements of the notice and to recover the costs of so doing, as a debt, from the person on whom the notice was served.</p>	<p>Chief Executive Officer</p>

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

<p>59. Professional Advice to be Obtained in Relation to Certain Matters</p>	
<p>59.1 The power pursuant to Section 235(1) of the PDI Act, to, in the exercise of a prescribed function, rely on a certificate of a person with prescribed qualifications.</p>	<p>Chief Executive Officer</p>
<p>59.2 The power pursuant to Section 235(2) of the PDI Act to seek and consider the advice of a person with prescribed qualifications, or a person approved by the Minister for that purpose, in relation to a matter arising under the PDI Act that is declared by regulation to be a matter on which such advice should be sought.</p>	<p>Chief Executive Officer</p>
<p>60. Charges on Land</p>	
<p>60.1 The power pursuant to Section 239(1) of the PDI Act if a charge on land is created under a provision of the PDI Act in favour of the Council, to deliver to the Registrar-General a notice in a form determined by the Registrar-General, setting out the amount of the charge and the land over which the charge is claimed.</p>	<p>Chief Executive Officer</p>
<p>60.2 The power pursuant to Section 239(6) of the PDI Act if a charge in the Council's favour exists and the amount to which the charge relates is paid, to by notice to the appropriate authority in a form determined by the Registrar-General, apply for the discharge of the charge.</p>	<p>Chief Executive Officer</p>
<p>61. Registering Authorities to Note Transfer</p>	
<p>61.1 The power pursuant to Section 240(1) of the PDI Act to apply to the Registrar-General or another authority required or authorised under a law of the State to register or record transactions affecting assets, rights or liabilities, or documents relating to such transactions, to register or record in an appropriate manner the transfer to the Council of an asset, right or liability by regulation, proclamation or notice under the PDI Act.</p>	<p>Chief Executive Officer</p>

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

62. Reporting	
62.1 The power pursuant to Clause 13(3)(b) of Schedule 2 of the PDI Act to require a report under Clause 13(2) of Schedule 2 of the PDI Act to contain any other information or report required by the delegate.	Chief Executive Officer
63. Review of Performance	
63.1 The power pursuant to Clause 3(3) of Schedule 4 of the PDI Act to explain the Council's actions, and to make submissions (including, if relevant, an indication of undertakings that the Council is willing to give in order to take remedial action), to the Minister.	Chief Executive Officer
63.2 The power pursuant to Clause 3(14) of Schedule 4 of the PDI Act to make submissions to the Minister on the report on which the PDI Action to be taken by the Minister under Clause 3(13) of Schedule 4 of the PDI Act is based.	Chief Executive Officer
63.3 The power pursuant to Clause 3(15) of Schedule 4 of the PDI Act, if the Minister makes a recommendation to the Council under Clause 3(13)(a) of Schedule 4 of the PDI Act and the Minister subsequently considers that the Council has not, within a reasonable period, taken appropriate action in view of the recommendation, to make submissions to the Minister in relation to the directions of the Minister.	Chief Executive Officer
63.4 The power pursuant to Clause 3(16) of Schedule 4 of the PDI Act to comply with a direction under Clauses 3(13) or (15) of Schedule 4 of the PDI Act.	Chief Executive Officer
64. Planning and Design Code	
64.1 The power pursuant to Clause 9(6)(a) of Schedule 8 of the PDI Act to apply to the Minister for approval to commence the process under Section 25 of the repealed Act.	Chief Executive Officer
65. General Schemes	

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

65.1 The power pursuant to Clause 30(3) of Schedule 8 of the PDI Act to request the Minister make a declaration under Clause 30(2) of Schedule 8 of the PDI Act in relation to a scheme.	Chief Executive Officer
--	-------------------------

PLANNING, DEVELOPMENT AND INFRASTRUCTURE (TRANSITIONAL PROVISIONS) REGULATIONS 2017

66. Adoption of DPAs	Delegation
66.1 The power pursuant to Regulation 8(1)(c) of the Planning, Development and Infrastructure (Transitional Provisions) Regulations 2017 (the Transitional Provisions Regulations) to apply to the Minister under Regulation 8 of the Transitional Provisions Regulations in accordance with any requirement determined by the Minister.	Chief Executive Officer

PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017

67. Mutual Liability Scheme – Rights of Indemnity	Delegation
67.1 The power pursuant to Regulation 11B(1) of the Planning, Development and Infrastructure (General) Regulations 2019 (the General Regulations) to:	Chief Executive Officer
67.1.1 in being responsible under Section 83(1)(h)(ii) of the PDI Act for the costs and other liabilities associated with the activities of an assessment panel appointed by the Council; and	
67.1.2 in being responsible for the costs associated with the activities of a regional assessment panel in accordance with a scheme set out in a notice under Section 84(1)(a) and (i) of the PDI Act,	
have arrangements in place to indemnify the members of any such panel in respect of a claim against a member of the panel arising out of the	

INSTRUMENT A

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

	performance, exercise or discharge (or purported performance, exercise or discharge) in good faith of their functions, powers or duties under the PDI Act in their role as a member of the panel.	
67.2	The power pursuant to Regulation 11B(5) of the General Regulations to:	Chief Executive Officer
67.2.1	in being responsible under Section 87(f) of the PDI Act for the costs and other liabilities associated with the activities of an assessment manager for an assessment panel appointed by the Council; and	
67.2.2	in being responsible for the costs associated with the activities of a regional assessment panel in accordance with a scheme set out in a notice under Section 87(1)(a) and (i) of the PDI Act,	
	have arrangements in place to indemnify an assessment manager for any such panel in respect of a claim against the assessment manager arising out of the performance, exercise or discharge (or purported performance, exercise or discharge) in good faith of their functions, powers or duties under the PDI Act in their role as an assessment manager.	
68.	Performance Assessed Development and Restricted Development	
68.1	The power pursuant to Regulation 47(4)(d) of the General Regulations to determine the fee payable by the applicant as being appropriate to cover the reasonable costs of placing the notice on the land.	Chief Executive Officer
69.	Underground Main Areas	
69.1	The power pursuant to Regulation 78(1) of the General Regulations if the delegate considers an area should be declared an underground mains area to seek a report from the relevant electricity authority in relation to the matter.	Chief Executive Officer

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

69.2	The power pursuant to Regulation 78(2) of the General Regulations after having received and considered a report from the electricity authority to declare the area to be an underground mains area.	Chief Executive Officer
70. Width of Roads and Thoroughfares		
70.1	The power pursuant to Regulation 81(4) of the General Regulations to dispense with a width prescribed by Regulations 81(1) or (3) of the General Regulations (and specify a different width) if the delegate is of the opinion that the width so prescribed is not necessary for the safe and convenient movement of vehicles or pedestrians, or for underground services.	Chief Executive Officer
70.2	The power pursuant to Regulation 81(5) of the General Regulations to subject to Regulation 81(6) of the General Regulations specify the width of the road at the head of every cul-de-sac in such dimensions as may be acceptable to the delegate.	Chief Executive Officer
70.3	The power pursuant to Regulation 81(6) of the General Regulations to dispense with a requirement under Regulation 81(5) of the General Regulations if it appears to the delegate that the cul-de-sac is likely to become a through road.	Chief Executive Officer
71. Road Widening		
71.1	The power pursuant to Regulation 82(1) of the PDI Act, subject to Regulation 82(2) of the General Regulations, if an existing road abuts land which is proposed to be divided, to form the view that the road should be widened in order to provide a road of adequate width having regard to existing and future requirements of the area.	Chief Executive Officer
72. Requirement as to Forming of Roads		
72.1	The power pursuant to Regulation 83(1) of the General Regulations, subject to Regulation 83(2) of the General Regulations, to specify the width and manner of the formation of the roadway of every proposed road on a plan of division.	Chief Executive Officer

INSTRUMENT A

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

72.2	The power pursuant to Regulation 83(2) of the General Regulations to form the opinion that it is necessary to specify a width for a roadway to be formed under Regulation 83(1) in excess of 7.4m, in view of the volume or type of traffic that is likely to traverse that road.	Chief Executive Officer
72.3	The power pursuant to Regulation 83(4) of the General Regulations, to dispense with the requirements under Regulation 83(3) of the General Regulations, if the delegate is of the opinion that the cul-de-sac is likely to become a through road.	Chief Executive Officer
72.4	The power pursuant to Regulation 83(5) of the General Regulations, subject to Regulation 83(6) of the General Regulations to require every footpath, water-table, kerbing, culvert and drain of every proposed road to be formed in a manner satisfactory to the delegate.	Chief Executive Officer
72.5	The power pursuant to Regulation 83(6) of the General Regulations, to dispense with a requirement under Regulation 83(5) of the General Regulations.	Chief Executive Officer
73.	Construction of Roads, Bridges, Drains and Services	
73.1	The power pursuant to Regulation 84(1) of the General Regulations to require the roadway of every proposed road within the relevant division to be constructed and paved and sealed with bitumen, tar or asphalt or other material approved by the delegate.	Chief Executive Officer
74.	Supplementary Provisions	
74.1	The power pursuant to Regulation 85(1) of the General Regulations to approve the road location and grading plan for the manner of forming any proposed road, footpath, water-table, kerbing, culvert or drain required under Division 6 of the General Regulations.	Chief Executive Officer
74.2	The power pursuant to Regulation 85(2) of the General Regulations, subject to Regulation 85(4) of	Chief Executive Officer

INSTRUMENT A

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

	the General Regulations, to require all work referred to in Regulations 83 and 84 of the General Regulations to be carried out in a manner satisfactory to the delegate and in conformity with detailed construction plans and specifications signed by a professional engineer or, at the discretion of the delegate, a licensed surveyor, and approved by the delegate before the commencement of the work.	
74.3	The power pursuant to Regulation 85(4) of the General Regulations to form the opinion that all connections for water supply and sewerage services to any allotment delineated on the plan which, in the opinion of the Chief Executive of the South Australian Water Corporation are necessary and need to be laid under the surface of the proposed road, have been made.	Chief Executive Officer
75. General Provisions		
75.1	The power pursuant to Regulation 89(1) of the General Regulations to form the opinion that another form of arrangement is satisfactory for the purposes of Section 138(1) of the PDI Act.	Chief Executive Officer
75.2	The power pursuant to Regulation 89(3) of the General Regulations to provide a certificate which:	Chief Executive Officer
75.2.1	evidences the consent of the Council to an encroachment by a building over other land; and	
75.2.2	sets out:	
	75.2.2.1 the date on which any relevant building was erected (if known); and	
	75.2.2.2 the postal address of the site.	
75.3	The power pursuant to Regulation 89(6)(b) of the General Regulations to request a written copy of the certificate and plan (or certificates and plans)	Chief Executive Officer

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

	referred to in Regulation 89(3) of the General Regulations.	
76.	Notifications During Building Work	
76.1	The power pursuant to Regulation 93(1)(b) of the General Regulations to specify by notice to the building owner and to the licensed building work contractor responsible for carrying out the relevant building work (if any), when development approval is granted in respect of the work, any stage of the building work to which the periods and stages prescribed for the purposes of Section 146(1) of the PDI Act relate.	Chief Executive Officer
76.2	The power pursuant to Regulation 93(1)(c) of the General Regulations to specify by notice in writing to the building owner on the granting of development approval in respect of the work any stage of the building work to which the periods and stages prescribed for the purposes of Section 146(1) of the PDI Act relate.	Chief Executive Officer
77.	Essential Safety Provisions	
77.1	The power pursuant to Regulation 94(13) of the General Regulations to require compliance with Regulation 94(10) of the General Regulations if:	Chief Executive Officer
77.1.1	the essential safety provisions were installed	
77.1.1.1	under a condition attached to a consent or approval that is expressed to apply by virtue of a variance with the performance requirements of the Building Code; or	
77.1.1.2	as part of a performance solution under the Building Code; or	
77.1.2	the building has been the subject of a notice under Section 157 of the PDI Act.	

INSTRUMENT A

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

78. Classification of Buildings	
78.1 The power pursuant to Regulation 102(3) of the General Regulations to require an application under Regulation 102(1) or (2) of the General Regulations to be accompanied by:	Chief Executive Officer
78.1.1 such details, particulars, plans, drawings, specifications, certificates and other documents as the delegate may reasonably require to determine the building's classification.	
78.2 The power pursuant to Regulation 102(4) of the General Regulations, to subject to Regulation 102(5) of the General Regulations, assign the appropriate classification under the Building Code to a building if the delegate is satisfied, on the basis of the owner's application, and accompanying documentation, that the building, in respect of the classification applied for, possesses the attributes appropriate to its present or intended use.	Chief Executive Officer
78.3 The power pursuant to Regulation 102(5) of the General Regulations, if an application under Regulation 102 of the General Regulations is made in respect of an existing Class 2 to Class 9 building, to require the applicant to satisfy the delegate that the provisions of any relevant Ministerial building standard relating to upgrading health and safety in existing buildings has been complied with (to the extent reasonably applicable to the building and its present or intended use).	Chief Executive Officer
78.4 The power pursuant to Regulation 102(6) of the General Regulations, on assigning a classification to a building (or part of a building) to, if relevant, determine and specify in the notice to the owner under Section 151(3) of the PDI Act:	Chief Executive Officer
78.4.1 the maximum number of persons who may occupy the building (or part of the building); and	
78.4.2 if the building has more than 1 classification—the part or parts of the	

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

	building to which each classification relates and the classifications currently assigned to the other parts of the building.	
79.	Certificates of Occupancy	
79.1	The power pursuant to Regulation 103(2) of the General Regulations to, require the following documentation:	Chief Executive Officer
79.1.1	if the development has been approved subject to conditions, such evidence as the delegate may reasonably require to show that the conditions have been satisfied;	
79.1.2	if the application relates to the construction or alteration of part of a building and further building work is envisaged in respect of the remainder of the building, such evidence as the delegate may reasonably require to show:	
79.1.2.1	in the case of a building more than 1 storey - that the requirements of any relevant Ministerial building standard have been complied with; or	
79.1.2.2	in any other case - that the building is suitable for occupation.	
79.2	The power pursuant to Regulation 103(3) of the General Regulations, to, other than in relation to a designated building on which building work involving the use of a designated building product is carried out after 12 March 2018, dispense with the requirement to provide a Statement of Compliance under Regulation 103(2)(a) of the General Regulations if:	Chief Executive Officer
79.2.1	the delegate is satisfied that a person required to complete 1 or both parts of the statement has refused or failed to complete that part and that the person	

INSTRUMENT A

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

	seeking the issuing of the certificate of occupancy has taken reasonable steps to obtain the relevant certification or certifications; and	
79.2.2	it appears to the delegate, after undertaking an inspection, that the relevant building is suitable for occupation.	
79.3	The power pursuant to Regulation 103(4) of the General Regulations if:	
79.3.1	a building is:	
79.3.1.1	to be equipped with a booster assembly for use by a fire authority; or	
79.3.1.2	to have installed a fire alarm that transmits a signal to a fire station or to a monitoring service approved by the relevant authority; and	
79.3.2	facilities for fire detection, fire fighting or the control of smoke must be installed in the building pursuant to an approval under the PDI Act,	
	to not grant a certificate of occupancy unless or until the delegate has sought a report from the fire authority as to whether those facilities have been installed and operate satisfactorily and to seek such a report from the fire authority.	
79.4	The power pursuant to Regulation 103(5) of the General Regulations if a report is not received from the fire authority within 15 business days, to presume that the fire authority does not desire to make a report.	Chief Executive Officer
79.5	The power pursuant to Regulation 103(6) of the General Regulations to have regard to any report received from a fire authority under Regulation	Chief Executive Officer

INSTRUMENT A

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

	103(4) of the General Regulations before the delegate issues a certificate of occupancy.	
79.6	The power pursuant to Regulation 103(6a) of the General Regulations, on receipt of a notification of intended completion of building work under Regulation 93(1)(f) of the General Regulations, to determine that building work will be inspected by an authorised officer.	Chief Executive Officer
79.7	The power pursuant to Regulation 103(9) of the General Regulations to revoke a certificate of occupancy:	Chief Executive Officer
	79.7.1 if:	
	79.7.1.1 there is a change in the use of the building; or	
	79.7.1.2 the classification of the building changes; or	
	79.7.1.3 building work involving an alteration or extension to the building that will increase the floor area of the building by more than 300m ² is about to commence, or is being or has been carried out; or	
	79.7.1.4 the building is about to undergo, or is undergoing or has undergone, major refurbishment,	
	and the delegate considers that in the circumstances the certificate should be revoked and a new certificate sought; or	
79.7.2	if the delegate considers that the building is no longer suitable for occupation because of building work undertaken, or being undertaken, on the building, or because of some other circumstance; or	

INSTRUMENT A

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

79.7.3	if a schedule of essential safety provisions has been issued in relation to the building and the owner of the building has failed to comply with the requirements of Regulation 94(10) of the General Regulations; or	
79.7.4	if the delegate considers:	
79.7.4.1	that a condition attached to a relevant development authorisation has not been met, or has been contravened, and that, in the circumstances, the certificate should be revoked; or	
79.7.4.2	that a condition attached to the certificate of occupancy has not been met, or has been contravened, or is no longer appropriate.	
80.	Mining Production Tenements	
80.1	The power pursuant to Regulation 109(1)(b) of the General Regulations to make submissions to the appropriate Authority and object to the granting of the tenement.	Chief Executive Officer
81.	Register of Land Management Agreements (Section 193)	
81.1	The power pursuant to Regulation 111(2) of the General Regulations to establish a register of agreements entered into by the Council under Section 193 of the PDI Act.	Chief Executive Officer
81.2	The power pursuant to Regulation 111(3) of the General Regulations to include in a register, or provide access to a copy of each agreement entered into by the Council under Section 193 of the PDI Act and such other information the delegate considers appropriate.	Chief Executive Officer
82.	Authorised Officers and Inspections	

INSTRUMENT A

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

82.1	The power pursuant to Regulation 112(1) of the General Regulations to appoint at least 1 authorised officer under Section 210(1)(b) of the PDI Act:	Chief Executive Officer
82.1.1	who is an accredited professional who is:	
82.1.1.1	an Accredited professional - building level 1; or	
82.1.1.2	an Accredited professional - building level 2; or	
82.1.1.3	an Accredited professional - building level 3; or	
82.1.1.4	an Accredited professional - building level 4; or	
82.1.2	who holds a current accreditation recognised by the Chief Executive for the purposes of this Regulation; or	
82.1.3	who holds an approval from the Chief Executive.	
83.	Calculation of Assessment of Fees	Delegation
83.1	The power pursuant to Regulation 5(1) of the Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019 (the Fees Regulations) in relation to an application which is duly lodged under a related set of regulations (including via the SA planning portal):	Chief Executive Officer
83.1.1	to require the applicant to provide such information as the delegate may reasonably require to calculate any fee payable under the Fees Regulations or a related set of regulations; and	
83.1.2	to make any other determination for the purposes of the Fees Regulations or a related set of regulations (even if the Council is not a relevant authority).	

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

83.2	The power pursuant to Regulation 5(2) of the Fees Regulations, if the delegate acting under Regulation 5(1) of the Fees Regulations, believes that any information provided by an applicant is incomplete or inaccurate, to calculate any fee on the basis of estimates made by the delegate.	Chief Executive Officer
83.3	The power pursuant to Regulation 5(3) of the Fees Regulations to at any time, and despite an earlier calculation or acceptance of an amount in respect of the fee, reassess a fee payable under the Fees Regulations or a related set of Regulations.	Chief Executive Officer
84. Waiver or Refund of Fee		
84.1	The power pursuant to Regulation 7 of the Fees Regulations to, as the delegate considers appropriate to do so:	Chief Executive Officer
84.1.1	waive the payment of the fee, or the payment of part of the fee; or	
84.1.2	refund the whole or a part of the fee.	
85. Requirements in Relation to Preparing an Engagement Plan		
85.1	The power pursuant to clause 5(1) of the State Planning Commission Practice Direction – 2 Preparation and Amendment of Designated Instruments (PD2), to prepare a community engagement plan that:	Chief Executive Officer
85.1.1	meets the principles and performance outcomes of the Charter;	
85.1.2	describes the persons or bodies to be consulted;	
85.1.3	outlines any relevant previous engagement undertaken to inform the proposal;	

INSTRUMENT A

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

85.1.4	describes the evaluation framework for the engagement.	
85.2	The power pursuant to clause 5(2) of PD2 to submit the community engagement plan to the Commission for approval with the exception of an amendment to the Code and a Design Standard.	Chief Executive Officer
86.	Requirements in Relation to Preparing an Engagement Report Following Consultation	
86.1	The power pursuant to clause 6(1) of PD2, at the completion of engagement on a draft of a proposal to prepare or amend a designated instrument to provide an engagement report to the Minister.	Not Delegated
86.2	The power pursuant to clause 6(2) of PD2 to set out in the report:	Not Delegated
86.2.1	details of the engagement undertaken and how that engagement met the agreed community engagement plan, and reasons for variations, if any to that plan;	
86.2.2	the outcome of the engagement including a summary of the feedback made;	
86.2.3	the response to the details of, and reasons for, changes to the proposal to prepare or amend a designated instrument when compared to the proposal that was engaged on, and to specifically indicate:	
86.2.3.1	where changes are proposed to the designated instrument based on the engagement; and	
86.2.3.2	any other changes proposed based on additional investigations or information not available when the proposal was released for engagement.	
86.3	The power pursuant to clause 6(3) of PD2 to, in the engagement report also include an evaluation of	Not Delegated

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

<p>the effectiveness of the engagement that considers whether:</p>	
<p>86.3.1 the principles of the Charter have been achieved; and</p>	
<p>86.3.2 all mandatory requirements identified in the Charter have been met where the consultation category is applicable.</p>	
<p>87. Requirements in Relation to Initiating a Code Amendment Pursuant to Section 73 of the Act</p>	
<p>87.1 The power pursuant to clause 7(1) of PD 2 to provide a proposal to the Commission to initiate a code amendment that sets out:</p>	<p>Chief Executive Officer</p>
<p>87.1.1 Scope - an explanation of the reasons for the preparation of the amendment and a description of the changes in circumstance leading the need for the amendment and the range of issues to be addressed in the amendment;</p>	
<p>87.1.2 Code Modules - an outline of any overlay, general policy, zone or subzones being considered for amendment and/or the intended spatial application of an overlay, general policy, zone or subzone over an identified area, or draft instructions for the proposed amendments;</p>	
<p>87.1.3 Area Affected - A map or description of the area affected by the proposed amendment;</p>	
<p>87.1.4 State Planning Policies - an identification of the relevant key state planning policies and a statement of assessment of the amendment's consistency with those policies;</p>	
<p>87.1.5 Regional Plans - An indication of how the matters or issues proposed to be addressed by the amendment will relate to</p>	

INSTRUMENT A

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

	the relevant regional plan and any relevant infrastructure planning;	
87.1.6	Infrastructure Provision -	
87.1.6.1	an explanation of any infrastructure provision that is required and how the infrastructure provision will be provided; and	
87.1.6.2	an indication whether it is likely that an infrastructure agreement or agreements will need to be entered into in connection with the code amendment process, identifying the tools that will be used for this process;	
87.1.7	Joint Planning Board Comments - that the Council has discussed the proposal with the relevant Regional Planning Board;	
87.1.8	Consultation – information regarding any other consultation that has occurred;	
87.1.9	in relation to designating a place as a place of local heritage value or a heritage area - a heritage review prepared by a heritage architect or historian or similar occupation in accordance with the Commission’s guidelines prepared under Section 67(2)(c) of the PDI Act;	
87.1.10	in relation to designating a tree a significant tree - an assessment of the tree against the criteria under Section 68(1)(a) of the PDI Act;	
87.1.11	in relation to designating a stand of trees to be significant trees – an assessment of the trees against the criteria under Section 68(1)(b) of the PDI Act.	

INSTRUMENT A

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

87.2	The power pursuant to clause 7(2) of PD2 to, in addition, provide:	Chief Executive Officer
87.2.1	Timetable - an outline of the proposed timetable for each step of the process (ensuring that the process is completed within reasonable time limits), and a commitment on the part of the Council that it will take steps to update this timetable if it appears at any stage that the Council will require an extension;	
87.2.2	Investigations - an outline of the investigations and justifications that will be undertaken (and those that may have already been undertaken) and the form that those investigations will take in order to address the strategic and social, economic and environmental issues of the proposed amendment, or an explanation and summary of the investigations undertaken and how these support the amendment.	
88.	Requirements in Relation to Preparation of the Draft Proposal Prior to Consultation and Decision	
88.1	The power pursuant to clause 8(1) of PD 2 to, prior to consultation, provide to the Department:	Chief Executive Officer
88.1.1	instructions that set out the intent of the proposed policy amendment for the purposes of the Department writing the draft Code Policy for the Council;	
88.1.2	any maps in an industry standard GIS format to enable the production version of mapping to be prepared and returned to the Council;	
88.1.3	in relation to heritage lists a local heritage data sheet and a significant trees data sheet.	

INSTRUMENT A

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

88.2	The power pursuant to clause 8(2) of PD2, if amendments are proposed to the consultation versions, to provide to the Department:	Chief Executive Officer
88.2.1	instruction to write the amendments to the Code Policy;	
88.2.2	amendments to the maps in an industry standard GIS format to enable the production version of mapping to be prepared and returned to the Council.	
89.	Requirements in Relation to Preparation of the Draft Proposal for Consultation	
89.1	The power pursuant to clause 9(1) of PD2 to, for engagement purposes, support a code amendment by the following information:	Chief Executive Officer
89.1.1	an explanation about why and how the Code is proposed to be amended;	
89.1.2	an assessment of the amendment against the relevant provisions of State Planning Policies and the relevant regional plan;	
89.1.3	if any amendment is not fully consistent with the State Planning Policies or the region plan, to so specifically identify that and include an explanation setting out the reason or reasons for the inconsistency;	
89.1.4	an explanation and summary of the investigations undertaken and how these support the amendment;	
89.1.5	an explanation of any infrastructure provision that is required and how the infrastructure will be provided.	
90.	Requirements in Relation to Complying Changes Under Section 75	
90.1	The power pursuant to clause 11(1) of PD2, in relation to a proposal to agree to a complying	Chief Executive Officer

INSTRUMENT A

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

<p>change, to provide the following information to the department:</p>	
<p>90.1.1 a reference to the documentation and recommendation in relation to the proposed amendment in the relevant regional plan;</p>	
<p>90.1.2 a summary of the consultation in accordance with the Charter that has occurred in relation to the proposal including reference to the Engagement Report prepared for the regional plan and any additional consultation that has occurred;</p>	
<p>90.1.3 instructions that set out the intent of the proposed policy amendment for the purposes of the department writing the draft Code Policy for the Council;</p>	
<p>90.1.4 any maps in an industry standard GIS format to enable the production version of mapping to be prepared and returned to the Council.</p>	
<p>91. Requirements in Relation to Early Commencement Under Section 78</p>	
<p>91.1 The power pursuant to clause 12(1) of PD2, in relation to a request for a code amendment to come into operation without delay, to provide to the department:</p>	<p>Chief Executive Officer</p>
<p>91.1.1 an explanation about how early commencement is required to counter applications for undesirable development (development that would detract from, negate the object of the amendment) during consultation and consideration of the code amendment;</p>	
<p>91.1.2 instructions that set out the intent of the proposed policy amendment for the</p>	

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

	purposes of the Department writing the draft Code Policy for the Council;	
91.1.3	any maps in an industry standard GIS format to enable the production version of mapping to be prepared and returned to the Council.	
92.	Responsibility to Undertake Notification	
92.1	The power pursuant to clause 6(3)(b) of the State Planning Commission Practice Direction – 3 (Notification of Performance Assessed Development Applications) 2019 (PD3) to determine the relevant fee as being appropriate to cover the relevant authority’s reasonable costs in giving public notice of the application under Section 107(3)(a)(i) of the PDI Act.	Chief Executive Officer
93.	Mandatory Inspections	
93.1	The power pursuant to clause 2(2) of Part 2 of the State Planning Commission Practice Direction (Council Inspections) 2020 (PD9) to, in carrying out an inspection under PD9, take all reasonable steps to ensure each inspection includes an inspection and assessment of the following elements (elements), as may be present at the time of inspection:	Chief Executive Officer
93.1.1	primary structural elements;	
93.1.2	structural framing and roof trusses;	
93.1.3	wet areas and waterproofing;	
93.1.4	barriers to prevent falls;	
93.1.5	cladding;	
93.1.6	egress provisions;	
93.1.7	bushfire protection systems;	
93.1.8	passive and active fire safety elements;	

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

	93.1.9 private bushfire shelters; and	
	93.1.10 performance solutions.	
94.	Additional Inspections	
94.1	The power pursuant to clause 3(2) of Part 2 of PD9 to consider carrying out an inspection in addition to any specified in clause 2 of Part 2 of PD9 (additional inspections) if the delegate has information to indicate that the circumstances warrant it, having regard to the objects of PD9.	Chief Executive Officer
95.	Inspections Generally	
95.1	The power pursuant to clause 4(3) of Part 2 of PD9, in relation to building work listed in Schedule 7 of the General Regulations to consider if an additional inspection may be appropriate.	Chief Executive Officer
96.	General Requirements	
96.1	The power pursuant to clause 1(2) of Part 3 of PD9 to ensure that an inspection under PD9 and subsequent assessment of each of the applicable elements in clause 2(2) of Part 2 of PD9 is carried out by a person who has the appropriate qualifications, skills, knowledge and experience to carry out an inspection assigned to that officer under PD9.	Chief Executive Officer

**STATE PLANNING COMMISSION PRACTICE DIRECTION 10 (STAGED
OCCUPATION OF MULTI-STOREY BUILDINGS) 2020**

97.	Conditions that Must be Met for the Staged Occupation of a Partially Completed Building	Delegation
97.1	The power pursuant to clause 5(2) of the State Planning Commission Practice Direction 10 (Staged Occupation of Multi-Storey Buildings 2020 (PD10)) to, agree to partial occupancy of a partially completed multistorey building.	Chief Executive Officer

SCHEDULE OF CONDITIONS

CONDITIONS OR LIMITATIONS APPLICABLE TO DELEGATIONS CONTAINED IN THIS INSTRUMENT

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
Nil	Nil

Attachment 2



INSTRUMENT B

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

NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

1. Environment and Food Production Areas – Greater Adelaide	Delegation
1.1 The power pursuant to Section 7(5)(a) of the Planning, Development and Infrastructure Act 2016 (the PDI Act), in relation to a proposed development in an environment and food production area that involves a division of land that would create 1 or more additional allotments to seek the concurrence of the Commission in the granting of the development authorisation to the development.	Not delegated – Holdfast Bay is not within an EFP Area
1.2 The power pursuant to Section 7(5)(d) of the PDI Act in relation to a proposed development in an environment and food production area that involves a division of land that would create one or more additional allotments, to, if the proposed development will create additional allotments to be used for residential development, refuse to grant development authorisation in relation to the proposed development.	Not delegated – Holdfast Bay is not within an EFP Area
2. Related Provisions	
2.1 The power pursuant to Section 99(2)(b)(ii) of the PDI Act to, if appropriate, grant development approval in the case of Section 99(1)(d) of the PDI Act.	Chief Executive Officer
2.2 The power pursuant to Section 99(3) of the PDI Act where a proposed development is to be undertaken within the area of the Council, to, subject to the regulations, if appropriate, grant the final development approval after all elements of	Chief Executive Officer

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

	the development have been approved by one or more relevant authorities under Section 99 of the PDI Act.	
3.	Matters Against Which Development Must be Assessed	
3.1	The power pursuant to Section 102(1) of the PDI Act to assess a development against and grant or refuse a consent in respect of the relevant provisions of the Building Rules (building consent).	Chief Executive Officer
3.2	The power pursuant to Section 102(8) of the PDI Act, when all relevant consents have been granted in relation to a development, to in accordance with the PDI Act, indicate that the development is approved.	Chief Executive Officer
4.	Building Consent	
4.1	The power pursuant to Section 118(1) of the PDI Act, if the Regulations provide that a form of building work complies with the Building Rules, to grant any such building work a building consent (subject to such conditions or exceptions as may be prescribed by the regulations).	Chief Executive Officer
4.2	The power pursuant to Section 118(2)(a) of the PDI Act to seek the concurrence of the Commission to grant a building consent in respect of a development that is at variance with the performance requirements of the Building Code or a Ministerial building standard.	Chief Executive Officer
4.3	The power pursuant to Section 118(2) of the PDI Act, subject to Section 118(6) of the PDI Act, to grant a building consent to a development that is at variance with the Building Rules if:	Chief Executive Officer
4.3.1	the variance is with a part of the Building Rules other than the Building Code or a Ministerial building standard and the delegate determines that it is appropriate to grant the consent despite the variance on the basis that the delegate is satisfied:	
4.3.1.1	that:	
	(a) the provisions of the Building Rules are inappropriate to the particular building or building work, or the proposed building work fails	

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

	to conform with the Building Rules only in minor respects; and	
	(b) the variance is justifiable having regard to the objects of the Planning and Design Code or the performance requirements of the Building Code or a Ministerial building standard (as the case may be) and would achieve the objects of this Act as effectively, or more effectively, than if the variance were not to be allowed; or	
	4.3.1.2 in a case where the consent is being sought after the development has occurred - that the variance is justifiable in the circumstances of the particular case.	
4.4	The power pursuant to Section 118(4) of the PDI Act, to at the request or with the agreement of the applicant, refer proposed building work to the Commission for an opinion on whether or not it complies with the performance requirements of the Building Code or a Ministerial building standard.	Chief Executive Officer
4.5	The power pursuant to Section 118(6) of the PDI Act if an inconsistency exists between the Building Rules and the Planning Rules in relation to a State heritage place or a local heritage place, to, in determining an application for building consent, ensure, so far as is reasonably practicable, that standards of building soundness, occupant safety and amenity are achieved in respect of the development that are as good as can reasonably be achieved in the circumstances.	Chief Executive Officer
4.6	The power pursuant to Section 118(7) of the PDI Act to seek and consider the advice of the Commission before imposing or agreeing to a requirement under Section 18(6) of the PDI Act that would be at variance with the performance requirements of the Building Code or a Ministerial building standard.	Chief Executive Officer

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

4.7	The power pursuant to Section 118(8) of the PDI Act, to, subject to the PDI Act, accept that proposed building work complies with the Building Rules to the extent that:	Chief Executive Officer
4.7.1	such compliance is certified by the provision of technical details, particulars, plans, drawings or specifications prepared and certified in accordance with the regulations; or	
4.7.2	such compliance is certified by a building certifier.	
4.8	The power pursuant to Section 118(10) of the PDI Act to refuse to grant a consent in relation to any development if, as a result of that development, the type or standard of construction of a building of a particular classification would cease to conform with the requirements of the Building Rules for a building of that classification	Chief Executive Officer
4.9	The power pursuant to Section 118(11) of the PDI Act, if a relevant authority decides to grant building consent in relation to a development that is at variance with the Building Rules, to, subject to the regulations, in giving notice of the relevant authority's decision on the application for that consent, specify (in the notice or in an accompanying document):	Chief Executive Officer
4.9.1	the variance; and	
4.9.2	the grounds on which the decision is being made.	
5.	Application and Provision of Information	
5.1	The power pursuant to Section 119(1)(b) of the PDI Act to require an application to the relevant authority for the purposes of Part 7 of the PDI Act, to include any information as the delegate may reasonably require.	Chief Executive Officer
5.2	The power pursuant to Section 119(3) of the PDI Act to request an applicant:	Chief Executive Officer
5.2.1	to provide such additional documents, assessments or information (including calculations and technical details) as the delegate may reasonably require to assess the application;	

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

5.2.2	to remedy any defect or deficiency in any application or accompanying document or information required by or under the PDI Act;	
5.2.3	to consult with an authority or body prescribed by the regulations;	
5.2.4	to comply with any other requirement prescribed by the regulations.	
5.3	The power pursuant to Section 119(7) of the PDI Act to, in dealing with an application that relates to a regulated tree, consider that special circumstances apply.	Chief Executive Officer
5.4	The power pursuant to Section 119(9) of the PDI Act to:	
5.4.1	permit an applicant:	Chief Executive Officer
5.4.1.1	to vary an application;	
5.4.1.2	to vary any plans, drawings, specifications or other documents that accompanied an application,	
	(provided that the essential nature of the proposed development is not changed);	
5.4.2	permit an applicant to lodge an application without the provision of any information or document required by the regulations;	Chief Executive Officer
5.4.3	to the extent that the fee is payable to the relevant authority waive payment of whole or part of the application fee, or refund an application fee (in whole or in part);	Chief Executive Officer
5.4.4	if there is an inconsistency between any documents lodged with the relevant authority for the purposes of Part 7 of the PDI Act (whether by an applicant or any other person), or between any such document and a development authorisation that has already been given that is relevant in the circumstances, return or forward any document to the applicant or to any other person and determine	Chief Executive Officer

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

	not to finalise the matter until any specified matter is resolved, rectified or addressed.	
5.5	The power pursuant to Section 119(10) of the PDI Act to grant a permission under Section 119(9) of the PDI Act unconditionally or subject to such conditions as the delegate thinks fit.	Chief Executive Officer
5.6	The power pursuant to Section 119(12) of the PDI Act to, in a consent, provide for, or envisage, the undertaking of development in stages, with separate consents or approvals for the various stages.	Chief Executive Officer
5.7	The power pursuant to Section 119(14) of the PDI Act to if an applicant withdraws an application to determine to refund the application fee.	Chief Executive Officer
6.	Outline Consent	
6.1	The power pursuant to Section 120(1) of the PDI Act and subject to Section 120 of the PDI Act, to on application, grant a consent in the nature of an outline consent.	Chief Executive Officer
6.2	The power pursuant to Section 120(3) of the PDI Act if an outline consent is granted and a subsequent application is made with respect to the same development (subject to any variations allowed by a practice direction) to:	Chief Executive Officer
6.2.1	grant any consent contemplated by the outline consent; and	
6.2.2	not impose a requirement that is inconsistent with the outline consent.	
7.	Referrals to Other Authorities or Agencies	
7.1	The power pursuant to Section 122(1) of the PDI Act, where an application for consent to, or approval of, a proposed development of a prescribed class is to be assessed by a relevant authority, to:	Chief Executive Officer
7.1.1	refer the application, together with a copy of any relevant information provided by the applicant, to a body prescribed by the regulations (including, if so prescribed, the Commission); and	

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

7.1.2	not make a decision until the relevant authority has received a response from that prescribed body in relation to the matter or matters for which the referral was made	
	where the regulations so provide, subject to Section 122 of the PDI Act.	
7.2	The power pursuant to Section 122(5)(b) of the PDI Act, acting by direction of a prescribed body:	Chief Executive Officer
7.2.1	to refuse the application; or	
7.2.2	consent to or approve the development and impose such conditions as the prescribed body thinks fit, (subject to any specific limitation under another Act as to the conditions that may be imposed by the prescribed body) where the regulations so provide.	
7.3	The power pursuant to Section 122(7) of the PDI Act, if the relevant authority is directed by a prescribed body to refuse an application and the refusal is the subject of an appeal under the PDI Act, to apply for the relevant authority to be joined as a party to the proceedings.	Chief Executive Officer
7.4	The power pursuant to Section 122(10) of the PDI Act to, if requested by an applicant, defer a referral under Section 122 of the PDI Act to a particular stage in the process of assessment.	Chief Executive Officer
8.	Proposed Development Involving Creation of Fortifications	
8.1	The power pursuant to Section 124(1) of the PDI Act, if the delegate has reason to believe that a proposed development may involve the creation of fortifications, to refer the application for consent to, or approval of, the proposed development to the Commissioner of Police (the Commissioner).	Chief Executive Officer
8.2	The power pursuant to Section 124(5) of the PDI Act, if the Commissioner determines that the proposed development involves the creation of fortification, to:	Chief Executive Officer

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

8.2.1	if the proposed development consists only of the creation of fortifications – refuse the application;	
8.2.2	in any other case – impose conditions in respect of any consent to or approval of the proposed development prohibiting the creation of the fortification.	
8.3	The power pursuant to Section 124(6) of the PDI Act, if the relevant authority acting on the basis of a determination of the Commissioner under Section 124(2) of the PDI Act refuses an application or imposes conditions in respect of a development authorisation, to notify the applicant that the application was refused, or the conditions imposed, on the basis of a determination of the Commissioner under Section 124 of the PDI Act.	Chief Executive Officer
8.4	The power pursuant to Section 124(7) of the PDI Act, if a refusal or condition referred to in Section 124(5) of the PDI Act is the subject of an appeal under the PDI Act, to apply to the Court to be joined as a party to the appeal.	Chief Executive Officer
9.	Determination of Application	
9.1	The power pursuant to Section 126(1) of the PDI Act to, on making a decision on an application under Part 7 of the PDI Act, give notice of the decision in accordance with the regulations (and, in the case of a refusal, to include in the notice the reasons for the refusal and any appeal rights that exist under the PDI Act).	Chief Executive Officer
9.2	The power pursuant to Section 126(3) of the PDI Act to, on the delegate’s own initiative or on the application of a person who has the benefit of any relevant development authorisation, extend a period prescribed under Section 126(2) of the PDI Act.	Chief Executive Officer
10.	Conditions	
10.1	The power pursuant to Section 127(1) of the PDI Act to make a decision subject to such conditions (if any) as the delegate thinks fit to impose in relation to the development.	Chief Executive Officer

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

10.2	The power pursuant to Section 127(2)(c) of the PDI Act to vary or revoke a condition in accordance with an application under Part 7 of the PDI Act.	Chief Executive Officer
11.	Variation of Authorisation	
11.1	The power pursuant to Section 128(2)(d) of the PDI Act to approve an application for a variation to a development authorisation previously given under the PDI Act, which seeks to extend the period for which the relevant authorisation remains operative.	Chief Executive Officer
12.	Saving Provisions	
12.1	The power pursuant to Section 133(3) of the PDI Act to, in order to avoid or reduce hardship, extend the limitation period referred to in Section 133(2) of the PDI Act.	Chief Executive Officer
13.	Requirement to Up-grade	
13.1	The power pursuant to Section 134(1) of the PDI Act to form the opinion that the building is unsafe, structurally unsound or in an unhealthy condition.	Chief Executive Officer
13.2	The power pursuant to Section 134(1) of the PDI Act, if:	Chief Executive Officer
13.2.1	an application for a building consent relates to:	
13.2.1.1	building work in the nature of an alteration to a building constructed before the date prescribed by regulation for the purposes of Section 134(1) of the PDI Act; or	
13.2.1.2	a change of classification of a building; and	
13.2.2	the building is, in the opinion of the delegate, unsafe, structurally unsound or in an unhealthy condition,	
	to require that building work that conforms with the requirements of the Building Rules be carried out to the extent reasonably necessary to ensure that the building is	

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

	safe and conforms to proper structural and health standards.	
13.3	The power pursuant to Section 134(2) of the PDI Act, when imposing a requirement under Section 134(1) of the PDI Act, to specify (in reasonable detail) the matters under Section 134(1)(b) of the PDI Act that must, in the opinion of the delegate, be addressed.	Chief Executive Officer
13.4	The power pursuant to Section 134(3) of the PDI Act to impose a requirement under Section 134(1) of the PDI Act:	Chief Executive Officer
13.4.1	subject to Section 134(3)(b) of the PDI Act - on the basis that the relevant matters must be addressed as part of the application before the relevant authority will grant building consent; and	
13.4.2	in cases prescribed by the regulations - as a condition of the building consent that must be complied with within a prescribed period after the building work to which the application for consent relates is completed	
13.5	The power pursuant to Section 134(4) of the PDI Act if:	Chief Executive Officer
13.5.1	an application is made for building consent for building work in the nature of an alteration of a class prescribed by the regulations; and	
13.5.2	the delegate is of the opinion that the affected part of the building does not comply with the performance requirements of the Building Code or a Ministerial building standard in relation to access to buildings, and facilities and services within buildings, for people with disabilities,	
	to require that building work or other measures be carried out to the extent necessary to ensure that the affected part of the building will comply with those performance requirements of the Building Code or the Ministerial building standard (as the case may be).	
13.6	The power pursuant to Section 134(5) of the PDI Act to impose a requirement under Section 134(4) of the PDI Act:	Chief Executive Officer

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

<p>13.6.1 subject to Section 134(5)(b) of the PDI Act - on the basis that the building work or other measures to achieve compliance with the relevant performance requirements must be addressed before the relevant authority will grant building consent; and</p>	
<p>13.6.2 in cases prescribed by the regulations - as a condition of the building consent that must be complied with within a prescribed period after the building work to which the application for consent relates is completed.</p>	
<p>14. Urgent Building Work</p>	
<p>14.1 The power pursuant to Section 135(2)(d) of the PDI Act to issue any direction.</p>	<p>Chief Executive Officer</p>
<p>15. Cancellation of Development Authorisation</p>	
<p>15.1 The power pursuant to Section 143(1) of the PDI Act to, on the application of a person who has the benefit of the authorisation, cancel a development authorisation previously given by the relevant authority.</p>	<p>Chief Executive Officer</p>
<p>15.2 The power pursuant to Section 143(2) of the PDI Act to make a cancellation under Section 143(1) of the PDI Act subject to such conditions (if any) as the delegate thinks fit to impose.</p>	<p>Chief Executive Officer</p>
<p>16. Professional Advice to be Obtained in Relation to Certain Matters</p>	
<p>16.1 The power pursuant to Section 235(1) of the PDI Act, to, in the exercise of a prescribed function, rely on a certificate of a person with prescribed qualifications.</p>	<p>Chief Executive Officer</p>
<p>16.2 The power pursuant to Section 235(2) of the PDI Act to seek and consider the advice of a person with prescribed qualifications, or a person approved by the Minister for that purpose, in relation to a matter arising under the PDI Act that is declared by regulation to be a matter on which such advice should be sought.</p>	<p>Chief Executive Officer</p>
<p>17. Continuation of Processes</p>	<p>DPTI have advised this Clause won't be</p>

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

		implemented, so no delegations are required.
17.1	The power pursuant to Clause 18(2) of Schedule 8 of the PDI Act, to:	N/A
17.1.1	adopt any findings or determinations of a relevant authority under the repealed Act that may be relevant to an application to which Clause 18(1) of Schedule 8 of the PDI Act applies; and	
17.1.2	adopt or make any decision (including a decision in the nature of a determination), direction or order in relation to an application to which Clause 18(1) of Schedule 8 of the PDI Act applies; and	
17.1.3	deal with any matter that is subject to a reserved decision under the repealed Act before the designated day; and	
17.1.4	deal with any requirement or grant any variation imposed or proposed in connection with an application to which Clause 18(1) of Schedule 8 of the PDI Act applies; and	
17.1.5	take any other step or make any other determination authorised by the regulations, or that is reasonably necessary to promote or ensure a smooth transition on account of the transfer of functions, powers or duties under Clause 18 of Schedule 8 of the PDI Act.	

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

**PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL)
REGULATIONS 2017**

18. Accredited Professionals	Delegation
<p>18.1 The power pursuant to Regulation 25(7)(c) of the Planning, Development and Infrastructure (General) Regulations 2017 (the General Regulations) to form the opinion and be satisfied, on the basis of advice received from the accreditation authority under the Planning, Development and Infrastructure (Accredited Professionals) Regulations 2019, a relevant professional association, or other relevant registration or accreditation authority, that a person has engineering or other qualifications that qualify the person to act as a technical expert under Regulation 25 of the General Regulations.</p>	Chief Executive Officer
19. Verification of Application	
<p>19.1 The power pursuant to Regulation 31(1) of the General Regulations, on the receipt of an application under Section 119 of the PDI Act, and in addition to any other requirement under the General Regulations, to, in order to ensure that an application has been correctly lodged and can be assessed in accordance with the PDI Act:</p>	N/A (not applicable to building rules consent for councils)
<p>19.1.1 determine the nature of the development; and</p>	
<p>19.1.2 if the application is for planning consent - determine:</p>	
<p>19.1.2.1 whether the development involves 2 or more elements and, if so, identify each of those elements for the purposes of assessment against the provisions of the Planning and Design Code; and</p>	
<p>19.1.2.2 the category or categories of development that apply for the purposes of development assessment; and</p>	

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

19.1.3	determine whether the relevant authority is the correct entity to assess the application under the PDI Act; and	
19.1.4	if the relevant authority is the correct entity to assess the application (or any part of the application):	
19.1.4.1	check that the appropriate documents and information have been lodged with the application; and	
19.1.4.2	confirm the fees required to be paid at that point under the <i>Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019</i> ; and	
19.1.4.3	provide an appropriate notice via the SA planning portal; and	
19.1.5	if the relevant authority is not the correct entity to assess the application (or any part of the application):	
19.1.5.1	provide the application (or any relevant part of the application), and any relevant plans, drawings, specifications and other documents and information in its possession, to the entity that the delegate considers to be the correct relevant authority in accordance with any practice direction; and	
19.1.5.2	provide an appropriate notice via the SA planning portal.	
20.	Amended Applications	
20.1	The power pursuant to Regulation 35(3) of the General Regulations if an application is varied following referral under Division 2 or giving of notice under Division 3, to, if the variations are not substantial, consider the application	Chief Executive Officer

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

	without the need to repeat an action otherwise required under Division 2 or Division 3.	
20.2	The power pursuant to Regulation 35(4) of the General Regulations if a variation would change the essential nature of a proposed development (as referred to in Section 119(9)(a) of the PDI Act), to agree with the applicant to proceed with the variation on the basis that the application (as so varied) will be treated as a new application under the General Regulations.	Chief Executive Officer
21.	Withdrawing/Lapsing Applications	
21.1	The power pursuant to Regulation 38(1) of the General Regulations if an application is withdrawn by the applicant under Section 119(14) of the PDI Act, to notify:	Chief Executive Officer
21.1.1	any agency to which the application has been referred under Division 2 of the General Regulations; and	
21.1.2	any person who has made a representation in relation to the application under Division 3 of the General Regulations,	
	of the withdrawal.	
21.2	The power pursuant to Regulation 38(3) of the General Regulations before taking action to lapse an application under Regulation 38(2) of the General Regulations to:	Chief Executive Officer
21.2.1	take reasonable steps to notify the applicant of the action under consideration; and	
21.2.2	allow the applicant a reasonable opportunity to make submissions to the delegate (in a manner and form determined by the delegate) about the proposed course of action.	
22.	Court Proceedings	
22.1	The power pursuant to Regulation 40 of the General Regulations to, subject to Section 214(14) of the PDI Act, by notice in writing to the applicant, decline to deal with	Chief Executive Officer

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

<p>the application until any proceedings under the PDI Act have been concluded.</p>	
<p>23. Additional Information or Amended Plans</p>	
<p>23.1 The power pursuant to Regulation 42(1) of the General Regulations if the relevant authority has referred an application to a prescribed body under Division 1 of the General Regulations and the relevant authority subsequently receives additional information, or an amended plan, drawing or specification, which is materially relevant to the referral, or to any report obtained as part of the referral process, to repeat the referral process.</p>	<p>Chief Executive Officer</p>
<p>24. Building Matters</p>	
<p>24.1 The power pursuant to Regulation 45(1) of the General Regulations to, if, in assessing an application for building consent, the delegate considers that:</p>	<p>Chief Executive Officer</p>
<p>24.1.1 a proposed performance solution within the meaning of the Building Code requires assessment against a performance requirement of the Building Code which provides for the intervention of a fire authority; or</p>	
<p>24.1.2 the proposed development is at variance with a performance requirement of the Building Code which provides for the intervention of a fire authority; or</p>	
<p>24.1.3 special problems for fire fighting could arise due to hazardous conditions of a kind described in Section E of the Building Code,</p>	
<p>refer the application to the relevant fire authority for comment and report unless the fire authority indicates to the relevant authority that a referral is not required.</p>	
<p>24.2 The power pursuant to Regulation 45(2) of the General Regulations, if a report is not received from the fire authority on a referral under Regulation 45(1) of the General Regulations within 20 business days, to presume that the fire authority does not desire to make a report.</p>	<p>Chief Executive Officer</p>

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

24.3	The power pursuant to Regulation 45(3) of the General Regulations to have regard to any report received from a fire authority under Regulation 45 of the General Regulations.	Chief Executive Officer
24.4	The power pursuant to Regulation 45(4) of the General Regulations, if, in respect of an application referred to a fire authority under Regulation 45 of the General Regulations, the fire authority:	Chief Executive Officer
24.4.1	recommends against the granting of building consent; or	
24.4.2	concurs in the granting of consent on conditions specified in its report,	
	but the delegate:	
24.4.3	proposes to grant building consent despite a recommendation referred to in Regulation 45(4)(a) of the General Regulations; or	
24.4.4	does not propose to impose the conditions referred to in Regulation 45(b) of the General Regulations, or proposes to impose the conditions in varied form, on the grant of consent,	
	to:	
24.4.5	refer the application to the Commission; and	
24.4.6	not grant consent unless the Commission concurs in the granting of the consent.	
24.5	The power pursuant to Regulation 45(5) of the General Regulations to provide to the Commission a copy of any report received from a fire authority under Regulation 45(1) of the General Regulations that relates to an application that is referred to the Commission under the PDI Act.	Chief Executive Officer
25.	Notice of Decision (Section 126(1))	
25.1	The power pursuant to Regulation 57(4)(a) of the General Regulations to endorse a set of any approved plans and	Chief Executive Officer

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

<p>other relevant documentation with an appropriate form of authentication.</p>	
<p>26. Consideration of Other Development Authorisations</p>	
<p>26.1 The power pursuant to Regulation 60 of the General Regulations, to, in deciding whether to grant a development authorisation, take into account any prior development authorisation that relates to the same proposed development under the PDI Act, and any conditions that apply in relation to that prior development authorisation.</p>	<p>Chief Executive Officer</p>
<p>27. Certificate of Independent Technical Expert in Certain Cases</p>	
<p>27.1 The power pursuant to Regulation 61(4)(c) of the General Regulations to form the opinion and be satisfied on the basis of advice received from the accreditation authority under the Planning, Development and Infrastructure (Accredited Professionals) Regulations 2019, a relevant professional association, or another relevant registration or accreditation authority, that a person has engineering or other qualifications, qualify the person to act as a technical expert under this regulation.</p>	<p>Chief Executive Officer</p>
<p>28. Urgent Work</p>	
<p>28.1 The power pursuant to Regulation 63(1) of the General Regulations to,</p>	<p>Chief Executive Officer</p>
<p>28.1.1 determine a telephone number determined for the purposes of Regulation 63(1)(a) of the General Regulations; and</p>	
<p>28.1.2 determine the email address for the purposes of Regulation 63(1)(b) of the General Regulations.</p>	
<p>28.2 The power pursuant to Regulation 63(2) of the General Regulations to, for the purposes of Section 135(2)(c) of the PDI Act, allow a longer period.</p>	<p>Chief Executive Officer</p>
<p>28.3 The power pursuant to Regulation 63(3) of the General Regulations to, for the purposes of Section 135(2)(c) of the PDI Act, allow a longer period.</p>	<p>Chief Executive Officer</p>

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

<p>29. Variation of Authorisation (Section 128)</p>	
<p>29.1 The power pursuant to Regulation 65(1) of the General Regulations to, for the purposes of Section 128(2)(b) of the PDI Act, if a person requests the variation of a development authorisation previously given under the Act (including by seeking the variation of a condition imposed with respect to the development authorisation) to form the opinion and be satisfied that the variation is minor in nature, and approve the variation.</p>	<p>Chief Executive Officer</p>
<p>30. Plans for Building Work</p>	
<p>30.1 The power pursuant to Clause 4(3) of Schedule 8 of the General Regulations, in relation to an application for building consent for development consisting of or involving an alteration to a building, if:</p>	<p>Chief Executive Officer</p>
<p>30.1.1 the applicant is applying for a change in the classification of the building to a classification other than Class 10 under the Building Code; or</p>	
<p>30.1.2 the building was erected before 1 January 1974 and the applicant is applying for a classification other than Class 10 under the Building Code to be assigned to the building,</p>	
<p>to require the application to be accompanied by such details, particulars, plans, drawings, specifications and other documents (in addition to the other documents required to accompany the application) as the delegate reasonably requires to show that the entire building will, on completion of the building work, comply with the requirements of the PDI Act and the General Regulations for a building of the classification applied for or with so many of those requirements as will ensure that the building is safe and conforms to a proper structural standard.</p>	

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

31. Calculation or Assessment of Fees	Delegation
31.1 The power pursuant to Regulation 5(1) of the PDI (Fees, Charges and Contributions) Regulations 2019 (the Fees Regulations) in relation to an application which is duly lodged with the Council under a related set of regulations (including via the SA planning portal):	Chief Executive Officer
31.1.1 to require the applicant to provide such information as the delegate may reasonably require to calculate any fee payable under the Fees Regulations or a related set of regulations; and	
31.1.2 to make any other determination for the purposes of the Fees Regulations or a related set of regulations (even if the Council is not a relevant authority).	
31.2 The power pursuant to Regulation 5(2) of the Fees Regulations, if the delegate is acting under Regulation 5(1) of the Fees Regulations, or as the delegate of a relevant authority, believes that any information provided by an applicant is incomplete or inaccurate, to calculate any fee on the basis of estimates made by the delegate.	Chief Executive Officer
31.3 The power pursuant to Regulation 5(3) of the Fees Regulations to, at any time, and despite an earlier calculation or acceptance of an amount in respect of the fee, reassess a fee payable under the Fees Regulations or a related set of regulations.	Chief Executive Officer
32. Waiver or Refund of Fee	
32.1 The power pursuant to Regulation 7 of the Fees Regulations to, as the delegate considers appropriate to do so:	Chief Executive Officer
32.1.1 waive the payment of the fee, or the payment of part of the fee; or	
32.1.2 refund the whole or a part of the fee.	

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

SCHEDULE OF CONDITIONS

**CONDITIONS OR LIMITATIONS
APPLICABLE TO DELEGATIONS
CONTAINED IN THIS INSTRUMENT**

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
Nil	Nil

Item No: **15.10**

Subject: **COMMERCIAL ROAD, BRIGHTON – TRAFFIC INVESTIGATION**

Date: 27 January 2021

Written By: Traffic Consultant

General Manager: City Assets and Services, Mr H Lacy

SUMMARY

Council, at its meeting 8 December 2020 (C091220/2157) requested that Administration investigate traffic safety on Commercial Road Brighton including and specifically around Tutti Arts.

This investigation has concluded that three options exist to improve pedestrian connectivity and safety including local line marking and kerb ramp improvements, a pedestrian crossing, and localised speed reduction measures. Each option is discussed in detail within this report. The analysis has concluded that the most effective option is to improve kerb ramps and local line marking.

RECOMMENDATIONS

That Council:

- 1. approve the upgrade of Council owned “pram” ramps, and local line marking at and adjacent to the Brighton Railway Station and Tutti Arts building; and**
 - 2. approve additional funding within the 2020/21 Capital Works Program of \$30,000 to undertake the work.**
-

COMMUNITY PLAN

Placemaking: Creating vibrant and safe places

COUNCIL POLICY

Asset Management Policy
Community Consultation and Engagement Policy

STATUTORY PROVISIONS

Australian Standard 1742.2: Traffic Control Devices for General Use

Australian Standard 1742.11: Parking Controls

DIT Manual of Legal Responsibilities and Technical Requirements for Traffic Controls Devices: Part 2: Code of Technical Requirements

DIT Pavement Marking Manual

BACKGROUND

Council at its meeting 8 December 2020 (C091220/2157) requested that:

1. Administration undertake a local traffic study to review issues of speeding and pedestrian safety in Commercial Road Brighton in proximity to Strathmore Avenue;
2. a report be brought back to Council within 3 months setting out any recommended improvements and the likely costs thereof; and
3. the study should specifically address areas of concern raised by families associated with the Tutti Arts Inc.

Tutti Arts, a private business and a registered National Disability Insurance Scheme (NDIS) provider works across many art forms to promote the professional development of adult, children and youth artists with a learning or intellectual disability. Currently the facility provides for around 30 artists who arrive and depart at various times of the day and there are some after hours events. Tutti Arts have indicated that they expect the numbers to grow over time.

The current Tutti Arts building was formally St Teresa's Primary School. As part of the decommissioning process, school related traffic management treatments such as the school zones, emu crossings and parking restrictions were removed.

Understanding Tutti Arts cater for artists with disabilities, Council worked with Tutti Art management to determine requirements in regard to pick up and drop off of students. Based on the requests, council installed a taxi zone with a pedestrian access ramp to provide wheelchair access within the indented parking bay. As well as installing two 15 minute parking areas one on Commercial Road and one on Strathmore Terrace to allow parents and carers to walk the students into the building whilst maintaining vehicle turnover.

Pedestrian ramps from the decommissioned emu crossings were maintained including one on Commercial Road which provides access to the railway station car park. Council also installed pedestrian warning signs with a 'DISABLED' supplementary plate on Commercial Road on both approached to Tutti Arts to warn approaching motorist (figure 1).



Figure 1 – works undertaken at the request of Tutti Arts and pedestrian warning signs

A parent of one of the artists raised concerns with the Minister for Transport, local MPs, the Mayor and a number of elected Members regarding safety around Tutti Arts stating;

“There is no safe pedestrian crossing between Tutti Arts Centre and the Brighton Railway Station carpark. As we know Commercial Road can be busy, especially during morning and evening peak hour. I believe it is important to provide a safe crossing for pedestrians on Commercial Road to ensure the safety of all visitors to the Tutti Arts Centre. In addition to installing a pedestrian crossing, reducing traffic speed on Commercial Road outside of the Centre would also provide an important increase in safety for all of the users of the Tutti site. I understand a precedent exists for a reduced speed limit as the area was previously a school zone. Any such traffic treatments should operate 24 hours a day, as Tutti conduct activities both day and night. Creating drop off spaces, that provide adequate wheelchair and disability access, and increased parking for the Centre would further assist with ensuring traffic congestion does not build up on Commercial Road.”

After discussion with Tutti Art management and at the request of Tutti Arts the recently installed Taxi Zone was removed and replaced with additional 15 minute parking.

Council were informed a number of the lower dependency students catch the train and make their own way to Tutti Arts, whilst the higher dependant students are dropped off by a parent or carer. Accordingly, the traffic investigation has considered access from the railway station which also provides a wider community benefit.

At the ordinary council meeting held on Tuesday 8 December 2020, a Motion on Notice was passed to undertake a traffic study of Commercial Road, Brighton, particularly around Tutti Arts.

REPORT

Commercial Road, Brighton is a 600m length of road positioned in a north south direction intersecting with Jetty Road to the north and Edwards Street to the south.

The road intersects with four other roads namely, Old Beach Road, Strathmore Terrace, Marlborough Street and Rutland Avenue which are all terminating roads. Commercial Road is subject to the urban default speed limit of 50km/h.

According to councils road hierarchy Commercial Road is classified as a collector road. A recent traffic study undertaken in front of Tutti Arts identified an average daily traffic count of 1,500 vehicles per day. This is considered low when compared to other roads with the same classification. Though Tutti Arts doesn't have set finish time, council were informed a number of artists finish around 3pm. The average week day traffic volumes for the hour between 3-4pm is 146 vehicles or 2.4 vehicles per minute. This allows ample opportunities to cross the road during this time.

The survey identified a mean speed of 41km/h and an 85th percentile speed of 48km/h. The 85th percentile speed is the speed 85% of motorists were travelling at or less during the seven day survey period and in this case the speed is below the urban default speed limit. Council are currently undertaking a review of speed limits with the possibility of introducing 'Area 40' speed limits. This will include roads within the vicinity of Tutti Arts.

Brighton railway station car park is located on Commercial Road. There is also 90 degree on-street parking in the vicinity of the railway station and Tutti Arts (figure 2). A number of pedestrian ramps are located along Commercial Road including the ramps from the old emu crossing. Some of the ramps do not comply with current standards with regard to being Disability Discrimination Act (DDA) compliant.

A review of sight distance along Commercial Road in the vicinity of the pedestrian ramps noted there is adequate sight of approaching vehicles to safely undertake the crossing.



Figure 2 - Railway carpark and Tutti Arts

There are three options that could be considered to improve pedestrian connectivity and/or safety. These are described in detail below:

1. Option 1 – Local line marking and kerb ramp improvements
2. Option 2 - Pedestrian crossing (subject to DIT approval)
3. Option 3 – Localised speed reduction

Option 1 – Local Line marking and kerb ramp improvements

This option involves upgrading existing pedestrian ramps and installing additional ramps to improve pedestrian connectivity and safety between the eastern side of Commercial Road and the railway station carpark/access. The proposed changes would also provide safer crossing alternatives for people attending Tutti Arts rather than walking through the railway station car park.

Option 1 also proposes installation of a broken centre line to provide delineation of traffic lanes and to reduce corner cutting. This measure will address the small number of motorists who appear to travel at speed along Commercial Road and who failed to keep left and/or cut corners. Figure 8 shows an example of a vehicle driving in the centre of the road and proposed centre line marking.



Figure 8 – Vehicle trajectory and proposed centre lines

Observations also noted vehicles often park opposite the pedestrian ramp where the emu crossing used to be in front of Tutti Arts. It is recommended the space is line marked and a post installed to highlight it not a car space (Figure 9).



Figure 9 – Proposed line marking and post

The estimated cost of option 1 is around \$30,000.

Option 2 - Pedestrian Crossing Facilities

A review of pedestrian crossing options was undertaken. Typically for a pedestrian crossing to be justified, it should meet minimum demand criteria – referred to as a warrant. There are 3 possible pedestrian crossing options, being:

Zebra crossing (at grade linemarked crossing)

- warrants for a zebra crossing are 40 pedestrian crossing movements per hour for two separate one hour periods and 200 or more vehicles pass the site during the same two hours;
- the minimum width of the crossing shall be 8m and minimum 1.8m width of the ramps;
- mean speed environment of 30km/h or less;
- lighting upgrade required;
- would require parking prohibitions for a minimum 38m (6 cars) each side of the road; and
- approximate cost \$30,000 - \$40,000.

Wombat crossing (raised zebra)

- warrants for a Wombat crossing are 40 pedestrian crossing movements per hour for two separate one hour periods and 200 or more vehicles pass the site during the same two hours;
- the minimum width of the crossing shall be 6.6m;
- mean speed environment of 40km/h or less either by creating a low speed environment or reducing the speed limit to 40km/h;
- lighting upgrade required;
- would require parking prohibitions for a minimum 36m (6 cars) each side of the road;

- stormwater assessment required; and
- approximate cost \$50,000 (\$150,000 if flashing lights included)

Pedestrian actuated crossing (PAC)

- warrants for a PAC are 60 pedestrian crossing movements per hour for two separate one hour periods and 600 or more vehicles pass the site during the same two hours;
- speed reduction not required;
- would require parking prohibitions for a minimum 54m (9 cars) each side of the road;
- lighting upgrade required; and
- approximate cost \$120,000 - \$200,000 depending on design

Observations noted that current pedestrian crossing movements along Commercial Road and in particular in the vicinity of Tutti Arts, were well below the required warrant for any crossing type.

Most crossing movements were ad-hoc, with pedestrians crossing opposite their vehicle parked on the western side of Commercial Road or in the railway station carpark.

An approximate location for a pedestrian crossing is shown in Figure 10.



Figure 10 – Approximate location possible Tutti Arts Pedestrian Crossing

From a traffic engineering viewpoint, this location is the best available, but has a major flaw in that it leads pedestrians into the railway station carpark where there is no formal footpath or safe space for pedestrians to be protected. As such, any of the crossing options are not supported as

they potentially lead vulnerable pedestrians into an active carpark with no formalised pedestrian connection to other locations. This is not sound traffic engineering practice.

The linemarking and kerb ramps identified in Option 1 would also need to be implemented as part of this option.

Option 3 – Localised speed limit reduction

Under this option, Council may seek DIT approval to implement a reduced speed limit in the area adjacent to the Tutti Arts precinct. The most likely scenario is a 40kph zone as 25kph School Zone is not applicable for Tutti Arts precinct as Tutti Arts is not a recognised school.

Speed limits are set in accordance with AS1742.2 Speed Controls which states that speed limits should not be reduced for isolated 'hazards' and other treatments should be used such as warning signs. In this case council have installed pedestrian warning signs with supplementary Disabled plates to alert motorists.

To reduce a speed limit, council are required to submit a request to DIT as the approving authority. This request must be accompanied by a Traffic Impact Statement written by an experienced traffic practitioner outlining the justification for the proposed reduction and how this aligns with the standards. Based on the requirements set in the standard, it is highly unlikely an experienced practitioner would support a 40km/ h speed limit reduction in Commercial Road in isolation from the surrounding area.

Further, a 40km/h speed limit in isolation sets the precedent within council for residents to request their local street is also reduced to 40. A review of speed limits within the City of Holdfast Bay should be undertaken as a separate project independent of this report.

The linemarking and kerb ramps identified in Option 1 would also need to be implemented as part of this option.

BUDGET

The cost to traffic control options are listed below:

Option	Estimated Cost
Option 1 - Local Line marking and kerb ramp improvements	\$30,000
Option 2 – Pedestrian Crossings (including linemarking and kerb ramp improvements)	
• Zebra	\$70,000
• Raised Zebra	\$80,000
• Pedestrian actuated crossing	\$180,000
Option 3 – Localised speed limit reduction including linemarking and kerb ramp improvements	\$38,000

LIFE CYCLE COSTS

Ongoing maintenance of the line marking will be funded from future maintenance budgets with the line marking replaced every 4 years at a cost of approximately \$500 (based on works undertaken as part of the overall line marking program). Ongoing depreciation of the kerb ramps would be in the order of \$500 per year.