



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**

Tuesday 25 May 2021 at 7.00pm

**Roberto Bria
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. ANNUAL BUSINESS PLAN CONSULTATION

Under Section 123(4)(a)(i)(B) of the *Local Government Act 1999*, Council provided a period of at least one hour for members of the public to ask questions and make submissions in relation to the draft 2021/22 Annual Business Plan and Budget.

7. ITEMS PRESENTED TO COUNCIL

8. 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.

9. CONFIRMATION OF MINUTES

Motion

That the minutes of the Ordinary Meeting of Council held on 11 May 2021 be taken as read and confirmed.

Moved Councillor _____, Seconded Councillor _____

Carried

10. PUBLIC PRESENTATIONS

- 10.1 **Petitions** - Nil
- 10.2 **Presentations** - Nil
- 10.3 **Deputations** - Nil

11. QUESTIONS BY MEMBERS

- 11.1 **Without Notice**
- 11.2 **On Notice** - Nil

12. MEMBER'S ACTIVITY REPORTS - Nil**13. MOTIONS ON NOTICE**

- 13.1 Norfolk Island Pines Report – Councillor Fleming (Report No: 169/21)

14. ADJOURNED MATTERS - Nil**15. REPORTS OF MANAGEMENT COMMITTEES AND SUBSIDIARIES - Nil****16. REPORTS BY OFFICERS**

- 16.1 Items in Brief (Report No: 161/21)
- 16.2 Monthly Financial Report – 30 April 2021 (Report No: 159/21)
- 16.3 Representation Review Submissions Report and Representation Review Report Considerations (Report No: 145/21)
- 16.4 Procurement Policy (Report No: 130/21)
- 16.5 Nominations Sought for the South Australian (SA) Country Arts Trust (Report No: 165/21)
- 16.6 Review of Items Held in Confidence (Report No: 167/21)
- 16.7 Holdfast Quays Marina – Application for Landowner Consent – Temporary Ablution Facilities (Report No: 160/21)
- 16.8 Development Assessment – Design Review Scheme (Report No: 158/21)

17. 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.

18. URGENT BUSINESS – Subject to the Leave of the Meeting**19. CONFIDENTIAL ITEMS**

- 19.1 Chief Executive Officer's Performance Review (Report No: 168/21)

Pursuant to Section 90(2) of the Local Government Act 1999 the Report attached to this agenda and the accompanying documentation is delivered to Council Members upon the basis that 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:

- a. information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person or persons (living or dead).

20. CLOSURE



**ROBERTO BRIA
CHIEF EXECUTIVE OFFICER**

Item No: **13.1**

Subject: **MOTION ON NOTICE – NORFOLK ISLAND PINES REPORT – COUNCILLOR FLEMING**

Date: 25 May 2021

PROPOSED MOTION

Councillor Fleming proposed the following motion:

That Council table and note the report relating to the Trees of Tribute 1941 on Addison Road, Hove SA.

BACKGROUND

In recent times there has been discussion regarding whether the Norfolk Island Pines located along Addison Road were planted in 1941 as part of a tribute to men who enlisted from the local area in the defence forces.

The attached report provides evidence existing Norfolk Island Pines were planted as part of the Tress of Tribute 1941 initiative.

Refer Attachment 1

Attachment 1



Report to the Holdfast Bay City Council

10 May 2021

Trees of Tribute 1941 on Addison Road, Hove, SA

From the evidence to be evaluated in this report the most reasonable conclusion is that the Norfolk pines trees on Addison Road were planted by school children in 1941.

Before assessing the evidence which has so far emerged, we need to understand that what we are talking about here is “social history”. The University of Chicago defines “social history” in these terms.

Social History emerged as a field in the mid-twentieth century as a reaction to older fields—political history, diplomatic history, the history of great persons and great ideas—that, in their focus on elites, failed to address the historical experiences of the vast majority of the human population. **Social historians, committed to understanding the lives of ordinary people, have faced particular challenges locating sources. Across time, most non-elites have had little access to the written word; most of the textual sources that do yield information about them were created by those who governed or employed them. Rather than being discouraged by these challenges, social historians have responded creatively, turning to quantitative data, material and visual culture, the built environment, and oral histories to supplement more traditional archival and printed sources.** Grasping the possibilities and constraints faced by people in the past inevitably entails grappling with the dynamics of categorization, consciousness, and mobilization. The field of social history therefore intersects with the study of families, childhood, gender, race, labour, religion, crime, poverty, health, and disability (to name only a few themes). Parallels in our preoccupations and sources also lead social historians to be in frequent dialogue with scholarship in the disciplines of sociology, anthropology, geography and archaeology.¹ [Emphasis added]

As a consequence, there is often more documentary evidence available to check official projects, such as the Diagonal Road Avenue of Honour, with less official public recognition of projects of equal significance carried out on the initiative of smaller groups. The tree planting on Addison Road (then Railway Terrace) is a case in point. Nevertheless, the tree planting on Addison Road was strongly encouraged by persons in positions of authority such as Mayors and Members of Parliament.

Care must also be taken in the assessment of evidence such as arial photographs given the state of technology at that time.

We should remember that 54,660 South Australians were enlisted to serve overseas during World War II, and 3,363 were killed, representing 8.6% of total Australian casualties. This is a part of our history that will not be repeated in our lifetime, but we must not forget their stories.

¹ The Department of History, University of Chicago, <https://history.uchicago.edu/content/social-history>

Evidence about tree planting on Diagonal Road in 1941

1. The three Councils², had agreed to planting Norfolk pines Trees (Tribute Trees) on Diagonal Road as an Avenue of Honour to memorialise all persons who were serving overseas in the Second World War.³
2. It was “recommended that a plaque should be placed at the two entrances to Diagonal Road indicating to the public why the trees had been planted.⁴ Some trees did not survive and, in 1948, the Tree Planting Committee decide to replace 20 of the 200 pines “planted as a war memorial along Diagonal Road”.⁵ The three Councils decided in 1951 that a further unspecified number of trees were to be planted to replace dead trees.⁶

The wider community context

1. The initiative of the three Councils captured the imagination of the wider community such that there ended up being “at least” 5,000 trees being planted under the *Trees of Tribute Scheme* sponsored by the RSL.

The secretary of the National Tree Planting Scheme of South Australia said today [12 June 1941] that in addition to those of which the council had a record many other trees had been planted independently, but with the same object...so far 50 municipal bodies had undertaken to plant trees of tribute.⁷

2. There is evidence that Arbor Day was being used as the occasion for the planting of *Trees of Tribute* with Norfolk pines being “the best seller” and the Railways Department “the best customer”.⁸

At this point we can safely say that the initiative of the three Councils (B, M, and G) caught on more widely in the community with various groups planting Norfolk Island pines to honour serving soldiers fighting abroad. It is this context within which we evaluate the planting of Norfolk pines in Railway Terrace/Addison Road near the Hove railway station.

3. It is interesting to note that “The St. Peters Council has decided to plant 45 Norfolk Island pines at Hackney road. Hackney, between Athelney avenue and Cambridge street. The ? trees will be tributes to soldiers who ;have enlisted from the town, and : plaques with the names of the men will be attached to them later”⁹

Tree Planting At Hove Station

1. A good primary source providing evidence about the tree planting near Hove Station comes from the Brighton Primary School Journal kept by the Headmaster and in his own handwriting.

² The Council of the Corporation of Brighton (*the Minutes of which will be referred to as “B” hereafter*, The District Council of Marion/The Corporation of the Town of Marion (*the Minutes of which will be referred to hereafter as “M”*), and The Glenelg Town Council (*the Minutes of which will be referred to hereafter as “G”*).

³ Cf B 7th July 1941, B 7th August 1941, B 25th August 1941, M 1st July 1940, M 28th July 1941, M 11th August 1941, G 13 May 1941, 22 July 1941, and G 5th August 1941.

⁴ *News*, 2 August 1941, at page 5, and cf *The Advertiser*, 23 August 1941

⁵ *The Advertiser*, 19 August 1948, at page 4

⁶ *The A*, 27 June 1951, at page 6

⁷ *News*, 12 June 1941 at page 4

⁸ *The Advertiser*, 25 April 1942, at page 4

⁹ *The Advertiser*, 12 June 1941, at page 12

An entry in that journal, dated the 25th of July 1941, records what happened at the School's Arbor Day celebrations.

Arbor Day celebrations. Good attendance of parents. (letter or address) by the Mayor, Mr E Anthony MLC, the Rev Eric Tregilgas, Vote of thanks. Song of Aust, Salute Flag, National Anthem, School marches to Brighton Rd. plants 18 trees near Hove Station. Special lesson by the teachers.¹⁰

2. In 1941, newspaper articles describe a large Arbor Day event to plant 250 'trees of tribute' along Diagonal Road, from Young Street "to the Hove Railway Station".¹¹



3. The tree in this photo (GSV November 2020) on the corner of Young Street and Diagonal Road appears to be the only one remaining of the ones planted in 1941 along Diagonal Road.¹²

¹⁰ Entry from Headmaster's Journal, Brighton Primary School, July 25th 1941

¹¹ "250 pines as Trees of Tribute", *News*, 20 August 1941, at Page 2

¹² Marion Council



4. In 1963 two black and white photographs were taken of a train on the Brighton/Seacliff line running along Addison Road, Hove, near Brown Street. According to a researcher at the Marion Council, “here the pines would be 22 years old as NI pines grow 2 feet (0.61 metre) per year.” That means that the height of these trees would suggest they would have been planted in 1941.



Here is a photo of the closer of the two trees taken in August 2000.¹³



Also from 1963 is this photo of a “train (rear carriage at left of the picture) running along Addison Road, Hove near Winton Avenue. Again, pines can be seen along the edge of the road.”¹⁴

¹³ Marion City Council

¹⁴ Marion Council



5. In August 2019, a photo was taken from the same corner (Addison Road near Winton Avenue). Here we see that the tree in the centre has disappeared while the tree on the right has doubled in height in 56 years.¹⁵



6. All the photographic evidence taken together with the other historic evidence from the Minutes of the Three Councils, newspaper reportage, and the Headmaster's Journal provide a proper basis for a very strong conclusion that the trees at Hove Station are, indeed, the equivalent of an Avenue of Honour with Trees of Tribute for Holdfast Bay soldiers.
7. This is a copy of the Headmaster's entry in the School Journal of the 25th of July 1941.

¹⁵ Marion Council

DATE	SCHOOL JOURNAL
June 20 th	Miss Moten absent. H.T. took the class.
June 21 st	Miss Moten back to duty.
June 22 nd	9 New Admissions. 20 presents re-organization of the grades.
July 1 st	2 new sets given to Miss Bunge and to the Misses Bunge.
July 1 st	22 scholarships awarded to pupils by Brighton and Hove.
July 1 st	A letter published on July 1 st at Brighton school by the 2 teachers.
July 1 st	Agreed Details Examination from 10 th 16 th 17 th 18 th by the pupils.
July 1 st	Repairs about on school. Repairs.
July 25 th	Arthur Day's celebration. Roadside service of prayer etc. at Hove by the Mayor. Also being all to the Hove. Plans of Hove. Song of Hove. Salute to Hove. National Anthem school marches to Brighton Rd. plan to 15 trees near Hove 5 to hour. Special lessons by the teachers.
July 29 th	H.T. gave special lesson in Gp 2 & 3 re holding of pen and analysis of the Hove.
July 30 th	Mr Webb felt unwell he was taken home by Miss Day.
Aug 6 th	Had the day absent for Hove. H.T. promised book for Mrs. Bunge. Children read in turn H.T. cancelled from on time, did not enter while lesson took place.
12 th	Sando Gp 11. Truant day. Intervened by Alderman Effers. H.T. wrote to Mr. Lohmeyer re 18. for not on premises. But according to H.T. B.T. purchased out of school funds.
Aug 20 th	Miss Day absent. Ill.
Aug 21 st	Visit of Inspector by School Committee to Hove day present.
Aug 22 nd 23 rd	Miss Bunge absent. Ill.
Aug 27 th	2 day for an absence absent. Ill.
Aug 28 th	Repairs to school seen in complete.
Aug 29 th	Sports day S.P. 2. Brighton Oval 1-30-4. Sale for S.P. 2. 10-9-9. Repairs to Hove (6-8-4).
Sept 4 th	Break-up for Vacation. Day to see caps left about distributed. Child collection amount. Books and envelopes collected by collector.
Sept 6 th	Returned Hove after Vacation.
Sept 14 th	Miss Carter absent. Ill. H.T. took Gp 2 & 3.
Sept 23 rd	Miss Franklin absent. Ill. H.T. Gp 2 & 3.
Sept 24 th	Miss Day & Co returned to duty.
Sept 25 th	Visit of Mr. Lohmeyer. Hove. Released Staff at 10-30 for 20 min.
Oct 9 th	Agate Day - fires in rooms.
Oct 11 th	5 ports of fence down. Mr. Winton's room.
Oct 11 th	Miss Franklin's resignation.

8. In the event the school children's part in the planting of the 250 Norfolk Island pines as Trees of Tribute "along the Diagonal Road, Glenelg, to the railway station at Hove, in honour of men who have joined the fighting forces in the Glenelg, Brighton, and Marion districts was cancelled because of bad weather.¹⁶

¹⁶ The Advertiser, 23 August 1941, at page 8, and cf News, 22 August 1941, at page 3



9. The Arbor Day celebrations at Brighton Primary School are much grander than usual.¹⁷ The presence of the Mayor of Brighton, the Hon E Anthoney MLC, the Town Clerk, and the Rev Eric Tregilgas, a formal vote of thanks, followed by the Song of Australia, Salute the Flag, the National Anthem (God Save The King in those days), and planting of trees at Hove Station (not at the school or somewhere close by), are all suggestive that these plantings of 18 trees were very much in the spirit of the *Trees of Tribute* project which had caught the imagination of everybody in the community.
10. It may well be that there were some replantings on Addison Road. These replantings could reasonably be seen as a continuation of the original plantings as were the replantings on Diagonal Road (see pages 1 and 2 above).

General Observations

In his answer to a question (dated 11 May 2021) about this subject, The Chief Executive Officer refers to the plantings in Anzac Highway. That is, of course, interesting information, but one cannot conclude from that anything about Addison Road. One cannot “presume from these records that Addison Road is not an Avenue of Honour”.

Aerial photos are often difficult to interpret, especially those of more than 65 years ago. Whether or not the Diagonal Road trees survived is not immediately relevant to Addison Road.

There is an abundance of photographic (not including aerial photos) and other evidence, as referred to above, of trees being planted at the Hove Station and that almost certainly refers to Addison Road.

The CEO refers to July 1954 when 11 Norfolk Island pines were used to replace some of the trees at Addison Road and Railway Terrace.¹⁸ This would seem to be further evidence to support the reasonable view that in July 1941 the *Trees of Tribute* were indeed planted in Addison Road near the Hove Station.

Moreover, there are now 34 Norfolk Island pines in Addison Road. We know that there were 18 trees planted by the children and a further 11 were planted as replacement Tribute Trees in 1954. The remainder of the trees, which are of the same age as the others, seem to have been planted in 1941 as an extension of the Avenue of Honour as mentioned in *The Advertiser*, the 29th August 1941 at page 2, and again in *The Advertiser* on Saturday 23rd August 1941 at page 8.

¹⁷ Entry from Headmaster’s Journal, Brighton Primary School, July 25th 1941

¹⁸ *Glenelg Guardian*, 29th of July 1954

The CEO concludes his answer by quite reasonably observing that, in the light of the evidence he had at that time, the “Administration cannot provide conclusive advice that the Pine Trees on Addison Avenue were or were not part of an Avenue of Honour”. Accordingly, he awaits further information. This Report provides that information.

Conclusion

This report has relied upon evidence acquired over many hours of research at the State Archives as well as that provided by the staff at Marion Council. In summary that evidence is:

From the evidence to be evaluated in this report the most reasonable conclusion is that the Norfolk pines trees on Addison Road were planted by school children in 1941 as a memorial to World War II soldiers. These were part of the same Trees of Tribute planted along Diagonal Road.

Key evidence supporting the above statement:

- 250 pines as Trees of Tribute”, News, 20 August 1941, at Page 2
 “One of the biggest and most important combined Arbor days ever held...children from Glenelg, Brighton, Sturt, Ascot Park and St Leonards Schools will co-operate in the planting of 260 Norfolk Island pines as trees of tribute to the men and women who have enlisted from these districts in fighting services....Afterwards, the tree planting will take place in Diagonal Road.... to near Hove Station.”
- Trees of Tribute at Glenelg, The Advertiser, 23 August 1941, at page 8
 “...of the ceremony arranged for the planting of 250 trees of tribute along Diagonal Road, Glenelg to the railway station at Hove in honour of the men who have joined the fighting forces in the Glenelg Brighton and Marion district.”
- Entry from Headmaster’s Journal, Brighton Primary School, July 25th 1941
 “Arbor Day celebrations. Good attendance of parents. (letter or address) by the Mayor, Mr E Anthoney MLC, the Rev Eric Tregilgas, Vote of thanks. Song of Aust, Salute Flag, National Anthem, School marches to Brighton Rd. plants 18 trees near Hove Station. Special lesson by the teachers.”
- Further references to the Diagonal Road Trees of Tribute are made in:
 News, 2 August 1941, at page 5, and cf The Advertiser, 23 August 1941
 “...recommended that a plaque should be placed at the two entrances to Diagonal Road indicating to the public why the trees had been planted.” The Advertiser, 19 August 1948, at page 4
- The Advertiser, 27 June 1951, at page 6.
 Some trees did not survive and, in 1948, the Tree Planting Committee decide to replace 20 of the 200 pines “planted as a war memorial along Diagonal Road.”
- The three Councils decided in 1951 that a further unspecified number of trees were to be planted to replace dead trees.
- Photos of trees at various heights to show age of trees. See body of the report at page 4.

While good social history does not deal in absolutes, we can say from the available information that the *Trees of Tribute* planted in Addison Road were planted in the context of the overall *Trees of Tribute* programme begun by the three Councils (B, M, and G) and which had caught the public imagination. **It is important to notice that in 1941 the RSL sponsored a *Trees of Tribute Scheme*, no doubt responding to the wider community desire to further promote such a worthy scheme developed by the three Councils given the intense feelings within the community during World War II.**

It would be very unfortunate should the Norfolk Island pines on Addison Road, be among the last of the *Trees of Tribute* to be destroyed, given their importance as local social history, a history of which the three Councils should be proud.

This work has been a great discovery of an important piece of our social history and the activities of ordinary men, women, and children in our community.

Jane M Fleming
Councillor Holdfast Bay City Council
10 May 2021

Item No: **16.1**
Subject: **ITEMS IN BRIEF**
Date: 25 May 2021
Written By: Personal Assistant
General Manager: Strategy and Corporate, Ms P Jackson

SUMMARY

The following items were presented for the information of Members

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

RECOMMENDATION

That the following items be noted and items of interest discussed:

- 1. Local Heritage Development Plan Amendment**
 - 2. Managed Taxi Rank on Colley Terrace**
 - 3. Elizabeth Street Carpark Update**
 - 4. April 2021 Visitation, Bay Discovery Centre & Visitor Information Outlet**
 - 5. Local Government Infrastructure Framework (LGIF)**
-

COMMUNITY PLAN

Culture: Supporting excellent, efficient operations

COUNCIL POLICY

Not Applicable.

STATUTORY PROVISIONS

Not Applicable.

REPORT

1. Local Heritage Development Plan Amendment (DPA)

The Local Heritage Development Plan Amendment (DPA) was released for consultation on Thursday March 18 2021 and ran until Thursday 13 May 2021.

The DPA was release for consultation on 18 March 2021. Details of the Heritage DPA were listed on the www.yourholdfast.com website and information packs were also available at the Civic Centre in Brighton and in both of the libraries. All of the affected property owners were mailed copies of the relevant heritage data sheet for their property.

Nine responses were received on www.yourholdfast.com website, but none were from any of the affected property owners. The comments were from the broader public about the status of heritage in the Holdfast Bay area.

Five representations from impacted property owners were received, with three in support of the DPA, and two opposing the listing of their property.

One of the representations opposing the DPA stated a number of reasons for their opposition. The other representation provided no justification for their reasons for opposing the DPA. Both of the representations indicated that they did not want to be heard at a public meeting.

As no one has indicated that they wish to be heard at a public meeting, the meeting will not be held. A detailed report of the consultation process and summary of any changes to the DPA will be presented to the Council in the future.

2. Managed Taxi Rank on Colley Terrace

On the 11 May 2021, the Mayor and Elected Members received correspondence from the Hon. John Trainer OAM. President, Taxi Council SA.

Refer Attachment 1

3. Elizabeth Street Carpark Update

Elizabeth Street carpark (and adjacent Elizabeth Street) will extend its current 12P (12 hour parking) to 24P (24 hour parking) at a rate of \$3/hour as per Council Resolution **C280720/1974** endorsed fees and charges. This will enable alignment across all City of Holdfast Bay off street and on street car parking which are currently all 24P.

Importantly updating Elizabeth Street Carpark to 24P will allow consistent messaging across the tourism precinct, offering an inexpensive premium parking option to support evening economic activity and encourage turnover overnight within the carpark.

A one month grace period will be afforded to allow for the adjustment with signs indicating the change.

4. April 2021 Visitation, Bay Discovery Centre & Visitor Information Outlet

A total of 4,054 people visited both the Bay Discovery Centre (BDC) and Visitor Information Outlet (VIO) in April compared to 3,545 for the same period in 2020. The Bay Discovery Centre had 2,605 visitors and the Visitor Information Outlet provided 1,449 people with information.

School Holiday programs, along with public programs were very successful over the 14 day period with 1,914 engaging with the BDC.

Since January, figures indicate the majority of visitors are locals from South Australia however there was a spike in interstate visitors between January and March with the easing of COVID-19 restrictions.

5. Local Government Infrastructure Framework

Presented for the information of Members is correspondence from the Hon Vickie Chapman regarding the development of the Local Government Information Framework (LGIF). This was a key recommendation of the South Australian Productivity Commission (SAPC) report of its Inquiry into *Local Government Costs and Efficiency*.

Refer Attachment 2

Attachment 1



Dear Mayor Wilson and Councillors,

I write on behalf of Taxi Council SA to express our appreciation to you, and to the councillors and the staff of the Holdfast Bay Council, for your ongoing support of the Managed Rank on Colley Terrace.

A significant level of security and safety has been provided late at night on Saturdays for taxi passengers, especially for female passengers.

With supervision, boarding of taxis can be conducted on an orderly basis, with a concierge arranging cab sharing and with the additional monetary bonus of protecting passengers from the predatory late at night “surge pricing” practices applied by prowling Uber vehicles.

For example, the following figures were recorded on New Year’ Eve by the Concierge who reported that travellers were ignoring Uber bookings with surge prices and instead coming across the road to the Colley Terrace taxi stand.

These late night prices were quoted for three destinations from Glenelg on New Year’s Eve:

RAAF Base Elizabeth	Uber surge quote	<u>\$220</u>	Taxi estimate (AIT)	\$99.80
North Haven		\$179		\$64.85
Richmond		\$70		\$26.30

I have attached below a Hansard extract relating to the issue of Managed Ranks which highlights the State Government’s disinclination to support Managed Taxi Ranks, an important security feature which was previously supported at several taxi ranks in Adelaide.

It is encouraging to note therein that Minister Chapman has intimated that : *“the issue in relation to service provision and safety around taxi ranks remains a matter for consideration”*.

A concierge service is one that State Governments should provide as a matter of public transport safety, but we are extremely grateful on behalf of the taxi industry and our passengers – particularly our female passengers – for the City of Holdfast Bay stepping forward to assist with this important tourism and entertainment precinct in your area.

I hope you can continue your crucial support until the State Government resumes their responsibility.

With gratitude,

Hon. John Trainer OAM

President, Taxi Council SA

Attachment 2



The Hon Vickie Chapman MP

2020/02560/01

12 April 2021

Mayor Amanda Wilson
City of Holdfast Bay

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



**Government
of South Australia**

Deputy Premier

Attorney-General

**Minister for Planning
and Local Government**

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Dear Mayor Wilson

As you are aware, the South Australian Productivity Commission (SAPC) final report of its *Inquiry into Local Government Costs and Efficiency* (the Final Report) made a number of recommendations to the State Government and advice to councils regarding information for improved decision making; and efficiency and continuous improvement.

The creation of an 'information framework' was a key recommendation of the SAPC to enable high-level comparisons of councils, including with themselves over time, for the purposes of providing —

- councils with information to support decision making and continuous improvement;
- communities and ratepayers with consistent information about their council performance and productivity, including comparisons with appropriate councils; and
- State and Australian governments with information to allow better informed engagement with local government and decisions which affect local government.

In its response to the Final Report, the Government supported the establishment of an information framework for the local government sector with a suite of key financial and other performance indicators to provide accurate, comparative performance information to councils and their communities.

Accordingly, the Government has commenced the development of the Local Government Information Framework (LGIF), with a view to having a system operating in mid-2021.

To deliver the objectives identified by the SAPC, it is intended that the LGIF will consist of three parts—

1. The establishment of a publicly available website that will collate and present easily accessible and readily understood core performance information about all councils to their communities. This will enable community members to access information about their council over time, compare it to other councils, and importantly, to engage with the decisions and activities of their council.
2. The provision of detailed data and reports to councils to support councils' own activities such as benchmarking and service reviews to improve operations and deliver cost savings.
3. A mechanism that will enable councils to undertake their own internal reporting and analysis of their functions and performance using available data.

I can confirm that the LGIF will be based on the extensive data collected by the Local Government Grants Commission, supplemented by additional existing data where necessary, to both utilise established and credible data sources, and to ensure that the LGIF does not create an ongoing reporting or administrative burden for councils.

Of course, I am aware that this work is critical to the local government sector, and all councils will have a keen interest in both the public website, and the more detailed information that will be provided to all councils.

The Government is working very closely with the Local Government Association (LGA), which is represented on the project's Steering Committee, to ensure that the local government sector's views and expectations are incorporated into the development of the LGIF. The LGIF project team will also work with a small "Reference Group" of council staff to continuously test and improve the LGIF as it is developed.

I also expect that broader council and community consultation will be undertaken in mid to late May. This will provide your Council with an opportunity to provide feedback on the public website and on the reports that will be provided to all councils from the system.

For any further details, please contact Mr David Whiterod, Team Leader of the Attorney-General's Department on 7109 7145 or at david.whiterod@sa.gov.au.

Yours sincerely



VICKIE CHAPMAN MP
DEPUTY PREMIER
MINISTER FOR PLANNING AND LOCAL GOVERNMENT

Item No: **16.2**

Subject: **MONTHLY FINANCIAL REPORT – 30 APRIL 2021**

Date: 25 May 2021

Written By: Management Accountant

General Manager: Strategy and Corporate, Ms P Jackson

SUMMARY

Attached are financial reports as at 30 April 2021. They comprise a Funds Statement and a Capital Expenditure Report for Council's municipal activities and Alwyndor Aged Care. The adjusted forecast budget includes the carried forward amount as approved by Council 11 August 2020 and the three quarterly budget updates approved by Council 20 October 2020, 9 February 2021 and 27 April 2021.

The report includes Council's resolution (C130421/2262) to increase the capital expenditure budget by \$30,000 for line marking and kerb ramp improvements adjacent to the Brighton Railway Station and Tutti Arts building. No other changes to Alwyndor and Municipal budgets are recommended at this time, but the report highlights items that show a material variance from the YTD budget.

RECOMMENDATION

That Council receives the financial reports and budget update for the 10 months to 30 April 2021 and notes:

- **no change to the Municipal activities 2020/21 revised operating budget forecast;**
 - **an increase in forecast Municipal capital expenditure of \$30,000 from \$27.610 million to \$27.640 million; and**
 - **no change to the Alwyndor Aged Care 2020/21 revised budget forecast.**
-

COMMUNITY PLAN

Culture: Being financially accountable

COUNCIL POLICY

Not applicable.

STATUTORY PROVISIONS

Not applicable.

BACKGROUND

Council receives financial reports each month comprising a Funds Statement and Capital Expenditure Report for each of Council's municipal activities and Alwyndor Aged Care.

The Funds Statements include an income statement and provide a link between the Operating Surplus/Deficit with the overall source and application of funds including the impact on cash and borrowings.

Refer Attachment 1

REPORT

A comprehensive budget update was conducted for the period ending 31 March 2021 and approved by Council 27 April 2021. The majority of the variances to date are due to budget and actuals timing differences over the first ten months of the financial year. Details of the major variances, along with amounts and notes, for both Council Municipal and Alwyndor operations have been prepared and are attached to this report.

Refer Attachment 1

Increase in Capital Expenditure

Safety improvements, including line marking and kerb ramp improvements, to assist pedestrians crossing between Brighton Railway Station and the Tutti Arts building was approved by Council 13 April 2021 (Resolution C130421/2262). This has resulted in an increase in forecast capital expenditure of \$30,000.

Major capital variances

A number of major projects are forecast to be incomplete as at 30 June 2021 and include the following:

- Brighton Oval Masterplan – stage 2
- Glenelg Town Hall renovations
- Stormwater Management Plan implementation
- Jetty Road, Glenelg Masterplan construction
- Unisex change room at Glenelg Oval
- Kingston Park and Brighton Caravan Park design and construction
- Seacliff Toilets construction to be incorporated in to Seacliff Plaza design
- Buffalo Site improvement works
- Gully Masterplan implementation
- Major plant and equipment on order, but not yet delivered

The amounts will be detailed in future finance reports when committed costs are known.

Financial Assistance Grant - timing

In May 2020 the Federal Government announced that it would bring forward part payment of the 2020-21 Financial Assistance Grants. Council received a \$670,200 advance payment in May 2020. The timing of this payment required it to be recorded as income in the 2019/20 financial year. The effect of this is a corresponding reduction in the operating result for 2020/21. Advice has not been received on whether the 2021/22 Financial Assistance Grant will be brought forward and paid in June 2021 and as such no budget adjustment has been included for this item.

Alwyndor Aged Care

There are no changes to the Alwyndor revised budget forecast as approved by Council.

Attachment 1



City of Holdfast Bay
Municipal Funds Statement as at April 2021

2020 - 2021 Original Budget \$'000	Year to Date				2020 - 2021 Adopted Forecast \$'000	Note
	Adopted Forecast \$'000	Actual \$'000	Variance \$'000			
(636)	(576)	(536)	(39)	Administrative Services	(641)	
1,462	1,023	984	39	FAG/R2R Grants	1,917	
(1,099)	(961)	(941)	(20)	Financial Services	(1,149)	
(9,437)	(7,084)	(7,043)	(41)	Financial Services-Depreciation	(9,437)	
(257)	-	-	-	- Financial Services-Employee Leave Provisions	(257)	
(869)	(339)	(262)	(77)	Financial Services-Interest on Borrowings	(711)	1
124	-	-	-	- Financial Services-SRWRA	124	
36,090	36,404	36,388	16	General Rates	36,104	
(1,359)	(1,296)	(1,241)	(55)	Governance & Risk	(1,481)	2
(2,567)	(2,189)	(2,192)	4	Innovation & Technology	(2,507)	
(681)	(356)	(371)	15	People & Culture	(541)	
(1,026)	(827)	(675)	(152)	Strategy & Economic Development	(1,046)	3
(822)	(652)	(638)	(14)	Active Communities	(842)	
-	-	(1)	1	Alwyndor Aged Care Complex	-	
(1,131)	(879)	(786)	(93)	City Activation	(1,131)	4
(880)	(778)	(556)	(222)	Community Events	(880)	5
(348)	(281)	(270)	(11)	Community Services Administration	(348)	
(296)	(172)	(159)	(13)	Community Wellbeing	(485)	
(574)	(467)	(447)	(20)	Customer Service	(574)	
-	78	213	(135)	Jetty Road Mainstreet	(94)	6
(1,508)	(1,193)	(1,075)	(118)	Library Services	(1,498)	7
108	105	121	(16)	Cemeteries	118	
(647)	(523)	(514)	(9)	City Assets & Leasing Administration	(645)	
317	388	522	(134)	City Regulation	316	8
760	680	725	(45)	Commercial - Brighton Caravan Park	936	
(25)	(2)	21	(23)	Commercial - Partridge House	(7)	
363	330	349	(19)	Commercial & Club Leases	381	
(978)	(683)	(653)	(30)	Development Services	(847)	
(815)	(793)	(778)	(15)	Engineering & Traffic	(1,009)	
(733)	(513)	(472)	(41)	Environmental Services	(851)	
(7,445)	(6,089)	(6,084)	(5)	Field Services & Depot	(7,366)	
(2,017)	(1,468)	(1,437)	(31)	Property Management	(2,006)	
(466)	(357)	(310)	(47)	Street Lighting	(466)	
(4,181)	(3,169)	(3,205)	36	Waste Management	(4,142)	
909	-	-	-	- Less full cost attribution - % admin costs capitalised	909	
(660)	7,363	8,676	(1,313)	=Operating Surplus/(Deficit)	(155)	
9,437	7,084	7,043	41	Depreciation	9,437	
133	-	-	-	- Other Non Cash Items	133	
9,570	7,084	7,043	41	Plus Non Cash Items in Operating Surplus/(Deficit)	9,570	
8,910	14,447	15,719	(1,272)	=Funds Generated from Operating Activities	9,415	
-	5,116	5,763	(646)	Amounts Received for New/Upgraded Assets	6,716	9
294	158	139	20	Proceeds from Disposal of Assets	1,410	
294	5,275	5,901	(627)	Plus Funds Sourced from Capital Activities	8,126	
(8,084)	(6,255)	(4,798)	(1,456)	Capital Expenditure on Renewal and Replacement	(10,777)	
(5,629)	(8,480)	(7,557)	(923)	Capital Expenditure on New and Upgraded Assets	(16,834)	
(13,713)	(14,734)	(12,355)	(2,379)	Less Total Capital Expenditure	(27,610)	10
212	210	28	182	Plus:Repayments of loan principal by sporting groups	212	
212	210	28	182	Plus/(less) funds provided (used) by Investing Activities	212	
(4,297)	5,198	9,293	(4,096)	= FUNDING SURPLUS/(REQUIREMENT)	(9,857)	
Funded by						
-	(912)	(912)	-	- Increase/(Decrease) in Cash & Cash Equivalents	-	
-	5,595	14,041	(8,446)	Non Cash Changes in Net Current Assets	3,735	
(5,439)	-	-	-	- Less: Proceeds from new borrowings	(14,735)	
-	-	(4,350)	4,350	Less: Net Movements from Cash Advance Debentures	-	
1,143	515	515	-	- Plus: Principal repayments of borrowings	1,143	
(4,297)	5,198	9,293	(4,096)	=Funding Application/(Source)	(9,857)	

Note 1 – Financial Services-Interest on Borrowings - \$77,000 favourable

Savings on budgeted interest costs due to timing of short-term borrowings and low interest rates.

Note 2 – Governance & Risk - \$55,000 favourable

Employment costs due to temporary vacancies (\$49,000) and various small operational savings (\$6,000).

Note 3 – Strategy & Economic Development - \$152,000 favourable

Remaining funds for the COVID Economic Stimulus initiative (\$97,000) and shopfront character grant applications (\$52,000).

Note 4 – City Activation - \$93,000 favourable

Employment costs due to temporary vacancies (\$32,000), advertising and promotion expenditure (\$27,000), professional services (\$26,000) and website update fees (\$9,000).

Note 5 – Community Events - \$222,000 favourable

New Year's Eve (\$160,000), Tour Down Under (\$54,000), Street Party (\$38,000) and Christmas Pageant (\$32,000), offset by new or expanded events; Beach Volleyball (\$18,000), Outdoor Cinema (\$18,000), Anzac Day (\$20,000) and Artisan Markets (\$7,000).

Note 6 – Jetty Road Mainstreet - \$135,000 favourable

Tour Down Under (\$50,000), Street Party (\$30,000), Christmas Pageant (\$20,000), and marketing and event management expenditure (\$35,000).

Note 7 – Library Services - \$118,000 favourable

Employment costs due to temporary vacancies (\$89,000) and various small operational savings (\$29,000).

Note 8 – City Regulation - \$134,000 favourable

Revenue higher than forecast including car park ticket machines (\$100,000) and food safety inspections, trading permits and licenses (\$55,000) offset by lower hoarding fee income (\$20,000).

Note 9 – Amounts Received for New/Upgraded Assets - \$646,000 favourable

First instalment (50%) of grant funding received for the Local Roads and Community Infrastructure Program (Phase Two).

Note 9 – Capital Expenditure - \$2,379,000 favourable

The majority of variances are due to timing differences between budget and actual expenditure at the end of April. The capital program will continue to be reviewed to identify if all projects are to be completed in 2020/21, with Council to be informed of any that will need to be carried forward to 2021/22. Major year to date variances due to timing include the following:

- \$704,000 – Glenelg Town Hall restoration works.
- \$674,000 – Stormwater program including the installation of water sensitive urban design infrastructure and replacement of existing stormwater pipes.
- \$137,000 – Gully Masterplan implementation.
- \$132,000 – Da Costa playground and equipment – basketball court has been completed.
- \$126,000 – Foreshore improvement program including the installation and replacement of access signs, showers, drink fountains and safety improvements.
- \$123,000 – Major plant and equipment on order, but not yet delivered.

**City of Holdfast Bay
Capital Expenditure Summary by Budget Item to April 2021**

2020-21 Original Budget \$'000	Year to Date				2020-21 Adopted Forecast \$'000
	Adopted Forecast \$'000	Actual \$'000	Variance \$'000		
(909)	-	-		- Full Cost Attribution	(909)
(830)	(566)	(530)	(36)	(36) Information Technology	(830)
(750)	-	(3)	3	3 Commercial and Economic Enterprises	(750)
(85)	(71)	(67)	(4)	(4) Brighton Library	(85)
-	(142)	(162)	20	20 Community Bus	(142)
-	(7)	(7)		- Sport and Recreation	(591)
(13)	(13)	(9)		- Depot and Stores	(3)
(952)	(1,101)	(978)	(123)	(123) Machinery Operating	(1,352)
(953)	(695)	(686)	(9)	(9) Road Construction and Re-seal Program	(953)
(583)	(323)	(338)	15	15 Footpath Program	(604)
(1,440)	(1,419)	(745)	(674)	(674) Stormwater Drainage Program	(1,869)
(11)	(50)	(32)	(18)	(18) Traffic Control Construction Program	(50)
(10)	-	(2)	2	2 Signage Program	(10)
(781)	(731)	(752)	21	21 Kerb and Water Table Construction Program	(781)
(100)	(30)	-	(30)	(30) Other Transport - Bus Shelters etc.	(100)
(1,593)	(6,433)	(5,977)	(456)	(456) Reserve Improvements Program	(7,817)
(4,013)	(2,630)	(1,734)	(895)	(895) Land, Buildings and Infrastructure Program	(6,046)
(217)	(223)	(158)	(65)	(65) Streetscape Program	(3,883)
(474)	(295)	(169)	(126)	(126) Foreshore Improvements Program	(725)
-	(6)	(7)	1	1 Caravan Park - General	(101)
(13,713)	(14,734)	(12,355)	(2,379)	Total	(27,600)

Alwyndor Aged Care Funds Statement as at 30 April 2021

2020-21 Original Budget \$'000	Year to Date				2020-21 Adopted Forecast \$'000	Note
	Forecast YTD \$'000	Actual YTD \$'000	Variance \$'000			
5,107	3,649	3,681	(33)	User Charges	4,417	
10,968	10,198	10,186	12	Operating Grants and Subsidies	12,215	
178	172	160	13	Investment Income	189	
3,508	2,674	2,617	56	Reimbursements	3,237	
3,007	2,005	2,012	(7)	Other Income	2,432	
22,768	18,698	18,657	41	Operating Revenue	22,490	1
(15,738)	(13,043)	(12,980)	(62)	Employee Costs - Salaries & Wages	(15,644)	
(6,078)	(5,139)	(5,172)	33	Materials, Contracts and Other Expenses	(6,240)	
(90)	(46)	(57)	10	Finance Charges	(56)	
(1,242)	(1,014)	(1,017)	3	Depreciation	(1,217)	
(23,147)	(19,242)	(19,226)	(16)	Less Operating Expenditure	(23,157)	2
(379)	(544)	(569)	25	=Operating Surplus/(Deficit)	(667)	
1,242	1,014	1,017	(3)	Depreciation	1,217	
166	265	152	113	Provisions	294	
1,408	1,279	1,170	109	Plus Non Cash Items in Operating Surplus/(Deficit)	1,511	
1,029	735	600	134	=Funds Generated from Operating Activities	844	
0	(15)	12	(27)	Proceeds from Disposal of Assets	12	
0	(15)	12	(27)	Plus Funds Sourced from Capital Activities	12	
(586)	(574)	(638)	64	Capital Expenditure on New and Upgraded Assets	(1,026)	
(586)	(574)	(638)	64	Less Total Capital Expenditure	(1,026)	
443	145	(26)	171	= Funding SURPLUS/(REQUIREMENT)	(172)	
				Funded by		
443	145	(26)	171	Increase/(Decrease) in Cash & Cash Equivalents	(172)	
443	145	(26)	171	=Funding Application/(Source)	(172)	

**Alwyndor - Notes
April 2021**

1 Operating Revenue

Operating Revenue is \$41K unfavourable. Residential services are anticipating a continued decrease in revenue due to higher than anticipated resident turnover. Several high funded residents were discharged and it has been challenging to find new residents with similar high needs and funding.

As a part of the initial response to the Royal Commission into Aged Care, Quality and Safety Alwyndor received an additional \$100K Federal funding in March 2021. This amount has helped reduce the full impact of the revenue decrease mentioned above.

Support at Home client growth during the quarter is strong. We are meeting the monthly growth targets however the annual target won't be achieved due to lower growth and high discharge rates in the first two quarters.

Therapy and Wellness classes continue to be limited due to COVID-19 room restrictions.

2 Operating Expenditure

The favourable variance of \$16K is mostly due to timing differences for staff leave and contractor invoicing.

Item No: **16.3**

Subject: **REPRESENTATION REVIEW SUBMISSIONS REPORT AND REPRESENTATION REVIEW REPORT CONSIDERATIONS**

Date: 25 May 2021

Written By: Team Leader Governance

General Manager: Strategy and Corporate, Ms P Jackson

SUMMARY

On 9 February 2021 Council endorsed the release of the Representation Review Options Paper for public consultation (C090221/2218- Report No. 43/21 Representation Review Options Paper). Consultation commenced Thursday, 18 February 2021 and closed on Friday, 9 April 2021. Sixty-one submissions were received.

A Representation Review Submissions Report containing the public consultation outcomes is provided as Attachment 2. The majority of submissions favoured:

- The retention of a Mayor as the principal member (66.6%)
- No area councillors (13.11% favoured no wards, no responses supported additional area councillors)
- The retention of wards (86.89%)
- A four ward configuration (63.93%)
- A reduction in the overall number of councillors (73.77%).

The next step in the process is for Council to determine, in principle, key matters so that the Representation Review Report can be developed for further community consultation. Council may choose any option for the next stage of consultation but may select only one.

When considering the Representation Review, Council must take into account principles and matters under Section 26 and 33 of the *Local Government Act 1999*, particularly in relation to avoiding over-representation in comparison to councils of a similar size and type.

RECOMMENDATION

That Council:

- 1. notes the Representation Review Submissions Report outlining the public consultation outcomes; and**
- 2. endorses in principle the following components of the proposed future composition of Council, for inclusion in the Representation Review Report:**

- a. **the principal member of Council continue to be a Mayor, elected by the community at Council elections**
 - b. **no area councillors be proposed**
 - c. **the area of the council should continue to be divided into __ wards**
 - d. **that each ward is represented by __ councillors.**
-

COMMUNITY PLAN

Community: Fostering an engaged and contributing community

Culture: Providing customer-centred services

Culture: Enabling high performance

Culture: Being financially accountable

Culture: Supporting excellent, efficient operations

COUNCIL POLICY

Not applicable

STATUTORY PROVISIONS

Local Government Act 1999

Statutes Amendment (Local Government Review) Bill 2020

BACKGROUND

On 9 July 2020, the Minister for Transport, infrastructure and Local Government declared that the City of Holdfast Bay must undertake a Representation Review by October 2021.

Council commenced the Representation Review process in September 2020 (C080920/2025-Report No. 242/20 Representation Review Commencement 2020/21).

The *Statutes Amendment (Local Government Review) Bill 2020*, which proposed a limit of 12 elected members (including a Mayor) and proposes to abolish the position of a Chairperson, is currently on hold and it is unknown if or when these provisions will come into effect. At this point in time, Council can only conduct its current review in accordance with the relevant provisions and requirements of the existing *Local Government Act 1999* (the Act).

C L Rowe and Associates were engaged to undertake the review on behalf of Council (as a qualified person pursuant to Section 12(5) of the Act).

Once the Representation Review process is concluded, changes to the Council's composition would come into effect at the next Local Government election (circa November 2022).

REPORT

Council undertook public consultation on the Representation Review Options Paper, seeking written submissions from Thursday 18 February 2021 to 5pm to Friday 9 April 2021. The public were notified of the Representation Review Options Paper being available for public consultation by:

- Notice in the Gazette on 18 February 2021
- Notice in the Advertiser on 18 February 2021
- Council's webpage (<https://www.yourholdfast.com/representation-review>)
- Via email to registered users on Council's database (1800 community members plus 3800 businesses)
- Council's twitter account each week
- Council's LinkedIn account
- Council's facebook page
- Holdfast News – e-newsletter (approximate database of 1800), and
- Display in Brighton Civic Centre and Brighton and Glenelg libraries.

There were a total of three hundred and ninety nine (399) visits on Council's Your Holdfast webpage.

Sixty one (61) submissions were received (58 electronically and two by hard copy questionnaire and 1 by email). In summary, the submissions included the following results:

- Of the sixty (60) submissions which specifically addressed the issue of the principal member, forty (40) or 66.6% favoured the retention of an elected Mayor and twenty (20) supported a change to a Chairperson;
- Fifty-three (53) or 86.89% of the submissions received favoured an option which divided the Council area into wards, whilst only eight (8) or 13.11% favoured the abolition of wards;
- Forty-five (45) or 73.77% of the respondents favoured a reduction in the number of councillors;
- Sixteen (16) or 26.23% respondents favoured the retention of twelve (12) councillors;
- Twenty-five (25) / 40.58% respondents favoured eight (8) councillors; eleven (11) / 18.03% favoured nine (9) councillors; and seven (7) / 11.48% favoured ten (10) councillors; and
- The preferred ward structure was:
 - a slightly modified (4) ward structure (Option 4 – four wards and eight councillors - twenty-four (24) / 39.34% of the submissions);
 - followed by the current four (4) ward structure (Option 1 – four wards and twelve councillors - fifteen (15) / 24.59% of the submissions);
 - followed by a three (3) ward structure (Option 3 – three wards and nine councillors - eleven (11) / 20.75% of the submissions); and

- followed by a five (5) ward structure
(Option 2 – five wards and ten councillors - three (3) / 5.66% of the submissions).

The outcomes from the consultation on the Representation Review Options Paper is detailed in the Representation Review Submissions Report attached.

Refer Attachment 1

The next stage is for CL Rowe and Associates to prepare the Representation Review Report based on the resolution of this meeting, for presentation at the Council meeting on 8 June 2021. The Representation Review Report must include information on the public consultation submission (stage one consultation), Council's response from the submissions made and set out any proposals that Council considers should be carried into effect and how the proposal relates to principles for its composition and structure. Once endorsed, the Representation Review Report must undertake public consultation (a second stage of public consultation) for a minimum of three (3) weeks.

Council may choose to select any of the options presented in the Review Options Paper or any other option they deem appropriate. For reference, the options that were included in the Review Options Paper and relative responses by the community are as follows:

Ward Option	Respondents	%
Option 4 (Four wards, eight councillors)	24	39.34
Option 1 (Four wards, twelve councillors)	15	24.59
Option 3 (Three wards, nine councillors)	11	18.03
Option 5 (No wards)	8	13.11
Option 2 (Five wards, ten councillors)	3	4.92
Total	61	

It should be noted that one community response also suggested two wards with eight elected members.

Whichever structure Council elects to endorse, justification will need to be provided to the Electoral Commission of South Australia (ECSA). Council should consider advice from ECSA in 2013 that stated "currently the City of Holdfast Bay has one of the lowest quotas within the metropolitan region and in future council should give more consideration to the principles and matters under Section 26 and 33 of the Act, particularly in relation to avoiding over-representation in comparison to councils of a similar size and type".

Refer Attachment 2

As part of the certification process, ECSA considers whether the requirements of the Act have been satisfied. ECSA has the discretion to either give certification or, if not satisfied, refer the matter back to Council together with a written explanation of the reasons for not certifying Council must complete the Representation Review within the timeframe (including any further public consultation) by October 2021, otherwise ECSA may determine which proposal is to be put into effect.

BUDGET

The budget for the Representation Review was approved by Council on 8 September 2020 (C080920/2025). The current process is within budget.

LIFE CYCLE COSTS

Not applicable.

Attachment 1



ELECTOR REPRESENTATION REVIEW

First Public Consultation

A Report to the

CITY OF HOLDFAST BAY

April 2021

Disclaimer

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1. INTRODUCTION

Section 12(4) of the *Local Government Act 1999* (the Act) requires a council to undertake a review of all aspects of its composition and the division (or potential division) of the council area into wards, at least once in every period prescribed by the Minister for Local Government (generally eight years). The review for the City of Holdfast Bay (the Council) must be conducted and completed during the period October 2020 - October 2021.

The current review commenced in September 2020 and has progressed to the point where the first of the two prescribed public consultation stages has been completed. Council must now give consideration to the submissions received and determine ("in principle") what changes, if any, it proposes to bring into effect in respect to its future size, composition and structure.

2. PUBLIC CONSULTATION

Public consultation commenced on Thursday 18th February 2021 with the publishing of public notices in "The Advertiser" newspaper and the Government Gazette. An information leaflet and a copy of the Representation Options Paper were made available at the Brighton Civic Centre and the two libraries; information was disseminated via Council's established mailing list, Twitter, LinkedIn, Facebook and Holdfast News (e-newsletter); and information and a connection to the on-line survey were provided on the Council website (yourholdfast.com/representation-review).

At the expiration of the public consultation period (i.e. close of business on Friday 9th April 2021) Council had received sixty-one (61) submissions, fifty-eight (58) electronically via the aforementioned web page; two (2) by way of a completed questionnaire; and one (1) by email. During the course of the public consultation the website page recorded three hundred and ninety-nine (399) visits.

A summary of the submissions is provided in Attachment A; and it is understood that copies of the submissions will be available to Elected Members via the "HUB". It is recommended that the Elected Members take the time to peruse the submissions as some contain relevant comments and opinions of the respondents.

The receipt of sixty-one (61) submissions is considered to be a reasonable response, given that at the same stage of the previous elector representation review (January 2013) Council received only two (2) submissions. Whilst the recent submissions only represent a small sample of the public, they do provide some insight in respect to several specific issues being addressed by the representation review.

The following tables provide details of the public consultation (Stage 1) outcome demonstrating support by the public for the various composition and ward structure options.

Table 1: Preferred principal member

Principal Member	Respondent	%
Mayor (elected by the community)	40	65.57
Chairperson (selected by the elected members)	20	32.79
No preference stated	1	1.64
Total	61	

Table 2: Preferred structure

Ward Option	Respondents	%
Option 4 (Four wards, eight councillors)	24	39.34
Option 1 (Four wards, twelve councillors)	15	24.59
Option 3 (Three wards, nine councillors)	11	18.03
Option 5 (No wards)	8	13.11
Option 2 (Five wards, ten councillors)	3	4.92
Total	61	

Table 3: Preferred number of councillors

Preferred number of councillors	Respondents	%
Eight	25	40.98
Twelve	16	26.23
Nine	11	18.03
Ten	7	11.48
Six	1	1.64
Two	1	1.64
Total	61	

In summary:

- Forty (40) of the sixty (60) respondents who addressed the issue of the principal member favoured the retention of an elected Mayor.
- Fifty-three (53) of the sixty-one (61) respondents supported the retention of a ward structure.
- Of the fifty-three (53) respondents who indicated a preferred ward structure, the most favoured option was the a slightly modified four (4) ward structure (Option 4), followed by the current four (4) ward structure (Option 1), the three ward structure (Option 3) and the five ward structure (i.e. Option 2).
- Forty-five (45) of the sixty-one (61) respondents favoured a reduction in the number of councillors (i.e. a range of 2 – 10 councillors).
- The most favoured number of councillors was eight (8), followed by twelve (12), nine (9) and ten (10).

It should be noted that the provisions of Section 12 of the Act do not require Council to provide the individuals who made written submissions with the opportunity to address Council at this stage of the review process.

3. FUTURE COMPOSITION AND STRUCTURE

Council has now reached the stage of the prescribed review process where it must identify what changes (if any) it proposes to make to its current composition and/or ward structure. Council must then prepare a Representation Review Report which will set out details of Council's preferred structure and composition; and provide for community consideration and comment during the second of the prescribed consultation periods. The Representation Review Report will address the following issues.

3.1 Mayor/Chairperson

The principal member of Council has long been a Mayor who is elected by the community. Currently, the only alternative is a Chairperson (selected by and from amongst the elected members).

Of the sixty (60) submissions which specifically addressed the issue of the principal member, forty (40) or 66.6% favoured the retention of an elected Mayor and twenty (20) supported a change to a Chairperson.

Members are reminded that the *Statutes Amendment (Local Government Review) Bill 2020* (the Bill), which is currently before parliament (Legislative Council), seeks to abolish the position of Chairperson.

At the time of preparing this report, it is understood that the Bill requires further consideration and debate in the Legislative Council. However, to date no amendment has been presented regarding the provision which seeks to abolish the Chairperson option.

Should the Bill pass through parliament in its current form, as expected, all councils within the state will have an elected Mayor.

At this point in time Council can only conduct its current review in accordance with the relevant provisions and requirements of the existing Act. This being the case, the following information relating to the two existing alternatives is provided to assist members in their deliberations.

3.1.1 Mayor

- A Mayor is elected by the community.
- The election of the Mayor affords all eligible members of the community the opportunity to express faith in a candidate and the result of the vote provides the elected Council with an identifiable principal member who is accountable to the community.
- A Mayor is elected for a four year term and therefore provides stability and continuity to Council.
- An elected Mayor cannot be removed from office unless where legislative breaches are proven.
- An elected Mayor does not have a deliberative vote on a matter before council, but has, in the event of a tied vote, a casting vote.
- The office of Mayor (elected) is additional to the number of councillors and, as such, comes at an additional cost to Council (i.e. members allowances, administrative costs and alike).
- As an election (or supplementary election) for the office of Mayor must be conducted across the whole of the council area, a significant cost can be incurred by Council on every occasion the office is contested.
- At present all of the metropolitan councils have an elected Mayor, as do all bar fifteen regional councils.
- Candidates for the office of Mayor cannot also stand for election as a councillor and, as such, the experience and expertise of unsuccessful mayoral candidates will be lost to Council.

3.1.2 Chairperson

- A Chairperson is selected by and from amongst the elected members.
- The office of Chairperson provides flexibility and opportunity for a number of elected members to gain experience as the principal member during the four year term of the Council; and to bring their particular skill set and opinions to the position, albeit for what could be a limited period of time.
- The term of a Chairperson is decided by Council (1 - 4 years).
- Council decides the title of a Chairperson (e.g. mayor), pursuant to Section 51(1)(b) of the Act.
- Fifteen regional councils currently have a Chairperson, all of which bear the title of mayor.
- A Chairperson has a deliberative vote at a council meeting, but does not have a casting vote.
- The selection of a Chairperson is not reliant upon an election. Should a Chairperson not be able to complete a full term of office, a replacement can be selected from the existing elected members and costs will only be incurred by Council when it seeks to fill the vacant position of councillor (which is limited to the specific ward if a ward structure is in place).

It should be noted that, if Council intends to pursue a change from an elected Mayor to a Chairperson, the proposed change cannot proceed unless or until a poll has been conducted in accordance with the requirements of Section 12 (11a-d) of the Act. Given the requirements and likely outcomes of the Bill, and the fact that the required poll would likely be conducted at the periodic Local Government election in November 2022, there appears to be little or no benefit to be achieved by such a proposal at this time.

3.2 Structure

3.2.1 Wards/No Wards

The City of Holdfast Bay has always been divided into wards.

Fifty-three (53) or 86.89% of the submissions received favoured an option which divided the Council area into wards, whilst only eight (8) or 13.11% favoured the abolition of wards.

The main arguments supporting a ward structure include:

- wards guarantee some form and level of direct representation to existing communities of interest and/or parts of the Council area;
- ward councillors can focus on local issues;
- under the "no wards" structure Council has to conduct elections and supplementary elections across the whole of the Council area (at a significant expense); and

- under the “no wards” structure the more popular or known councillors may receive more enquiries from the public (i.e. inequitable workloads).

The key arguments supporting the abolition of wards include:

- the electors have the opportunity to vote for all of the vacant positions on Council;
- the most supported candidates from across the council area will likely be elected;
- the elected members should be free of parochial local/ward attitudes;
- the lines of communication between Council and the community should be enhanced, given that members of the community will be able to consult with any and/or all members of Council, rather than be obliged to consult with their specific ward councillors;
- under the current proportional representation method of voting the “no ward” structure still affords opportunities for the smaller “communities of interest” within the council area to be directly represented on Council (subject to voter turnout); and
- the “no ward” structure automatically absorbs fluctuations in elector numbers (i.e. the quota tolerance limits do not apply).

At present thirty-three (33) regional councils and two (2) metropolitan councils (i.e. the Towns of Walkerville and Gawler) have no wards.

Should it be the preference of the elected members to retain a ward structure, Council will not only have to identify an appropriate ward structure but will also have to determine the need for area councillors in addition to ward councillors; the level of representation within the wards; and appropriate ward names.

3.2.2 Ward Structures

The Act requires that Council must ensure that all aspects of its composition and the issue of the division, or potential division, of the council area are comprehensively reviewed.

The current ward structure can be retained because the elector ratios in all of the existing wards lay comfortably within the specified 10% quota tolerance limit prescribed under Section 33(2) of the Act (refer Table 4).

Table 4: Current ward structure - elector numbers and elector ratios

Ward	Crs	H of A Roll	Council Roll	Electors	Ratio	% Variance
Glenelg	3	6,942	50	6,992	1:2,331	- 1.31
Somerton	3	7,146	24	7,170	1:2,390	+ 1.20
Brighton	3	7,080	12	7,092	1:2,364	+ 0.10
Seacliff	3	7,077	8	7,085	1:2,362	0.00
Total	12	28,245	94	28,339		
Average					1:2,362	

Source: Electoral Commission SA (4 March 2021)

Should Council be of the mind to retain wards, the Elected Members will have to identify their preferred future ward structure. This could be one of the ward structure options presented in the Representation Options Paper (including the current ward structure), or a newly developed structure based on the specific needs of Council in respect to councillor numbers and/or levels of ward representation.

It is noted that twenty-four (24) or 39.34% of the submissions supported the a slightly modified four (4) ward structure (Option 4), whilst fifteen (15) or 24.59% favoured the retention of the current four (4) ward structure (Option 1), eleven (11) or 20.75% favoured the three ward structure (Option 3) and three (3) or 5.66% favoured the five ward structure (i.e. Option 2).

Given that the council area has long been divided into four (4) wards, the retention of the current ward structure (Option 1) or the introduction of a slightly modified variation thereof (Option 4) will likely be accepted by the local community; and will provide some perceived continuity within the Council structure. However, the need for four (4) wards within the council area of only 13.72km² is questionable.

The uncertainty in respect to the provisions and fate of the Bill also serves to complicate deliberations.

Under the current provisions of the Act the current ward structure can be retained at this time. However, the initial provisions of the Bill required the number of elected members (including the principal member) to be capped at twelve (12). This issue is still the subject of debate within parliament and amendments have been proposed (but not yet accepted/adopted). If the initial provisions of the Bill are passed, a ward structure based on twelve or more councillors will obviously be at odds with the legislation.

Regardless, any ward structure should:

- provide an equitable balance of electors (which can be maintained, within tolerance, over the extended period between reviews);
- allow for likely fluctuations in elector numbers, primarily as a consequence of anticipated future population fluctuations and/or residential development;
- exhibit an elector ratio which is similar to those exhibited by other councils of a comparable size and type (i.e. avoids over-representation); and
- take into account the likely future number of elected members (given the potential impacts of the Bill); the preferred level of ward representation; the character and topography of the area; and the likely impacts upon existing "communities of interest".

3.2.3 Area Councillors (in addition to ward councillors)

Section 52 of the Act indicates that councillors can be elected as a representative of a ward, or alternatively, to represent the council area as a whole (whether or not the council area is divided into wards). If Council is considering the retention of wards, it will need to determine whether area councillors are required in addition to ward councillors.

As indicated in the Representation Options Paper, ward councillors generally consider themselves to represent not only their ward, but the council area as a whole. This being the case, the need for area councillors in addition to ward councillors is questionable, an assertion which is seemingly supported by the fact that only the City of Adelaide has a structure which incorporates two levels of representation. Further, it is noted that under such an arrangement area councillors hold no greater status than a ward councillor; have no greater responsibilities than a ward councillor; and need not comply with any extraordinary or additional eligibility requirements.

In addition, any contested election (and/or supplementary election) for area councillors must be conducted across the whole of the council area, at a significant cost to Council.

For these and the other reasons previously presented to Council, it is considered that if the council area is to be divided into wards, area councillors (in addition to ward councillors) would be an unwarranted, unnecessary and potentially costly additional tier of representation.

3.2.4 Ward Identification

As indicated in the Representation Options Paper, wards can be identified through the allocation of numbers, alphabetical letters, direction or geographical references (e.g. north, south, east, west, central); place or suburb names; and/or names of European and/or Aboriginal heritage/cultural significance.

The existing ward names are appropriate and acceptable; and are likely to be known by the community. As such, they can be retained, if they suit the ward structure favoured by Council.

Notwithstanding the aforementioned, it is suggested that the allocation of suburb names (as per the current ward structure) can be confusing and fails to reflect the existence of all twelve suburbs within the council area. Whilst this is not a major issue, the review affords the opportunity for Council to consider appropriate alternatives. Council can consider suggestions from the community in respect to the names/identification of any preferred future wards.

3.3 Composition

When considering the future composition of Council, some guidance can be taken from the following.

- Sections 26 and 33 of the Act espouse the need to ensure adequate and fair representation while at the same time avoiding over-representation in comparison to other councils of a similar size and type (at least in the longer term).
- Section 12(6) of the Act requires that, where a Council is constituted of more than twelve (12) members, the elector representation review must examine the question of whether the number of elected members should be reduced.
- The current Bill seeks to set the maximum number of elected members in a council (including the principal member) at twelve (12).

In addition, care must be taken to ensure that:

- sufficient elected members are available to manage the affairs of council;
- the elected member's workloads do not become excessive;
- there is an appropriate level of elector representation;
- the potential for diversity in the elected member's skill sets, experience and backgrounds is maintained; and
- adequate lines of communication will exist between a growing community and council.

In addition, members should take into account the fact that:

- the population (and therefore elector numbers) within the Council area is projected to increase in the coming years;
- some allowance may need to be made to accommodate the likely outcome of the Bill (i.e. the potential capping of the total number of Elected Members at twelve (12));
- a reduction in the number of Elected Members will result in some cost savings to Council (e.g. Elected Member's allowances for the Council alone are \$20,630 per annum (plus CPI annual increase) per councillor);
- fewer Elected Members may expedite debate and the decision making process in Council; and
- enhanced communication and information technology should have served to reduce any difficulties previously experienced by elected members in respect to their day to day tasks and communication with both Council and the community.

The data provided in Table 5 indicates that the City of Holdfast Bay is one of the smaller metropolitan councils in terms of area and elector numbers; has an average number of elected members; and exhibits a relatively low elector ratio (1:2,311).

Table 5: Elector data and representation (Metropolitan Adelaide councils)

Council	Councillors	Electors	Elector Ratio
Walkerville (1.34 km ²)	8	5,740	1:718
Gawler (41.10km ²)	10	18,452	1:1,845
Prospect (7.81 km ²)	8	15,003	1:1,875
Norwood Payneham & St Peters (15.1 km ²)	13	25,742	1:1,980
Unley (14.29 km ²)	12	27,485	1:2,290
Holdfast Bay (13.72 km²)	12	28,339	1:2,362
Adelaide Hills (795.1 km ²)	12	29,516	1:2,460
Burnside (27.53 km ²)	12	31,923	1:2,660
West Torrens (37.07 km ²)	14	41,843	1:2,989
Campbelltown (24.35 km ²)	10	36,109	1:3,611
Mitcham (75.55 km ²)	13	48,777	1:3,752
Adelaide* (15.57 km ²)	7	27,846	1:3,978
Playford (344.9 km ²)	15	64,209	1:4,281
Port Adelaide/Enfield (97.0 km ²)	17	86,461	1:5,086
Charles Sturt (52.14 km ²)	16	87,547	1:5,472
Marion (55.5km ²)	12	66,345	1:5,529
Tea Tree Gully (95.2 km ²)	12	73,637	1:6,136
Salisbury (158.1 km ²)	14	96,170	1:6,869
Onkaparinga (518.4 km ²)	12	127,784	1:10,649

Source: Electoral Commission SA (4 March 2021)

* City of Adelaide also comprises four (4) "area councillors"

It is noted that:

- **forty-five (45) or 73.77% of the respondents favoured a reduction in the number of councillors;**
- **twenty-five (25) or 40.58% respondents favoured eight (8) councillors, eleven (11) or 18.03% favoured nine (9) councillors and seven (7) or 11.48% favoured ten (10) councillors; and**
- **sixteen (16) or 26.23% respondents favoured the retention of twelve (12) councillors.**

A reduction in the number of Elected Members will serve to increase the elector ratio from the current 1:2,362 to 1:2,576 (eleven councillors); 1:2,834 (ten councillors); 1:3,149 (nine councillors) or 1:3,542 (eight councillors). These alternative elector ratios are considered to be more consistent with the elector ratios exhibited by most of the councils cited in Table 5.

On the other hand, any thought of increasing the number of elected members will likely be difficult to justify, given the additional cost; the requirements of Sections 26 and 33 of the Act (in terms of avoiding over-representation by comparison with other councils of a similar size and type); and the intent of the Bill (i.e. maximum of twelve (12) members).

4. REVIEW PROCESS

The next stage of the review process, as specified under Section 12(8a) of the Act, involves Council preparing a "Representation Review Report" which will:

- provide information regarding the initial public consultation undertaken and Council's response to the issues arising from the submissions received;
- set out the proposal that Council considers should be carried into effect; and
- present evidence of how the proposal relates to the provisions of Sections 26 and 33 of the Act.

Once completed, the report has to be presented to the community for consideration and comment, in accordance with the provisions of Section 12(9) and (10) of the Act. This second public consultation stage must:

- occur for a minimum period of three (3) weeks;
- provide copies of the Representation Review Report for public inspection; and
- afford all interested persons the opportunity to make a written submission to Council.

Any person who makes a written submission during the second consultation period must be given the opportunity to address Council, either in person or by way of a representative, in support of his/her submission.

Upon completion of the second public consultation, and after due consideration of all submissions received in response thereto, Council will be in a position to make final decisions regarding its future composition and structure. The final stage of the review process is the presentation of a formal report to the Electoral Commissioner, for consideration and certification.

5. NEXT STEP

The next step in the review process is the preparation of a draft Representation Review Report, pursuant to the provisions of Section 12(8a) of the Act. This report will have to be considered and endorsed by Council; and will form the basis of the second of the prescribed public consultation stages.

To facilitate the preparation of the Representation Review Report, feedback is now sought from Council in relation to the following:

- The principal member, more specifically whether it should continue to be a Mayor, elected by the community or be a Chairperson (perhaps with the title of mayor), bearing in mind that any change will require the conduct of a poll (pursuant to Section 12 (11a-d) of the Act); and taking into account the fact that the provisions of the Bill seek to abolish the Chairperson alternative.
- Whether the Council area should continue to be divided into wards, or whether the ward structure should be abolished?
- If the Council area is to be divided into wards, what is the preferred future ward structure and why?
- If the Council area is to be divided into wards, how are the proposed wards to be identified?
- Whether the number of Elected Members should be reduced, taking into account the provisions and intent of Section 12(6), 26(1) and 33(1) of the Act (which require councils with twelve (12) or more elected members to consider a reduction; and seek avoidance of over-representation in comparison to other councils of a similar size and type); and Section 11A of the Bill which seeks to cap the number of elected members in any council at twelve (12), although amendments are proposed.

In respect to the aforementioned, it is recommended that Council:

- give further consideration to the abolition of wards, given the size of the council area, and despite the Elected Members having previously indicated a preference for the retention of wards; and
- consider a reduction to eight (8) or nine (9) councillors, thereby increasing the elector ratio to a level which is more consistent with the elector ratios of other metropolitan councils which are of a similar size (in area and elector numbers) and type.

ATTACHMENT A - Summary of submissions

Respondent	Preferences
Respondent #1 HOVE	<ul style="list-style-type: none"> • Mayor • Option 4 (4 wards, 8 councillors)
Respondent #2 UNKNOWN	<ul style="list-style-type: none"> • Mayor • Option 1 (4 wards, 12 councillors)
Respondent #3 GLENELG EAST	<ul style="list-style-type: none"> • Mayor • Option 5 (no wards)
Respondent #4 GLENELG NORTH	<ul style="list-style-type: none"> • Chairperson (optional with the title of Mayor) • Option 4 (4 wards, 8 councillors)
Respondent #5 HOVE	<ul style="list-style-type: none"> • Mayor • Option 1(4 wards, 12 councillors)
Respondent #6 GLENELG	<ul style="list-style-type: none"> • Mayor • Option 4 (4 wards, 8 councillors)
Respondent #7 BRIGHTON	<ul style="list-style-type: none"> • Mayor • Option 3 (3 wards, 9 councillors)
Respondent #8 GLENELG SOUTH	<ul style="list-style-type: none"> • Chairperson • 2 wards, 8 councillors
Respondent #9 KINGSTON PARK	<ul style="list-style-type: none"> • Mayor • Option 1 (4 wards, 12 councillors)
Respondent #10 HOVE	<ul style="list-style-type: none"> • Mayor • Option 4 (4 wards, 8 councillors)
Respondent #11 GLENELG EAST	<ul style="list-style-type: none"> • Chairperson (optional with the title of Mayor) • Option 4 (4 wards, 8 councillors)
Respondent #12 BRIGHTON	<ul style="list-style-type: none"> • Mayor • Option 4 (4 wards, 8 councillors)
Respondent #13 HOVE	<ul style="list-style-type: none"> • Mayor • Option 2 (5 wards, 10 councillors)

Respondent	Preferences
Respondent #14 GLENELG	<ul style="list-style-type: none"> • Chairperson (optional with the title of Mayor) • Option 1 (4 wards, 12 councillors)
Respondent #15 GLENELG SOUTH	<ul style="list-style-type: none"> • Mayor • Option 4 (4 wards, 8 councillors)
Respondent #16 UNKNOWN	<ul style="list-style-type: none"> • Mayor • Option 4 (4 wards, 8 councillors)
Respondent #17 PORT WILLUNGA	<ul style="list-style-type: none"> • Mayor • Option 1 (4 wards, 12 councillors)
Respondent #18 GLENELG	<ul style="list-style-type: none"> • Chairperson (optional with the title of Mayor) • Option 5 (no wards)
Respondent #19 NORTH BRIGHTON	<ul style="list-style-type: none"> • Mayor • Option 5 (no wards)
Respondent #20 SOMERTON PARK	<ul style="list-style-type: none"> • Mayor • Option 1 (4 wards, 12 councillors)
Respondent #21 SOUTH BRIGHTON	<ul style="list-style-type: none"> • Mayor • Option 5 (no wards)
Respondent #22 SEACLIFF	<ul style="list-style-type: none"> • Mayor • Option 1 (4 wards, 12 councillors)
Respondent #23 GLENELG EAST	<ul style="list-style-type: none"> • Chairperson (optional with the title of Mayor) • Option 5 (no wards)
Respondent #24 GLENELG EAST	<ul style="list-style-type: none"> • Mayor • Option 4 (4 wards, 8 councillors)
Respondent #25 GLENELG SOUTH	<ul style="list-style-type: none"> • Mayor • Option 3 (3 wards, 9 councillors)
Respondent #26 SOUTH BRIGHTON	<ul style="list-style-type: none"> • Mayor • Option 4 (4 wards, 8 councillors)
Respondent #27 HOVE	<ul style="list-style-type: none"> • Chairperson (optional with the title of Mayor) • Option 4 (4 wards, 8 councillors)

Respondent	Preferences
Respondent #28 GLENELG SOUTH	<ul style="list-style-type: none"> • Mayor • Option 4 (4 wards, 8 councillors)
Respondent #29 ABERFOYLE PARK	<ul style="list-style-type: none"> • Chairperson (optional with the title of Mayor) • Option 4 (4 wards, 8 councillors)
Respondent #30 SEACLIFF	<ul style="list-style-type: none"> • Chairperson (optional with the title of Mayor) • Option 3 (3 wards, 9 councillors)
Respondent #31 HUNTFIELD HEIGHTS	<ul style="list-style-type: none"> • Mayor • Option 3 (3 wards, 9 councillors)
Respondent #32 GLENELG NORTH	<ul style="list-style-type: none"> • Mayor • Option 1 (4 wards, 12 councillors)
Respondent #33 UNKNOWN	<ul style="list-style-type: none"> • Chairperson (optional with the title of Mayor) • Option 1 (4 wards, 12 councillors)
Respondent #34 UNKNOWN	<ul style="list-style-type: none"> • Mayor • Option 4 (4 wards, 8 councillors)
Respondent #35 GLENELG EAST	<ul style="list-style-type: none"> • Chairperson (optional with the title of Mayor) • Option 4 (4 wards, 8 councillors)
Respondent #36 SOMERTON PARK	<ul style="list-style-type: none"> • Mayor • Option 2 (5 wards, 10 councillors)
Respondent #37 GLENELG	<ul style="list-style-type: none"> • Mayor • Option 1 (4 wards, 12 councillors)
Respondent #38 UNKNOWN	<ul style="list-style-type: none"> • Mayor • Option 1 (4 wards, 12 councillors)
Respondent #39 HOLDFAST BAY	<ul style="list-style-type: none"> • Chairperson (optional with the title of Mayor) • Option 4 (4 wards, 8 councillors)
Respondent #40 BRIGHTON	<ul style="list-style-type: none"> • Chairperson (optional with the title of Mayor) • Option 3 (3 wards, 9 councillors)
Respondent #41 UNKNOWN	<ul style="list-style-type: none"> • Mayor • Option 4 (4 wards, 8 councillors)

Respondent	Preferences
Respondent #42 GLENELG EAST	<ul style="list-style-type: none"> • Mayor • Option 4 (4 wards, 8 councillors)
Respondent #43 UNKNOWN	<ul style="list-style-type: none"> • Chairperson (optional with the title of Mayor) • Option 1 (4 wards, 12 councillors)
Respondent #44 NORTH GLENELG	<ul style="list-style-type: none"> • Chairperson (optional with the title of Mayor) • Option 5 (no wards)
Respondent #45 GLENELG	<ul style="list-style-type: none"> • Chairperson (optional with the title of Mayor) • Option 3 (3 wards, 9 councillors)
Respondent #46 BRIGHTON	<ul style="list-style-type: none"> • Mayor • Option 3 (3 wards, 9 councillors)
Respondent #47 UNKNOWN	<ul style="list-style-type: none"> • Chairperson (optional with the title of Mayor) • Option 4 (4 wards, 8 councillors)
Respondent #48 UNKNOWN	<ul style="list-style-type: none"> • Chairperson (optional with the title of Mayor) • Option 3 (3 wards, 9 councillors)
Respondent #49 UNKNOWN	<ul style="list-style-type: none"> • Mayor • Option 3 (3 wards, 9 councillors)
Respondent #50 SOUTH BRIGHTON	<ul style="list-style-type: none"> • Mayor • Option 3 (3 wards, 9 councillors)
Respondent #51 HOVE	<ul style="list-style-type: none"> • Mayor • Option 1 (4 wards, 12 councillors)
Respondent #52 UNKNOWN	<ul style="list-style-type: none"> • Chairperson (optional with the title of Mayor) • 3 wards, 12 councillors
Respondent #53 BRIGHTON	<ul style="list-style-type: none"> • Mayor • Option 4 (4 wards, 8 councillors)
Respondent #54 SEACLIFF	<ul style="list-style-type: none"> • Mayor • Option 5 (no wards)
Respondent #55 GLENELG EAST	<ul style="list-style-type: none"> • Mayor • Option 5 (no wards)

Respondent	Preferences
Respondent #56 HOVE	<ul style="list-style-type: none"> • Mayor • Option 1 (4 wards, 12 councillors)
Respondent #57 BRIGHTON	<ul style="list-style-type: none"> • Mayor • Option 4 (4 wards, 8 councillors)
Respondent #58 BRIGHTON	<ul style="list-style-type: none"> • Mayor • Option 4 (4 wards, 8 councillors)
Respondent #59 SOUTH BRIGHTON	<ul style="list-style-type: none"> • Chairperson (optional with the title of Mayor) • Option 2 (5 wards, 10 councillors)
Respondent #60 SOUTH BRIGHTON	<ul style="list-style-type: none"> • Mayor or Chairperson • Option 1 (4 wards, 12 councillors)
Respondent #61 UNKNOWN	<ul style="list-style-type: none"> • Mayor or Chairperson • Option 1 - Current structure but with 2 councillors per ward, 8 councillors

Attachment 2

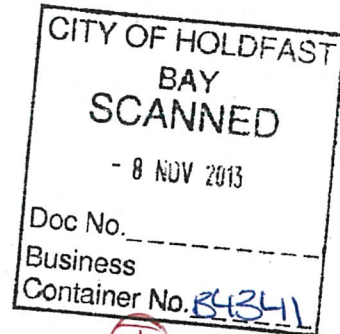


In reply please quote:322-2 / 2010

5 November 2013



Mr Justin Lynch
Chief Executive Officer
City of Holdfast Bay
PO Box 19
BRIGHTON SA 5048



P 08 7424 7400
F 08 7424 7444
W ecsa.sa.gov.au

Dear Mr Lynch

Re: Elector Representation Review

I have considered the elector representation review the City of Holdfast Bay has submitted for certification.

I have assessed Council's report and I advise that this letter serves as the certificate that the Review has been conducted appropriately and has complied with the requirements of section 12 of the Local Government Act, 1999.

However I note that currently the City of Holdfast Bay has one of the lowest quotas within the metropolitan region and in future council should give more consideration to the principles and matters under section 26 and 33 of the Act, particularly in relation to avoiding over-representation in comparison to councils of a similar size and type.

Section 12 (18) provides for the revised representation arrangements for the City of Holdfast Bay to take effect from the day of the first periodic election held after the publication of the notice in the Gazette.

Council must arrange for a notice to appear in the SA Government Gazette before or by 12 December 2013 to show Council has reviewed their membership structure and notify the result of the review. Please forward a copy of the notice to our office prior to placing in the Government Gazette.

It is the responsibility of the council to prepare detailed ward boundary maps prescribing the alterations for inclusion in the technical description, which must be gazetted as part of the review process.

A full page of the SA Government Gazette should be allocated to each ward with a boundary change to ensure the boundary alterations are readable. Outer ward boundary descriptors are required for each ward with boundary changes.

If you have further concerns please do not hesitate to contact the office to discuss.

Yours sincerely

K Mousley
Electoral Commissioner

Electoral Commission of South Australia
ABN 99 891 752 468
Level 6 / 60 Light Square Adelaide SA 5000
Postal Address GPO Box 646 Adelaide SA 5001

Item No: **16.4**

Subject: **PROCUREMENT POLICY**

Date: 25 May 2021

Written By: Manager, Strategy and Governance

General Manager: Strategy and Corporate, Ms P Jackson

SUMMARY

Council's Procurement Policy became due for review in late 2020. A review was undertaken and substantial changes were made to the policy in relation to threshold amounts for purchasing processes and criteria for preferencing suppliers in certain cases, as well as a general refresh of the content.

On 29 October 2020, the Local Government Association Annual General Meeting adopted a resolution in relation to a pilot circular economy project, which created the need for additional changes to the Procurement Policy.

The proposed amendments are provided for endorsement by Council, following consideration by the Audit Committee.

RECOMMENDATION

That Council endorse and adopts the revised Procurement Policy.

COMMUNITY PLAN

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

COUNCIL POLICY

Procurement Policy

STATUTORY PROVISIONS

Local Government Act 1999

BACKGROUND

As part of Council's schedule of policy reviews, the Procurement Policy and associated procedures became due for review in late 2020.

Substantial internal consultation was undertaken. No external consultation is required.

REPORT

Along with input from internal subject matter experts, an extensive review of other Councils' Procurement Policies was undertaken with a view to comparing policy content as well as benchmarking relevant thresholds and controls. A revised Procurement Policy is provided as Attachment 1.

Refer Attachment 1

The review found that the City of Holdfast Bay's current Procurement Policy required changes as it was substantially out of step with other Councils. The existing Procurement Policy also failed to provide sufficient direction to Administration on matters to preference, all other considerations being equal, such as economic, environmental and social outcomes for the City.

The thresholds in the current Procurement Policy are as follows:

Value of purchase	Direct Purchasing	Quotations (3 quotes)	Tender open/select	Panel Contracts	Strategic Procurement
< \$5000	X				
\$5,000 - \$20,000		X phone/email		X	
\$20,000 - \$50,000		X in writing		X	
> \$50,000			X	X	X

A comparison of other councils shows that these thresholds were significantly lower than our peers, resulting in significantly more administrative burden for City of Holdfast Bay staff. An example of thresholds from other Councils is provided for comparison.

Council	3 x Quotes	Select Tender	Open Tender
Burnside	\$30,000 to \$100,000	\$100,000 to \$200,000	\$200,000 plus
Tea Tree Gully	\$20,000 to \$100,000		\$100,000 plus
Charles Sturt	\$15,000 to \$50,000	\$50,000 to \$100,000	\$100,000 plus
Campbelltown	\$20,000 to \$100,000	\$100,000 plus	\$100,000 plus
West Torrens	\$50,000 to \$200,000	\$200,000 plus	\$200,000 plus

Based on these comparisons, the updated Procurement Policy proposes the following thresholds:

Value of purchase (excluding GST)	Direct Purchasing	Request for Quotes (2 quotes)	Request for Quotes (3 quotes)	Tender (Open/Select)	Panel Contract	Strategic Alliances
< \$15000	x				x	x
\$15,000 - \$34,999		x Email or writing			x	x
\$35,000 - \$100,000			x Email or writing		x	x
> \$100,000				x	x	x

Amendments have also been made to the current Procurement Policy relating to circumstances under which certain suppliers may be preferenced. The current policy allowed for preferencing local businesses, and these provisions have now been extended to include Aboriginal businesses, businesses that achieve other social outcomes, and businesses that achieve environmental and positive economic outcomes for the City (sections 2.2.3 to 2.2.5 of the new Procurement Policy).

Furthermore, on 29 October 2020, the Local Government Association Annual General Meeting adopted a resolution in relation to a pilot circular economy project, which created the need for additional changes to the Procurement Policy. The resolution required Councils to:

“2.3 Amend existing Procurement Policies to:

- a. Temporarily (say, for 5 years) prioritise recycled-content through the procurement process and include a method of ensuring accountability;*
- b. Mandate consideration of recycled-content through design and planning processes (including where panel contracts are already in place);*
- c. Specifically permit consideration of the “opportunity cost” associated with a purchase (ie instead of only asking “which product is most sustainable?”, also ask “what will happen to the materials if I don’t purchase the recycled-content option?”);*
- d. Encourage councils to track the purchase of recycled-content by weight and report publicly on purchases;”*

This resolution has been accommodated via section 2.2.4 of the new Procurement Policy and is carried also into the associated internal procedures. Work is continuing across Council regarding how best to measure and track recycled content.

A general refresh of the content of the Procurement Policy was also undertaken, with the aim of simplifying where possible. Provisions relating to conflicts of interest were also added for clarity.

The proposed amendments are provided for endorsement by Council, following consideration by the Audit Committee.

BUDGET

There are no budget implications with the review of these documents.

LIFE CYCLE COSTS

There are no life cycle costs associated with this report.

Attachment 1



Trim Container	FOL/20/.....
Trim Document Number:	DOC/20/.....
First Issued / Approved:	1/8/2011
Last Reviewed:	April 2020
	C101120/
Next Review:	April 2023
Responsible Officer:	Team Leader Governance
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1. PREAMBLE

1.1 Background

- 1.1.1 The City of Holdfast Bay (Council, including Alwyndor) procures a wide range of products and services.
- 1.1.2 Council has the power to enter into contracts under the *Local Government Act 1999* (the Act).
- 1.1.3 Section 49 of the Act, requires Council to prepare and adopt policies on contracts and tenders, including:
- the contracting out of services
 - competitive tendering and other measures to ensure that services are delivered cost-effectively and
 - the use of local goods and services
- 1.1.4 Pursuant to section 49 of the Act, policies must:
- identify circumstances where the Council will call for tenders for the supply of goods, the provision of services or the carrying out of works
 - provide a fair and transparent process for calling tenders and entering into contracts in those circumstances and
 - provide for the recording of reasons for entering into contracts other than those resulting from a tender process.

1.2 Purpose

The Council is committed to providing best value to the community within a framework of fairness, transparency and accountability. Purchases must be made in the best interests of the community, and in accordance with Council's governing documents and legislative requirements.

1.3 Scope

This Policy applies to all purchases, contracts and tenders organised by Council or Alwyndor employees (including staff contractors and any other party involved in decision-making about purchases), on behalf of Council when undertaking procurement activities (the Purchaser/s).

Purchasers will ensure all purchases they initiate comply with this Policy and financial and contractual delegations. Purchasers must, act with integrity and in good faith at all times when dealing with suppliers.

1.4 Strategic Reference

Culture: Being financially accountable

2. PRINCIPLES

2.1 Procurement Principles

Council is committed to six core principles when selecting suppliers:

2.2.1 Value for Money

Best value includes price, whole-of-life costs, opportunity costs, and the value of any environmental, social and economic benefits.

2.2.2 Transparent, Accountable, Fair and Ethical Standards

All purchases must be made in a transparent, accountable, fair and ethical manner. Standards must be maintained in perception and reality in accordance with Council's Code of Conduct. Purchasers must comply with all legal and policy requirements and be impartial, fair and professional in their actions and decisions.

2.2.3 Social Responsibility

Council acknowledges Traditional Owners throughout Australia and strongly encourages Aboriginal businesses to quote and tender.

As part of Council's commitment to Reconciliation and desire to invite increased Aboriginal economic participation to our City, Aboriginal businesses will, to the extent permitted by law, be given preference when other considerations are equal. Where Aboriginal expertise is required to deliver outcomes being tendered for, direct engagement of an Aboriginal business is permissible.

An Aboriginal business is classified as such if registered on the South Australian Aboriginal Business Register, certified by Supply Nation or registered with an Aboriginal Regional Authority or Aboriginal Landholding Authority and is 50% or more Aboriginal owned and based in South Australia. Council encourages Aboriginal businesses to register on the SA Tenders and Contracts website.

Council will model public value and social responsibility by ensuring purchases favour suppliers that provide or support social enterprise and/or contribute substantially to social justice, access and inclusion and equal employment opportunities, to the extent permitted by law.

2.2.4 Environmental Sustainability

Council will model public value and sustainable practices by, to the extent permitted by law, ensuring purchases:

- favour suppliers that are environmentally responsible,
- contribute to conserving natural resources,
- encourage waste minimisation and recycling,
- include recycled-content and
- contribute to minimising Council's carbon emissions.

In support of the Local Government Association's 'Buying it Back' Circular Procurement Pilot Project, Council will endeavour to prioritise the purchase of recycled-content materials through its procurement processes for all categories of procurement, including panel contracts already in place.

Consideration of sustainability outcomes must be balanced against other principles (such as buy local, Aboriginal employment etc) but may include the consideration of opportunity costs. Council will use its best endeavours to track the purchase of recycled-content by weight and where feasible, will report publicly on purchases.

2.2.5 Buy Local

Council acknowledges the value local businesses add to the City and strongly encourages local businesses to quote and tender. To the extent permitted by law, Council will give preference to local suppliers (that is those operating within the City of Holdfast Bay boundaries), who's activities contribute to local economic development, where other considerations are equal.

Council will endeavour to engage a local contractor or supplier to promote local employment opportunities and economic growth where the supplier can demonstrate capability, capacity and competitiveness.

The definition of 'local' may vary, depending on the identified geographic market for the relevant procurement activity.

Council will support economic development for South Australia by using suppliers that employ South Australian residents and invest in the State (acknowledging the South Australia Industry Participation Policy) where possible. Council will prefer the use of Australian products unless there is no alternative equivalent in which case overseas products will be considered.

Council encourages local suppliers to register on the SA Tenders and Contracts website.

2.2.6 Work Health and Safety

Council has an obligation to ensure that all suppliers are compliant with the *Work Health and Safety Act 2012*, as well as being competent in the provision of the goods or services. Relevant certifications are required to be held by suppliers and made available to Council on request.

2.2.7 Fit for Purpose

It is a requirement that all services and materials sourced for Council projects, including steel, meet relevant Australian standards for design, manufacture and fabrication. These requirements should be clearly outlined to suppliers during the purchasing process. Fit for purpose considerations include:

- service or functional requirements of users,
- suitable standard in materials and build quality and
- available on time and within budget.

3. PARAMETERS

3.1 Financial and Contractual Delegations

- 3.1.1 Under the Act (section 101), the Chief Executive Officer has delegated authority with respect to expenditure of Council funds, which has been sub-delegated to Purchasers (financial delegation).
- 3.1.2 Under the Act (section 36), the Chief Executive Officer has delegated authority with respect to entering into any kind of contract or agreement, which has been sub-delegated to Purchasers in accordance with their financial delegations.

3.2 Value of the purchase

The value of the purchase will be calculated (exclusive of GST) as follows:

- 3.2.1 one-off purchase: the total value of the purchase,
- 3.2.2 multiple purchases: the total value of items/ purchases for a particular project/activity (whole of life costs); or
- 3.2.3 ongoing purchases: the annual value of the purchases from the supplier.

Purchases must not be broken into parts in order to circumvent this Policy. For clarity, circumvention does not occur if a project or activity is genuinely multi-stage (that is, one stage *must* logically be completed *before* the next stage can be planned).

3.3 Purchasing Methods

When purchasing goods and services there are a number of transaction methods which can be used to select and contract with the supplier. The underlying principle is to balance the transaction costs associated with each transaction method, with risk and probity.

Purchases which are low value, low risk or low complexity should be acquired through the more efficient processes of credit cards, direct purchase or panel arrangements.

Those items which are high value, high risk and/or high complexity should be acquired through the more stringent process of a tender. Transaction costs are lowest with methods such as credit cards, and higher for methods such as tenders.

The decision matrix below outlines the different transaction methods based on value:

Value of purchase (excluding GST)	Direct Purchasing	Request for Quotes (2 quotes)	Request for Quotes (3 quotes)	Tender (Open/ Select)	Panel Contract	Strategic Alliances
< \$15000	x				x	x
\$15,000 - \$34,999		x			x	x
\$35,000 - \$100,000			x		x	x
> \$100,000				x	x	x

The direct purchasing method can be conducted verbally, with Request for Quotes conducted via email or in writing.

3.4 Conflicts of Interest

3.4.1 A Conflict of interest arises where the private interests of a Purchaser actually conflict, have potential to conflict or might be perceived to conflict, with the conduct of a Purchaser.

3.4.2 There are 3 types:

PROCUREMENT POLICY

- **Actual** conflict of interest exists if private and/or personal interests *influence* the performance of or decisions made of a Purchaser.
- **Perceived** conflict of interest exists if private and/or personal interests *appear* to influence the performance of or decisions of a Purchaser.
- **Potential** conflict of interest exists if private and/or personal interests *have potential* to influence the performance of or decisions of a Purchaser.

3.4.3 Purchaser/s (project officers) are required to declare that they do not have any conflicts of interest before proceeding with a purchase. Where a conflict of interest is identified the Purchaser should be removed from the purchase and another officer assigned to make the relevant purchasing decision, as determined by their manager/ general manager.

3.5 Exemptions from this Policy

3.5.1 **Emergencies:** In certain circumstances and emergencies the Chief Executive Officer or Council may exempt/ waive application of this Policy and pursue a method which will bring the best outcome for the Council.

This includes when there are timing constraints and where the supply market is known e.g. monopoly exists, limited specialist goods/services required and can only be provided by a single provider (sole supplier), emergency need etc. (not an exhaustive list).

Where an exemption is due to an emergency situation:

- expenditure should be limited to that required to alleviate the emergency situation; and
- purchasers must ensure that appropriate methods of purchase are resumed as soon as practicable (i.e. purchase order generated, quotations sought for remainder of the goods, works or services other than that required for the emergency response).

3.5.2 **Under \$100,000:** General Manager approval is required if a different purchasing method for purchases under \$100,000 (excluding GST) are used other than those prescribed in this Policy. Approval may be granted for considerations such as availability of the required goods/services from an Aboriginal, local or other relevant business pursuant to Sections 2.2.3 to 2.2.5 of this Policy. Under such circumstances the cost of these purchases should be benchmarked (e.g. quantity survey) for value for money.

3.5.3 **Over \$100,000:** Tenders must be called for contracts for goods and services in excess of \$100,000 (excluding GST) unless:

- a panel contract or strategic alliances are used,
- a different competitive process will deliver greater benefit than other methods,
- the required outcomes to be delivered require Aboriginal expertise and an Aboriginal business can supply the required goods/services (see Section 2.2.3), or

PROCUREMENT POLICY

- a local business can supply the required goods/services and the procurement will demonstrably contribute a significant economic, environmental and/or social good to the City (refer Sections 2.2.3 to 2.2.5). For clarity, 'demonstrable' means measurable, not indirect/general economic activity. Examples could include, for example, additional long term jobs in the City, social enterprises directly created by the procurement, new investments made in accessibility or sustainability in the City, etc.

Under such circumstances the cost of these purchases should be benchmarked (e.g. quantity survey) for value for money.

Purchases between \$100,000 to \$200,000 (excluding GST) require approval of the Chief Executive Officer (CEO) if a tender, panel contract or strategic alliances are NOT to be used and an exemption is required. It is at the CEO's discretion to determine whether Council (the elected body) should be notified of the exemption at a following Council meeting (via Items in Brief).

However, purchases in excess of \$200,000 (excluding GST) require Council's (the elected body's) approval if another purchasing method is to be used other than a tender, panel contract or strategic alliance (via Report to Council).

- 3.5.4 Exemptions Register: Council's Administration is to record its reasons in writing for exempting the application of this Policy and retained in Council's document management system for probity purposes.

All exemptions are to be advised to Council's Procurement Officer for including in an Exemptions Register.

- 3.5.5 Unsolicited Proposals: Refer to Council's Unsolicited Proposals Policy.

3.6 Open and Select Tenders (over \$100,000 excluding GST)

- 3.6.1 A tender process must be used where the purchase is greater than \$100,000 (optional for purchases under \$100,000). Refer to Council's Internal Tendering Procedure for details about how to undertake a tender process.

- 3.6.2 Open or select tender: An open tender is preferred unless there is a specific reason for a select tender. A select tender may be used with the approval of the relevant Manager where:

- it is the second stage after an Expression of Interest (EOI) or Request for Tender process (e.g. shortlisted from EOI process). Refer to 'Expression of Interest' section below.
- it is known the supplier pool is limited to a few.

- 3.6.3 Advertising and Receipt of Tenders:

Open Tenders- The Procurement Officer will arrange for the finalised tender documentation to be publicly advertised on SA Tenders and Contracts website for a minimum of 21 days (3 weeks).

Open tender responses must be lodged electronically on SA Tenders and Contracts website, unless there are exceptional circumstances.

PROCUREMENT POLICY

Select Tenders- The Procurement Officer will arrange for the finalised tender documentation to be directed to the relevant selected businesses (via SA Tenders and Contracts or email). The notification period to suppliers will allow a reasonable amount of time for responses to be provided e.g. 10 to 14 days minimum timeframe for responses (taking into account flexibility depending on the business requirements).

Under such circumstances the cost of these purchases should be benchmarked (e.g. quantity survey) for value for money.

Select tender responses must be as specified in the request for tender documentation.

Late tenders are not to be considered (except in exceptional circumstances).

3.7 Expression of Interest (EOI)

An EOI allows the Council to elicit information from the market without any obligation to commit. EOIs are useful where Council is unsure which suppliers are in the market, or the scope/budget for a project might be, or where the Council wishes to obtain some conceptual suggestions.

The EOI follows a similar process to a tender but is less detailed and does not include a contract. An EOI may form part of a two phase tender process, where EOI respondents may be short-listed for a select tender.

3.8 Panel Contract

This is where Council establishes panel arrangements with a select group of suppliers. A tender is undertaken to select a group of suppliers which provide the services and have the capability to meet the Council's needs.

If Council has a Panel Contract in place for the supply of goods or services, purchases may be made directly from any of the suppliers on the panel, without the need to obtain quotes, or seek tenders (as long as the contract contains contract rates for the items being purchased).

Panel arrangements should operate for approximately three years.

Council may also use Panels created by State or Federal agencies.

3.9 Strategic Alliances

Strategic alliances may be appropriate where Council can increase its purchasing power by partnering with another Council, representative body or supplier.

Strategic alliances allow the Council to negotiate lower costs for standard goods and services through collaborative purchasing.

Purchasers may make purchases through strategic alliances or common use contract arrangement already established and administered by other organisations such as (but not limited to):

- Local Government Association Procurement (LGAP)
- Procurement Australia (PA)
- CCI Group Purchasing
- State government contracts

- A purchasing arrangement with other Councils e.g. Western alliance etc.

Tender processes are usually undertaken by the organisations in order to select the suppliers available through collaborative purchasing. This saves Council undertaking its own tender process and creates efficiencies for all parties.

3.10 Contract Management

It is important that all contracts are managed diligently to maximise the outcomes and minimise risk.

Contracts over \$100,000 require that a Council officer be nominated as the Contract Manager in relevant project/activity documentation. The Contract Manager will have primary responsibility for ensuring the outcomes of the contract are delivered to time, budget and quality standards.

A Contract Manager also has the primary responsibility for the delivery standards such as Work, Health and Safety measures.

At a minimum, mid-term and post engagement reviews must be undertaken by the Contract Manager and reported via relevant project/activity governance mechanisms. More frequent reviews may be established as needed.

The Project Manager is responsible where relevant for arranging a Certificate of Completion is issued where satisfied works have been brought to Completion or issuing a Non-completion Notice specifying defects in order for Certificate of Completion to be issued.

All handover documents including manuals must be retained for Council's future reference (within document management system).

3.11 Risk Management

3.10.1 Council must ensure that procurement activities are consistent with and meet the obligations of Council's Risk Management Policy, Framework and Procedure.

3.10.2 Council must ensure the suppliers have sufficient public liability, professional indemnity (if applicable) and personal injury insurance (if applicable).

3.12 Prudential Requirements

It is a requirement that a Prudential Report is prepared for projects exceeding a prescribed value, prior to any purchasing being undertaken. For further details refer to Council's Prudential Management Policy.

3.13 Payment Options

Goods and services will be paid for on the receipt of an invoice from a supplier emailed directly to accountspayable@holdfast.sa.gov.au. Options include:

3.12.1 Petty Cash: Purchasers may receive an advance or reimbursement of expenses to a limit of \$100 for one-off purchases where Council does not have an account with the supplier.

3.12.2 Credit Cards: for purchases by approved cardholders of \$2,000 (excluding GST) or less, which are low risk and low complexity. Refer to Council's relevant policy.

3.12.3 Payment on invoice (with or without Purchase Orders): Invoices with a value less than \$2,000 (excluding GST) do not need a purchase order but **all purchases**

PROCUREMENT POLICY

over \$2,000 (excluding GST) must be linked to a purchase order prior to receiving the goods or services (except not required for Regional Landscape Levy, worker's compensation premiums or payment of utility accounts).

Purchase orders records Council's commitment to purchase goods or services. It contains advice to suppliers of Council's standard terms and conditions for a purchase.

3.12.4 Payment Requisition: A payment requisition form should be completed for purchases that do not have an invoice (e.g. staff reimbursements).

Council has established a Supplier Charter which clearly communicates Council's commitments and expectations in all procurement activities (available on Council's webpage).

4. REFERENCES

4.1 Legislation

- *Environmental Protection Act 1993*
- *Local Government Act 1999*
- *Trade Practices Amendment (Australian Consumer Law) Act (No.1) 2010*
- *Work Health and Safety Act 2012*

4.2 Other References

- Code of Conduct
- Disposal of Assets Policy
- Internal Purchasing Procedure
- Internal Tendering Procedure
- Prudential Management Policy
- Risk Management Policy, Framework and Procedure
- South Australian Public Participation Policy, March 2018
- South Australian Public Participation Policy Procedural Guidelines, August 2017
- Supplier Charter
- Unsolicited Proposals Policy
- WHS Contractor Management Policy

Item No: **16.5**

Subject: **NOMINATIONS SOUGHT FOR THE SOUTH AUSTRALIAN (SA) COUNTRY ARTS TRUST**

Date: 25 May 2021

Written By: Team Leader Governance

General Manager: Strategy and Corporate, Ms P Jackson

SUMMARY

The Local Government Association (LGA) is seeking nominations for a local government member on the SA Country Arts Trust for a 3-year term commencing October 2021. Ideally nominees will have demonstrated experience in Arts administration or decision making at a senior level and are from a regional council or local government entity.

Elected Members should consider if they meet the Selection Criteria on the Call for Nominations Information Sheet (Part A) for the position (see Attachment 1).

Any members who wish to be nominated for the position need to have their nomination endorsed by Council prior to submission to the LGA. If Council does not have a nominee it may just note the report.

RECOMMENDATION

That Council notes the report.

OR

That Council nominates Councillor _____ for consideration as a Member on the SA Country Arts Trust.

COMMUNITY PLAN

Culture: Supporting excellent, efficient operations.

COUNCIL POLICY

Not Applicable

STATUTORY PROVISIONS

South Australian County Arts Trust Act 1992

BACKGROUND

SA Country Arts Trust's primary functions are managing the trust of Country Arts SA, the organisation providing arts and services across regional South Australia through a range of arts programs and initiatives, the management of performance and visual arts venues, and the provision of grant funding which supports the creative endeavours of communities and individuals.

REPORT

There is one LGA nominated position on the SA Country Arts Trust currently held by Mayor Erika Vickery (Naracoorte Lucindale Council) whose term expires on 3 October 2021. Mayor Erika Vickery is eligible for re-appointment.

The Committee meets 6 times per year with 5 meetings per year held in different regional locations and the December meeting held in Port Adelaide. There is always an option to join the meeting via video conferencing. The sitting fees are \$206 per meeting plus reimbursement of travel expenses.

The LGA will provide a panel of three (3) nominees from which the Minister will select an appointee. The panel of nominees must include at least one male and one female. The Nominations Committee of the LGA Board of Directors may undertake preliminary consideration of nominees and make recommendations to the LGA Board of Directors.

The Call for Nominations Information Sheet (Part A) provides further information regarding the position on SA Country Arts Trust, as well as any selection criteria to be addressed by the nominee. Any nomination by Council requires the Nomination Form (Part B) to be completed and returned to the LGA by close of business Friday, 9 July 2021. An up-to-date Curriculum Vitae and a response to the selection criteria (no more than 2 pages) must be supplied by the nominee.

Refer Attachment 1

The LGA Secretariat also maintains a Nominees Database, which will record the details of nominees who agree to be considered for other vacancies for a period of 12 months based on the nominees preferences. The Nomination Forms (Part B) request if a nominee wishes to be listed on the database. An Elected Members can consider this if nominated and when completing the appropriate Form.

BUDGET

No budget implications for Council, as sitting fees are paid by SA Country Arts Trust.

Attachment 1



LGA Appointments and Nominations to Outside Bodies — Call for Nominations

SA Country Arts Trust	
Governing Statute (if applicable)	Section 5(1)(a) South Australian Country Arts Trust Act 1992
Purpose/Objective	The SA Country Arts Trust manages the trust of Country Arts SA, an art organisation providing arts and services across regional South Australia through a range of arts programs and initiatives, the management of performance and visual arts venues, and the provision of grant funding which supports the creative endeavours of communities and individuals.
Administrative Details	<p>3-year term commencing October 2021</p> <p>6 meetings per year (5 in regional locations, 1 in Port Adelaide)</p> <p>Attendance by videoconference available</p> <p>Sitting fees \$206 per meeting plus reimbursement of travel expenses</p>
Selection Criteria (to be addressed by applicant)	<ul style="list-style-type: none"> • Local government knowledge and experience • Demonstrated experience in Arts administration or decision making at a senior level • Preference: regional member/employee
<p><i>In accordance with the LGA Appointments and Nominations to Outside Bodies Policy, selection for appointment or nomination to this Outside Body may include the conduct of interviews and checking of referees by the LGA. By applying, the applicant accepts that the LGA may request an interview and/or the details of referees.</i></p>	
<p>Liability and indemnity cover</p> <p><i>The LGA requires that persons appointed to Outside Bodies be appropriately insured throughout the period of their appointment and seeks to collect details of the insurances provided by the Outside Body on an annual basis.</i></p>	
<p>For more information contact: LGA Nominations Coordinator at nominationscoordinator@lga.sa.gov.au or 8224 2000</p>	

LGA Appointments and Nominations to Outside Bodies — Nomination Form

Instructions

This form:

- *Must be submitted by a council*
- *Must be emailed in PDF format to nominationscoordinator@lga.sa.gov.au*
- *Receipt of nomination will be acknowledged by return email*
- *CV and response to selection criteria (if applicable) may be emailed separately by the nominee and will be treated confidentially*

This nomination form fulfils the requirements of the LGAs Appointments and Nominations to Outside Bodies Policy, [available here](#).

SECTION 1 to be completed by Council, SECTION 2 to be completed by Nominee.

Please refer to the **Call for Nominations** information sheet (PART A) for details of the Outside Body and the selection criteria to be met by the nominee.

SECTION 1: COUNCIL to complete

SA Country Arts Trust	
Council Details	
Name of Council submitting the nomination	
Contact details of council officer submitting this form	Name: Position: Email: Phone:
Council meeting minute reference and date	
Nominee Full Name	
elected member <input type="checkbox"/> OR employee of council <input type="checkbox"/> OR employee of local government entity <input type="checkbox"/>	
<i>Note: by submitting this nomination council is recommending the nominee is suitable for the role.</i>	

SECTION 2: NOMINEE to complete

SA Country Arts Trust			
Nominee Details			
Name in full		Gender	
Home / Postal Address			
Phone		Mobile	
Personal Email			
Why are you interested in this role?			
CV	attached <input type="checkbox"/> OR forwarding separately <input type="checkbox"/>		
Response to selection criteria (if applicable) <i>Please refer to the Call for Nominations information sheet for the selection criteria to be addressed.</i>	<i>Nominee to provide response to selection criteria (of no more than 2 pages) for consideration by the LGA Board of Directors.</i> attached <input type="checkbox"/> OR forwarding separately <input type="checkbox"/>		
Do you agree for your details to be retained on the LGA Nominees Database for a period of 12 months in order to be considered for other vacancies on Outside Bodies? Yes <input type="checkbox"/> OR No <input type="checkbox"/> If Yes, please list any fields of interest or Outside Bodies of interest: • _____			
Undertaking: <i>The LGA Board resolved in January 2015 to ensure that appointees to external Boards and Committees remain current local government members or officers. If you leave local government for any reason during the term of your appointment, are you prepared to resign your appointment if requested to do so by the LGA?</i> Yes <input type="checkbox"/> No <input type="checkbox"/>			
Signature of Nominee: _____			

Item No: **16.6**

Subject: **REVIEW OF ITEMS HELD IN CONFIDENCE**

Date: 25 May 2021

Written By: Governance and Risk Officer

General Manager: Strategy and Corporate, Ms P Jackson

SUMMARY

An extensive review of all items held in confidence is being undertaken, in stages, under Section 90(3) of the *Local Government Act 1999* (the Act).

The review considers the nature of the information contained within the confidential items, the grounds on which it was originally held in confidence and the length of time the information can be kept confidential. Each item is reviewed individually, resulting in a determination as to whether the Confidentiality order for each item is still current under *the Act*.

This report recommends that 11 confidential items (reports and/or attachments and/or minutes) be released from confidence and that 54 items be retained at this stage.

RECOMMENDATION

That:

- 1. the Confidential items presented at Attachment 1 to Report No: 167/21 be released from Confidence; and**
 - 2. the Confidential items presented at Attachment 2 to Report No: 167/21 be retained in confidence and included in future stages of the Confidential Items review.**
-

COMMUNITY PLAN

A Place that Provides Value for Money

COUNCIL POLICY

Not Applicable

STATUTORY PROVISIONS

Section 90 (3) *Local Government Act 1999*

Section 91 (9)(a) *Local Government Act 1999*

BACKGROUND

Underpinning Council's commitment to transparent decision making is the principle that unless there is good reason, as defined by Section 90 (3) of the *Local Government Act 1999*, all of the material presented to, and discussed at Council as well as its decisions, should be publicly available.

Although it is recognised that Council will have cause from time to time to retain some items in confidence, it is also best practice that these decisions be regularly reviewed to determine the earliest opportunity to release them to the public, with a view to keeping as few matters in confidence as possible.

REPORT

Governance has completed an extensive review of 65 Confidential Items (including reports, attachment and minutes) during this stage. A summary of the 11 Confidential Items recommended for release are presented in Attachment 1.

Refer Attachment 1

There are several Confidential Items relating to Committees, specifically the Alwyndor Management Committee (AMC) and Southern Region Waste Resource Authority (SRWRA). Each Committee retains their individual meeting minutes in confidence. Administration regularly report to Council, presenting the Committees' minutes as an attachment. As a result, the City of Holdfast Bay must retain these items in Confidence until they are released by the relevant Committee. These items, as discussed, make up the majority of those we recommend be retained in confidence on the City of Holdfast Bay Confidential Register.

Of the 65 Confidential Items reviewed it is recommended that 54 items be retained in confidence and included in future stages of the extensive Confidential Items review.

Refer Attachment 2

Items will be released by adding them to the Council webpage and will be publicly available to inspect at Council's Brighton Office.

BUDGET

There are no budget implications.

LIFE CYCLE COSTS

There are no Life Cycle costs.

Attachment 1



Confidential Items Review May 2021

Date into Confidence	Report Title	Grounds	Recommendation May 2021	Supporting Commentary
20/01/2009	Jetty Road Mainstreet Management Committee Appointments	(a) Personal Affairs	Release report and minutes now	No longer under confidentiality order
20/01/2009	Vacant Tenancy - Glenelg Town Hall - Extension for use as Exhibition Space	(b) Commercial Advantage	Release report and minutes now	No current Confidentiality order
10/02/2009	Possible Development Plan Amendment – Brighton and Hove District Centres	(m) development plan containing information	Release report and minutes now	No longer under confidentiality order
10/03/2009	Notice of Motion – Visitor Information Services	(d) Commercial Advantage not a trade secret	Release report and minutes now	No longer under confidentiality order
26/05/2009	Benchmarking Kerb and Gutter Costs	(b) Commercial Advantage	Release report and minutes now	No longer under confidentiality order
28/07/2009	Visitor Information Services	(b) Commercial Advantage	Release report and minutes now	No longer under confidentiality order
11/08/2009	Proposed Wind Turbine Trial, Somerton Surf Life Saving Club	(d) Commercial Advantage not a trade secret	Release report and minutes now	No longer under confidentiality order following Minister's press release in September 2009.
8/05/2018	Alwyndor Action Plan Progress	(a) Personal Affairs	Release minutes now	No longer under confidentiality order
28/08/2018	Appointment of Alwyndor Management Committee	(a) Personal Affairs	Release documents now	No longer under confidentiality order
23/07/2019	Kauri Community Sporting Complex – Expression of Interest Results (Report No: 232/19)	(k) Tenders for the supply of goods	Release all documents	No longer under confidentiality order
12/11/2019	Tarlton Street Tree Assessment and Tree Renewal (Report No: 409/19)	(g) Breach of Law	Release all and can not keep discussion in confidence	No longer under confidentiality order

Attachment 2



Confidential Items Review May 2021

Date into Confidence	Report Title	Grounds	Recommendation May 2021	Supporting Commentary
23/06/2009	Questions by Members - 7.2.2.1 Outstanding Action List	(d) Commercial Advantage not a trade secret	Retain in Confidence - as long as reports on Liberty Towers encroachment are confidential	These reports need to remain in confidence as the settlement includes a Deed of Confidentiality. This Deed remains active until all parties agree that the settlement can be made public.
22/06/2004	Internal Review of Council Decision - C02/0186 and C03/0033 - Liberty Towers Encroachment Fees	(b) Commercial Advantage	Retain in Confidence – conditions of settlement must remain in confidence	
9/11/2004	Liberty Towers Encroachment Fees	(i) Litigation	Retain in Confidence – conditions of settlement must remain in confidence	
24/07/2007	Southern Region Waste Resource Authority (SRWRA mins for 2/7/07)	(d) Commercial Advantage not a trade secret	Retain in Confidence - SRWRA retained minutes in confidence - Council is unable to release the document until SRWRA does	These documents need to remain in confidence as a number of reports were presented to Council which contained the original minutes of the meetings of the SRWRA, which under its Charter were held in confidence. These items will need to remain in confidence until the Southern Region Waste Resource Authority determines that the minutes of these meetings are released from confidence.
28/08/2007	Southern Region Waste Resource Authority (SRWRA mins for 06/08/07)	(d) Commercial Advantage not a trade secret	Retain in Confidence - SRWRA retained minutes in confidence - Council is unable to release the document until SRWRA does	
13/11/2007	Minutes of the Southern Region Waste Resource Authority Meeting (SRWRA mins for 29/10/07)	(d) Commercial Advantage not a trade secret	Retain in Confidence - SRWRA retained minutes in confidence - Council is unable to release the document until SRWRA does	
26/02/2008	Minutes of the Southern Region Waste Resource Authority Meeting (SRWRA mins for 04/02/08)	(d) Commercial Advantage not a trade secret	Retain in Confidence - SRWRA retained minutes in confidence - Council is unable to release the document until SRWRA does	
25/03/2008	Minutes of the Southern Region Waste Resource Authority (SRWRA mins for 03/03/08)	(d) Commercial Advantage not a trade secret	Retain in Confidence - SRWRA retained minutes in confidence - Council is unable to release the document until SRWRA does	
22/04/2008	Minutes of the Southern Region Waste Resource Authority Meeting (SRWRA mins for 07/04/08)	(d) Commercial Advantage not a trade secret	Retain in Confidence - SRWRA retained minutes in confidence - Council is unable to release the document until SRWRA does	
28/07/2008	Annual Performance Review of the Chief Executive Officer	(a) Personal Affairs	Retain in Confidence	

Confidential Items Review May 2021

Date into Confidence	Report Title	Grounds	Recommendation May 2021	Supporting Commentary
27/05/2008	Minutes of the Southern Region Waste Resource Authority Meeting (SRWRA mins for 05/05/08)	(d) Commercial Advantage not a trade secret	Retain in Confidence - SRWRA retained minutes in confidence - Council is unable to release the document until SRWRA does	
24/06/2008	Minutes of the Southern Region Waste Resource Authority Meeting (SRWRA mins for 02/06/08)	(d) Commercial Advantage not a trade secret	Retain in Confidence - SRWRA retained minutes in confidence - Council is unable to release the document until SRWRA does	
8/07/2008	Minutes of the Southern Region Waste Resource Authority Meeting (SRWRA mins for 23/06/08)	(d) Commercial Advantage not a trade secret	Retain in Confidence - SRWRA retained minutes in confidence - Council is unable to release the document until SRWRA does	These documents need to remain in confidence as a number of reports were presented to Council which contained the original minutes of the meetings of the SRWRA, which under its Charter were held in confidence. These items will need to remain in confidence until the Southern Region Waste Resource Authority determines that the minutes of these meetings are released from confidence.
23/08/2016	Information Report – Southern Region Waste Resource Authority – 1 August 2016	(d) Commercial Advantage not a trade secret	Retain in Confidence - SRWRA retained minutes in confidence	
13/09/2016	Chief Executive Officer Performance Appraisal	(a) Personal Affairs	Retain in Confidence - Attachment only	The attachments to the reports presented to Council contain appraisal's which have been retained in confidence.
27/09/2016	Adjourned Report – Confidential – Chief Executive Officer's Performance Appraisal	(a) Personal Affairs	Retain in Confidence - Attachment only	
13/12/2016	Southern Region Waste Resource Authority - Information Report	(d) Commercial Advantage not a trade secret	Retain in Confidence - Attachment 1	These documents need to remain in confidence as a number of reports were presented to Council which contained the original minutes of the meetings of the SRWRA, which under its Charter were held in confidence. These items will need to remain in confidence until the Southern Region Waste Resource Authority determines that the minutes of these meetings are released from confidence.

Confidential Items Review May 2021

Date into Confidence	Report Title	Grounds	Recommendation May 2021	Supporting Commentary
13/12/2016	Minutes - Alwyndor Management Committee - 10 November 2016	(a) Personal Affairs	Retain in Confidence - Information in the attached minutes is still retained in confidence by the Alwyndor Management Committee	The attachments to the reports presented to Council contain minutes of the meetings of the AMC, which have been retained in confidence by the Committee.
28/03/2017	Minutes - Alwyndor Management Committee - 21 February 2017	(b) Commercial Advantage	Retain in Confidence - Information in the attached minutes is still retained in confidence by the Alwyndor Management Committee	These Items often include competitive sensitive financial information, clinical and resident specific information.
9/05/2017	Chief Executive Officer's Performance Appraisal	(a) Personal Affairs	Retain in Confidence - Attachment Only	The attachments to the reports presented to Council contain appraisal's which have been retained in confidence.
9/05/2017	Minutes – Alwyndor Management Committee – 18 April 2017	(b) Commercial Advantage	Retain in Confidence - Information in the attached minutes is still retained in confidence by the Alwyndor Management Committee	The attachments to the reports presented to Council contain minutes of the meetings of the AMC, which have been retained in confidence by the Committee.
13/06/2017	Minutes - Alwyndor Management Committee - 16 May 2017	(d) Commercial Advantage not a trade secret	Retain in Confidence - Information in the attached minutes is still retained in confidence by the Alwyndor Management Committee	These Items often include competitive sensitive financial information, clinical and resident specific information.
11/07/2017	Minutes - Alwyndor Management Committee - 20 June 2017	(d) Commercial Advantage not a trade secret	Retain in Confidence - Information in the attached minutes is still retained in confidence by the Alwyndor Management Committee	The attachments to the reports presented to Council contain minutes of the meetings of the AMC, which have been retained in confidence by the Committee.
8/08/2017	Minutes - Alwyndor Management Committee - 18 July 2017	(d) Commercial Advantage not a trade secret	Retain in Confidence - Information in the attached minutes is still retained in confidence by the Alwyndor Management Committee	These Items often include competitive sensitive financial information, clinical and resident specific information.
15/08/2017	Minutes - Alwyndor Management Committee - 15 August 2017	(d) Commercial Advantage not a trade secret	Retain in Confidence - Information in the attached minutes is still retained in confidence by the Alwyndor Management Committee	The attachments to the reports presented to Council contain minutes of the meetings of the AMC, which have been retained in confidence by the Committee.
14/11/2017	Minutes - Alwyndor Management Committee - 17 October 2017	(d) Commercial Advantage not a trade secret	Retain in Confidence - Information in the attached minutes is still retained in confidence by the Alwyndor Management Committee	These Items often include competitive sensitive financial information, clinical and resident specific information.

Confidential Items Review May 2021

Date into Confidence	Report Title	Grounds	Recommendation May 2021	Supporting Commentary
12/12/2017	Minutes - Alwyndor Management Committee - 21 November 2017	(b) Commercial Advantage	Retain in Confidence - Information in the attached minutes is still retained in confidence by the Alwyndor Management Committee	The attachments to the reports presented to Council contain minutes of the meetings of the AMC, which have been retained in confidence by the Committee. These Items often include competitive sensitive financial information, clinical and resident specific information.
23/01/2018	Minutes - Alwyndor Management Committee - 19 December 2017	(b) Commercial Advantage	Retain in Confidence - Information in the attached minutes is still retained in confidence by the Alwyndor Management Committee	
30/01/2018	Alwyndor Aged Care - Organisational Review	(a) Personal Affairs	Retain in Confidence - matter is ongoing	
13/02/2018	Urgent Business - Alwyndor Aged Care Organisational Review	(a) Personal Affairs	Retain in Confidence - matter is ongoing	
13/03/2018	Minutes - Alwyndor Management Committee - 16 January and 20 February 2018	(b) Commercial Advantage	Retain in Confidence - Information in the attached minutes is still retained in confidence by the Alwyndor Management Committee	
10/04/2018	Minutes - Alwyndor Management Committee - 20 and 28 March 2018	(b) Commercial Advantage	Retain in Confidence - Information in the attached minutes is still retained in confidence by the Alwyndor Management Committee	The attachments to the reports presented to Council contain minutes of the meetings of the AMC, which have been retained in confidence by the Committee. These Items often include competitive sensitive financial information, clinical and resident specific information.
17/04/2018	Confidential Minutes - Alwyndor Management Committee	(d) Commercial Advantage not a trade secret	Retain in Confidence - Alwyndor	
15/05/2018	Confidential Minutes - Alwyndor Management Committee - 15 May 2018	(d) Commercial Advantage not a trade secret	Retain in Confidence - Information in the attached minutes is still retained in confidence by the Alwyndor Management Committee	
17/07/2018	Confidential Minutes - Alwyndor Management Committee	(d) Commercial Advantage not a trade secret	Retain in Confidence - Attachment 2	
21/08/2018	Alwyndor Management Committee - Minutes	(d) Commercial Advantage not a trade secret	Retain in Confidence - Attachment 2	

Confidential Items Review May 2021

Date into Confidence	Report Title	Grounds	Recommendation May 2021	Supporting Commentary
18/09/2018	Alywondor Management Committee - Draft Minutes	(d) Commercial Advantage not a trade secret	Retain in Confidence - Information in the attached minutes is still retained in confidence by the Alwyndor Management Committee	The attachments to the reports presented to Council contain minutes of the meetings of the AMC, which have been retained in confidence by the Committee.
20/11/2018	Alwyndor Management Committee - Draft Minutes	(d) Commercial Advantage not a trade secret	Retain in Confidence - Information in the attached minutes is still retained in confidence by the Alwyndor Management Committee	These Items often include competitive sensitive financial information, clinical and resident specific information.
19/12/2018	Confidential Minutes - Alwyndor Management Committee - 19 June 2019	(d) Commercial Advantage not a trade secret	Retain in Confidence - Attachment 2	
12/02/2019	Draft Minutes – Alwyndor Management Committee – 17 January 2019	(d) Commercial Advantage not a trade secret	Retain in Confidence - Information in the attached minutes is still retained in confidence by the Alwyndor Management Committee	The attachments to the reports presented to Council contain minutes of the meetings of the AMC, which have been retained in confidence by the Committee.
12/03/2019	Draft Alwyndor Management Committee Minutes – 21 February 2019	(b) Commercial Advantage	Retain in Confidence - Information in the attached minutes is still retained in confidence by the Alwyndor Management Committee	These Items often include competitive sensitive financial information, clinical and resident specific information.
9/07/2019	Confidential Draft Minutes – Alwyndor Management Committee – 20 June 2019 (Report No: 271/19)	(b) Commercial Advantage	Retain in Confidence - Information in the attached minutes is still retained in confidence by the Alwyndor Management Committee	
13/08/2019	Synthetic Turf on Verges (Report No: 310/19)	(h) Legal Advice	Retain in confidence until next review in 2021	Retain in confidence until next review in 2021
27/08/2019	Beach Concerts (Report No: 321/19)	(b) Commercial Advantage	Retain in Confidence	Report and minutes will be retained in confidence until the expiry of confidentiality order which will take place in the second review of 2021.
24/09/2019	Update Brighton Oval Masterplan – Stage 2 (Report No: 342/19)	(b) Commercial Advantage	Retain in confidence	Report, attachments and minutes will be retained in confidence until the expiry of confidentiality order which will take place in the second review of 2021.

Confidential Items Review May 2021

Date into Confidence	Report Title	Grounds	Recommendation May 2021	Supporting Commentary
8/10/2019	Draft Minutes – Alwyndor Management Committee – 15 August and 19 September (Report No: 378/19)	(b) Commercial Advantage	Retain in Confidence - Information in the attached minutes is still retained in confidence by the Alwyndor Management Committee	The attachments to the reports presented to Council contain minutes of the meetings of the AMC, which have been retained in confidence by the Committee.
28/04/2020	Draft Minutes – Alwyndor Management Committee – 19 March 2020 and 16 April 2020	(b) Commercial Advantage	Retain in Confidence - Information in the attached minutes is still retained in confidence by the Alwyndor Management Committee	These Items often include competitive sensitive financial information, clinical and resident specific information.
28/04/2020	Unsolicited Proposal – New Private Hospital and Specialist Centre (Report No: 101/20)	(d) Commercial Advantage not a trade secret	Retain until April 2021	Report will be retained in confidence until the expiry of confidentiality order which will take place in the second review of 2021.
22/09/2020	New Management Agreement – Brighton Caravan Park (Report No: 288/20)	(d) Commercial Advantage not a trade secret (k) Supply of goods and services	Retain until next review date	Still under confidentiality order until 2022.
22/09/2020	Unsolicited Proposal – Proposed Activation (Report No: 293/20)	(k) Supply of goods and services	Retain until next review date	Still under confidentiality order until December 2021.
13/10/2020	Purchase of Road and Footpath Sweepers – Budget Increase (Report No: 320/20)	(b) Commercial Advantage (k) Supply of goods and services	Retain until next review date	Still under confidentiality order until April 2022.
27/10/2020	Minutes – Audit Committee – 7 October 2020 (Report No: 331/20)	(b) Commercial Advantage	Retain until next review date	Still under confidentiality order until April 2022.
27/10/2020	Waste Contract (Report No: 345/20)	(b) Commercial Advantage	Retain until next review date	Still under confidentiality order until April 2022.
10/11/2020	Kingston Park Kiosk (Report No: 368/20)	(b) Commercial Advantage	Retain until next review date	Still under confidentiality order until May 2022.

Item No: **16.7**

Subject: **HOLDFAST QUAYS MARINA – APPLICATION FOR LANDOWNER CONSENT – TEMPORARY ABLUTION FACILITIES**

Date: 8 June 2021

Written By: Manager Development Services

General Manager: Strategy and Corporate, Ms P Jackson

SUMMARY

Further to the deputation delivered by the Holdfast Quays Marina Association (HQMA) at the Council Meeting held on 13 April 2021, the HQMA has written to Council requesting permission to install temporary ablution facilities within its existing leased carpark area, to replace the current portaloos facilities. This report recommends that Council accede to the request from the HQMA to install the temporary ablution facilities for a period of five (5) years to provide Marina patrons with accessible and convenient facilities otherwise unavailable through previous arrangements, whilst delivering an improved amenity for the carpark compared with the existing temporary alternative.

RECOMMENDATION

That in its capacity as landowner, Council consents to the request by the Holdfast Quays Marina Association (HQMA) for the installation and connection of ablution facilities within its leased area of the Holdfast Quays Marina carpark subject to the following conditions:

- 1. all costs to be borne by the HQMA including purchase, transport, installation, connection, and future maintenance of the ablution facilities;**
- 2. all work to be undertaken by qualified trades persons and in a professional manner, with repair undertaken to any Council assets damaged in the course of the project;**
- 3. HQMA is to indemnify the City of Holdfast Bay against any claims, losses, suits etc. that may arise from this project;**
- 4. detailed plans are to be submitted to Council for Development Approval prior to the installation of the ablution facilities;**
- 5. the City of Holdfast Bay is permitted to inspect the works at any time during the installation of the ablution facilities;**
- 6. no part of the installation and ongoing use of the ablution facilities is to cause a nuisance or disturbance to any neighbours or visitors to adjoining properties;**
- 7. the cost(s) to rectify any defects, identified during or after the installation of the ablution facilities is to be borne in full by the HQMA;**

8. the cost(s) of any variations identified during the installation of the ablution facilities is to be borne by the HQMA;
 9. all works are to comply with the Building Code of Australia, all conditions of any Development Approval and any requirements imposed by any other statutory authority or applicable legislation;
 10. all conditions of the current lease are to be complied with;
 11. consent is valid for a period of five (5) years from the date of this resolution, with all buildings to be removed from the site by the HQMA at its expense as at midnight 8 June 2026, and the carpark restored to its condition prior to the installation of the buildings to the reasonable satisfaction of Council;
 12. all service and connection costs associated with the operation of the ablution facilities (including water, sewer, and power) are to be borne by HQMA;
 13. HQMA is to obtain all necessary hoarding permits for the use of public land to enable the installation of the ablution facilities in advance of work commencing; and
 14. HQMA must, at all times and at its cost and expense in all things, keep the ablution facilities in a clean, good, sound, safe, serviceable, and operating condition according to such standards as may from time to time be required by law and to the reasonable satisfaction of Council.
-

COMMUNITY PLAN

Placemaking: Creating lively and safe places

Community: Providing welcoming and accessible facilities

Environment: Using resource efficiently

COUNCIL POLICY

Commercial Leasing and Licensing Policy

STATUTORY PROVISIONS

Local Government Act 1999

Retail & Commercial Leases Act 1995

BACKGROUND

At its meeting held on 9 June 2020, Council resolved to decline the request from the HQMA for a floating berth facility on the Patawalonga for the provision of toilets and other amenities for its members in lieu of the facilities otherwise pledged through a Land Management Agreement (LMA) within the commercial premises located at 3 Cygnet Court, Glenelg North (Resolution No. C090620/1921). Since the time of the Council resolution, the HQMA Committee has undergone a change in personnel, and the progress with resolving the LMA has stalled in a legal impasse. In addition, Council Administration's preliminary investigation as to a suitable location for standalone public toilets has revealed some challenges moving forward. In light of these factors, the HQMA delivered a deputation at the Council Meeting held on 13 April 2021 to alert Elected

Members to current circumstances, which now sees it seeking landowner consent for self-funded and managed, standalone ablution facilities within its leased section of the carpark as an alternative to the existing portaloos located on the site.

REPORT

The HQMA has written to Council requesting permission to install temporary ablution facilities within its existing leased area of the carpark, to replace the current portaloos facilities.

Refer Attachment 1

The proposal involves repurposing two (2) existing car parking spaces with two (2) transportable ablution buildings, located side-by-side, measuring 9.5 square metres in total area, and 2.55 metres in height (combined building and plinth). Each building will be connected to power, mains water, and sewer. The HQMA will fund the extension of both the sewer and water lines across the carpark from Patawalonga Frontage to the ablution buildings, and repair the carpark accordingly.

The HQMA's request to have standalone and self-managed ablution facilities comes from the realisation that pursuing compliance of the LMA will not result in a cost effective or timely outcome, and even if successful, the conditions of access to the facilities are limited, in that they're only available during business hours and reliant on maintenance by a third-party. From a technical point of view, investigations as to the appropriateness of a standalone shared toilet on the western bank of the Patawalonga between the Marina and the bitumised carpark is prone to potential flooding issues if situated too close to the waterline. Aside from these issues, the location adjacent the Patawalonga, whilst convenient for Marina users, may not serve the broader community well. These factors have required continued reliance on a temporary portaloos facility funded by the HQMA and located within its leased section of the carpark.

In light of the circumstances, the HQMA is seeking to upgrade the current portaloos facilities in the medium-term, whilst also seeking to include shower facilities for use by its members (being facilities historically available to HQMA members within the commercial premises located at 3 Cygnet Court, Glenelg North). The HQMA is solely seeking Council's consent as landowner, as it intends to wholly fund the purchase of the new facilities and their connection to SA Water sewer and mains lines. The choice of buildings has intentionally steered away from conventional and otherwise readily available temporary ablution products, focusing instead on the visual benefits of a bespoke product sourced from Queensland. The location of the buildings too are as far away as possible from the residential properties to the west, located against a fence line, where the view to the Marina is already partly obscured by vegetation. The general appearance of the facility is shown in Attachment 2 to this report. The facilities will only be available to Marina members and their guests, with the floor plan showing no provision for commercial activity possible.

Refer Attachment 2

With respect to Council's obligations under the existing carpark lease, the HQMA is entitled to make application for changes to the carpark, including installation of structures, providing all necessary building approvals are obtained. In this regard, and if landowner consent is granted,

the ablution buildings proposed will require a Development Application for assessment by Council Administration, which in addition to the assessment of the structures, will also have regard to the impact of a decrease in car parking capacity.

Overall, and given current circumstances beyond the control of the HQMA, there is fundamental merit in ensuring that the HQMA has access to reliable, self-managed ablution facilities where access is not determined by third-parties or limited to the operating hours of commercial premises on other land.

Should Council grant landowner's consent for the ablution facilities, it is recommended that the following conditions apply:

1. All costs to be borne by the HQMA including purchase, transport, installation, connection, and future maintenance of the ablution facilities.
2. All work to be undertaken by qualified trades persons and in a professional manner, with repair undertaken to any Council assets damaged in the course of the project.
3. The HQMA is to indemnify the City of Holdfast Bay against any claims, losses, suits etc. that may arise from this project.
4. Detailed plans are to be submitted to Council for Development Approval prior to the installation of the ablution facilities.
5. The City of Holdfast Bay is permitted to inspect the works at any time during the installation of the ablution facilities.
6. No part of the installation and ongoing use of the ablution facilities is to cause a nuisance or disturbance to any neighbours or visitors to adjoining properties.
7. The cost(s) to rectify any defects, identified during or after the installation of the ablution facilities is to be borne in full by the HQMA.
8. The cost(s) of any variations identified during the installation of the ablution facilities is to be borne by the HQMA.
9. All works are to comply with the Building Code of Australia, all conditions of any Development Approval and any requirements imposed by any other statutory authority or applicable legislation.
10. All conditions of the current lease are to be complied with.
11. This consent is valid for a period of five (5) years from the date of this resolution, with all buildings to be removed from the site by the HQMA at its expense as at midnight 8 June 2026, and the carpark restored to its condition prior to the installation of the buildings to the reasonable satisfaction of Council.
12. All service and connection costs associated with the operation of the ablution facilities (including water, sewer, and power) are to be borne by the HQMA.
13. The HQMA is to obtain all necessary hoarding permits for the use of public land to enable the installation of the ablution facilities in advance of work commencing.
14. The HQMA must, at all times and at its cost and expense in all things, keep the ablution facilities in a clean, good, sound, safe, serviceable, and operating condition according to such standards as may from time to time be required by law and to the reasonable satisfaction of Council.

BUDGET

There is no impact on the budget in relation to this proposal, as the costs relating to building works and future maintenance will be the responsibility of the HQMA.

LIFE CYCLE COSTS

Under the terms of the Lease, the HQMA is responsible for all structural maintenance. No further long term costs will be incurred by Council as part of this application.

Attachment 1





Holdfast Quays Marina Association Inc.

PO Box 415

Glenelg SA 5045

Mob: 0418332160

Email holdfastquays@gmail.com

May 04, 2021

City of Holdfast Bay
Jetty Road
Brighton S.A. 5048

Attn: Anthony Marroncelli

Re: Holdfast Quays Marina Association Inc.

Dear Anthony,

Further to our deputation's presentation on 13 April 2021 to the City of Holdfast Bay Councillors and subsequent discussions with the Council officers at an on-site meeting, we would like to make the following application for consideration and hopefully support of the Council.

We request that City of Holdfast Bay consent to the installation of temporary ablution facilities in the fenced HQMA car park area at the location marked on the attached schematic. The proposed structure would be in general accordance with the attached information.

HQMA representatives have met with council engineers and representatives on site to locate the most suitable site that would have low impact on the residents and provide a sewer connection, alleviating the ongoing issue of effluent storage on site and disposal by pumping.

As the land owner we also request that the City of Holdfast Bay approve and support our application for a S.A. Water Sewer connection.

Subject to the following conditions:

1. All costs to be borne by HQMA including building and future maintenance;
2. All work to be undertaken by qualified trades persons and in a workman like manner to Australian standards;
3. HQMA to indemnify the City of Holdfast Bay against any claims, losses, suites etc. that may arise from this project;
4. All works to comply with the Building Code of Australia, all conditions of any Development Approval and any requirements imposed by any other statutory authority or applicable legislation including but not limited to the , Environment Protection Authority, SA Water and the Department of Planning, Transport and Infrastructure;
5. Proposed construction plans attached for approval prior to the commencement of construction;

6. The City of Holdfast Bay is permitted to inspect the works at any time during construction at the Glenelg north site;
7. No part of the work is to cause a nuisance or disturbance to any neighbours or visitors to adjoining properties, beyond the normal inconvenience arising from building activities;
8. The cost(s) to rectify any defects or any other variations identified during or after construction to be borne in full by HQMA;
9. All conditions of the current lease are to be complied with;
10. The facility shall not be used as an office for the management/operation of the marina or the Marina Association.
11. With approval HQMA on behalf of City of Holdfast Bay Council submits sewer application. HQMA to bear the cost of application and connection fees
12. In conjunction with the City of Holdfast Bay Council, HQMA will seek funding through State community or other grant funding.
13. Temporary facility shall be in place for five (5) years or such time as a final design, approval, Funding and Build has been achieved for a permanent structure in the same or similar location.

We thank you for your assistance in this process and hope that this will resolve our difficulties. We do not feel that the current solution reflects at all well on the area, and that this proposal will represent a major step forward for the area. If you have any queries regarding any matters arising in these please contact Allen Aitchison on 0417837621 or via the email address above.

Yours faithfully,



Geoff Mitchell
HQMA Secretary

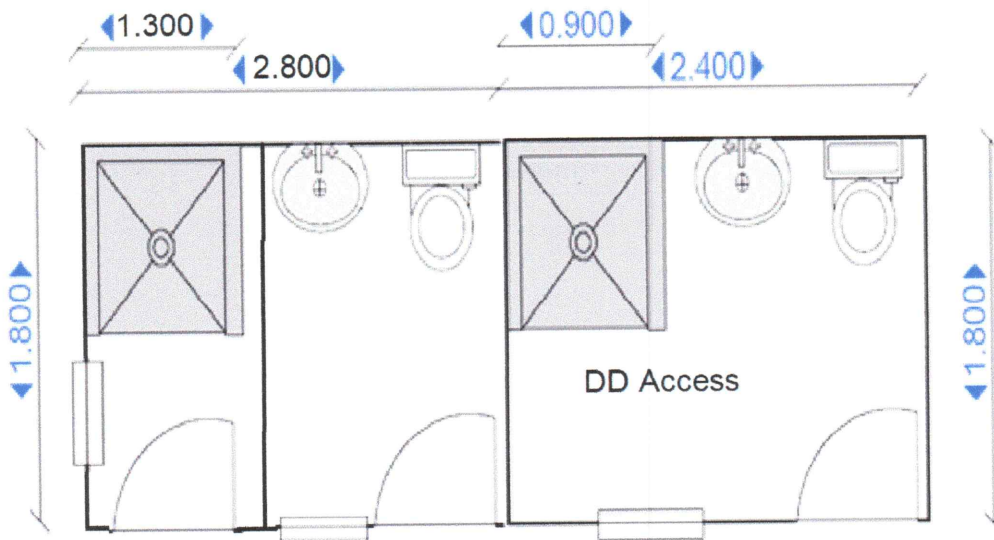
Proposed Temporary Toilets and Sewage Connection.



Proposed Temporary Toilets



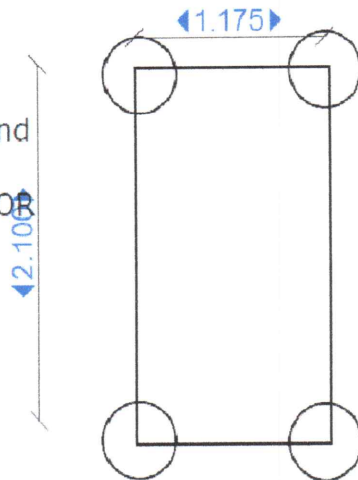
Standard Ablution unit with plumbing



v

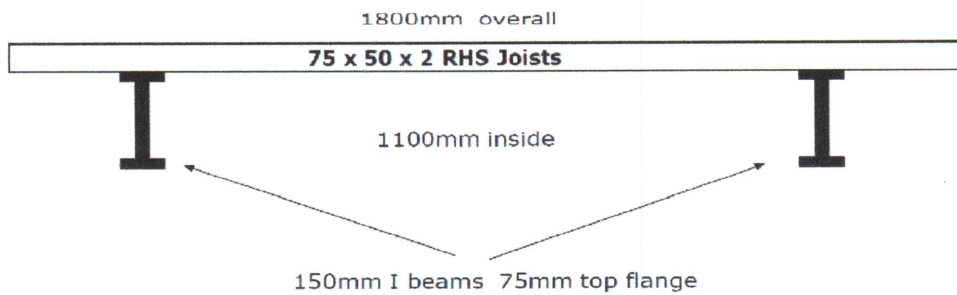
footing design standard

- 400mm diam footing
- 900mm into natural ground
- 75 x 75 x 4 post
- Connection 6 CFW weld
- Ø 8 x 4 M12/post



Standard base 1.8 x 2.4

Side view



Ablution block Specifications

- 1.8 x 2.4 ablution block. x 2.4 overall height. 100mm fall on roof. 70mm overhang @ rear. 650 KG...

- Constructed from Australian made EPS panel (freezer panel) colourbond.

- Duragal RHS base on skids. fully welded. zinc treated.

- F17 structural film faced ply . Not particle board.

- Commercial vinyl floor coverings

Shower base with brushed silver pivot screen.

- Stainless steel trims

Dual flush toilet. caroma P

solar panel and Led light

- Towel ring

vanity with handbasin

- Toilet roll holder

- x1 window

- X 1 door with keys . colourbond. monument. colourbond.

- plumbing pressure tested with tails ready to be hooked up @ rear of building.

Attachment 2





Item No: **16.8**

Subject: **DEVELOPMENT ASSESSMENT – DESIGN REVIEW SCHEME**

Date: 25 May 2021

Written By: Business Partner – Transition & Policy Planning

General Manager: Strategy & Corporate, Ms P Jackson

SUMMARY

In June 2020 the Department for Infrastructure and Transport (DIT) released the proposed local design review scheme for public consultation. The Local Design Review Scheme is based on the design review scheme that is currently operated by the Office for Design Architecture South Australia (ODASA) for large scale developments.

This report is being presented to Council as a follow up to the previous report that was presented to Council in August 2020. The previous report was an assessment of the draft version of the Design Review Scheme and included a recommendation that a later report would be presented to Council to determine whether to proceed with Scheme once finalised.

The local design review scheme has been written by ODASA to be used in applications where Councils are the relevant authority under the *Planning Development and Infrastructure (PDI) Act 2016*. ODASA has now finalised the Design Review Scheme and are looking for interested Councils to implement the scheme.

RECOMMENDATION

That Council does not implement the Design Review Scheme and Administration continue to provide a free preliminary development advice.

COMMUNITY PLAN

Placemaking: Creating lively and safe places

Placemaking: Developing walkable connected neighbourhoods

Placemaking: Building character and celebrating history

COUNCIL POLICY

Not Applicable

STATUTORY PROVISIONS

Planning Development Infrastructure Act 2016

Development Act 1993

Development Regulations 2008

BACKGROUND

The State Design Review was introduced by DIT to provide more design analysis in the assessment of large applications. For the City Holdfast Bay, this included applications for large scale apartment buildings on Jetty Road, The Esplanade and Adelphi Terrace, which have been through the Design Review Scheme and were assessed by the SCAP.

The State Design Review has operated in South Australia since 2011 and was up until the introduction of the Planning and Design Code available to larger-scale development and referred to the South Australian Government Architect, including:

- developments with a value of \$10 million or more within the City of Adelaide;
- developments with a value of \$3 million or more in Port Adelaide Regional Centre Zone (City of Port Adelaide Enfield); and
- developments of five storeys or more in the:
 - Inner Metropolitan Adelaide Urban Corridor Zones.
 - District Centre (Norwood) Zone (City of Norwood Payneham & St Peters).
 - District Centre (Jetty Road) Zone and Residential High Density Zone (City of Holdfast Bay).

The State Design Review continue to be available for these projects in the new planning system.

As part of the introduction of the Planning and Design Code later this year, there is an emphasis to create better design outcomes. ODASA has developed the Local Design Review Scheme to provide a similar assessment process to that of the large scale development.

The Scheme is a voluntary process where applicant can approach the Council prior to lodge to seek comment on the merits of the design of the proposal.

Refer Attachment 1

REPORT

The Scheme is a voluntary process initiated by an applicant seeking input from the Panel to the design merits of the proposal. The Scheme is not compulsory for applicant or for Councils, so Councils do not need to provide a panel if they choose not to.

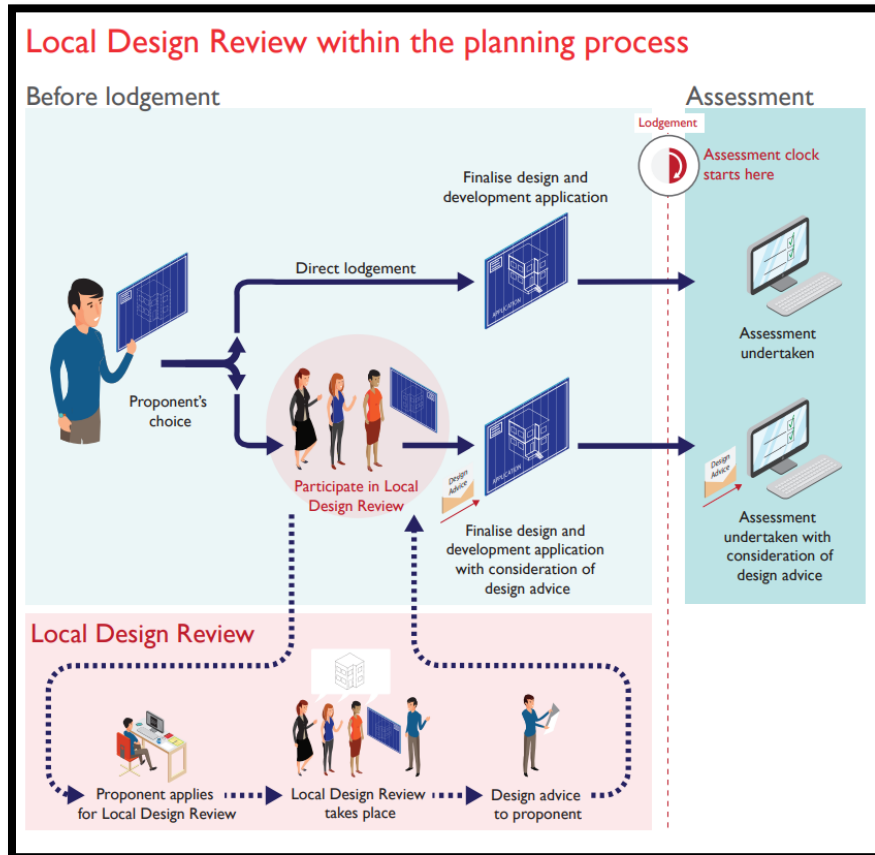
The consultation guide for the Local Design Review Scheme states that:

Local Design Review under the Scheme will be:

- *optional for councils to make available*
- *available to classes of development that are specified in the Planning and Design Code before they are lodged for assessment*

- *voluntary for proponents*
- *advisory*

The flow chart below explains how the Local Design Review Scheme will work in the planning process. The process all occurs prior to lodgement of an application, however, if the Review Scheme is used, that the Relevant Authority must take the comments of the Panel into consideration.



The Scheme will be limited to assessing the design and function of the proposal, but will not necessarily assess those against the requirement of the Planning and Design Code.

The Panel can consist of a minimum of 1 member, who would also be the Chair. Members of the Panel, who are appointed by Council will need to hold the below qualifications and experience.

All panel members and Chairs must have at least—

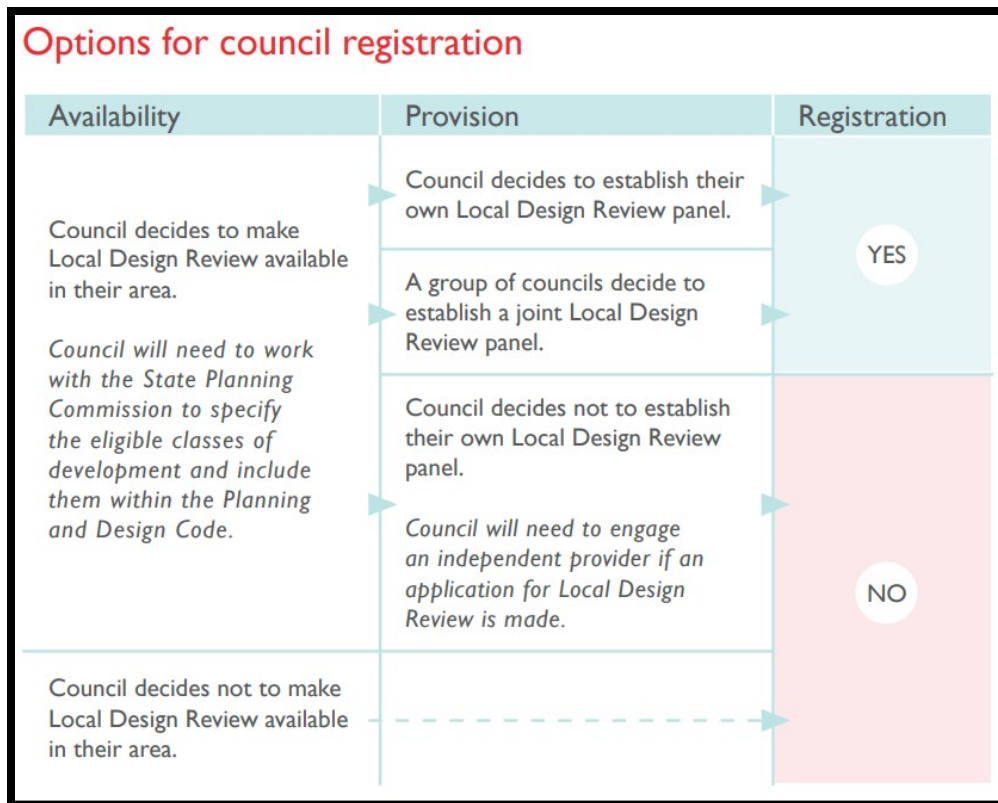
- a) a tertiary degree in a relevant field, such as:
 - i. Architecture.
 - ii. Ecologically Sustainable Design.
 - iii. Landscape Architecture.
 - iv. Urban Design.

- b) 7 years of professional experience relating to that field.
- c) The designated entity must be satisfied that:
 - in addition to the competencies in Section 2.5.2, a successful panel member is highly experienced within their field;
 - the panel member pool provides a sufficient representation of the expert skills required for design review; and
 - panel Chairs can fulfil the responsibilities outlined in Part 4.3 to a high standard.

The Scheme states that should Council determine that they wish to provide a Design Review Panel.

There are three different options in how the Panel may look. Those being:

1. a council may establish their own design panel; or
2. a group of councils may establish a joint design panel; or
3. a council may procure a design panel from an independent provider on an 'as needs' basis.



This gives the flexibility to join with another Council with similar issues in order to minimise the cost and time in operating a Panel. Along with the costs associated with the payment of Panel members, Council staff would also be responsible for coordinating the scheme process, as well as minute taking and ensuring all parties received the minutes after the meeting.

The Scheme does not set out any guideline or incentives for how it will work, or what types of applications are intended to go through the Scheme. Council recommended that several development types be mandatory for the Scheme, but this has not been included.

Although the Design Review Scheme was released for consultation there appears only to be minor changes made to the scheme that released for consultation. The City of Holdfast Bay submitted a response suggestion several significant changes, however none of these were acted upon. It is noted that other Councils made similar submission that were also not acted upon. ODASSA has provided an Engagement Summary Report that details how they went about the consultation process, but does not go into great detail about the responses received.

It is acknowledged that if implemented correctly this scheme could have a significant influence on future applications. However, ODASSA have provided a scheme that is overly bureaucratic, costly to Councils, and offers little incentive for Councils to offer, or applicants to insist on using. If a Council elects to set up a Panel a registration fee (plus renewal fees) is payable to ODASSA along with payment to Panel members. There is also selection process of Panel members, and coordination and management of Panel meetings that will need to be resourced. It is also noted that formal minutes and records need to be taken, along with an annual report to ODASSA. All this additional work in the Scheme is at no cost to the applicant. Additionally, as the Scheme is voluntary to applicants, Council could set up a Panel, but no proposals gets lodged for review. At this stage no Council has registered to set up a Panel for the above reasons.

At the moment Council offers a pre-lodgement process where applicants can seek feedback on proposal before proceeding to final plans. Where the proposal involves a heritage listed property, or is located in a Historic Conservation Area plans are referred to Council's Heritage Advisor. This is considered a more streamlined process than the Design Review Scheme, and allows for feedback from the Relevant Authority who will be assessing the proposal, rather than a third party panel who may provide a different opinion.

For the reasons outlined above it is recommended that Council not change its current pre-lodgement advice process, unless further amendments are made to the Design Review Scheme to be less of a financial and burden on Council resources.

BUDGET

No money has been budgeted to this Scheme as yet.

LIFE CYCLE COSTS

If Council chooses to set up a Panel later there will be costs associated as members will need to be paid for their attendance at meetings. The costs associated with the panel are hard to predict at this stage, given that it is yet to be determined the size of the panel, or how often they are likely to meet. At this stage there is no regulated fee for applicants, and there is unlikely to be any fees, given the voluntary nature of the scheme.

Attachment 1



LOCAL DESIGN REVIEW SCHEME FOR SOUTH AUSTRALIA

Established under the *Planning, Development and Infrastructure Act 2016*

March 2021





Design Review is a pre-lodgement service that supports high-quality design outcomes, improves access to independent design expertise and assists with informed decision-making during development assessment.



Design quality of the built environment not only relates to the ‘look and feel’ of buildings and places, but also to how successfully they meet the needs of the people who use and experience them. High-quality design helps to make buildings and places better for people, our environment and the economy.

The *Planning, Development and Infrastructure Act 2016* enables South Australia’s new planning system to place greater emphasis on high-quality design. One of the ways it achieves this is by creating more opportunities to participate in Design Review under this Local Design Review Scheme (the Scheme).

This Scheme sets out consistent procedural requirements for councils who wish to provide Local Design Review within their communities and through the use of Independent Design Review Administrators.

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I. Introduction

I.1. Legislative Context

Section 121 of the *Planning, Development and Infrastructure Act 2016* (the **Act**) enables the Minister for Planning and Local Government (the **Minister**) to establish a design review scheme (the **Scheme**), where a person who is considering undertaking types of development specified in the Planning and Design Code may apply to a design panel for design advice.

It is intended that design review under this Scheme be available to development proposals in South Australia that will be assessed by relevant authorities appointed by councils.

I.2. Design Review

Design Review is an independent evaluation process where a panel of built environment experts (a **design panel**) review the design quality of a development proposal before it is lodged for assessment. Design Review is most effective when undertaken early in the planning and design process to effect positive change during design development. Proponents are typically encouraged to participate in more than one Design Review session.

The role of Design Review is not to redesign development proposals, but rather to identify and discuss opportunities to encourage high-quality design. In particular, Design Review under this Scheme provides the opportunity to obtain advice (**design advice**) in relation to:

- a) the form or content of a proposed development;
- b) how the proposed development might be changed or improved;
- c) other relevant matters that may assist with the assessment of the development; and/or
- d) other matters that may be relevant to the design of the proposed development.

The design advice is a summary of a Design Review session and is provided to the proponent to assist with design development. The design advice is also provided to the relevant authority when the development application is lodged for the purposes of development assessment.

The Act requires that any design advice provided by a design panel under this Scheme must be taken into account by the relevant authority when it is undertaking its assessment of the relevant development (insofar as may be relevant to the assessment of the proposed development by the relevant authority).

I.3. Principles of Design Review

It is important that Design Review is carried out using a robust process and that it offers consistently high standards in the quality of advice. Design Review under this Scheme is informed by the following Principles of Design Review:

- a) **Independent**
Design Review should be conducted by people who are not connected with the proponent or decision-makers so as to avoid any conflicts of interest.
- b) **Expert**
Design Review should be carried out by appropriately experienced design experts who have training in delivering constructive feedback.
- c) **Multidisciplinary**
Design Review should combine the perspectives of specialist experts, including architects, landscape architects and urban designers, with consideration of planning matters to provide a complete and rounded assessment.
- d) **Accountable**
A design panel and its advice should be clearly seen to be supporting the public's interest.
- e) **Transparent**
Information about Design Review, panel membership, funding and governance should be available to the public.
- f) **Timely**
Design Review should take place as early in the design process as possible so as to effect positive change during design development and to avoid reworking.
- g) **Advisory**
A design panel should not make decisions or give direction; it offers impartial advice and recommendations to the proponent and relevant authority.
- h) **Objective**
Design Review should appraise development proposals according to reasoned and objective principles, rather than stylistic tastes or subjective opinion.
- i) **Accessible**
The recommendations arising from Design Review should be expressed in terms that design teams, decision-makers and proponents can clearly understand and apply.

I.4. Principles of Good Design

Design Review under this Scheme and the resulting design advice must be guided by South Australia's *Principles of Good Design* as published in the *design quality policy* under section 59 of the Act.

The Principles of Good Design are:

- a) **Context**
Good design is contextual because it responds to the surrounding environment, and contributes to the existing quality and future character of a place.
- b) **Inclusive**
Good design is inclusive and universal because it creates places for everyone to use and enjoy, by optimising social opportunity and equitable access.
- c) **Durable**
Good design is durable because it creates buildings and places that are fit for purpose, adaptable and long-lasting.
- d) **Value**
Good design adds value by creating desirable places that promote community and local investment, as well as enhancing social and cultural value.
- e) **Performance**
Good design performs well because it realises the project's potential for the benefit of all users and the broader community.
- f) **Sustainable**
Good design is sustainable because it is environmentally responsible and supports long-term economic productivity, health and wellbeing.

1.5. Objects of the Scheme

The objects of this Scheme are to—

1. Support development that demonstrates high-quality design.
2. Improve access to independent and expert design advice early in the planning and design process.
3. Support consistent and informed planning decisions.
4. Facilitate collaboration between allied professionals.
5. Support South Australia's planning system to meet the objects of the Act in section 12, including to—
 - a) support and enhance the State's liveability and prosperity in ways that are ecologically sustainable and meet the needs and expectations, and reflect the diversity, of the State's communities by creating an effective, efficient and enabling planning system; and
 - b) promote certainty for people and bodies proposing to undertake development while at the same time providing scope for innovation; and
 - c) promote high standards for the built environment through an emphasis on design quality in policies, processes and practices, including by providing for policies and principles that support or promote universal design for the benefit of people with differing needs and capabilities.
6. Demonstrate practical application of the *Principles of Good Planning* identified in section 14 of the Act, particularly—
 - a) high-quality design; and
 - b) activation and liveability; and
 - c) sustainability.

1.6. Operation

This Scheme will come into operation on 1 July 2021.

1.7. Interpretations

In this Scheme, unless the contrary intention appears—

Act means the *Planning, Development and Infrastructure Act 2016*;

applicant means a proponent who has submitted an application for design review under this Scheme;

code of conduct means the code of conduct referred to in Part 8 of this Scheme;

Commission means the State Planning Commission;

constituent council means a council that has obtained, or that is a member of a group of councils that have obtained, the registration as a Local Design Review Administrator under this Scheme;

council means a council constituted under the *Local Government Act 1999*;

Department means the Attorney-General's Department;

design panel means one or more design panel members (including the panel Chair) selected for a design review session;

design review session means the design review of a proposed development;

designated entity means a Local Design Review Administrator or Independent Design Review Administrator;

Independent Design Review Administrator means the person or body recognised by the Department to administer a panel member pool under this Scheme;

Local Design Review Administrator means the council or group of councils recognised by the Department to administer design review under this Scheme;

Minister means the Minister for Planning and Local Government;

ODASA means the Office for Design and Architecture SA;

panel Chair means the Chair of a design panel;

panel member means a member of a design panel (including the panel Chair);

panel member pool means one or more pre-qualified panel members from which a design panel is selected;

proponent means a person, persons or body considering the undertaking of development;

registered architect means a person who is registered as an architect under the *Architectural Practice Act 2009*;

relevant authority means any relevant authority under section 82 of the Act.

Note: Section 14 of the *Acts Interpretation Act 1915* provides that an expression used in an instrument made under an Act has, unless the contrary intention appears, the same meaning as in the Act under which the instrument was made.

2. Establishing Design Review

2.1. Development to which this Scheme will apply

1. Design review under this Scheme will be available to any class of development specified by the Planning and Design Code.
2. If a council determines to encourage certain development proposals to participate in design review under this Scheme by—
 - a) reducing the proponent application fee under section 3.1.2(d) of this Scheme; or
 - b) applying any other incentive,

then the council should do so consistently for all development proposals within that same class of development in a manner that is transparent and accessible to the public.

2.2. Relevant Designated Entity

If a council determines to make design review available in its area by participating in this Scheme, design review in its area will be carried out—

- a) if the council is a constituent council – by a design panel established by the Local Design Review Administrator; or
- b) in any other case – by a design panel established by an Independent Design Review Administrator in accordance with the provisions of this Scheme.

2.3. Registration as a Designated Entity

1. This section applies if a council has made a determination under section 2.2.
2. A council, or a group of two or more councils, may seek registration as a Local Design Review Administrator for the purposes of this Scheme.
3. A person, body or any other appropriate entity, including a professional association, or a group of two or more professional organisations, may seek registration as an Independent Design Review Administrator for the purposes of this Scheme.
4. An application for registration as a designated entity must—
 - a) be made to the Chief Executive of the Department; and
 - b) be in the approved form determined by the Chief Executive of the Department; and
 - c) include any information specified in the approved form; and
 - d) be accompanied by any prescribed registration fee.
5. The Chief Executive of the Department may, as they think fit, accept or refuse any application for registration as a designated entity under this Scheme.
6. Registration under this Scheme will be for a period of 3 years and may be renewed by the Chief Executive of the Department from time to time on a new application for registration under this Scheme.

2.4. Design Panel Membership

1. Each designated entity may establish one panel member pool under this Scheme.
2. Each panel member pool must include at least one person who can act as a panel Chair under this Scheme.
3. All persons within a panel member pool established by a Local Design Review Administrator must be independent from the relevant council or councils and any person acting as a relevant authority for that council or those councils.
4. Each design panel must have a panel Chair.
5. Where a design panel is made up of one person, this person will be taken to be the panel Chair.
6. Where the proposed development includes built form, the panel Chair must be a registered architect.

2.5. Panel Member Selection Process

1. The panel member selection process for any designated entity must be advertised publicly, including on the SA planning portal, for a minimum of 15 business days.
2. All panel members must have at least—
 - a) a tertiary qualification in a relevant field, such as—
 - i. Architecture; or
 - ii. Landscape Architecture; or
 - iii. Urban Design; and
 - b) 7 years of professional experience relating to that field.
3. In addition to the requirement in section 2.5.2, the designated entity must be satisfied that—
 - a) panel members are highly regarded within their field; and
 - b) panel members can communicate in a clear, objective and constructive manner in relation to design quality; and
 - c) the panel member pool provides a sufficient representation of the expert skills required for design review; and
 - d) panel members can fulfil the responsibilities outlined in section 5.2 to a high standard; and
 - e) panel Chairs can fulfil the responsibilities outlined in section 5.3 to a high standard.
4. The designated entity must provide the names of the successful panel member applicant(s) to ODASA within 10 business days of the applicant(s) being notified of the outcome of their application(s).

2.6. Engagement of Panel Members

1. The designated entity must provide each panel member with an instrument of appointment.
2. An instrument of appointment provided under this section must be accompanied by a copy of the code of conduct requirements under Part 8 of this Scheme.
3. The designated entity must ensure instruments of appointment for panel members are current and valid.

2.7. Induction of Panel Members

All panel members must successfully complete an induction program, including any training, in accordance with guidelines determined by ODASA, prior to undertaking design review under this Scheme.

2.8. Administrative Requirements

1. A designated entity must have sufficient resources to meet the requirements outlined in this Scheme.
2. ODASA must ensure that a record of current designated entities and their panel members is maintained and publicly accessible on the SA planning portal.

3. Applying for Design Review

3.1. Application Process

1. A proponent who is seeking to participate in design review under this Scheme must apply to the council before lodging their development application with the relevant authority.
2. The application must—
 - a) be in the form approved by the Commission; and
 - b) include any information specified in the approved form; and
 - c) be lodged via the method outlined in the approved form; and
 - d) be accompanied by any relevant prescribed fee.
3. The council may require an applicant—
 - a) to provide such additional documents or information as may be reasonably required to assess the application; and
 - b) to remedy any defect or deficiency in any application or accompanying document or information required under this Scheme.
4. If an application for design review under this Scheme is made in relation to a class of development specified in the Planning and Design Code, the council must accept the application for design review.
5. The council and proponent may agree to undertake subsequent design review sessions before the relevant development application is lodged with the relevant authority.

3.2. Documentation

ODASA must ensure that the approved application form under section 3.1.2(a) of this Scheme is publicly accessible on the SA planning portal.

4. Preparing for Design Review

4.1. Establishing a Design Panel

1. If a constituent council receives a valid application for design review under this Scheme, the constituent council must take all reasonable steps within 5 business days to—
 - a) establish the design panel from the panel member pool with expertise suitable for the development proposal; and
 - b) confirm the date and time of the design review session with the panel members and proponent.
2. If a council that is not a constituent council receives a valid application for design review under this Scheme (and the council has made a determination under section 2.2), the council must forward the application to an Independent Design Review Administrator within 5 business days and request that they supply a design panel.
3. If section 4.1.2 applies—
 - a) the Independent Design Review Administrator must take all reasonable steps to establish the design panel from the panel member pool with expertise suitable for the development proposal and confirm with the council within 5 business days; and
 - b) the council must confirm the date and time of the design review session with the panel members and proponent.
4. Panel members should, so far as reasonably practicable, be the same persons when undertaking multiple reviews of the same project.

4.2. Preparing the Design Panel

1. Before a design review session takes place, the council must—
 - a) confirm the format of the session and coordinate the venue (if applicable); and
 - b) coordinate panel member, proponent and other stakeholder attendance; and
 - c) provide the design panel with reasonable information about—
 - i. any relevant planning instruments under Part 5 Division 2 of the Act, including specific policies or rules that are relevant to the proposal; and
 - ii. any other planning matter, design guidelines and government policy relevant to the proposal; and
 - iii. any local planning and design challenges, opportunities and priorities; and
 - iv. any other relevant matter.
2. Before a design review session takes place, panel members must—
 - a) review any information provided by the council that is relevant to the development proposal; and
 - b) identify any conflicts of interest and inform the designated entity of any such conflicts, before the session commences.
3. A panel member must not participate in any design review session where a conflict exists.

5. Undertaking Design Review

5.1. Role of the Council

1. The council must—
 - a) undertake a briefing with the design panel prior to the design review session; and
 - b) assist the panel Chair to minute the discussion from the design review session.
2. The council should provide a planning officer to—
 - a) participate in the briefing with the design panel; and
 - b) observe the design review session.

5.2. Role of the Design Panel

During the design review session, panel members must—

- a) communicate clearly, objectively and constructively (whether supportive or critical) in an accessible manner; and
- b) demonstrate strong critical and analytical skills; and
- c) treat all information acquired through performing any function relating to this Scheme confidentially.

5.3. Role of the Design Panel Chair

In addition to the responsibilities in section 5.2, the panel Chair must—

- a) lead and facilitate the design review session in a professional and considerate manner; and
- b) respectfully manage panel members, proponents or other stakeholders who express strong or conflicting opinions; and
- c) synthesise and summarise disparate or conflicting views; and
- d) summarise the design review discussion; and
- e) ensure the design review discussion is minuted accurately.

6. Design Advice

6.1. Preparing Design Advice

The design advice must be completed in a format determined by ODASA and—

- a) be an accurate summary of the design review session; and
- b) where possible, use clear and accessible language; and
- c) remain confidential until the relevant development application is lodged with the relevant authority.

6.2. Provision of Design Advice

1. The panel Chair must finalise the design advice and provide a copy to the council as soon as practicable.
2. The council must provide a copy of the finalised design advice to the proponent as soon as practicable.
3. It is intended that a copy of the finalised design advice be provided to the proponent within 5 business days after the design review session.

6.3. Correction of Errors

1. If design advice is found to contain an error, the council may withdraw it and request it be corrected by the panel Chair, and then re-issue it to the proponent.
2. The design advice must retain its original date and be clearly marked with an explanation of reissue.

6.4. Lodging Design Advice with a Development Application

1. The proponent must provide a complete copy of the most recent design advice to the relevant authority with the relevant development application.
2. The proponent must include a response to the most recent design advice, including any changes made to the proposal since the most recent design review session.

6.5. Status of the Design Advice in the Planning System

1. In considering a development application that was subject to design review under this Scheme, the relevant authority must take into account the design advice (insofar as may be relevant to the assessment of proposed development by the relevant authority).
2. The relevant authority should consider how the lodged proposal has responded to the design advice provided by the design panel.

6.6. Design Opinion on a Lodged Development Application

If a relevant authority requests that a council seek an opinion in relation to the design of a lodged development application, then the council should do so in a way that upholds the principles and objects outlined in sections 1.3, 1.4 and 1.5 of this Scheme.

7. Monitoring, Performance and Complaints

7.1. Feedback

A proponent may provide feedback to the council on their experiences of design review under this Scheme, the quality of the design advice they received, and the impact it had on the final outcome.

7.2. Annual Evaluation

1. The designated entity must undertake an annual evaluation of the operation of this Scheme in its area in a format determined by ODASA.
2. Each annual evaluation will relate to a financial year.
3. To undertake the evaluation, the designated entity must collect data on each project that was the subject of design review in the relevant year including—
 - a) the class of development; and
 - b) the address or site of the proposed development; and
 - c) any relevant planning zone, subzones and overlays; and
 - d) the estimated development cost; and
 - e) the panel members and Chair; and
 - f) the number of design review sessions undertaken; and
 - g) project status as at the end of the financial year (if known).
4. The designated entity must provide the complete evaluation report and any feedback received under section 7.1 to ODASA within 3 months of the end of the financial year.

7.3. Data Storage

Designated entities and councils participating in this Scheme must store all data collected under this Scheme securely and take such steps as may be reasonably necessary or appropriate to keep it confidential.

7.4. Complaints

1. A proponent may lodge a complaint to a council in relation to this Scheme, if the proponent—
 - a) believes that the designated entity failed to comply with, or acted in contravention of, the Act or any regulations under the Act with respect to any matter associated with this Scheme; or
 - b) believes that there has been a breach of the code of conduct; or
 - c) believes that the written design advice is not an accurate representation of the discussion from a design review session.
2. A council may lodge a complaint to an Independent Design Review Administrator in relation to this Scheme, if the council—
 - a) believes that the Independent Design Review Administrator failed to comply with, or acted in contravention of, the Act or any regulations under the Act with respect to any matter associated with this Scheme; or
 - b) believes that there has been a breach of the code of conduct; or
 - c) believes that the written design advice is not an accurate representation of the discussion from a design review session.
3. A complaint made under this Scheme must—
 - a) be made in the form approved by the council or designated entity; and
 - b) contain particulars of the allegation on which the complaint is based; and
 - c) include any other information specified by the council or designated entity.
4. The council or designated entity may refuse to investigate a complaint or, having accepted a complaint for investigation, may refuse to investigate it further, if it appears that—
 - a) the matter raised by the complaint is trivial; or
 - b) the complaint is frivolous or vexatious or is not made in good faith; or
 - c) it would be more appropriate for proceedings to be initiated in a court or tribunal constituted by law, or for the matter to be handled by another authority; or
 - d) there is some other good reason not to proceed (or further proceed) with the matter under this Scheme.
5. While no action may be brought against a panel member on the basis of any advice or other action given or taken by a design panel under section 121(8) of the Act, the designated entity may, at the conclusion of any complaints resolution process—
 - a) decide to take no further action on the complaint; or
 - b) undertake any consultation or further inquiry as the designated entity thinks fit; or
 - c) amend the design advice; or
 - d) make recommendations to the panel member; or
 - e) caution or reprimand the panel member; or
 - f) determine that a person no longer hold office as a panel member under this Scheme; or
 - g) take such other action as the designated entity thinks fit.

8. Code of Conduct

8.1. Introduction

This Part provides for standards of conduct and professionalism that are to be observed by all persons and bodies operating under the Act.

For the purposes of the Act, all persons and bodies performing a function under this Scheme must carry out, and be seen to carry out, their functions with the highest ethical standards so as to maintain public confidence in the integrity of the design review scheme under the Act.

A designated entity may also develop and maintain other code of conduct requirements for the purposes of this Scheme.

These standards and requirements constitute a code of conduct and must be read in conjunction with the requirements under the Act.

8.2. Requirements under the Act

All persons or bodies operating under this Scheme are subject to a statutory duty under section 15 of the Act as follows:

- (1) *It is expected that a person or body that—*
 - (a) *seeks to obtain an authorisation under this Act; or*
 - (b) *performs, exercises or discharges a function, power or duty under this Act; or*
 - (c) *takes the benefit of this Act or is otherwise involved in a process provided by this Act,*

will—

 - (d) *act in a cooperative and constructive way; and*
 - (e) *be honest and open in interacting with other entities under this Act; and*
 - (f) *be prepared to find reasonable solutions to issues that affect other interested parties or third parties.*
- (2) *Without limiting subsection (1), a person or body performing, exercising or discharging a function, power or duty under this Act must—*
 - (a) *exercise professional care and diligence; and*
 - (b) *act honestly and in an impartial manner; and*
 - (c) *be responsible and accountable in its conduct; and*
 - (d) *comply with any code of conduct, service benchmark or other requirement that applies in relation to the person or body.*
- (3) *The Minister may, after taking into account the advice of the Commission, establish and maintain service benchmarks for the purposes of this section.*
- (4) *The principles and benchmarks under this section—*
 - (a) *do not give rise to substantive rights or liabilities; but*
 - (b) *may lead to action being taken on account of a breach of a code of conduct or professional standard that applies in relation to a relevant person or body.*

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