



NOTICE OF MEETING

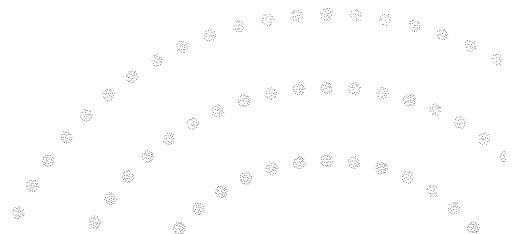
Notice is hereby given that an ordinary meeting of Council will be held in the

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

Tuesday 23 November 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 Kurna 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 Kurna 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

5.2 Absent

6. DECLARATION OF RESULTS

Chief Executive Officer, Mr R Bria will read the declaration of the results of the Supplementary Election for the Somerton Ward.

7. DECLARATION OF OFFICE

Section 60 of the *Local Government Act 1999* and Regulation 6 of the *Local Government (General Regulations) 2013* prescribe the declaration to be made before a Justice of the Peace or a person authorised under the *Oaths Act 1936*.

Her Worship the Mayor will call on Mr Robert Hughes JP, to witness Ms Janet Fletcher's declaration.

8. CONGRATULATORY MESSAGE BY HER WORSHIP THE MAYOR

The Mayor, Amanda Wilson will congratulate Councillor Fletcher on their election in the 2021 Somerton Ward Supplementary Election.

9. MESSAGES OF ACKNOWLEDGEMENT FROM THE NEW COUNCIL

Councillor Fletcher will have the opportunity to acknowledge her family and friends for their on-going support.

10. ITEMS PRESENTED TO COUNCIL**11. 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.

12. CONFIRMATION OF MINUTES**Motion**

That the minutes of the Ordinary Meeting of Council held on 9 November 2021 be taken as read and confirmed.

Moved Councillor _____, Seconded Councillor _____

Carried

13. PUBLIC PRESENTATIONS

13.1 **Petitions** - Nil

13.2 **Presentations** - Nil

13.3 **Deputations** - Nil

14. QUESTIONS BY MEMBERS

14.1 **Without Notice**

14.2 **On Notice**

14.2.1 Tree Removal Newland Avenue, Kingston Park – Councillor Fleming (Report No: 404/21)

15. MEMBER'S ACTIVITY REPORT - Nil**16. MOTIONS ON NOTICE**

16.1 Civic Centre Redevelopment– Councillor Clancy (Report No: 403/21)

17. ADJOURNED MATTERS - Nil**18. REPORTS OF MANAGEMENT COMMITTEES AND SUBSIDIARIES**

18.1 Draft Minutes - Alwyndor Management Committee – 28 October 2021 (Report No: 399/21)

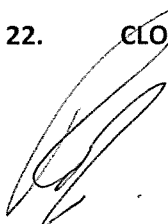
18.2 Minutes – Jetty Road Mainstreet Committee – 3 November 2021 (Report No: 395/21)

19. REPORTS BY OFFICERS

- 19.1 Items in Brief (Report No: 391/21)
- 19.2 SRWRA Audit Committee – Appointment of Independent Member (Report No: 392/21)
- 19.3 Council Meeting Schedule for 2022 (Report No: 380/21)
- 19.4 Elected Member Appointments to the Council Assessment Panel (Report No: 393/21)
- 19.5 Nominations sought for the Dog and Cat Management Board (Report No: 402/21)
- 19.6 Monthly Financial Report – 31 October 2021 (Report No: 398/21)
- 19.7 Trial Parklet Installation (Report No: 397/21)
- 19.8 Review of Items Held in Confidence (Report No: 400/21)
- 19.9 Verge Management Policy Review (Report No: 394/21)
- 19.10 Tree Management Policy Review (Report No: 396/21)
- 19.11 Statutes Amendment (Local Government Review) Act 2021 – Round 2 Regulations (Report No: 401/21)

20. 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.

21. URGENT BUSINESS – Subject to the Leave of the Meeting**22. CLOSURE**

ROBERTO BRIA
CHIEF EXECUTIVE OFFICER

Item No: 14.2.1

Subject: **QUESTION ON NOTICE – TREE REMOVAL NEWLAND AVENUE,
KINGSTON PARK – COUNCILLOR FLEMING**

Date: 23 November 2021

QUESTION

Councillor Fleming asked the following questions:

1. “Is it true that Council have decided to remove 15 well-established, healthy 60 year old Aleppo Pines on Newland Ave Kingston Park on the City of Holdfast Bay side of the road?”
 2. Does Council plan to remove non-native healthy trees from all around our Council area regardless of whether they are healthy and established just because they are ‘non-natives’ to our state?
 3. Why have Elected Members not been notified formally from Admin in regards to plans to remove such a significant number of well-established trees in one street in our Council area?
 4. The Pine Gully Reserve Biodiversity Action Plan, speaks in 4.1.1 about Aleppo Pines being a declared weed in SA but the dilemma of removing them versus retaining them as important food sources for YTBCs so it recommends only removing scattered pines and new seedlings on this site (Pine Gully). It states 'Broadscale removal of Aleppo Pines would need to consider potential impacts on YTBC feeding habitat and also potential erosion risks if pines were to be removed from steep slopes.' Have the above impacts been considered for Newland Ave"?
-

BACKGROUND

Aleppo Pines are home to many yellow-tailed black cockatoos. The policy of removal of trees should be one of replacement. Replace when at end of life. Not when trees are in their prime like these are.

My concern is that to remove healthy ‘non-natives’ because they are not native trees goes against our vision. It will take decades for the new trees to provide a home for native animals, shade and greening and cooling to this area.

ANSWER – General Manager, Assets and Delivery

An answer to this will be tabled at the 23 November 2021 Council meeting.

Item No: 16.1

Subject: **MOTION ON NOTICE – CIVIC CENTRE REDEVELOPMENT – COUNCILLOR CLANCY**

Date: 23 November 2021

PROPOSED MOTION

Councillor Clancy proposed the following motion:

That Administration only proceed with option 4 (Minimum Compliance) in Council Report 377/21 into budget discussions for 2022/23.

BACKGROUND

It is important that council ensures that the Civic Centre is disability compliant. Holdfast Bay is a small council and with the development of the Brighton Sports' Precinct, Kauri Parade it is unnecessary to provide additional community space in buildings.

Item No: 18.1

Subject: **DRAFT MINUTES – ALWYNDOR MANAGEMENT COMMITTEE – 28 OCTOBER 2021**

Date: 23 November 2021

Written By: General Manager, Alwyndor

General Manager: Alwyndor, Ms B Davidson-Park

SUMMARY

The draft minutes of the Alwyndor Management Committee meeting held on 28 October 2021 are provided for information.

RECOMMENDATION

1. **That the draft minutes of the Alwyndor Management Committee meeting held on 28 October 2021 be noted.**

RETAIN IN CONFIDENCE - Section 91(7) Order

2. **That having considered Attachment 2 to Report No: 399/2021 Draft Minutes – Alwyndor Management Committee – 28 October 2021 in confidence under section 90(2) and (3)(b) of the Local Government Act 1999, the Council, pursuant to section 91(7) of the Act orders that Attachment 2 be retained in confidence for a period of 24 months and that this order be reviewed every 12 months.**
-

COMMUNITY PLAN

Community: Building a healthy, active and resilient community

Community: Providing welcoming and accessible facilities

Culture: Supporting excellent, efficient operations

COUNCIL POLICY

Not applicable

STATUTORY PROVISIONS

Not applicable

BACKGROUND

This report is presented following the Alwyndor Management Committee Meetings.

The Alwyndor Management Committee was established to manage the affairs of Alwyndor Aged Care. The Council has endorsed the Committee's Terms of Reference and given the Committee delegated authority to manage the business of Alwyndor Aged Care.

REPORT

The draft minutes of the meeting are attached for Members' information.

Refer Attachment 1 & 2

Attachment 1



CITY OF HOLDFAST BAY

Minutes of the meeting of the Alwyndor Management Committee of the City of Holdfast Bay held Alwyndor, 52 Dunrobin Road, Hove on Thursday 28 October 2021 at 6.30pm.

PRESENT

Elected Members

Councillor Robert Snewin

Independent Members

Mr Kim Cheater- Chair

Ms Julie Bonnici

Prof Judy Searle

Prof Lorraine Sheppard

Mr Kevin Whitford

Staff

General Manager Alwyndor – Ms Beth Davidson-Park
Manager, Community Connections – Ms Molly Salt
Manager, Residential Services – Ms Natasha Stone
Manager, Finance – Mr Damian Capurro
Personal Assistant - Ms Marisa Dinham

1. OPENING

The Chairperson declared the meeting open at 6.34pm.

2. KAURNA ACKNOWLEDGEMENT

With the opening of the meeting the Chair stated:

We acknowledge the Kurna 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 Kurna People today.

3. APOLOGIES

3.1 For Absence – Cr Susan Lonie

3.2 Leave of Absence – Nil

4. DECLARATION OF INTEREST

Committee members were reminded to declare any interest before each item.

5. CONFIRMATION OF MINUTES

The Chair sought leave of the meeting to bring forward items 8.2 and 8.3, to be followed by item 8.1 and then resume the meeting as normal.

Motion

That the minutes of the Alwyndor Management Committee held on 30 September 2021 be taken as read and confirmed.

Moved by Mr K Whitford, Seconded by Ms J Bonnici

Carried

Motion

That the confidential minutes of the Alwyndor Management Committee held on 30 September 2021 be taken as read and confirmed.

Moved by Prof J Searle, Seconded by Mr K Whitford

Carried

6. REVIEW OF ACTION ITEMS

6.1 Action Items

Items noted.

6.2 Confidential Action items

Items noted.

An updated action list was tabled to include AMC self-assessment action list. This will be listed as item 6.3 on future agendas.

6.4 Annual Work Plan

Item noted.

7. GENERAL MANAGER REPORT

7.1 General Manager Report (Report No: 42/2021)

7.1.1 COVID-19 Update.

The General Manager advised that a COVID-19 Vaccination booster will be offered to eligible residents.

7.1.2. Draft 2022 Workplan

Proposed Work Plan reviewed.

Action: General Manager to add 'Review of Investment Strategy and Policy' to November.

7.1.3 CHSP-Outdoor gym funding

Noted.

Motion

That the Alwyndor Management Committee:

- 1. Note the update regarding COVID-19 management and Action Plan.**
- 2. Approve the draft 2022 AMC Work Plan.**
- 3. Note the funding received for an outdoor gym.**

Moved by Cr R Snewin, Seconded by Ms T Sutton

Carried

8.2 Quarterly Performance Report – Quarter 1 (Report No: 44/2021)**Exclusion of the Public – Section 90(3)(d) Order**

- 1. That pursuant to Section 90(2) of the *Local Government Act 1999* Alwyndor Management Committee hereby orders that the public be excluded from attendance at this meeting with the exception of the General Manager and Staff in attendance at the meeting in order to consider Reports and Attachments to Report No. 44/2021 in confidence.**
- 2. That in accordance with Section 90(3) of the *Local Government Act 1999* Alwyndor Management Committee is satisfied that it is necessary that the public be excluded to consider the information contained in Report No: 44/2021 on the following grounds:**

- d. pursuant to section 90(3)(d) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to confer a commercial advantage on a third party of Alwyndor, in addition Alwyndor's financial position is reported as part of Council's regular budget updates.**

In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information.

- 3. The Alwyndor Management Committee is satisfied, the principle that the meeting be conducted in a place open to the public, has been**

outweighed by the need to keep the information or discussion confidential.

Moved by Mr K Whitford, Seconded by Prof L Sheppard

Carried

8.3 Quarterly Financial Report Quarter 1, 2021-22 (Report No: 45/2021)

Exclusion of the Public – Section 90(3)(d) Order

1. That pursuant to Section 90(2) of the *Local Government Act 1999* Alwyndor Management Committee hereby orders that the public be excluded from attendance at this meeting with the exception of the General Manager and Staff in attendance at the meeting in order to consider Reports and Attachments to Report No. 45/2021 in confidence.
2. That in accordance with Section 90(3) of the *Local Government Act 1999* Alwyndor Management Committee is satisfied that it is necessary that the public be excluded to consider the information contained in Report No: 45/2021 on the following grounds:
 - d. pursuant to section 90(3)(d) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to confer a commercial advantage on a third party of Alwyndor, in addition Alwyndor's financial position is reported as part of Council's regular budget updates.

In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information.

3. The Alwyndor Management Committee is satisfied, the principle that the meeting be conducted in a place open to the public, has been outweighed by the need to keep the information or discussion confidential.

Moved by Mr K Whitford, Seconded by Prof J Searle

Carried

8.1 General Manager Report – Confidential (Report No: 43/2021)

Exclusion of the Public – Section 90(3)(d) Order

1. That pursuant to Section 90(2) of the *Local Government Act 1999* Alwyndor Management Committee hereby orders that the public be excluded from attendance at this meeting with the exception of the General Manager and Staff in attendance at the meeting in order to consider Reports and Attachments to Report No. 44/2021 in confidence.
2. That in accordance with Section 90(3) of the *Local Government Act 1999* Alwyndor Management Committee is satisfied that it is necessary that the public be excluded to consider the information contained in Report No: 44/2021 on the following grounds:
 - d. pursuant to section 90(3)(d) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to confer a commercial advantage on a third party of Alwyndor, in addition Alwyndor's financial position is reported as part of Council's regular budget updates.

In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information.
3. The Alwyndor Management Committee is satisfied, the principle that the meeting be conducted in a place open to the public, has been outweighed by the need to keep the information or discussion confidential.

Moved by Ms J Bonnici, Seconded by Prof L Sheppard

Carried

9. **OTHER BUSINESS – Subject to the leave of the meeting**
Nil.

10. **DATE AND TIME OF NEXT MEETING**

The next meeting of the Alwyndor Management Committee will be held on **Thursday 25 November 2021** in the Boardroom, Alwyndor, 52 Dunrobin Road, Hove.

11. **CLOSURE**

The meeting closed at 8.55pm.

CONFIRMED 25 November 2021

CHAIRPERSON

Item No: 18.2

Subject: **MINUTES – JETTY ROAD MAINSTREET COMMITTEE – 3 NOVEMBER 2021**

Date: 23 November 2021

Written By: General Manager, Community and Business

General Manager: Community and Business, Ms M Lock

SUMMARY

The Minutes of the Jetty Road Mainstreet Committee meeting held on 3 November is attached and presented for Council’s information.

Jetty Road Mainstreet Committee Agenda, Reports and Minutes are all available on Council’s website and the meetings are open to the public.

RECOMMENDATION

That Council notes the minutes of the Jetty Road Mainstreet Committee of 3 November 2021.

COMMUNITY PLAN

Placemaking: Creating lively and safe places
Community: Providing welcoming and accessible facilities
Economy: Supporting and growing local business
Economy: Making it easier to do business
Economy: Boosting our visitor economy
Culture: Being financially accountable
Culture: Supporting excellent, efficient operations
Culture: Being financially accountable

COUNCIL POLICY

Not applicable.

STATUTORY PROVISIONS

Not applicable.

BACKGROUND

The Jetty Road Mainstreet Committee (JRMCC) has been established to undertake work to benefit the traders on Jetty Road Glenelg, using the separate rate raised for this purpose. Council has endorsed the Committee's Terms of Reference and given the Committee delegated authority to manage the business of the Committee.

Jetty Road Mainstreet Committee Agendas, Reports, and Minutes are all available on Council's website and the meetings are open to the public.

REPORT

Minutes of the meetings of JRMCC held on 3 November 2021 is attached for member's information.

BUDGET

Not applicable.

LIFE CYCLE COSTS

Not applicable.

Attachment 1



CITY OF HOLDFAST BAY

Minutes of the meeting of the Jetty Road Mainstreet Committee of the City of Holdfast Bay held in the Mayor's Parlour Glenelg Town Hall on Wednesday 3 November 2021 at 6:00pm

PRESENT

Elected Members:

Councillor Abley
Councillor W Miller

Community Representatives:

Maio's Group, Mr C Maio
Attitudes Boutique, Ms G Martin
Beach Burrito, Mr A Warren (via virtual connection)
Daisy and Hen, Ms G Britton
Good Physio, Mr T Chai
The Royal Moody, Mr G Watson
Ikos Holdings Trust, Mr A Fotopoulos

Staff:

Chief Executive Officer, Mr R Bria
General Manager, Community & Business, Ms M Lock
Manager, City Activation, Ms R Forrest
Jetty Road Development Coordinator, Ms A Klingberg
Jetty Road Assistant, Mr W Papatolis

1. OPENING

The Chairman, Mr C Maio, declared the meeting open at 6.01pm.

2. APOLOGIES

2.1 Apologies Received: Mr T Beatrice, Mr D Elmes

2.2 Absent:

3. DECLARATION OF INTEREST

Members were reminded to declare any interest before each item.

4. CONFIRMATION OF MINUTES**Motion**

That the minutes of the Jetty Road Mainstreet Committee held on 6 October 2021 to be taken as read and confirmed.

Moved Councillor Miller Seconded Councillor Abley

Carried

5. QUESTIONS BY MEMBERS**5.1 Without Notice:**

5.1.1 Councillor Abley asked Administration a question around what are the time frames for any agenda items and questions on notice to be included into the agenda and reports. Administration took on notice and will provide the timeframes to the JRMC.

5.1.2 The Chairperson asked a question as to when the outdoor dining fees presentation will be rescheduled. Administration took on notice and will provide an update.

5.1.3 Councillor Miller asked was the heritage marker retained in Chapel Plaza and if yes, where is the location. The CEO responded to the question.

5.2 With Notice: Nil**6. MOTIONS ON NOTICE: Nil****7. PRESENTATION:****7.1 Crime Stoppers SA Presentation**

Presentation by Crime Stoppers SA, CEO Nigel Smart, with Adam Thompson (Director of Engagement) and Digby Howis (SAPOL)

6.20pm T Chai joined the meeting

6.28pm A Fotopoulos joined the meeting

7.2 JRMC Self Assessment

Ms Regan Forrest, Manager, City Activation provided an update and the next steps of the JRMC self-assessment exercise.

8. REPORTS/ITEMS OF BUSINESS**8.1 Monthly Finance Report**

(Report No: 369/21)

The Jetty Road Mainstreet Committee August 2021 variance report is presented for information of the members of the Jetty Road Mainstreet Committee.

Motion

That the Jetty Road Mainstreet Committee note this report.

Moved Councillor Abley, Seconded A Fotopoulos

Carried

Conflict of Interest

Councillor Abley declared a perceived conflict of interest for Item 8.2 Crime Stoppers SA – Jetty Road Initiative. The nature of the perceived conflict of interest (pursuant to Section 75 and 75A of the *Local Government Act 1999*) was that she is a friend to the CEO of Crime Stoppers SA.

Councillor Abley dealt with the perceived conflict of interest by making it known and leaving the meeting at 6.57 pm.

8.2 Crime Stoppers SA – Jetty Road Initiative (Report No: 370/21)

The Jetty Road Mainstreet Committee (JRMC) received a proposal from the CEO of Crime Stoppers South Australia (Crime Stoppers), regarding an opportunity to partner on a campaign to improve community confidence and encourage a safer Jetty Road Precinct.

This proposal aligns with feedback received through the 2021 Jetty Road, Glenelg Business Needs Survey conducted from 12- 30 August 2021, which highlighted a significant difference in perception of safety between day and night. There was strong trader sentiment to increase community safety and prevent crime.

Motion

That the Jetty Road Mainstreet Committee:

1. **Note this report.**
2. **To request further detailed information from Crime Stoppers of the pilot program to include the engagement and campaign process and outcomes.**

Moved G Watson, Seconded T Chai

Carried

Councillor Abley re-joined the meeting at 7.26pm.

8.3 Marketing Update (Report No: 371/21)

The report provides an update on the marketing initiatives undertaken by the Jetty Road Mainstreet Committee 2020/21 Marketing Plan and initiatives aligned to the delivery of the Jetty Road Glenelg Retail Strategy 2018-2022.

Motion**That the Jetty Road Mainstreet Committee note this report.**

Moved G Britton, Seconded A Fotopoulos

Carried

- 8.4 Jetty Road Events Update (Report No: 372/21)

JRMC in partnership with the City of Holdfast Bay are responsible for implementing and managing a variety of major events to support economic stimulus in the precinct in accordance with the annual marketing and business plan. This report provides an overview of upcoming events.

Motion**That the Jetty Road Mainstreet Committee note this report.**

Moved Councillor Miller Seconded G Watson

Carried

- 8.5 Alpine Winter Festival 2021 (Report No: 373/21)

This report provides an overview on the results of Alpine Winter Festival 2021 staged in Moseley Square and Glenelg Foreshore scheduled 25 June to 20 July 2021 during the school holidays.

Motion**That the Jetty Road Mainstreet Committee note this report.**

Moved A Fotopoulos, Seconded G Martin

Carried**9. URGENT BUSINESS – Subject to the Leave of the Meeting****9.1 REPORTS/ITEMS OF BUSINESS:****10. DATE AND TIME OF NEXT MEETING**

The next meeting of the Jetty Road Mainstreet Committee will be held on Wednesday 1 December at the Glenelg Town Hall.

11. CLOSURE

The meeting closed at 8.00pm

CONFIRMED: Wednesday 1 December 2021

CHAIRMAN

Item No: 19.1
Subject: **ITEMS IN BRIEF**
Date: 23 November 2021
Written By: Personal Assistant
General Manager: Strategy and Corporate, Ms P Jackson

SUMMARY

These items are presented for the information of Members.

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

RECOMMENDATION

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

1. **2021 Business Confidence Survey**
 2. **The Bay Sports Festival**
 3. **Partridge House Gardens Beautification**
 4. **Local Government Reforms**
-

COMMUNITY PLAN

Culture: Supporting excellent, efficient operations

COUNCIL POLICY

Not applicable

STATUTORY PROVISIONS

Not applicable

REPORT

1. **2021 Business Confidence Survey**

The City of Holdfast Bay takes an active role in identifying the future needs and aspirations of businesses located in the City. Since 2015, data has been collected every two years from local businesses to understand the short, medium and long term goals of business and to build on this information to deliver strategic industry outcomes.

Businesses have a key role to play in shaping the future of employment, access to goods and services, and enhancing the amenity and vibrancy of retail and tourism precincts. The information obtained provides an insight into key issues and opportunities from a business perspective and helps define the most important economic development outcomes and policy direction.

Council has once again engaged Intuito Market Research to conduct the 2021 Business Confidence Survey. Businesses will be contacted through electronic communication, telephone and one on one interviews during November and December 2021 across all industry sectors. Questions are kept consistent with those asked in previous years in order to enable comparison and analysis of trends, although the impact of COVID-19 is also included in the 2021 survey.

Intuito Market Research is a consultancy with extensive experience in the design and implementation of research projects and has worked closely with the City of Holdfast Bay in delivering the Quality of Life survey and previous Business Confidence Surveys.

2. The Bay Sports Festival

The Bay Sports Festival is a series of events that are individually organised. Due to COVID-19 restrictions in 2020, the only event which took place was the Cycling Criterium.

As of 27 October, Administration has received event applications for the Cycling Criterium Race from South Coast Cycling Club and the Proclamation Classic Swim from the Adelaide Masters Swim Club.

The Bay Sports Festival organisers are committed to working closely with Administration to ensure COVID 19 requirements can be adhered to deliver a safe and successful event.

3. Partridge House Gardens Beautification

Partridge House has recently undergone a cost-effective revitalisation program to conduct repairs and create an attractive sea of colour and a photogenic backdrop in time for the wedding season. In total over 400 additional plants were planted. Due to some plants past their natural lifespan, as well as a dying tree removed which was impacted in the one of the recent storms. The tree had caused damage to some of the pavers and created a large hole in the driveway, which posed a significant safety risk.

Labour and costs of new plants has been delivered within the 2021/2022 council endorsed operational budget.

4. Local Government Reforms

The second tranche of Local Government reforms commenced on 10 November 2021 and primarily relate to:

- simplifying and consolidating the public inspection/display of certain council documents;

- amending the procedures for review of council decisions and requests for services under section 270 (including a new prescribed application for review fee);
- an increase in the maximum by-law penalty for the first time in over a decade;
- amending the CEO appointment, performance review and termination processes (this will be the subject of a separate Council Report);
- changes to the candidate nomination process in elections;
- changes to core election dates; and
- new requirements for candidates to furnish campaign donations returns prior to the close of voting.

The Local Government Association is still in the process of finalising information on the reforms relating to local government elections. Information and resources on these reforms will be included on the Local Government Reform Portal as they are finalised. Election reforms will also be incorporated into the election material and training for the 2022 Local Government elections. The changes do not require any immediate action from councils.

Item No: 19.2
Subject: **SRWRA AUDIT COMMITTEE – APPOINTMENT OF INDEPENDENT MEMBER**
Date: 23 November 2021
Written By: General Manager, Strategy and Corporate
General Manager: Strategy and Corporate, Ms P Jackson

SUMMARY

The Southern Region Waste Resource Authority (SRWRA) is requesting Council to appoint one independent member to the SRWRA Audit Committee.

RECOMMENDATION

That Council re-appoints Mr Sam Spadavecchia to the Southern Region Waste Resource Authority Audit Committee for a term of 24 months.

COMMUNITY PLAN

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

COUNCIL POLICY

Nil

STATUTORY PROVISIONS

Local Government Act 1999

REPORT

The City of Holdfast Bay is one of three Constituent Councils of the Southern Region Waste Resource Authority (SRWRA). Each of the Constituent Councils has an independent member from their own Audit Committee sitting on the SRWRA Audit Committee.

Mr Sam Spadavecchia is the City of Holdfast Bay's current representative on the SRWRA Audit Committee. Mr Spadavecchia has been a member since March 2019. When he was nominated, Mr Spadavecchia was an independent member of Council's Audit Committee.

On 28 October 2021, Mr Chris Adams, Chief Executive Officer of SWRA wrote to Council's Chief Executive Officer, seeking an appointment of an Audit Committee member for a period of twenty four (24) months. Mr Adams requested Council either re-appoint Mr Spadavecchia or nominate a new independent member to the SRWRA Audit Committee.

Refer Attachment 1

It is recommended that Mr Spadavecchia be re-appointed for another 24 months. This would allow for continuity of membership, particularly with the Southern Materials Recovery Facility commencing operation.

BUDGET

There are no budget costs associated with this report.

LIFE CYCLE COSTS

There are no life cycle costs associated with reappointing the SRWRA Audit Committee members.

Attachment 1



28 October 2021

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

SRWRA Audit Committee

Dear Roberto,

Each of the Constituent Councils has an independent member from their own Audit Committee sitting on the SRWRA Audit Committee.

Members of the SRWRA Audit Committee are normally appointed by the Constituent Councils for a term of twelve months. However, in order to provide continuity and minimise administrative procedure SRWRA is requesting the appointment be made for a period of twenty four (24) months.

The Authority is seeking the appointment of an Audit Committee member for a period of twenty four (24) months, noting the current term of Sam Spadavecchia will nominally expire at the end of February 2022.

Due to compliance and regulatory requirements SRWRA is also requesting an appointment be made to allow continuity of Audit Committee commitments beginning February 2022.

The current City of Holdfast Bay Audit Committee member, Sam Spadavecchia, has been a member since March 2019. I am writing to request consideration that the City of Holdfast Bay either re-appoint Sam Spadavecchia or nominate a new independent member to the SRWRA Audit Committee.

The next SRWRA Audit Committee meeting is scheduled to be held in mid-February 2022.

Kind regards,



Chris Adams
Chief Executive Officer

Item No: 19.3

Subject: **COUNCIL MEETING SCHEDULE FOR 2022**

Date: 23 November 2021

Written By: Governance and Risk Officer (Acting)

General Manager: Strategy and Corporate, Ms P Jackson

SUMMARY

The *Local Government Act 1999* requires Council to hold at least one ordinary meeting of Council per month.

A resolution of Council is required to adopt the meeting schedule. Meeting schedules can be reviewed and amended at any time by the Council. Council adopted the schedule for 2021 and for January 2022 on 10 November 2020.

Currently, ordinary meetings of Council are scheduled on the second and fourth Tuesday of each month from February to November. There is only one meeting scheduled for December 2021 and one for January 2022 due to the holiday period. It is proposed that Council continue with this meeting schedule and the frequency of meetings, noting that a Caretaker period will commence in September 2022 due to Local Government elections, which will be held in November 2022.

RECOMMENDATION

That Council:

- 1. hold ordinary meetings of Council on the second and fourth Tuesday of each month, commencing February 2022 with the exceptions of December 2022 and January 2023;**
 - 2. hold ordinary meetings of Council once in the months of December 2022 and January 2023 due to the holiday period;**
 - 3. resolve that all ordinary meetings of Council be held in the Glenelg Town Hall Chamber;**
 - 4. resolve that all ordinary meetings of Council commence at 7.00pm;**
 - 5. review the schedule of ordinary meetings of Council for the year ahead by December 2022.**
-

COMMUNITY PLAN

Culture: Enabling high performance
Culture: Being financially accountable

COUNCIL POLICY

Caretaker Period Policy

STATUTORY PROVISIONS

Sections 81, 86 and 90A of the *Local Government Act 1999*
Section 91A of the *Local Government (Elections) Act 1999*

BACKGROUND

Council must resolve to meet at least once per month at a specific time and place as required under section 81 of the *Local Government Act 1999*.

Historically, ordinary meetings of Council have been held twice per month, on the second and fourth Tuesdays, with the exception of December and January. Only one meeting has historically scheduled during December and January to account for the holiday period. By adopting this schedule, it assists to keep meeting agendas to a manageable size and enables matters requiring decisions of Council to be considered in a timely manner. It is proposed that this schedule continue in 2022, with the exception of November 2022, during which a general election will take place.

Council may choose to amend the schedule for ordinary meetings of Council at any time and must do so with a resolution of Council.

REPORT

Local Government elections will be held in November 2022, with the close of voting expected to be on 10 November 2022 based on verbal advice from the Electoral Commission of South Australia. To allow for the new Council to take oath, the CEO will call the first meeting of Council following the election and will preside until the Mayor has taken the oath of office.

Pursuant to section 91A of the *Local Government (Elections) Act 1999*, Council must have a Caretaker Period Policy which governs decision-making and conduct during an election period.

An election period means the period commencing on the day of the close of nominations for the election (or earlier if so specified by Council) and ending at the conclusion of the election. This period typically lasts approximately ten weeks, and so can be expected to commence around early September 2022.

Proposed Council Meeting Dates for 2022:

Month	Date of Ordinary Meeting of Council	Comments
January 2022	Wednesday 25 January	As per previous resolution C101120/2120
February 2022	Tuesday 8 February Tuesday 22 February	
March 2022	Tuesday 8 March Tuesday 22 March	
April 2022	Tuesday 12 April Tuesday 26 April	
May 2022	Tuesday 10 May Tuesday 24 May	
June 2022	Tuesday 14 June Tuesday 28 June	
July 2022	Tuesday 12 July Tuesday 26 July	
August 2022	Tuesday 9 August Tuesday 23 August	
September 2022	Tuesday 13 September Tuesday 27 September	Caretaker period commences
October 2022	Tuesday 11 October Tuesday 25 October	Caretaker period continues
November 2022	No meetings scheduled for November due to the 2022 Local Government Elections.	The CEO will call the first meeting of Council following the election and will preside until the Mayor has taken the oath of office [s81(4), s86(3) <i>Local Government Act 1999</i>]
December 2022	Tuesday 13 December	Allows for festive season
January 2023	Tuesday 24 January	Allows for festive season

BUDGET

The costs of Council meetings, workshops and briefings are included in the current budget.

LIFE CYCLE COSTS

There are no lifecycle costs associated with this report.

Item No: 19.4

Subject: **ELECTED MEMBER APPOINTMENTS TO THE COUNCIL ASSESSMENT PANEL**

Date: 23 November 2021

Written By: Manager, Development Services

General Manager: Strategy and Corporate, Ms P Jackson

SUMMARY

The tenure of the Elected Member appointed to the City of Holdfast Bay Council Assessment Panel expires on 14 December 2021. This report recommends that Council appoint one (1) incumbent Elected Member to serve on the Council Assessment Panel for the remainder of the Council term and one (1) deputy Elected Member to serve on the Council Assessment Panel for the remainder of the Council term as the need arises when the incumbent is either unable or unavailable to participate.

RECOMMENDATION

That Council:

- 1. Appoint Councillor _____ to serve as the incumbent Elected Member on the City of Holdfast Bay Council Assessment Panel for the period commencing 14 December 2021 until the end of the Council term; and**
 - 2. Appoint Councillor _____ to serve as the deputy Elected Member on the City of Holdfast Bay Council Assessment Panel during the incumbent Elected Member's absence for the period commencing 14 December 2021 until the end of the Council term.**
-

COMMUNITY PLAN

Placemaking: Creating lively and safe places
Placemaking: Building character and celebrating history

COUNCIL POLICY

Council Assessment Panel Operating Procedures

STATUTORY PROVISIONS

Planning, Development & Infrastructure Act 2016

BACKGROUND

State legislation dictates that no more than one (1) Elected Member can be represented on a Council Assessment Panel (CAP), albeit with a deputy member as reserve. Councillor Bouchee was appointed to the City of Holdfast Bay CAP as the sole Elected Member representative by resolution of Council on 24 November 2020, with Councillor Fleming appointed to serve as the deputy Elected Member, with authorisation to attend during the incumbent Elected Member's absence (C241120/2146). Both Councillors Bouchee and Fleming were appointed for a one (1) year tenure, expiring on 14 December 2021.

REPORT

The City of Holdfast Bay CAP is a five member panel consisting of one Elected Member and four non-Council Members, which meets monthly to hear representations and consider the merits of specific development applications. Whilst the four non-Council Members are required to have prescribed qualifications and formal accreditation, the Elected Member is not.

Changes to legislation enacted in 2020 make it also possible for Council to appoint a deputy Elected Member to the CAP in a standby role to ensure that Elected Member representation is maintained should the incumbent be either unavailable to attend a scheduled meeting or unable to partake in the determination of a matter due to a declared conflict of interest. Given the already limited representation of Elected Members to the CAP, it is recommended that the option to appoint a deputy Elected Member is taken to ensure that Elected Member representation is maintained at each CAP meeting. Furthermore, the appointment of a deputy also ensures ongoing Elected Member representation in circumstances where the incumbent Elected Member cannot partake in discussion on a particular matter due to a declared conflict of interest. It should be noted that the deputy Elected Member will not receive a sitting fee unless their formal attendance at a meeting is required, which is the case for all CAP members.

BUDGET

The payment of sitting fees to the Elected Members and non-Council Members serving on the Council Assessment Panel is factored into the 2021/22 Budget. At the time of writing this report, each of the four ordinary non-Council Members and the single Elected Member serving on the Panel receive a payment of \$437 per monthly meeting, with the Presiding Member receiving \$568. There is also a budget allocation for training new Members appointed on the Panel.

LIFE CYCLE COSTS

There are no life cycle costs associated with the appointment of Elected Members to the Council Assessment Panel.

Item No: 19.5

Subject: **NOMINATIONS SOUGHT FOR THE DOG AND CAT MANAGEMENT BOARD**

Date: 23 November 2021

Written By: Team Leader, Governance

General Manager: Strategy and Corporate, Ms P Jackson

SUMMARY

The Local Government Association (LGA) is seeking nominations from a suitably qualified Council member or employee of Council to fill a position on the Dog and Cat Management Board (DCMB) for a term of up to three years.

Elected members should consider if they meet the selection criteria of the position as outlined on the Call for Nominations Information Sheet.

Any member who would like to be nominated, 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 by the LGA to be nominated for the Dog and Cat Management Board.

COMMUNITY PLAN

Community: Building a healthy, active and resilient community
Culture: Supporting excellent, efficient operations

COUNCIL POLICY

Not Applicable.

STATUTORY PROVISIONS

Dog and Cat Management Act 1995

BACKGROUND

The Dog and Cat Management Board (DCMB) is the public face for the management of companion dogs and cats in South Australia and provides policy leadership to councils. The DCMB plays a key role as an advocate and intermediary working with vets, breeders/pedigree organisations, animal rescue/shelter organisations and assistance dog organisations to ensure South Australia's dog and cat laws meet the objectives of the *Dog and Cat Management Act 1995*.

The DCMB has four LGA nominated positions and following a resignation of one of the LGA nominated members, the Minister for Environment and Water has written to the LGA seeking nominations for a new board member for a term of up to three years.

Council has previously nominated Councillor Fleming for consideration to the DCMB.

REPORT

An Elected Member can be nominated to be on the DCMB. The role would be suited to nominees with practical knowledge and experience in local government processes, community consultation and the law as it applied to local government.

The Dog and Cat Management Board meets twelve times a year and the sitting fee for Board members is currently \$206 per session.

The Call for Nominations Information Sheet (Part A) provides further information regarding the role as well as any selection criteria to be addressed by the nominee.

Refer Attachment 1

Pursuant to the *LGA Appointments and Nominations to Outside Bodies — Policy*, the LGA will only accept endorsed nominations sent by member councils. The LGA will not accept nominations from individuals such as councillors, potential nominees or council employees, unless otherwise agreed.

Any nomination by Council requires the Nomination Form (Part B) to be completed and returned to the LGA by close of business 20 December 2021. An up to date curriculum vitae and response to the selection criteria (of no more than two pages) must be supplied by the nominee. By applying the nominee accepts that the LGA may request an interview and/or details of referees.

Refer Attachment 2

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 nominee's preferences. The Nomination Form (Part B) requests if a nominee wishes to be listed on the database. An Elected Member needs to consider this if nominated and when completing the form.

BUDGET

There are no budget implications for Council as sitting fees are paid by the DCMB.

LIFE CYCLE COSTS

Not Applicable.

Attachment 1



LGA Appointments and Nominations to Outside Bodies — Call for Nominations

Dog and Cat Management Board	
Governing Statute (if applicable)	Section 12(1)(a) Dog and Cat Management Act
Purpose/Objective	Public face for the management of companion dogs and cats in South Australia and provides policy leadership to councils. The Board also plays a key role as an advocate and intermediary, working with vets, breeders and pedigree organisations, animal rescue and shelter organisations and assistance dog organisations to ensure South Australia's dog and cat laws meet the objects of the Dog and Cat Management Act.
Administrative Details	12 meetings per year with a fee of \$206/session
Selection Criteria (to be addressed by applicant)	<ul style="list-style-type: none"> Local government knowledge and experience practical knowledge of and experience in local government, including local government processes, community consultation and the law as it applies to local government experience in the administration of legislation experience in financial management experience in education and training.
<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>	

Attachment 2



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 (Form: PART A) for details of the Outside Body and the selection criteria to be met by the nominee.

SECTION 1: COUNCIL to complete

Dog and Cat Management Board	
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

Dog and Cat Management Board			
Nominee Details			
Full Name		Gender	
Home / Postal Address			
Phone		Mobile	
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 to 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: 19.6

Subject: **MONTHLY FINANCIAL REPORT – 31 OCTOBER 2021**

Date: 23 November 2021

Written By: Management Accountant

General Manager: Strategy and Corporate, Ms P Jackson

SUMMARY

Attached are financial reports as at 31 October 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 24 August 2021 and the first quarterly budget update approved by Council 26 October 2021.

No 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 for the four (4) months to 31 October 2021 and notes:

- **no change to the Municipal activities 2021/22 revised budget forecast; and**
 - **no change to the Alwyndor Aged Care 2021/22 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 quarter ending 30 September 2021 and approved by Council 26 October 2021. A further budget review and update will be conducted at 31 December 2021 which will again review forecast income and expenditure including any budget variances approved by council.

The majority of the variances to date are due to budget and actuals timing differences over the first four 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

Alwyndor Aged Care

There are no changes to the Alwyndor budget forecast as approved by Council, however as with the Municipal budget, a comprehensive budget update will be conducted for the month ending 31 December 2021.

BUDGET

The content and recommendation of this report indicates the effect on the budget.

LIFE CYCLE COSTS

The nature and content of this report is such that life cycle costs are not applicable.

Attachment 1



City of Holdfast Bay Municipal Funds Statement as at October 2021

2021 - 2022 Original Budget \$'000	Year to Date				2021 - 2022 Adopted Forecast \$'000	Note
	Adopted Forecast \$'000	Actual \$'000	Variance \$'000			
(614)	(236)	(223)	(13)	Administrative Services	(614)	
84	30	89	(59)	Cemeteries	84	1
466	156	155	1	Commercial & Club Leases	466	
(1,011)	(326)	(243)	(82)	Development Services	(1,093)	2
1,490	321	342	(21)	FAG/R2R Grants	1,674	
(1,689)	(888)	(936)	48	Financial Services	(1,777)	
(9,743)	(2,418)	(2,429)		11 Financial Services-Depreciation	(9,743)	
(262)	-	-		- Financial Services-Employee Leave Provisions	(262)	
(834)	40	57	(17)	Financial Services-Interest on Borrowings	(759)	
160	-	-		- Financial Services-SRWRA	160	
37,146	38,095	38,084		11 General Rates	37,127	
(2,780)	(1,395)	(1,338)	(57)	Innovation & Technology	(2,789)	3
(684)	(161)	(132)	(28)	People & Culture	(604)	
(508)	(157)	(190)	33	Public Realm and Urban Design	(549)	
(1,442)	(423)	(398)	(25)	Strategy & Governance	(1,336)	
(1,506)	(358)	(311)	(47)	City Activation	(1,289)	
1,134	149	208	(59)	Commercial - Brighton Caravan Park	1,134	4
15	7	27	(19)	Commercial - Partridge House	15	
(367)	(166)	(181)		15 Communications and Engagement	(564)	
(349)	(105)	(106)		1 Community and Business Administration	(349)	
(894)	(199)	(177)	(22)	Community Events	(1,024)	
661	367	549	(182)	Community Safety	661	5
(540)	(156)	(143)	(13)	Community Wellbeing	(596)	
(617)	(194)	(161)	(33)	Customer Service	(617)	
-	455	444		11 Jetty Road Mainstreet	(165)	
(1,492)	(371)	(368)	(3)	Library Services	(1,492)	
(299)	(94)	(91)	(3)	Assets & Delivery Administration	(299)	
(1,195)	(305)	(240)	(65)	Engineering & Traffic	(1,260)	6
(989)	(153)	(114)	(40)	Environmental Services	(1,013)	
(7,561)	(2,292)	(2,325)	33	Field Services & Depot	(7,561)	
(2,062)	(477)	(435)	(41)	Property Management	(2,062)	
-	-	(2)		2 Roads to Recovery	-	
(455)	(125)	(77)	(48)	Street Lighting	(455)	
(4,086)	(1,034)	(1,058)	24	Waste Management	(4,086)	
928	-	-		- Less full cost attribution - % admin costs capitalised	928	
107	27,588	28,278	(690)	=Operating Surplus/(Deficit)	(107)	
9,743	2,418	2,429	(11)	Depreciation	9,743	
102	-	-		- Other Non Cash Items	102	
9,845	2,418	2,429	(11)	Plus Non Cash Items in Operating Surplus/(Deficit)	9,845	
9,953	30,006	30,707	(701)	=Funds Generated from Operating Activities	9,739	
879	944	944	-	Amounts Received for New/Upgraded Assets	2,222	
528	49	47	2	Proceeds from Disposal of Assets	1,675	
1,407	992	991	2	Plus Funds Sourced from Capital Activities	3,897	
(9,422)	(1,769)	(2,026)	257	Capital Expenditure on Renewal and Replacement	(11,378)	7
(6,431)	(3,241)	(3,043)	(198)	Capital Expenditure on New and Upgraded Assets	(13,853)	8
(15,853)	(5,011)	(5,069)	59	Less Total Capital Expenditure	(25,231)	
247	206	206	-	Plus:Repayments of loan principal by sporting groups	247	
247	206	206	-	Plus/(less) funds provided (used) by Investing Activities	247	
(4,246)	26,194	26,835	(640)	= FUNDING SURPLUS/(REQUIREMENT)	(11,348)	
				Funded by		
-	(121)	(121)	-	- Increase/(Decrease) in Cash & Cash Equivalents	-	
-	26,315	27,899	(1,584)	Non Cash Changes in Net Current Assets	-	
(5,584)	-	-	-	- Less: Proceeds from new borrowings	(12,686)	
-	-	(943)	943	Less: Net Movements from Cash Advance Debentures	-	
1,338	-	-	-	- Plus: Principal repayments of borrowings	1,338	
(4,246)	26,194	26,835	(640)	=Funding Application/(Source)	(11,348)	

Note 1 – Cemeteries - \$59,000 favourable

Year to date income for cemeteries (\$54,000) and seaside memorials (\$4,000) higher than budgeted.

Note 2 – Development Services - \$82,000 favourable

Year to date planning fee income higher than budgeted (\$50,000) and employment cost savings due to temporary vacancies (\$32,000).

Note 3 – Innovation & Technology - \$57,000 favourable

Employment cost savings due to temporary vacancies.

Note 4 – Commercial – Brighton Caravan Park - \$59,000 favourable

Caravan park revenue higher than budgeted (\$31,000) and reimbursement received for electricity and water usage incurred and paid for last financial year (\$28,000).

Note 5 – Community Safety - \$182,000 favourable

Car parking related revenue higher than forecast.

Note 6 – Engineering & Traffic - \$65,000 favourable

Employment cost savings due to temporary vacancies (\$35,000) and a year to date positive variance on traffic investigation consulting fees (\$30,000).

Note 7 – Capital Expenditure on Renewal and Replacement - \$257,000 unfavourable

The following Local Roads and Community Infrastructure (LRCI) phase 2 funded projects have already commenced, to which a matching budget will be allocated as part of the December budget update:

- Accelerated footpath improvement program - \$300,000 budget
- Glenelg Oval southern retaining wall repairs - \$169,000 budget

Note 8 – Capital Expenditure on New and Upgraded Assets - \$198,000 favourable

There are positive variances on a number of capital projects mainly due to the timing of projects, including the following:

- Jetty Road, Glenelg Masterplan
- Stormwater Management Plan implementation
- Renewable energy program

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

2021-22 Original Budget \$'000	Year to Date				2021-22 Adopted Forecast \$'000
	Adopted Forecast \$'000	Actual \$'000	Variance \$'000		
(928)	-	-		- Full Cost Attribution	(928)
(1,013)	(318)	(264)	(54)	Information Technology	(1,193)
(1,200)	(70)	(67)	(3)	Commercial and Economic Enterprises	(2,095)
(85)	(21)	(25)	4	Brighton Library	(85)
-	-	(9)	9	Sport and Recreation	(577)
(13)	(3)	-	(3)	Depot and Stores	(13)
(1,512)	(200)	(201)	1	Machinery Operating	(1,700)
(1,898)	(20)	(23)	3	Road Construction and Re-seal Program	(1,943)
(100)	-	-	-	Car Park Construction	(100)
(127)	(93)	(234)	141	Footpath Program	(127)
(1,100)	(650)	(682)	32	Stormwater Drainage Program	(1,803)
(130)	(55)	(1)	(55)	Traffic Control Construction Program	(153)
(1,307)	(138)	(95)	(43)	Kerb and Water Table Construction Program	(1,307)
(30)	(10)	(25)	15	Other Transport - Bus Shelters etc.	(64)
(3,869)	(299)	(275)	(24)	Reserve Improvements Program	(5,131)
(1,434)	(993)	(1,130)	137	Land, Buildings and Infrastructure Program	(3,792)
(580)	(2,107)	(2,007)	(100)	Streetscape Program	(3,558)
(526)	(33)	(32)	(1)	Foreshore Improvements Program	(661)
(15,853)	(5,011)	(5,069)	59	Total	(25,231)



**Alwyndor Aged Care
Funds Statement as at 31 October 2021**

2021-22 Original Budget \$'000	Year to Date				Note
	Budget YTD \$'000	Actual YTD \$'000	Variance \$'000		
5,435	1,807	1,771	36	User Charges	
12,472	4,195	3,999	195	Operating Grants and Subsidies	
165	31	85	(54)	Investment Income	
3,268	1,047	1,142	(96)	Reimbursements	
2,722	888	943	(55)	Other Income	
24,062	7,968	7,941	27	Operating Revenue	1
(16,551)	(5,434)	(5,405)	(29)	Employee Costs - Salaries & Wages	
(6,512)	(2,163)	(2,202)	40	Materials, Contracts and Other Expenses	
(60)	(20)	(27)	7	Finance Charges	
(1,232)	(415)	(412)	(3)	Depreciation	
(24,355)	(8,032)	(8,047)	15	Less Operating Expenditure	2
(293)	(64)	(106)	42	=Operating Surplus/(Deficit)	
1,232	415	412	3	Depreciation	
168	56	137	(81)	Provisions	
1,401	471	549	(78)	Plus Non Cash Items in Operating Surplus/(Deficit)	
1,107	407	443	(36)	=Funds Generated from Operating Activities	
0	0	0	0	Proceeds from Disposal of Assets	
0	0	0	0	Plus Funds Sourced from Capital Activities	
(633)	(211)	(75)	(136)	Capital Expenditure on New and Upgraded Assets	
(633)	(211)	(75)	(136)	Less Total Capital Expenditure	
475	196	368	(173)	= Funding SURPLUS/(REQUIREMENT)	
				Funded by	
475	196	368	(173)	Increase/(Decrease) in Cash & Cash Equivalents	
475	196	368	(173)	=Funding Application/(Source)	

**Alwyndor - Notes
October 2021**

1 Operating Revenue

Operating Revenue is unfavourable by \$27,000 mainly due to lower federal government funding (ACFI) received for permanent residents. Residential continues to recover from the decrease in average funding per resident it incurred at the end of last financial year where there was a high resident turnover of high funded residents and challenges to find new residents with similar needs and funding. ACFI per resident has remained relatively constant so far this financial year.

Therapy and Wellness classes continue to be impacted by smaller class numbers than assumed in the budget. Recruitment of new therapists has been challenging which has impacted on the team meeting their client targets however two physiotherapists have commenced in mid and late November.

Support at Home client growth remains strong and monthly targets are being exceeded.

Investment income is higher due to the annual bonus interest payment received from the LGFA.

2 Materials, Contracts and Other Expenses

The unfavourable variance of \$15,000 is comprised of savings in Employee Costs of \$27,000 and \$40,000 increase in Materials, Contracts and Other Expenses which is mostly due to timing variances of expenditure incurred. Cost control continues to be a focus.

Item No: 19.7

Subject: **TRIAL PARKLET INSTALLATION**

Date: 23 November 2021

Written By: Manager, Strategy and Governance

General Manager: Strategy and Corporate, Ms P Jackson

SUMMARY

On 28 September 2021, Councillor Miller put forward a Motion on Notice (C280921/2418), requesting a report identifying the feasibility and suitability of parklet installations within the City of Holdfast Bay with particular reference to Jetty Road Glenelg Precinct, and bringing back recommendations for the installation of parklets for a trial period if deemed suitable.

A parklet is a small footpath extension that provides an extension of space and amenities, usually using street parking spaces. Used as a street activation method, they typically provide seating and landscaping. Whilst often offering additional capacity for outdoor dining for adjacent businesses, they can be used simply as public spaces.

Parklets have been used internationally and locally for some time. A parklet was installed at 63 Jetty Road, Glenelg in front of Gloria Jean's Coffees for the duration of the Chapel Street Plaza redevelopment, to offset space the trader lost in Hindmarsh Lane during construction.

There are many potential purposes for a parklet and many potential design approaches that could fulfil each purpose. The costs (both capital and operating) will depend on the nature of the parklet selected. Council's Open Space and Public Realm Strategy supports innovative responses to increasing needs for open space, nevertheless there are a substantial number of policy and operational considerations required when deciding whether and where to install parklets.

To assist in narrowing down the variables, it is proposed that a public Expression of Interest is held in early 2022 to determine levels of interest/public support for parklets and that concurrently, a high level traffic assessment is undertaken to develop standards against which proposals can be evaluated.

RECOMMENDATION

That Council:

- 1. notes the complexities of installing parklets as outlined in this Report;**
- 2. Administration put together an Expression of Interest to gauge interest from traders and the community in parklets and their preferred locations;**

3. **allocates \$15,000 to undertake a high level traffic assessment to identify standards against which proposals can be evaluated, along with up to 10 locations that would be most suitable for parklet trials; and**
4. **Administration bring back a Report on the outcome of the Expression of Interest and traffic assessment, along with further recommendations.**

COMMUNITY PLAN

Placemaking: Creating lively and safe places

Placemaking: Developing walkable connected neighbourhoods

Community: Providing welcoming and accessible facilities

Economy: Supporting and growing local business

Economy: Boosting our visitor economy

Environment: Fostering an environmentally connected community

COUNCIL POLICY

Outdoor Dining Policy

STATUTORY PROVISIONS

Local Government Act 1999, Sections 221 and 222

BACKGROUND

On 28 September 2021, Councillor Miller put forward a Motion on Notice (C280921/2418), requesting a report identifying the feasibility and suitability of parklet installations within the City of Holdfast Bay with particular reference to Jetty Road, Glenelg Precinct, and bringing back recommendations for the installation of parklets for a trial period if deemed suitable.

On Tuesday 14 July 2020, Council unanimously agreed to a motion (C140720/1951) that included investigation of parklet options and a paper was prepared for the Economic Recovery Taskforce for consideration at their meeting on 20 July 2020. The Economic Recovery Taskforce considered the paper but, at the time, recommended that Council focus on promotional activities to attract people to visit and spend in the City of Holdfast Bay.

Refer Attachment 1

Council's Open Space and Public Realm Strategy (the Strategy) notes that a "growing population and increased housing density will lead to a gradual loss of private green-space. This, combined with increased tourism and a greater proportion of families moving to the area, will place more demand on open space assets, requiring innovative new responses." While acknowledging the value of neighbourhood parks, the Strategy places an increased emphasis on streets as important aspects of open space.

Also, the Council’s Economic Activation Plan 2018-2023 recommends initiatives designed to encourage businesses to leverage opportunities, including utilising open space for events and temporary/casual lease activity.

Furthermore, the 30 Year Plan for Greater Adelaide 2017 promotes walkable neighbourhoods that provide close access by foot, bike or public transport to local services, shops, primary schools and public open space.

Broadly speaking, the concept of parklets is aligned with a number of strategic directions of both State Government and Council. Parklets can be part of an effective multi-pronged strategy that includes traditional open spaces, pop-up parks, and play streets.

REPORT

A parklet is a small footpath extension that provides an extension of space and amenities, usually using street parking spaces. Commonly used as a street activation method, they typically provide seating and landscaping and may also include art, and features such as wifi and lighting. Parklets can be temporary, permanent or seasonal.

Whilst often offering additional capacity for outdoor dining for adjacent businesses, they can be used simply as public spaces. In some places, they are used to promote healthy communities/healthy streets by providing rest stops, gathering places and cycle parking.

Parklets have been used internationally and locally for some time, including in the City of Marion at 78 Byre Ave, Somerton Park. A parklet was installed at 63 Jetty Road, Glenelg in front of Gloria Jean’s Coffees for the duration of the Chapel Street Plaza redevelopment, to offset space the trader temporarily lost in Hindmarsh Lane due to construction. Examples of parklets built around the world in different styles and for varying purposes include:

Purpose/Style

Examples

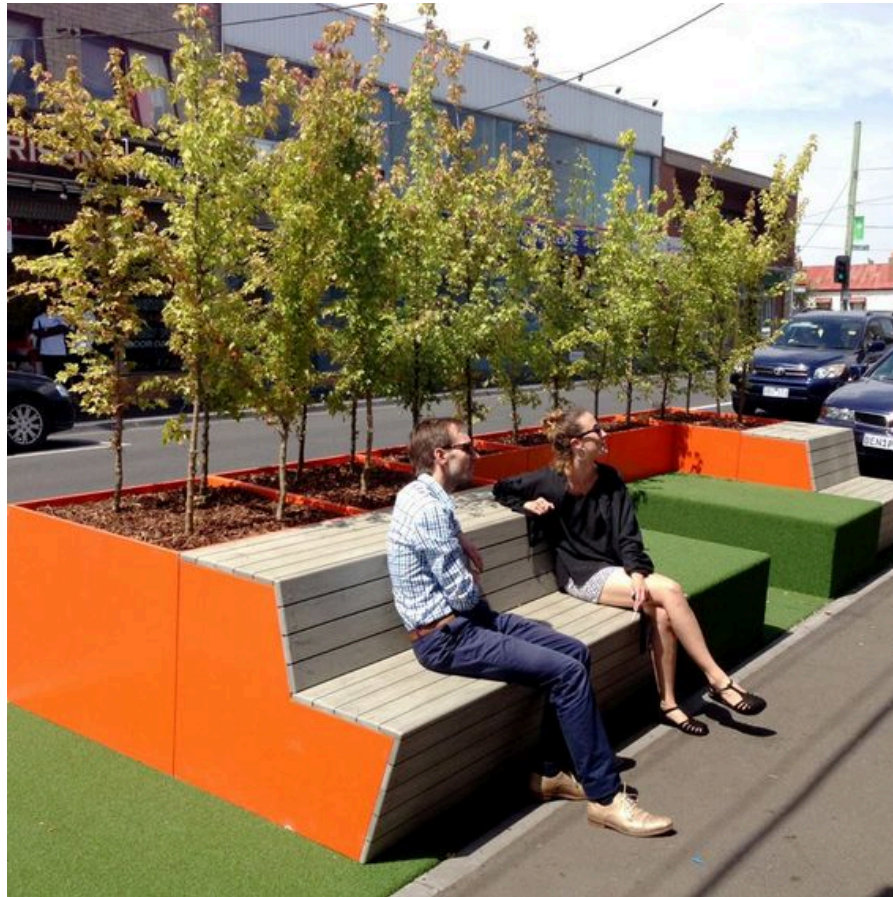
Outdoor dining



Commercial Ave, Anacortes, Washington

Purpose/Style

Public space



Barkly Village, West Footscray, Victoria

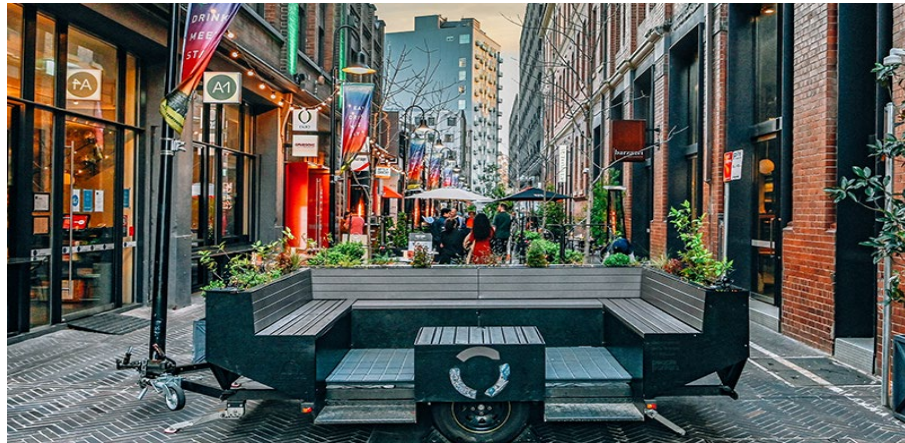
Simple



E Washington St, Athens, Georgia

Purpose/Style

Mobile



Kensington Street, Sydney, New South Wales

Permanent



Valencia Street, San Francisco, California

Experimental



Finalists in a parklet design competition in Denver, which focuses on encouraging scooters as a transport option, while providing opportunities for people to interact. By orienting the space for people to face each other, this design provides more opportunity for connection.

Purpose/Style

Seasonal



Plateau-Mont-Royal, Montreal, Quebec

Sophisticated



Tooley Street, London, England

Purpose/Style

Examples

Hi-Tech



Milan, Italy, Mobile mini-park, with Wi-Fi, on-demand lighting and USB charging facilities

Citizen-led



Brenda Puech, Chair of the Living Streets group, Hackney, London, campaigned for parklets in her area. While this self-created parklet was removed, the Council subsequently changed their policy on parking spaces to allow parklets to be created.

Purpose/Style**Examples**

Public Art Space



22nd Street, San Francisco, California, the Luna Rienne Parklet is a venue for public art. Rotating exhibitions - from installation to murals to landscaped plants and greenery - are designed by featured artists.

These examples demonstrate that there are many uses for parklets and many different forms, depending on the intended purpose. Goals for parklets can include:

- Improving street scape / beautification
- Increasing street activity (space activation)
- Increasing public space and amenities
- Fostering neighbourhood interaction
- Encouraging pedestrian activity
- Enhancing pedestrian safety
- Encourage non-motorised transportation
- Supporting local businesses
- Transforming existing street uses
- Indirect traffic calming.

Regardless of their intended purpose, there are a number of matters that need to be considered, including:

- Community needs / desires;
- Business needs / desires;
- Loss of car parking;
- Loss of revenue for Council (either from parking or fines);
- Risk to users from vehicle impact / structural protection against vehicles;
- Visual impact of the parklet / amenity of the area;

- Whether the parklet has a commercial value and if so, what the appropriate charging regime should be;
- Liability and risk of installations and furniture used within parklets;
- Equity of availability;
- Appropriateness of locations;
- Designing for accessibility by all;
- Multi-generational inclusion (from children through to older persons);
- Ensuring drainage and stormwater are not impeded;
- Maintenance responsibilities and costs, and whether this can be achieved via a partnership model with either businesses or community members;
- How to discourage anti-social behaviour in parklets, including rough sleeping; and
- What policies Council needs to enact to support the effective selection of sites, design and installation standards, and the ongoing success of investments made.

Lessons learned from other places include:

- Successful implementation of parklets requires a strategic approach. For example, in San Francisco, the Parklet Program, “is part of the City of San Francisco’s overall strategy for creating safe, complete streets and new open space for the public. Complete streets balance the needs of people walking, riding bicycles, taking transit, and driving cars.”ⁱ
- Parklets can be effectively delivered in partnership with others, including businesses or the community but roles and responsibilities must be clearly articulated.
- Activity throughout the day and across the whole week ensures a parklet is well used. Activity encourages more social mixing with a greater sense of safety and comfort. Ideal sites are surrounded by uses that naturally generate pedestrian activity.
- Success starts small. Pop-up demonstration sites and short-term pilots help people experience parklets and enables informed opinions about their possible future in larger or longer-term applications.
- Equity of access – both in terms of design of the park itself but also locations and availability of use is important. Multi-use spaces can be designed (for example, incorporating play) to encourage inter-generational use.
- Parklets that include structural elements, such as protection against vehicles, are significantly more expensive than simpler options. While structural protection against vehicles is highly desirable, its absence does not preclude a parklet being created, as can be seen in this example from the City of Adelaide:



Clarity is needed regarding the role that Council intends to take and the purpose for which it wants to create parklets, as this will guide the location and type of parklets that could be installed.

Parklets can provide an opportunity to work with the community to shape and activate street environments to promote healthy, vibrant neighbourhoods. There are a number of tested methodologies to engage communities in these types of projects that can be applied. To progress this initiative it is recommended that Council undertakes an Expression of Interest to gauge interest from traders and the community in parklets and their preferred locations.

The results of the Expression of Interest will assist Administration to narrow down the types of parklet opportunities that should be assessed. Coupled with a high level traffic assessment to identify standards against which proposals can be evaluated, Administration will be in a better position to make recommendations to Council about suitable places and types of parklet trials.

BUDGET

The costs of parklets vary considerably depending on the type of parklet and nature of the installation. For example, a neighbouring Council could hire a parklet to the City of Holdfast Bay for approximately \$100 per week, plus a \$5,000 installation fee. Bespoke parklets can cost between \$25,000-\$50,000, depending on their size and the structural requirements.

Depending on the intended purpose of a parklet, different financial models can be applied. For example, if the primary purpose of a parklet is to provide businesses with additional trading space, fees can be applied to offset costs, per Council's Outdoor Dining Fees Policy.

To progress this initiative and direct investment effectively, it is suggested that Council allocates \$15,000 to undertake a high level traffic assessment to identify standards against which proposals can be evaluated, along with up to 10 locations that would be most suitable for parklet trials

LIFE CYCLE COSTS

Parklets require regular maintenance and cleaning. Depending on the purpose of the parklet and the financial model applied, life cycle costs could be offset by fees.

¹ <http://groundplaysf.org/wp-content/uploads/San-Francisco-Parklet-Manual.pdf>

Attachment 1



Item No: 3.2

Subject: Parklets

Date: 20 July 2020

General Manager: Strategy and Business Services, Ms P Jackson

BACKGROUND

A parklet is a temporary footpath extension that provides more space and amenities usually using street parking spaces. Used as a street activation method, they typically provide seating and landscaping. Whilst often offering additional capacity for outdoor dining for adjacent businesses, most models ensure that the space remains a public space, available to visitors who are not customers of the adjoining business.

Parklets have been used internationally for some time, and have been trialed across Adelaide for close to 10 years.

On Tuesday, 14 July 2020, Council unanimously agreed to a motion that included investigation of parklet options.

DISCUSSION

Mainstreet footpaths are, by their nature, a space shared by businesses and people, regulated by Councils as the owner of the space. A parklet program should ensure that parklets:

1. achieve their aim of activating the precinct
2. provide economic development benefits
3. remain safe and hygienic
4. are equitably available
5. equitably share maintenance costs.

Provider	Option Type	Indicative Pricing	Timeline	Comments
City of Unley	Parklet Hire (Spark Design)	\$100 per parklet per week (2 available) Approx \$5000 set up	Depending on availability of Spark to move and assemble 1-2 weeks	A low risk, low cost option, and an opportunity to “test” parklets in the street. Requires DPTI approval. These parklets don’t have fixed furniture hence furniture needs to be provided by the operator. Assembled on site within a few hours. Transported on a flat bed truck.
Spark	Parklet purchase (the same as the	Proposal not yet received	Proposal not yet received	A Lonsdale-based business.

Provider	Option Type	Indicative Pricing	Timeline	Comments
	one City of Unley is hiring)			
People Parkers	A trailer mounted parklet purchase	\$50,000 plus transport	2 months plus delivery from NSW	Easy to move. Does not require DPTI approval as a registered vehicle. Reduced flexibility in space due to built in central table to cover wheel base. Not preferred under the procurement policy due to non local provider
People parkers	A trailer mounted parklet for hire	\$2800 per month single module \$5000 per month double module	1-2 weeks plus transport	As above
Exhibition Studios	Bespoke parklet incorporating Kurna artwork and other artistic elements	\$25,000 to \$30,000 depending on additions	14-16 weeks (including scope, design and approval)	Exhibition studios (Edwardstown) work with Kurna/Ngarrindjeri artist Alan Sumner, and specialise in functional art pieces for example at Minda Coast Park artworks. The parklet can include features such as artistic lighting and soundscape and Kurna artwork. The studio has experience, having worked on kerbside furniture for the City of Adelaide
CoHB Depot	Made in house	Unknown at this time	Unknown at this time	Skills are available but additional budget would need to be made available.

Examples

City of Marion



City of Unley





Spark Parklet



City of Vincent, WA



City of San Francisco



Key Issues and considerations

DPTI approval

The King William Road parklets were intended to be moved to either the Goodwood Road or Unley Road Precincts following the commencement of the upgrade of King William Road. DPTI declined permission.

DPTI also declined requests for parklets in McLaren Vale and Clare Valley.

An enquiry has been made with DPTI network access in terms of the Tram line, and a request for a contact within DTPI for use of DPTI land but a response has not yet been received.

Installation and portability

Spark parklets when first installed are ordinarily brought in by truck (flat bed) and moved using a forklift. They are relatively easily assembled and disassembled when required.

A NSW provider creates trailer mounted parklets. These have the added advantage of being a registered vehicle, thereby avoiding some of the regulatory issues, and permissions, as well as being easily moveable.

Equity

It is important that an equal opportunity is provided to relevant businesses to access parklets. This may be challenging to achieve in some locations due to geographic constraints. Some Councils have provided the opportunity to retailers as well as to hospitality businesses to expand their outdoor displays.

Public Consultation

A change in the use of public space can be contentious, particularly when there may be reductions in parking spaces or creates traffic impacts. As an example, the City of Unley requires applicants for parklets to demonstrate community support, and following shortlisting of an applicant a public notice is displayed in the area notifying the public of the application. A program operating as a pilot may be able to reduce some of these requirements. Further the parklet could be used to test locations where parking is planned to be removed through Jetty Rd upgrades.

Unintended usage

Whilst most parklet models incorporate a requirement for reserving space for the public who aren't patrons of the adjoining business, a number of parklet trials have experienced undesired after hours use.

Safety, hygiene and maintenance

An agreement in relation to safety, hygiene and maintenance needs to be reached with parklet beneficiaries. Parklets cannot be cleaned by a street sweeper. There may be substantial costs to Council for maintenance in relation to planter boxes, vandalism, floor cleaning, external cleaning and surface maintenance. Other Councils give this responsibility to the tenants. As an example, the City of Unley require the permit holder to fix vehicle damage. The City of Marion undertakes heavy maintenance and repairs.

Impacts on the street

Parklets make sweeping of the road difficult and may increase flood potential because they only have a small gap underneath. To be accessible, parklets need to be generally at footpath level, which can be challenging with trailer mounted versions.

Measuring value

Whilst not essential, at the City of Marion, a Kepler Data Analytics tool has been installed at a range of activation sites. The data captured includes number of visitors to the site, average dwell time and return visits. Business owners have also been asked to provide data at key intervals as part of their reporting requirements.

The value proposition for businesses

Is it going to be too much effort to apply?

Is it going to be too much effort to maintain?

Is it going to be too expensive to furnish and maintain?

Accessibility

DDA access can be difficult, but not impossible to fit into these structures. Social distancing requirements will also need to be considered. Can enough people fit into such a structure during times of restrictions for it to still be worthwhile?

Traffic Safety

None of the parklets are road safety rated, though they do have some reinforcement in them.

In other places Councils install energy absorbing bollards around the parklets. For example, the City of Marion has formalised the parking lane with linemarking and a concrete island. They've also installed a hazard board sign facing oncoming traffic.

In the City of Unley, King William Road like Jetty Road is a 40km/h zone. The Engineering Department have suggested that the traffic safety risks could be managed.

The location of the parklets would need to be generally in accordance with the safety requirements ie. not near corners (where a truck or car could make a turning mistake and hit the parklet) , where reverse parking does not occur and only within the low speed areas. Materials would need to be such that if they were hit at low speed, anyone inside would be protected and not hit by flying timber / metal etc

Timeframes

Parklets are not "off the shelf" products but rather, are generally custom built. A timeframe of 2 to 3 month should be expected for new/purpose-built options.

Permits and approvals needed.

A parklet in an existing car parking space along Jetty Road would require a permit to conduct business on public land under the Local Government Act 1999. Development Approval won't be required if the structures are temporary (ie, not fixed by a footing to the ground).

Options

- Hire from the City of Unley for a pilot.
- Construct a parklet in house. Whilst the Depot has the skills and inclination, dedicated funding would be required.
- Purchase our own, given they are portable it can be repurposed for events if the pilot demonstrates they are not an ideal solution.
- Grants and/or permits for people to build their own.

BUDGET

There will be budget implications from this proposal, depending on which models and quantities are selected.

RECOMMENDATIONS

It is recommended that the Taskforce:

1. Discuss the information provided and evaluate possible options.

Item No: 19.8
Subject: **REVIEW OF ITEMS HELD IN CONFIDENCE**
Date: 23 November 2021
Written By: Team Leader, Governance
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 Confidential Items 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 14 Confidential Items (reports and/or attachments and/or minutes) be released from confidence and that 27 Confidential Items reviewed at this time should be retained in confidence.

RECOMMENDATION

That Council approves:

- 1. the Confidential Items presented as Attachment 1 to this report be released from confidence; and**
 - 2. the Confidential Items presented as Attachment 2 to this report be retained in confidence and included in future stages of the Confidential Items Review.**
-

COMMUNITY PLAN

Culture: Supporting excellent, efficient operations

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 54 Confidential Items (including reports, attachment and minutes), liaising with relevant Managers, General Managers and Chief Executive Officer (CEO). Noting the CEO had delegated authority to release certain confidential items.

A summary of the 14 Confidential Items recommended for release by Council resolution are presented in Attachment 1.

Refer Attachment 1

A summary of the Confidential Items recommended to be retained in confidence and included in future stages of the extensive Confidential Items review are presented in Attachment 2.

Refer Attachment 2

Items will be released by adding them to Council's webpage and/or will be publicly available to inspect at Council's Civic Centre, Brighton.

BUDGET

There are no budget implications.

LIFE CYCLE COSTS

There are no life cycle costs.

Attachment 1



Attachment 1 - Release of Confidential Items

Meeting Date	Report Title	Report No	Grounds	Recommendation
8/27/2013	Ombudsman SA Half Yearly Report – Complaint Matters With Ombudsman SA	253/13	(g) Breach of Law	Release Attachment and Minutes - not required to be under confidentiality order
13/12/2016	Glenelg Town Hall - Lease of Portion of Ground Floor	317/16	(a) Personal Affairs (d) Commercial Advantage not a trade secret	Release Attachment - no longer tenanted
10/07/2018	Application to Renew Lease - Rimhart Nominees Pty Ltd	232/18	(b) Commercial advantage (d) commercial advantage not a trade secret (h) legal advice	Release Report, Attachment and Minutes - not required to be under confidentiality order
24/07/2018	Buffalo Licence Agreement and Proposed Site Redevelopment	253/18	(b) Commercial advantage (d) commercial advantage not a trade secret (h) legal advice	Release Report and Minutes - not required to be under confidentiality order
9/10/2018	Buffalo site Development	339/18	(b) Commercial advantage (d) commercial advantage not a trade secret (h) legal advice	Release Report, Attachments and Minutes - not required to be under confidentiality order
11/12/2018	Licence Agreement - Glenelg Tourism Pty Ltd and Temptation Sailing Ltd	403/18	(b) Commercial advantage (d) commercial advantage not a trade secret	Release Report, Attachment and Minutes - not required to be under confidentiality order
11/12/2018	Buffalo Licence Agreement	389/18	(b) Commercial advantage (d) commercial advantage not a trade secret (h) legal advice	Release Report, Attachment and Minutes - not required to be under confidentiality order
11/12/2018	Visitor Information Centre	412/18	(b) Commercial advantage (d) commercial advantage not a trade secret	Release Report, Attachment and Minutes - not required to be under confidentiality order
12/03/2019	Kauri Community & Sports Centre – New EOI Tender	74/19	(b) Commercial advantage (d) commercial advantage not a trade secret	Release Reports, Attachments and Minutes - tender awarded
9/07/2019	Buffalo Update	17.2 discussion	(b) Commercial advantage (d) commercial advantage not a trade secret (h) legal advice	Release Minutes - not required to be under confidentiality order

Attachment 1 - Release of Confidential Items

Meeting Date	Report Title	Report No	Grounds	Recommendation
8/04/2019	External Auditor Appointment	137/19	(b) commercial Advantage	Release Report and Attachments - tender awarded
11/28/2017	Minda Coast Park Project	434/17	(d) commercial advantage not a trade secret (h) legal advice	Release Report and Attachment - outcome published
6/05/2019	Internal Audit Services	211/19	(k) Tenders	Release Report and Attachments - not required to be under confidentiality order
9/07/2019	Chief Executive Officer Appointment	266/19	(a) Personal Affairs	Release Report and Minutes - not required to be under confidentiality order

Attachment 2



Attachment 2 - Retain of Confidential Items

Meeting Date	Report Title	Report No	Grounds	Recommendation
8/02/2011	Liberty Towers - Outstanding Encroachment Fees	35/11	(i) Litigation	Retain Report Attachment & Minutes - bound by deed
10/07/2012	Liberty Towers Outstanding Encroachment Fee (Report No: 240/12)	240/12	(i) Litigation	Retain Report Attachment & Minutes - bound by deed
10/07/2012	Authority to Sign a Deed to Resolve an Appeal in the Supreme Court of South Australia	241/12	(i) Litigation	Retain Report Attachment & Minutes - bound by deed
14/04/2015	Glenelg Colley Reserve - Lease to Rimhart Nominees Pty Ltd for Ferris Wheel	107/15	(a) Personal affairs	Retain Attachment - financial information still relevant
10/24/2017	Brighton Pump Track Maintenance (Urgent Business)	19.1	(a) Personal affairs	Retain Report, Attachment & Minutes - matter ongoing
14/11/2017	Brighton Pump Track Maintenance	415/17	(a) Personal affairs	Retain Report, Attachment & Minutes - matter ongoing
28/11/2017	Adjourned Report - Brighton Pump Track Maintenance [Original Report No: 415/17]	437/17	(a) Personal affairs	Retain Report, Attachment & Minutes - matter ongoing
12/12/2017	Adjourned Report - Brighton Pump Track Maintenance [Original Report No: 437/17]	445/17	(a) Personal affairs	Retain Report, Attachment & Minutes - matter ongoing
12/12/2017	Brighton Oval Complex - Business Case	449/17	(b) Commercial advantage	Retain Report & Attachments - project ongoing
14/08/2018	Moseley Beach Bar - Attachment 1	219/18	(b) Commercial advantage (d) Commercial advantage not a trade secret	Retain Attachment - recurring event
14/08/2018	Moseley Beach Bar - Attachment 1 [Original Report No: 219/18]	269/18	(b) Commercial advantage (d) Commercial advantage not a trade secret	Retain Attachment - recurring event
28/08/2018	Brighton Oval Complex - Redevelopment Contract Approval	294/18	(b) Commercial advantage (d) Commercial advantage not a trade secret	Retain Report, Attachments & Minutes - project ongoing
29/08/2018	Audit Committee - Brighton Oval Redevelopment	304/18	(b) Commercial advantage (d) Commercial advantage not a trade secret	Retain Report, Attachments & Minutes - project ongoing
12/02/2019	Rescission Motion footpath encroachment purchase of land portion 15 Pine Avenue Kingston Park	60/19	(d) Commercial advantage not a trade secret	Retain Minutes - matter ongoing
9/04/2019	Proposed Sale of Land	131/19	(b) Commercial advantage (d) Commercial advantage not a trade secret	Retain Report & Attachment - matter ongoing

Attachment 2 - Retain of Confidential Items

Meeting Date	Report Title	Report No	Grounds	Recommendation
23/04/2019	Appointments to the Council Assessment Panel	142/19	(a) Personal affairs	Retain Attachment - personal information
9/04/2019	Buffalo Licence Agreement – Application for Extension of Time	145/19	(b) Commercial advantage (d) Commercial advantage not a trade secret (h) Legal advice	Retain Report Attachment & Minutes - legal advice
14/05/2019	Buffalo Update	185/19	(b) Commercial advantage (d) Commercial advantage not a trade secret (h) Legal advice	Retain Report Attachments & Minutes - legal advice
19/06/2019	Application for New Lease – Rimhart Nominees Pty Ltd (Report No: 205/19)	205/19	(b) Commercial advantage (d) Commercial advantage not a trade secret	Retain Report Attachments & Minutes - development potential
13/08/2019	Memorial Seats Update (Report No: 222/19)	222/19	(h) Legal advice	Retain Report Attachments & Minutes - policy position under reviewed
4/09/2019	Brighton Oval Building Redevelopment	138/19	(b) Commercial advantage	Retain Report and Attachments - ongoing project
14/06/2016	Glenelg Jetty Regeneration Project - Update	154/16	(b) commercial advantage	Retain Report, Attachment, Minutes
13/02/2018	Urgent Business - New Catholic Primary School at Hove	17.3 - Urgent business	(b) Commercial Advantage	Retain Minutes - matter ongoing
28/11/2017	New Catholic Primary School at Hove	436/17	(b) Commercial Advantage	Retain Report, Attachment & Minutes - matter ongoing
10/07/2018	Sale of Land Proposal	238/18	(b) Commercial Advantage	Retain Report, Attachment & Minutes - matter ongoing
24/01/2017	Quarterly Report on Commercial Leases - December 2016	16/17	(b) Commercial Advantage	Retain Report Attachment & Minutes - relates to current tenants
11/07/2017	Minda Update	234/17	(h) Legal advice (i) Litigation	Retain Report Attachment & Minutes until next review

Item No: 19.9

Subject: **VERGE MANAGEMENT POLICY REVIEW**

Date: 23 November 2021

Written By: Team Leader, Environment and Coast

General Manager: Assets and Delivery, Mr M de Heus

SUMMARY

The Verge Management Policy has had a substantial review, particularly with reference to other Council's policies and feedback from residents and the community. An internal consultation process has been undertaken. Public consultation on the Policy is not required to be undertaken.

The Verge Management Policy is presented to Council for endorsement.

RECOMMENDATION

That Council endorse the updated Verge Management Policy.

COMMUNITY PLAN

Placemaking: Creating lively and safe places

Placemaking: Developing walkable connected neighbourhoods

Placemaking: Building character and celebrating history

Community: Building a healthy, active and resilient community

Community: Fostering an engaged and contributing community

Economy: Supporting and growing local business

Economy: Boosting our visitor economy

Environment: Protecting Biodiversity

Environment: Building an environmentally resilient city

Environment: Fostering an environmentally connected community

Culture: Supporting excellent, efficient operations

COUNCIL POLICY

Verge Management Policy

STATUTORY PROVISIONS

Local Government Act 1999

Landscape SA Act 2019

BACKGROUND

The *Local Government Act 1999* requires councils to keep council policies under review to ensure they are appropriate and effective (Section 59).

Policies are an important part of the good governance of the City of Holdfast Bay. They protect the organisation and provide our community with confidence that we will undertake operations in a consistent, fair and equitable way.

The Verge Management Policy (Verge Policy) has had a substantial review, particularly with reference to other Council's policies and feedback from residents and the community. A range of administrative staff have also been consulted.

REPORT

In 2019 the Verge Policy was updated to ban the use of new installations of artificial turf. Council, at its meeting in October 2020 (Resolution C271020/2109) noted that the Verge Policy will be updated allowing artificial turf installed prior to August 2019 to be retained whilst in good condition. Whilst substantial other changes have been made, these do not change the intent of the Policy. The key amendments are detailed below (and also highlighted on the draft version – attachment 1).

- Updated definitions and description of what defines an alteration to a public road;
- Process described to seek approval for works on Council verges;
- Only property owners can submit an application form for verge works adjacent their property;
- Permeable surfaces on the verge are strongly encouraged;
- Quarry sand (Dolomite) is allowed but discouraged;
- Amendments throughout the policy that artificial turf is not allowed, but existing artificial turf installed prior to August 2019 is permitted to remain whilst it is in good condition;
- Various clarifications on what is permitted and what is not permitted on the verge; and
- Clarification around reinstatement or weed spraying if the verge is not maintained.

Refer Attachments 1 and 2

There is no legislative requirement to undertake community consultation on this policy although the Policy has been updated based on feedback from residents and the community around the implementation of the previous Policy.

The next review period for the Policy is 22 November 2024. The Policy may be reviewed at an earlier date if deemed necessary due to legislative or other changes.

BUDGET

Not Applicable.

LIFE CYCLE COSTS

Not Applicable.

Attachment 1



ECM Document Number:	DOC/19/66991
First Issued / Approved:	May 2015
Last Reviewed:	23 November 2021 C270819/1592
Next Review:	22 November 2024
Responsible Officer:	Manager Engineering
Date Placed on Web:	

1. PREAMBLE

The Verge Management Policy provides a framework for verge management within the City of Holdfast Bay (the Council).

1.1 Background

Verges are part of the public road and consist of the land between the nearest edge of a road carriageway (i.e. kerb) and the property boundary on both sides of the road. The verge may include a footpath, street trees, bus stops, street furniture, underground and overhead services, etc.

The Verge Management Policy refers to, in particular, that part of the verge, excluding the footpath, that may currently be landscaped or undeveloped or is proposed to be planted/landscaped.

A landscaped verge can provide amenity value and add character whilst providing a range of environmental, social and economic benefits.

From August 2019, artificial turf was not permitted on verges and this policy was amended to reflect this. Artificial turf is not considered environmentally friendly as it has a significant carbon footprint during manufacture, it contains plastics, is not permeable and creates a high heat load.

1.2 Purpose

The Council recognises that the appearance of a verge is important to property owners/ occupiers and can improve the amenity of the locality and provide environmental benefits.

This policy provides advice and guidance on the constraints and opportunities residents should take note of when improving and maintaining Council verges.

Council has an overarching requirement that verges are maintained in a safe condition for community use.

1.3 Scope

This policy applies to the Council's verges. A separate policy for trees is in Council's Tree Management Policy.

1.4 Definitions

Public road	means the area between a property boundary (often front fence) which may include the road carriageway, kerb and water table, verge, footpath.
Verge	means the area between the property boundary (front fence) and the edge of the road in Council ownership or control.
Footpath	means the made or unmade area of pathway in the verge that enables the safe and efficient movement of pedestrians.
Section 221 application	means Under Section 221 of the <i>Local Government Act 1999</i> , property owners must receive authorisation from council to make an alteration to a road, which includes the verge.
Service Authority	means any utility service provider responsible for the care and/or control of utility services including water, sewerage, telecommunications, natural gas and electricity, which may own infrastructure in the vicinity of the public road.

1.5 Strategic References

Our Place 2030
Environment Strategy 2020 - 2025

2. POLICY STATEMENT

2.1 Alteration to a Public Road

- 2.1.1 Section 221(1) of the *Local Government Act 1999* requires property owners to receive authorisation from Council to make an alteration to a road (which includes the verge).
- 2.1.2 Section 221(2) of the *Local Government Act 1999* defines an alteration to a public road as:
- alters the construction or arrangement of the road to permit or facilitate access from an adjacent property; or
 - erects or installs a structure (including pipes, wires, cables, fixtures, fittings and other objects) in, on, across, under or over the road; or
 - changes or interferes with the construction, arrangement or materials of the road; or
 - changes, interferes with or removes a structure (including pipes, wires, cables, fixtures, fittings or other objects) associated with the road; or
 - plants a tree or other vegetation on the road, interferes with vegetation on the road, or removes vegetation from the road.
- 2.1.3 Section 221(3) of the *Local Government Act 1999* states authorisations are not required if:
- the person who proposes to make the alteration has some other statutory authorisation to make the alteration; or
 - the purpose of the alteration is to permit vehicular access to and from land adjoining the road and the alteration is approved as part of a development authorisation under the *Planning, Development and Infrastructure Act 2016*; or

Verge Management Policy

- c) the alteration is of a kind classified under the regulations as a minor alteration.

2.2 Applications to Undertake Works on the Verge

- 2.2.1 Applicants are required to complete a Section 221 application form to undertake alterations on Council verges. No works can start until approval from Council has been received. There is no application cost for Section 221 approval to landscape verges.
- 2.2.2 Only property owners can submit an application form and only for verges immediately adjacent to their property. If the area is adjacent to a Community Title / Strata Title, then all parties must support the application form. Tenants wishing to alter the verge must have the application lodged by the property owner.
- 2.2.3 Applicants may alter the verge, subject to permit approval, provided the following conditions are adhered to (which may vary from time to time):
 - i) A safe continuous pedestrian access along the verge area is provided with a minimum width of 1.5 metres, regardless of whether a footpath has been constructed or not.
 - ii) There is no obstruction to traffic sight lines, once vegetation is fully established.
 - iii) The existing ground level is maintained.
 - iv) There is access for Council and Service Authorities for installation of new infrastructure and maintaining existing infrastructure (underground and above ground).
 - v) Provision is made for a street tree(s) as per Council's Tree Management Policy. Council may plant street tree(s) at any time at their discretion.
 - vi) Permeable surfaces are strongly encouraged.
 - vii) Street trees are protected and permeable material placed in the vicinity of trees.
 - viii) The property owner understands that the ongoing maintenance rests with them and that any alterations may be removed by Council.
 - ix) If the verge plan changes to what was originally proposed in the application, then an amended approval is required.
- 2.2.4 The applicant is responsible for all costs and works associated with the alterations, including the replacement of existing verge material with the appropriate specified items and the disposal of any excess material. Financial grants through Council may be available from time to time.
- 2.2.5 The applicant is responsible for locating any underground services prior to the commencement of any works. Any costs incurred in repairing damage to utility services are to be charged to the person responsible for the damage and will not be payable by the Council.

2.3 Service Authorities and Council Assets

- 2.3.1 Service Authorities have access rights over services contained within a verge. The verge area may be occupied (above or below ground) by the following:
 - i) Electricity – wiring, pits and poles

Verge Management Policy

- ii) Telecommunications wiring, pits and poles
 - iii) Gas mains
 - iv) Water mains and connections
 - v) Sewer mains and connections
 - vi) Survey marks.
- 2.3.2 When any verge is altered or removed by a Service Authority, reinstatement will be a direct negotiation between the property owner and the Service Authority.
- 2.3.3 The Council have access rights to the verge for items such as:
- i) Stormwater drainage systems
 - ii) Footpath
 - iii) Street furniture
 - iv) Signage
 - v) Bus shelters
 - vi) Street trees
 - vii) Vegetation
- 2.3.4 When any verge is altered or removed by Council for Council works, it will be restored to a reasonable standard and vegetation / lawn replaced with loam. **Artificial turf will not be replaced.**

2.4 Verge Treatments

Verge treatments should be installed and maintained to provide safe areas for the community and to prevent runoff of sediment and pollutants into the kerb and ultimately into Councils drainage network.

- 2.4.1 The following verge treatments are permitted:
- i) **Mulch (constructed so that it does not blow or wash off the verge)**
 - ii) Low plants - refer to section 2.5 'Planting/ Landscaping'
 - iii) Permeable paving
 - iv) Lawn – refer to section 2.6 'Lawn'
 - v) **Below-ground irrigation to support landscaping**
 - vi) Compacted quarry sand (e.g. dolomite)
- 2.4.2 The following items are not permitted and will not be approved through the permit process:
- i) Items and vegetation that may obstruct footpaths, pedestrian movement or vehicles
 - ii) Raised edges or sharp edges that may form a trip hazard or injury
 - iii) **Plants that cannot be maintained to a suitable height or width. Hedging should be maintained so that it does not encroach over paths or the road or create sight line obstructions. Refer to section 2.5 'Planting/ Landscaping'**
 - iv) Plants with spines or thorns
 - v) **Plants that are declared as pest plants under the Landscape SA Act 2019**
 - vi) Concrete, except for driveways and paths and bin pads
 - vii) **Loose stones / scoria**
 - viii) Non-permeable paving, except for driveways and paths
 - ix) Fences
 - x) Letter boxes
 - xi) Synthetic lawn / artificial turf

xii) Weed matting

2.5 Planting/ Landscaping

- 2.5.1 If no street trees are present, refer to Council's Tree Management Policy. New trees requested by the property owner within the verge shall comply with Council's Tree Management Policy and owners are encouraged to participate in Council's Adopt-a-Tree program.
- 2.5.2 Planting (except for street trees) is to be maintained to a manageable height that does not affect or block line of sight for vehicles and pedestrians, or look untidy. Council recommends a height not more than 500 mm.
- 2.5.3 The Council encourages plantings that are drought tolerant and suited to hot, dry summers and with an emphasis on suitable indigenous species. A list of suitable local plants can be found on the Council's website.
- 2.5.4 No planting of anything that may cause an obvious hazard to road users or pedestrians, such as thorny roses, prickly cacti or plants.
- 2.5.5 Any planted areas are to be kept neat and tidy and generally free of weeds. No vegetation is to encroach onto the footpaths or road.
- 2.5.6 When planting or landscaping the verge area, it is advised that residents should leave a space for waste bins.
- 2.5.7 Planting shall allow adequate room for access to / from a parked car if legal on-street parking is permitted.

2.6 Lawn

- 2.6.1 The height of lawn shall not be allowed to exceed 100mm and must not be allowed to grow over the kerb or footpath.
- 2.6.2 The Council encourages the use of drought tolerant lawns.
- 2.6.3 Mowing of lawn is the resident's responsibility and not a service that is provided by Council.
- 2.6.4 When residents are maintaining lawn on their verge it is important not to damage Council street trees by the impact of whipper snippers, etc. It is encouraged to construct a definitive edging and buffer distance between trees and lawn. This buffer will allow for ease of maintenance when caring for lawn on verges and eliminate risk of damaging trees. Alternatively, removing the grass adjacent to trees by hand is an option.
- 2.6.5 Property owners with existing lawn and who do not wish to maintain the area can request Council to slash and weed spray and to be placed on Council's weed spraying program (undertaken as per clause 2.11).

2.7 Irrigation

- 2.7.1 Applicants may install below-ground irrigation systems (pop-up sprinklers, below-ground drippers, etc.) provided the ongoing maintenance and repairs are carried out by the property owner.
- 2.7.2 Irrigation systems should not spray onto footpaths or roads and watering should occur off peak to minimise inconvenience to the public road and footpath users.

2.8 Footpaths

- 2.8.1 Any alteration to a Council verge that does not have an existing concrete or paved footpath must allow for the possible future construction of a footpath by Council.
- 2.8.2 Any proposal to alter an existing footpath in conjunction with developing the verge requires specific Council approval and will be required to meet Council standards.
- 2.8.3 Any damage to footpath caused by verge alterations will need to be repaired in accordance with Council standards at the property owner's expense.

2.9 Removal or Modification to an Existing Verge

- 2.9.1 Council recognises that verges within the City have been altered before the adoption of this policy. Existing verge alterations do not require the application form to be completed; however, the verge must comply with the guidelines listed within this policy.
- 2.9.2 If Council finds that the existing verge alteration could cause or is causing a hazard, obstruction or does not comply with the specifications listed in this policy, then the verge will be required to be modified to meet the guidelines contained within this policy. This is required to be undertaken by the property owner at their expense, except where Council Administration determines otherwise.
- 2.9.3 If the condition of the verge is to be substantially altered, a new section 221 application form must be completed and approved and works undertaken by the property owner.
- 2.9.4 Existing artificial turf installed on the verge prior to August 2019 can be retained whilst in good condition but is not permitted to be replaced at the end of its life or as part of any verge alteration and it is encouraged that it be removed.

2.10 Existing Quarry Sand (Dolomite) Surfaces

- 2.10.1 Council will only top up an existing dolomite surface to remediate any trip hazards.
- 2.10.2 Those wishing to change the verge to dolomite need to do so at their own cost and seek approval via a Section 221 application. Residents are encouraged to landscape verges to improve amenity and environmental benefit.

2.11 Council Weed Spraying Program

- 2.11.1 Council operates a weed spraying program and spraying is undertaken up to three times a year.
- 2.11.2 Where there are established lawns, gardens or areas that appear to be maintained by residents, Council will not spray.
- 2.11.3 A *No Spray Register* is also maintained for residents who choose not to have the verge sprayed and are willing to maintain the area themselves.

Verge Management Policy

2.11.4 If the area is not maintained by the resident, Council reserves the right to remove all vegetation and maintain the area as part of the weed spraying program.

2.12 Reinstatement

Any cost incurred by the Council in reinstating the verge as a result of the property owner not complying with this policy, will be charged to the property owner pursuant to Section 213 of the *Local Government Act 1999*.

3. REFERENCES

3.1 Legislation

Local Government Act 1999

Landscape SA Act 2019

Planning, Development and Infrastructure Act 2016

3.2 Other References

Tree Management Policy

Section 221 Application Form

Attachment 2



Classification:	Statutory Policy.
Trim Container	FOL/19/1406
Trim Document Number:	DOC/19/66991
First Issued / Approved:	May 2015
Last Reviewed:	27 August 2019
	C270819/1592
Next Review:	26 August 2021
Responsible Officer:	Manager Field Services
Date Placed on Web:	19 September 2019

1. PREAMBLE

The Verge Management Policy provides a framework for verge management within the City of Holdfast Bay.

1.1 Background

Street Verges make an important contribution to the aesthetic nature of the City of Holdfast Bay. A Street Verge can provide amenity value and add character whilst providing a range of environmental, social and economic benefits.

1.2 Purpose

The City of Holdfast Bay recognises that the appearance of a verge is important to property owners/ occupiers because of the significant aesthetic impact on their dwellings.

This policy provides advice and guidance on the constraints and opportunities residents should take note of when improving and maintaining the City’s Street Verges.

1.3 Scope

This policy applies to the City of Holdfast Bay Street Verges. A separate policy for Street Trees is outlined in the City of Holdfast Bay Tree Management Policy.

1.4 Definitions

The term verge represents the portion of land which lies between a road and adjacent property line, but does not include the footpath.

1.5 *Strategic References*

1.5.1 Our Place Plan 2012-2015

- a. A Place that Values its Natural Environment.

“Promote and Implement programs that enhance the greening of the City”

- b. A Place with a Quality Lifestyle

“Provide high quality attractive and well serviced open spaces, reserves and streetscapes”

2. POLICY STATEMENT

2.1 *Development*

- a) Under Section 221 of the *Local Government Act 1999*, property owners must receive authorisation from Council to make an alteration to a road (which includes the verge).
- b) Applicants are required to complete a Verge Application Form. No development can start until confirmation from Council has been received.
- c) Only property owners can submit a Verge Application Form.
- d) Applicants may develop the verge provided the following is adhered to:
- i) There is pedestrian access along the verge area regardless of whether a footpath has been constructed or not. Footpaths, if constructed, are a minimum width of 1.2 metres for concrete and 1.5 metres for paving.
 - ii) There is no interference to traffic sight lines.
 - iii) The existing ground level is maintained.
 - iv) There is access for Council and Service Authorities for installation of new services and maintaining existing.
 - v) Provision is made for a Street Tree(s) as per the City of Holdfast Bay Tree Management Policy. Council may plant Street Tree(s) at any time at their discretion.
 - vi) The property owner understands that the ongoing maintenance rests with them and that any development may be removed by Council at any time at the property owner’s expense.
 - vii) If the development alters to what was originally proposed in the application, then an amended approval is required.
- e) The applicant is responsible for all works associated with the development, including the replacement of existing verge material with the appropriate specified items for the development and the disposal of any excess material. The Council will not contribute to the cost of the works.
- f) The applicant is responsible for locating any underground services prior to commencement of works. Any costs incurred in repairing damage to services are charged to the person responsible for the damage.

2.2 *Service Authorities and Council Assets*

- a) Service Authorities have access rights over services contained within a verge. The verge area may be occupied (above or below ground) by the following:
 - i) Electricity – wiring, pits and poles
 - ii) Telecommunications wiring, pits and poles
 - iii) Gas mains
 - iv) Water mains and connections
 - v) Sewer mains and connections
 - vi) Survey marks.
- b) When any developed verge is altered or removed by a Service Authority, reinstatement will be a negotiation between the property owner and that Service Authority.
- c) The Council have access rights to the verge for items such as:
 - i) Stormwater drainage systems
 - ii) Footpath
 - iii) Street furniture
 - iv) Signage
 - v) Bus shelters
 - vi) Street trees
 - vii) Vegetation
- d) When any developed verge is altered or removed by Council, it will be restored to a reasonable standard.

2.3 *Verge Treatments*

- a) The following verge treatments are permitted:
 - i) Mulch
 - ii) Compacted Dolomite Sand
 - iii) Low plants (maximum 500mm height) - Refer to “Planting/ Landscaping” within this policy
 - iv) Permeable paving
 - v) Lawn – Refer to “Lawn”
- b) The following items are not permitted:
 - i) Items that may obstruct pedestrian movement
 - ii) Raised edges
 - iii) Plants that cannot be maintained to a maximum height of 500mm
 - iv) Plants with spines or thorns
 - v) Plants that are declared as pest plants
 - vi) Concrete, except for driveways and paths and bin stands
 - vii) Non-permeable paving, except for driveways and paths
 - viii) Fences
 - ix) Letter boxes
 - x) Synthetic Lawn/ Artificial Turf

2.4 *Planting/ Landscaping*

- a) If no street trees are present, provision must be made for the future planting of trees to all property frontages on streets identified in the City of Holdfast Bay Planting Guide as per the City of Holdfast Bay Tree Management Policy.
- b) Planting is to be maintained to a maximum height of 500mm, with the exception of Council Street Trees. No vegetation is to encroach onto the pedestrian thoroughfare.
- c) The City of Holdfast Bay encourages plantings that are drought tolerant and suited to hot, dry summers and with an emphasis on suitable indigenous species.
- d) No planting of anything that may cause an obvious hazard to road users or pedestrians, such as thorny roses, prickly cacti or plants, or toxic species.
- e) Plants listed as noxious or environmental weeds must not be used pursuant to *Natural Resources Management Act 2004*.
- f) Any planted areas are to be kept neat and tidy and free of weeds.
- g) When planting or landscaping the verge area, it is advised that residents should leave a space for waste bins.

2.5 *Lawn*

- a) The height of lawn shall not be allowed to exceed 100mm and must not be allowed to grow over the kerb or existing footpath.
- b) The City of Holdfast Bay encourages the use of drought tolerant lawn such as kikuyu, couch and buffalo.
- c) Mowing of lawn is the resident's responsibility and not a service that is provided by Council.
- d) When residents are maintaining lawn on their verge it is important not to ring bark Council street trees by the nylon cord of whipper snippers and the like. To manage grass growing at the collar of the Council street tree, removing the grass by hand is the preferred option.
- e) Property Owners with existing lawn and who do not wish to maintain the area can request Council to slash and poison and to be placed on a weed spraying program (offered a few times a year).

2.6 *Irrigation*

- a) Applicants may install below-ground irrigation systems (pop up sprinklers, below ground drippers and the like) provided the ongoing maintenance and repairs is carried out by the property owner.
- b) Irrigation systems must be below-ground so they do not cause a trip hazard for pedestrians.

Verge Management Policy

2.7 *Footpaths*

- a) Any development of a verge without an existing concrete or paved footpath must allow for the possible future construction of a footpath by Council.
- b) Any proposal to alter an existing footpath in conjunction with developing the verge requires specific Council approval.
- c) Any damage to footpath caused by the verge development will need to be repaired in accordance to Council standards at property owner's expense.

2.8 *Removal or Modification of an Existing Verge Development*

- a) Council recognises that verges within the City of Holdfast Bay have been developed before the adoption of this policy. Existing developments do not require the Verge Application Form to be completed; however the verge must comply with the guidelines listed within this policy.
- b) If Council find that the existing verge development could cause or is causing a hazard, obstruction or does not comply with the specifications listed in this policy, then Council will require the development be removed or modified to meet the guidelines contained within this policy. Any such modification or removal will be at the expense of the property owner except where Council deems otherwise.
- c) If the condition of the verge is to be altered in any way than the existing, a Verge Application Form must be completed.

2.9 *Reinstatement*

- a) Any cost incurred by the Council in reinstating the verge as a result of the property owner not complying with this policy, will be charged to the property owner pursuant to Section 213 of the *Local Government Act 1999*.
- b) Residents who wish to have the verge area returned to a dolomite surface will be at cost to the property owner and must be carried out by an appropriately licensed private contractor to be organised by the resident.

3. REFERENCES

3.1 *Legislation*

- a) *Local Government Act 1999*
- b) *Natural Resources Management Act 2004*

3.2 *Other References*

- a) City of Holdfast Bay Street Tree Strategy and Planting Guide
- b) Tree Management Policy
- c) City of Holdfast Bay Strategic Plan

Item No: 19.10
Subject: **TREE MANAGEMENT POLICY REVIEW**
Date: 23 November 2021
Written By: Team Leader, Environment and Coast
General Manager: Assets and Delivery, Mr M de Heus

SUMMARY

The Tree Management Policy has had a substantial review that has taken approximately a year, and has included both internal and external stakeholders including an independent consulting arborist, as well as numerous internal Administrative staff and an Elected Member workshop.

Public consultation on the Policy is not required to be undertaken.

RECOMMENDATION

That Council endorse the updated Tree Management Policy.

COMMUNITY PLAN

Placemaking: Creating lively and safe places
Placemaking: Developing walkable connected neighbourhoods
Placemaking: Building character and celebrating history
Community: Building a healthy, active and resilient community
Community: Providing welcoming and accessible facilities
Community: Fostering an engaged and contributing community
Environment: Protecting Biodiversity
Environment: Building an environmentally resilient city
Environment: Fostering an environmentally connected community
Culture: Supporting excellent, efficient operations

COUNCIL POLICY

Tree Management Policy

STATUTORY PROVISIONS

Disability Discrimination Act 1992
Electricity Act 1996
Environment Protection Act 1993
Local Government Act 1999
Gas Act 1997
Landscape South Australia Act 2019
Native Vegetation Act 1991
Planning, Development and Infrastructure Act 2016
Road Traffic Act 1961
Water Industry Act 2012
Telecommunications Act 1997

BACKGROUND

The *Local Government Act 1999* requires councils to keep council policies under review to ensure they are appropriate and effective (Section 59).

Policies are an important part of the good governance of the City of Holdfast Bay. They protect the organisation and provide our community with confidence that we will undertake operations in a consistent, fair and equitable way.

The Tree Management Policy has had a substantial review that has taken approximately a year, and has included both internal and external stakeholders including an independent consulting arborist, as well as numerous internal Administrative staff and an Elected Member workshop.

The review has included reading tree management policies of other councils, consideration of new legislation, consideration of new utilities requirements, improvements in urban forest management, the global movement for increased tree canopy and our own commitment to a target of 10% tree canopy increase by 2030.

REPORT

The revised Tree Management Policy is presented to Council. This updated policy supersedes all previous policies and Council motions. The new Policy provides clear and strong messaging around the preservation of our street trees.

The key amendments are detailed below (and also highlighted on the draft Policy).

- Removed items that are no longer relevant such as the Street Tree Strategy Planting Guide. Tree selection is now directed by guidelines within the policy.
- Removed reference to tree factsheets on website.
- Removed reference to Property Owner Street Tree Planting Form' as this is superseded by the Adopt-a-Tree form.
- Updated references to new or updated legislation.

- Updated definitions.
- Updated information relating to the *Planning, Development and Infrastructure Act 2016*.
- Includes a new section about the new Adopt-a-Tree program for residents.
- The Public Tree Pruning section includes new reasons why trees will not be considered for pruning.
- The same section also includes a new item that new developments constructed under existing canopies will not be pruned to the detriment of the tree.
- This section also includes a new item about trees on private property encroaching into clearance zone.
- There is a new section about damage to private property from public trees.
- The Public Tree Removal section has new reasons why trees may be considered for removal.
- There is a new section about section 221 and development applications.
- There is a new section about Tree Damaging Activity.
- There is a new section about Consultation.
- Updated clearances in Appendix 1.

All tree management decisions will be dealt with by Administration, with the exception of significant and regulated trees, which require landowner consent prior to being assessed under the *Planning, Development and Infrastructure Act 2016*.

A new version incorporating the proposed changes (Attachment 1) and the current version (Attachment 2) are attached.

Refer Attachments 1 and 2

There is no legislative requirement to undertake community consultation on this policy although the policy has been updated based on feedback from residents and the community around the implementation of the previous policy.

The next review period for the policy is 22 November 2024. The policy may be reviewed at an earlier date if deemed necessary due to legislative or other changes.

BUDGET

Within operational budget.

LIFE CYCLE COSTS

Not Applicable.

Attachment 1



ECM DSID Number:	
First Issued / Approved:	July 2010
Last Reviewed:	23 November 2021 C231121/
Next Review:	22 November 2024
Responsible Officer:	General Manager –Assets and Delivery
Date Placed on Web:	TBD

1. PREAMBLE

The Tree Management Policy provides a framework for tree management on Council land in the City of Holdfast Bay (the Council).

1.1 Background

The trees in the Council area provide and support neighbourhood character, human health and wellbeing, waterway health, biodiversity, shading, cooling, beautiful streetscapes, amenity, tourism and business vitality.

This policy is designed to protect and grow a flourishing urban forest and aligns with Council’s Environment Strategy 2020 - 2025, which has an objective to significantly increase tree canopy coverage across the Council area. This will beautify streetscapes and open spaces, while also cooling the environment.

1.2 Purpose

The purpose of this policy is to manage and protect Council’s trees as part of an urban forest, which includes street trees and trees on land owned by Council or land under Council’s care and control.

This policy ensures consistency in future public tree planting, tree care and management, and provides guidance regarding best practice, ensuring reasonable decisions are applied when managing risks related to trees.

1.3 Scope

This policy applies to residents, property owners, businesses, visitors, developers, Elected Members, employees, service providers, contractors and volunteers of the Council.

A separate policy exists for the management of street verges (Verge Management Policy).

1.4 Definitions

For the purpose of this policy the following definitions apply:

Amenity tree means a public tree by virtue of its size, species, location or aesthetic qualities that provides amenity and / or significant environmental benefit.

Development means a new building or renovation in the *Planning, Development and Infrastructure Act 2016*.

Tree Management Policy

Open space	means land that is publicly accessible and provided for community benefit (e.g. park, nature reserve, linear trail, sportsground).
Regulated Tree	means a tree with size and characteristics as specified in the <i>Planning, Development and Infrastructure Act 2016</i> .
Significant Tree	means a tree with size and characteristics as specified in the <i>Planning, Development and Infrastructure Act 2016</i> .
Section 221 Application	means under Section 221 of the <i>Local Government Act 1999</i> , property owners must receive authorisation from Council to make alteration to a public road, including the verge.
Verge	means the portion of land that lies between a road and adjacent property line.

1.5 Strategic References

- a. Our Place 2030
- b. Environment Strategy 2020-2025
- c. Open Space and Public Realm Strategy 2018 - 2030

2. POLICY STATEMENT

2.1. Street Tree Species

2.1.1 When selecting and planting street tree species, Council must give consideration to s.232 of the *Local Government Act 1999* (the Act), must consider relevant information from utility providers and must comply with the *Landscape SA Act 2019*.

2.1.2 Tree species are selected by the relevant Council officer to meet specific criteria and tolerances, and for their ability to perform in our changing environment, as well as complying with s.232 of the Act. Considerations are made of the following criteria when selecting street tree species:

- i) Complement existing avenues of established and heritage trees
- ii) Compatibility with the local environment
- iii) Ability to provide habitat and food for native fauna
- iv) Availability of commercial quantity and quality of stock
- v) Allergies, berry/nut drop, and infrastructure impacts
- vi) Diversity of species
- vii) Suitability around existing services and infrastructure
- viii) Environmental impact
- ix) Amenity of the area

2.1.3 Tree species that have been selected for a location on public land will not be changed due to:

- i) Potential scenic view obstruction
- ii) Tree species is disliked
- iii) Potential nuisance by way of berry/ nut drop
- iv) Shading of private property
- v) Potential upheaval of private infrastructure
- vi) Potential to attract wildlife

2.2 Tree Planting

- 2.2.1 Trees may be planted in accordance with s.232 of the Act and as per the guidelines in Appendix 1.
- 2.2.2 Council has a strong preference for block planting in areas to allow more efficient watering and maintenance and create improved amenity through consistent tree species and growth rates.
- 2.2.3 Council formulates an annual tree planting program in selected streets, to work towards Council's target of increasing canopy coverage. Streets are selected annually based on the condition of existing tree stock, surrounding development or infrastructure, or areas identified as an urban heat island.
- 2.2.4 The number and location of trees is at the discretion of the relevant Council officer, and takes into consideration all points listed in section 2.1.2.
- 2.2.5 Council plants trees in the cooler months, usually from May to September but may fall slightly outside of these times.
- 2.2.6 Where an unauthorised tree planting is identified the relevant Council officer will determine whether the planting be retained or removed considering compliance with this policy. Where removal of an unauthorised tree is determined, the resident will be given reasonable opportunity to relocate the tree onto their private property prior to removal.
- 2.2.7 To maintain a consistent tree portfolio and ownership responsibility, private property owners and occupants cannot plant their own trees on public land, including the verge, without prior Council approval, given via a Section 221 Application under the Act. See section 2.8 and the Verge Management Policy.
- 2.2.8 At the discretion of Council Administration, street trees may be individually planted by Council to replace damaged or dead trees. Sites will be reviewed on a case by case basis. There is a strong preference for individual trees to be 'adopted' as per section 2.3
- 2.2.9 Any property owner can place a request for a street tree to be planted in front of their property, providing they have applied to do so via Council's 'Adopt-a-Tree Program' (see Section 2.3).

2.3 Adopt-a-Tree Program

- 2.3.1 Property owners who wish to have a street tree planted in front their property, can apply to Council via the 'Adopt-a-Tree' program.
- 2.3.2 All requests must be in writing via the Adopt-a-Tree form on the Council website.
- 2.3.3 The Senior Urban Forest Officer will determine if the location is suitable and will determine the tree species. This will be done in consultation with the property owner.
- 2.3.4 The number of trees included in this program is capped to 100 trees for every calendar year. If the list is full upon receipt of the application, the registration then moves to the next available year.
- 2.3.5 Planting will occur during Council's planting season.
- 2.3.6 Applicants must agree to water the street tree weekly during the warmer months (nominally from November to April) for the first three to four years of its life.
- 2.3.7 Council is responsible for the pruning and maintenance of the tree, including pruning, staking, mulch, etc.

- 2.3.8 If the tree dies, is stolen or vandalised, Council will not replace it unless there is a resubmission of the 'Adopt-a-Tree' form. These are assessed on a case by case basis at the discretion of the Senior Urban Forest Officer.
- 2.3.9 Existing trees can also be adopted.

2.4 Tree Watering

- 2.4.1 Council will ensure summer watering for the first three to four years for all trees it has planted via planned planting. Property owners and occupants are also encouraged to water street trees.
- 2.4.2 Trees planted via Council's 'Adopt-a-Tree Program' are the responsibility of the resident to water.

2.5 Public Tree Pruning

- 2.5.1 Council is responsible for all maintenance pruning of public trees.
- 2.5.2 Service providers (i.e. utilities) may undertake clearance pruning, under specified legislative powers, to accommodate their infrastructure. However, Council must be notified prior to works to negotiate the best possible outcome.
- 2.5.3 Council will generally only prune street trees to the clearances outlined in Appendix 1.
- 2.5.4 Open space trees are only pruned to minimise risk.
- 2.5.5 Pruning will only be performed to maintain tree health, provide clearances or mitigate risk.
- 2.5.6 The following reasons will not warrant consideration for pruning:
 - i) too tall
 - ii) aesthetic reasons
 - iii) perceived risk
 - iv) nuisance by way of berry or nut drop, leaf litter, bark, twigs, sap, etc.
 - v) tree shading lawns, gardens, houses, pools, solar panels, etc.
 - vi) unsubstantiated damage to infrastructure
 - vii) to enhance clear views, including advertising signage
 - viii) attracting wildlife
 - ix) to prevent animal defecation
 - x) due to allergies or health problems
 - xi) to accommodate clearance for larger vehicles beyond clearance guidelines
 - xii) for the installation of non-essential services.
- 2.5.7 Property owners or occupants are not authorised to prune trees on Council property. Where Council street trees are overhanging private property, residents should contact Council for Council to prune, to ensure that trees can exist without adverse effects on property owners and occupants.
- 2.5.8 Pruning of Council trees will typically be carried out in accordance with Australian Standard 4373, Pruning of Amenity Trees. This Standard aims to provide a guide, defining uniform tree pruning procedures and practices in order to minimise adverse or negative impact of pruning on trees.
- 2.5.9 Where practicable, Council will attempt to maintain a 1 metre clearance minimum between canopy and privately owned infrastructure, e.g. homes, carports, swimming pools, etc.

- 2.5.10 Where new developments are constructed under existing canopies, the tree canopy will not be pruned to the detriment of the tree.
- 2.5.11 Where trees on private property encroach into required clearance zones, as specified in Appendix 1, or other public safety issues have been identified, the matter will be brought to the attention of the relevant property owner or occupant for remedial action. If the property owner or occupant fails to comply with a reasonable request Council may commission a contractor to carry out necessary works. The property owner will then be invoiced for the cost of the required works to reimburse Council.

2.6 **Damage to Private Property from Public Trees**

- 2.6.1 Council is generally not liable for damage to private property from a tree planted on public land unless the property owner or occupant of the damaged property has made a written request to the Council to take reasonable action to avert the risk of damage to property from the tree and the Council fails to take reasonable action in response to the request (s.245 of the *Local Government Act 1999*). Council acts as a 'caretaker' of trees but does not have an absolute responsibility for them due to the volume of trees and community expectation to continue to plant and grow trees.
- 2.6.2 Claims are to be addressed to Council's insurance officer with details of the claim and why Council is considered negligent and should be accompanied with sufficient information, which should include photos, and that may include an arborist's report and/or an engineer's report to support the claim.
- 2.6.3 Removal of trees that are considered to be healthy, in the opinion of the relevant and qualified Council officer, will not be considered where alternative measures are reasonable and practicable. These may include:
- i) Root barrier, which can be used in circumstances where installation is considered effective and not detrimental to tree health and stability. Council can offer root barrier material, where appropriate, and installation on private property is at the property owner's expense.
 - ii) Root pruning, which can be considered to accommodate root barrier installs or to suppress root development in areas of concern. Details of root pruning parameters will be set by the relevant and qualified Council officer to outline proximities and root size limitations. Roots of concern within private properties are to be carefully exposed prior to an appointment with the Senior Urban Forest Officer, at the cost of the property owner or occupant, to enable a clear determination of actions to be taken.
 - iii) Minor maintenance.
- 2.6.4 Council may, for public amenity trees, regulated or significant trees, implement works in the public realm to reduce tree impact on private properties. This may include foliage pruning and/or installation of permeable pavers and tree inlet pits.
- 2.6.5 Property owners or occupants are encouraged to seek the advice of a qualified arborist at their own cost prior to undertaking works on private property that may affect the health of a tree on public land. For

regulated or significant trees on public land that may be affected by works on private property, development approval may also be required.

2.7 Public Tree Removal

2.7.1 Generally the community has an expectation that all public trees be retained and only removed if there are compelling reasons to do so. Public trees will only be removed by Council if they meet one or more of our assessment criteria, with priority given to trees assessed as having the highest risk of failure. Trees that are healthy and structurally sound will not be removed for the following reasons:

- i) The tree obscures or potentially obscures views (other than traffic and pedestrian sight lines).
- ii) The tree variety is disliked.
- iii) The tree variety causes nuisance by way of leaf, fruit or bark shedding, etc.
- iv) The tree provides habitat to wildlife that causes nuisance by way of droppings, tree litter, etc.
- v) The tree is in the way of a non-essential crossover or crossover widening.
- vi) The tree shades private gardens, solar installations, etc.

2.7.2 Removal will not be considered for any tree because it is lifting up public infrastructure around it. Council continually aims to eliminate trip hazards and to construct more favourable environments for trees to support the urban forest.

2.7.3 Trees may be considered for removal when they are:

- i) Dead, dying, diseased, and/or structurally unsound.
- ii) Are an unauthorised planting.
- iii) Determined to be a declared species as listed under the *Landscape SA Act 2019*.
- iv) Considered to create an unacceptable risk.
- v) Restricting sight distances or safe access to existing dwellings, as determined by Council's traffic engineer or similar.

2.7.4 Property owners or occupants are not authorised to remove or relocate public trees from Council land. Council will use relevant provisions of the Act, specifically section 221, to protect the value of its urban forest where trees have been damaged or removed without Council authority. Refer to section 2.9.

2.7.5 Any trees defined as Significant or Regulated under the *Planning, Development and Infrastructure Act 2016* will be subject to a development application to the relevant provisions of the Planning and Design Code. Prior to submitting a development application, owner's consent will be sought via a report to Council.

2.7.6 All requests for removal or significant pruning of a public tree must be in writing to Council, including details of the reason for the request. All such requests will be assessed by the General Manager Assets and Delivery, or a person nominated by the General Manager Assets and Delivery. Retention of the tree is the first priority when undertaking the assessment.

2.8 Section 221 Applications and Development Applications

2.8.1 Council will strongly enforce legislation to protect its street tree population.

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- 2.8.2 Under s.221 of the Act a person must not make an alteration to a public road without the permission of Council (permission via a section 221 application). Section 221(2)(e) provides that an alteration to a public road includes the planting of a tree or other vegetation on the road, interfering with vegetation on the road, or removing vegetation from the road.
- 2.8.3 New developments and section 221 applications are to consider any existing street trees and space they require to coexist without conflict. No street tree is automatically removed as part of a development or section 221 application.
- 2.8.3 Trees can only be removed for a development or an approved section 221 application, if the tree has a low useful life expectancy or a very low amenity value (as assessed by the relevant qualified Council officer), and all other possible designs have been considered and are not feasible. Removal will only be considered where there is no net loss of tree numbers in the immediate locality. Additional cost is not an acceptable justification to remove a tree.
- 2.8.4 For all crossovers associated with a new development in accordance with the *Planning, Development and Infrastructure Act 2016*, the prescribed minimum distance to a tree must be maintained.
- 2.8.5 For section 221 applications, the minimum distance from the base of existing trees, will be at the discretion of Council's Senior Urban Forest Officer with guidance provided in Appendix 1.
- 2.8.6 If removal of a tree is approved for the purposes of a development or Section 221 application, the applicant will be invoiced for the following charges and must be paid before commencement:
- i) Removal fees as outlined in Council's approved Schedule of Fees and Charges for the applicable year. This includes removal costs, replacement trees and tree assessment fee.
 - ii) The lost amenity value of the tree based on the Revised Burnley Method of Tree Valuation calculated by the Senior Urban Forest Officer.
- 2.8.7 Replacement trees may not be planted back at the same location, but will be planted as determined by the relevant Council officer.
- 2.8.8 At the Senior Urban Forest Officer's discretion, the Tree Assessment Fee outlined in Council's Schedule of Fees and Charges, may be applied if the tree is being assessed without an agreement for removal.
- 2.8.9 All money received as a result of street tree removals for development or section 221 applications, will be spent on managing and renewing Council's urban forest.
- 2.8.10 Some developments, or section 221 applications, may require tree protection around the tree. Tree protection will be established prior to any works commencing on site and maintained until all works are complete. All tree protection is to comply with the Australian Standard 4970-2009, Protection of Trees on Development Sites.
- 2.8.11 Works by private owners to protect trees when undertaking works in the vicinity of trees as part of section 221 applications or approved building works, including permeable pavers and tree inlet pits, will be considered favourably.

2.9 Tree Damaging Activity

2.9.1 Under section 3(1) of the *Planning, Development and Infrastructure Act 2016* 'tree damaging activity' applies to all public trees and is defined as:

- i) the killing or destruction of a tree; or
- ii) the removal of a tree; or
- iii) the severing of branches, limbs, stems or trunk of a tree; or
- iv) the ringbarking, topping or lopping of a tree; or
- v) any other substantial damage to a tree,

and includes damage to tree roots and any other act or activity that causes any of the foregoing to occur but does not include maintenance pruning carried out by Council that is not likely to affect adversely the general health and appearance of a tree or that is excluded by regulation from the ambit of this definition.

2.9.2 Under s.221(2) (e) of the Act, there is a significant penalty for damages to trees. Section 233 of the Act also states that Council can recover costs for any damages. Council will enforce its rights under the Act to recover any costs associated with vandalism to a Council owned tree.

2.9.3 Members of the public are encouraged to report tree damaging activities.

2.9.4 Council will investigate any reported tree damage and prosecute where possible and necessary.

2.9.5 Measures to protect trees under threat of damage will be applied at the discretion of Council's Administration.

2.10 Consultation

2.10.1 In accordance with Council's Community Consultation and Engagement Policy, Council will inform relevant property owners or occupants and adjoining landowners in regard to tree removals of healthy and structurally sound amenity trees.

2.10.2 Council will also consult with applicants for the Adopt-a-Tree program and communicate with relevant residents, the proprietors of nearby businesses or advertisers in the area and adjoining landowners about block (whole street) tree planting as per the requirements of s.232 of the Act and Council's Community Consultation and Engagement Policy.

3. REFERENCES

3.1 Legislation

- *Disability Discrimination Act 1992*
- *Electricity Act 1996*
- *Environment Protection Act 1993*
- *Gas Act 1997*
- *Landscape South Australia Act 2019*
- *Local Government Act 1999*
- *Native Vegetation Act 1991*
- *Planning, Development and Infrastructure Act 2016*
- *Road Traffic Act 1961*
- *Telecommunications Act 1997*
- *Water Industry Act 2012*

3.2 Other References

- 30 Year Plan for Greater Adelaide
- Australian Standard 4373 -2007 - Pruning of Amenity Trees
- Australian Standard 2303 - 2018 - Tree Stock for Landscape Use
- Australian Standard 4970 – 2009 - Protection of trees on development sites
- Community Consultation and Engagement Policy
- Operational Instruction – Trees in Medians and Roadsides in the Urban Environment (Department for Infrastructure and Transport)
- SA Power Networks - Power Friendly Trees
- SA Water Tree Planting Guide
- Vegetation Removal Policy – Standard Operating Procedure under the Native Vegetation Act 1991 (Department for Infrastructure and Transport)
- Verge Management Policy

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Appendix 1: Clearances for tree planting and pruning.

Planting

The following tables are a guideline and may be altered at the discretion of the relevant qualified Council officer. These clearances are not applied retrospectively:

Infrastructure	Recommended clearances
Bus Stop	10m (subject to site conditions)
Corners and Intersections	5m, maintained to provide sight lines
Driveway (non-traffic approach side)	2m
Driveway (traffic approach side)	3m
Stobie Poles	3m
Above ground and underground services	As per service utility guidelines
Stormwater inlet	2m from edge, not over stormwater infrastructure
Stop, Give Way & Speed Signs	5m (front) or 2m (behind), maintained to provide sight lines
Other Signs	2m, maintained to provide sight lines

Verge width	Tree size
Up to 600 mm	Trees cannot be planted. Refer to Verge Management Policy for landscaping alternatives.
600 mm - 2m	Small tree
2 - 3m	Medium tree
3m +	Large tree

Pruning

Council will look to achieve the following vertical clearance envelopes. If clearances cannot be achieved by pruning without damaging the trees health and/or compromising the structural integrity, alternative measures will be investigated. In cases of juvenile tree stock, young growth may occasionally enter clearance envelopes. Tolerance is to be applied in such cases with any such biomass to be considered as a temporary encroachment.

Footpath	Non-Arterial Road	Arterial Road
Footpath – 2.5m	Edge of carriage way - minimum 3 metres or to suit waste collection vehicles.	Refer to DIT Standard Operating Procedure, "Vegetation Removal Policy" under the <i>Native Vegetation Act 1991</i> .
	Centre of road – 5m	

Attachment 2



Classification:	Statutory Policy.
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1. PREAMBLE

The Tree Management Policy provides a framework for street and open space tree management for planting and maintenance within the City of Holdfast Bay.

1.1 Background

Trees make an important contribution to the aesthetic of the City of Holdfast Bay and provide practical amenity and add character, whilst providing a range of environmental, social and economic benefits. Planting of trees is also a central component of achieving Council’s Strategic Objective of Greening our City.

The City of Holdfast Bay recognises that the local community will have different views and sensibilities regarding trees. This policy aims to provide a consistent approach to the management of the existing and future urban forest.

1.2 Purpose

- a. The Tree Management Policy aims to manage and protect Council’s trees, both in relation to its vision for streetscapes and open spaces, and protection of trees significant or otherwise.
- b. The Policy ensures consistency in future street tree planting and management, and managing the impacts on trees.

1.3 Scope

- a. The Policy applies to Elected Members, employees, residents, contractors and volunteers of the City of Holdfast Bay.
- b. This policy provides advice and guidance on the City’s Urban Forest. A separate policy for Street Verges is outlined in the City of Holdfast Bay Street Verges Policy.

1.4 Definitions

For the purpose of this Policy the following definitions apply:

- a. Regulated Tree – tree size and characteristics as specified in the *Development Act 1993* and Regulation 6A of the *Development Regulations 2008*.
- b. Significant Tree – tree size and characteristics as specified in the *Development Act 1993* and Regulation 6A of the *Development Regulations 2008*.

1.5 *Strategic Reference*

- a. Our Place Plan 2012-2015
 - i) A Place that Values its Natural Environment - “Promote and Implement programs that enhance the greening of the City”
 - ii) A Place with a Quality Lifestyle - “Provide high quality attractive and well serviced open spaces, reserves and streetscapes”

2. POLICY STATEMENT

2.1. *Street Trees*

- a. Street tree species have been nominated for each street in Council’s Street Tree Strategy Planting Guide. This document is available via Council’s website.
- b. Street tree species have been selected to meet specific criteria and tolerances, and will be able to perform in our particular environment. Council have considered the following criteria when selecting tree species:
 - i) Compatibility with the local environment,
 - ii) Ability to provide habitat for native bird life/shade/maintenance requirements,
 - iii) Availability of commercial quantity and quality of stock, and
 - iv) Allergies, berry/nut drop, and infrastructure impacts and the like.
- c. Tree species have been selected for the location and will not be altered due to:
 - i) Potential scenic view obstruction
 - ii) Tree species is disliked
 - iii) Potential nuisance by way of berry/ nut drop
 - iv) Shading of private property.
- d. Species selected within the Council’s Street Tree Strategy Planting Guide provide a combination of exotics and natives, deciduous and evergreen, and heights.
- e. Additions to the Street Tree Strategy Planting Guide will be considered as necessary, to ensure biodiversity and adaptive management to changing environmental conditions.
- f. Alternative species may be selected to what is listed for the location within the Street Tree Planting Guide to accommodate narrow verges, provide a more suitable species where dwellings are in close proximity to the proposed tree site and for plantings that are in coastal locations.
- g. Recognising the benefits of trees, Council will continue to identify new opportunities for tree planting.
- h. Street trees will be block planted as part of the Whole Street Planting Program and will be the majority of plantings that the council will undertake. This practice will benefit the Urban Forest within the City of Holdfast Bay with the aim to achieve whole avenues of street trees that will in time grow in unison with one another, whilst having a major contribution to the amenity value of the area.
- i. Council will ensure that a number of streets are allocated in the Whole Street Planting Program each planting season. Streets selected will be balanced out

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throughout the City of Holdfast Bay with one to three Streets allocated from each ward per year. The selected streets will be based on current tree stock existing within a street.

- j. Trees will be planted within the guidelines within Appendix 1.
- k. Property owners can apply to plant their own street tree by submitting the "Property Owner Street Tree Planting Form". The tree must be the nominated tree species for the location and is planted as per the guidelines in Appendix 1 of this policy. Planting cannot commence until written notification from Council has been received. Street trees planted by residents become the property of the City of Holdfast Bay. Only property owners can submit a "Property Owner Street Tree Planting Form".
- l. Where possible, each property will have at least one street tree on each frontage, and more where there is adequate space. Exemptions will be at the discretion of the General Manager City Assets or his nominated representative, and will be required in writing, based on criteria such as future development, heritage housing, and narrowness of space available and so on.
- m. Council will heed relevant information from utilities, SA Power Networks and SA Water, in the selection and the planting location of tree species.
- n. No site shall be re-planted due to death or vandalism and no individual plantings can be put through as singular request. However, at the discretion of the General Manager or his nominated representative, singular plantings may occur in areas of high tourism exposure.
- o. Street tree planting will not occur in zones where there is a record of soil contamination or if soil contamination is evident upon digging.
- p. All residential street tree planting will be programmed and undertaken during the cooler months of the year, between May and September each year.
- q. Residents will be advised of the tree species before planting.
- r. Fact sheets on the street tree species are available via the website or available from Customer Service.
- s. Street trees planted by council in locations with high probability of, or consistent vandalism, or in high traffic areas, will be protected by tree guards (civic guards).
- t. Coastal plantings will have coastal surrounds installed at time of planting. Coastal plantings will be only undertaken during August and September to give the best chance of survival.
- u. Council is not liable for any damage to property resulting from a tree planted in the road reserve (under section 245 of the *Local Government Act 1999*) unless a written request to Council regarding the risks has been received from an adjacent owner/occupier of property. When notified in writing of any issue by an adjacent owner/occupier of property, Council will determine an appropriate response to that notification to address its exposure to any ongoing liability.
- v. To assist residents in the management of established street trees causing issues to private infrastructure, including fence, yard and driveway, Council will offer up to 10m of root barrier at Council expense, for installation at resident expense, based on an engineering report of damage provided to the General Manager, City Assets or his nominated representative.

2.2. *Open Spaces*

- a. Open space refers to land that is publically accessible and provided for community benefit (e.g. recreation park, linear trail, sportsground and natural areas). Trees planted within those areas are in accordance with the City of Holdfast Bay Open Space and Public Realm Strategy and will be a selection of Australian natives. However, the City of Holdfast Bay defined Natural Areas will only be rejuvenated with tree species native to the council area and these trees will be planted in areas to benefit the existing flora and fauna and not to suit the recreational needs of users.
- b. Open space tree planting is generally undertaken during the cooler months of the year, between May and September each year.

2.3. *Tree Pruning*

- a. Council is responsible for all formative pruning, maintenance pruning and management of the street trees it plants and those that have been planted by residents on Council verges.
- b. Council maintenance of street trees is determined through best practice standards and its street tree procedures. Residents are not authorised to prune street trees on Council property. Where Council street trees are overhanging into private property, residents should contact Council for pruning to ensure the ongoing health of the tree and that the tree is not destabilised.
- c. Council is responsible for all maintenance and management of open space trees within the Council area.
- d. Pruning of Council trees will be carried out in accordance with Australian Standard 4373, 'Pruning of Amenity Trees'. The objective of the Australian Standard is to provide a guide defining uniform tree pruning procedures and practices in order to minimise the adverse or negative impact of pruning on trees.
- e. The age, condition, shape and form for the tree will be taken into account when pruning.
- f. No street tree will be fence-lined as this will result in an unbalanced tree. This will also bring on many other negative effects in terms of the tree's health and structure.
- g. Council will reduce canopies over dwellings as much as possible within reason. Consideration of the tree's significance and heritage listing may alter the approach with the amount of pruning that can occur.
- h. New developments that are constructed under existing canopies will not be pruned to the detriment of the tree.
- i. Council owned trees that intrude into and over infrastructures within the road reserve will be pruned to the following minimum clearance:
 - i) Footpath
 - Edge of footpath – 2.4m (height)
 - Centre of footpath – 2.7m (variations depending on pedestrian traffic loads, sight line issues and extent of private residential overhang)
 - ii) Road side (variance is dependent on traffic and/or sight line issues)
 - Edge of carriage way (non-arterial) – 2.5m to 3m
 - Edge of carriage way (arterial) – 5m
 - Centre of road (non-arterial) – 5m

2.4. *Tree Watering*

- a. Council will ensure summer watering for the first four years of the street trees it has planted, or as required; and residents are also encouraged to water street trees. Council will consider water sensitive urban design installations in the planting of street trees, to maximise the opportunity for tree health and to minimise impacts on infrastructure.
- b. Street trees planted by residents will not be watered by Council.
- c. Trees in open spaces are watered in summer by the reserve irrigation (if installed) or via manual processes. Trees will be monitored appropriately to ensure they are receiving enough water during the first four years, or as required.

2.5. *Removal of Trees - General*

- a. All requests for removal must be in writing and will be assessed by, or by a person nominated by, the General Manager, City Assets. Retention of the tree is the first priority when undertaking the assessment.
- b. Trees that are healthy and structurally sound will not be removed for the following reasons:
 - i) The tree obscures or potentially obscures views (other than traffic and pedestrian sight lines)
 - ii) The tree variety is disliked
 - iii) The tree variety causes nuisance by way of leaf, fruit or bark shedding or the like
 - iv) The tree provides habitat to wildlife that causes nuisance by way of droppings, tree litter and the like
 - v) The tree is in the way of a non-essential crossover or verge paving option
 - vi) The tree shades private gardens, solar hot water installations and the like.
- c. Removal will not be considered for any tree on the grounds that it is lifting up infrastructure around it. Council continually aim to pro-actively eliminate trip hazards acting upon the worst situations throughout the City of Holdfast Bay as a priority.
- d. The General Manager, City Assets or his nominated representative has delegated authority to effect the removal of street trees which are:
 - i) dead, dying, diseased, and/or structurally unsound,
 - ii) a non-complying species, or
 - iii) designated as weed/nuisance species by the South Australian Government, even if healthy and structurally soundRemoval in these circumstances will be at Council expense.
- e. The General Manager, City Assets or his nominated representative has delegated authority to effect the removal of street trees which are required for access for essential and emergency services. Removal and offset replacement in these circumstances will be at the applicant's expense, as outlined below.
- f. Residents are not authorised to remove trees from Council property. Council will use relevant provisions of the *Local Government Act 1999*, specifically section 221, to protect the value of its urban forest where trees have been vandalised or removed without Council authority.
- g. All relevant legislation from the impacts of development on trees will be used by Council to protect its street tree population.

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2.6. **Removal of trees which are not Regulated or Significant trees for development**

- a. All requests for the removal of a complying species street tree which is considered structurally sound and healthy will be referred to Council for a decision.
 - i) If removal of a healthy and structurally sound street tree is agreed by Council, the applicant shall be invoiced for the following costs:
 - removal of the tree and two replacement street trees as nominated in Council's Street Tree Strategy Planting Guide, based on Council's approved Schedule of Fees and Charges for the applicable year, and;
 - the lost amenity value of the tree based on the Revised Burnley Method of Tree Valuation.
 - ii) Replacement trees will be sourced and planted by field staff. Replacement trees will be planted in a future planting season.
- b. Trees can only be removed for development if the tree has a low useful life expectancy and/or has low amenity value. This will be determined by the General Manager, City Assets or his nominated representative.
- c. All other possible designs are to be considered before tree removal is an option.

2.7. **Removal of trees which are Regulated or Significant trees**

- a. All requests for removal or non-maintenance pruning of a healthy and structurally sound Regulated or Significant tree, where the removal or pruning amounts to "tree-damaging activity" in accordance with the *Development Act 1993* and *Development Regulations 2008* must be accompanied by a report from a qualified professional (i.e. an Arborist).
- b. All requests for the removal of a complying street tree species which is considered structurally sound and healthy will be referred to Council for a decision.
- c. If Council agrees that the removal of such a tree is warranted, a Development Application will be submitted and assessed under the *Development Act 1993* with its associated processes for public consultation, appeal and decision notification.

2.8. **Replacement of Regulated and Significant Trees**

- a. If a Regulated tree is removed by Council because it is no longer structurally sound, Council will, in accordance with the *Development Act 1993*, plant two trees with the potential to become significant at a nearby reserve, or replace the street tree and plant one tree with the potential to become significant at a nearby reserve.
- b. If a Significant street tree is removed by Council because it is no longer structurally sound, Council will, in accordance with the *Development Act 1993*, plant three trees with the potential to become significant at a nearby reserve, or replace the tree and plant two trees with the potential to become significant at a nearby reserve.

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2.9. Construction Works - General

- a. Council contractors undertaking construction works that may affect Council trees are required to follow the guidelines for work contained in Appendix 2 of this policy.

2.10. Kerb and Watertable Infrastructure (KWT)

- a. Where trees may be impacting on footpaths or kerb & watertable (KWT) infrastructure, different treatment options will be considered to minimise the damage impact to street trees, including the use of rubber or cement treated rubble.

2.11 Construction Works - Crossovers

- a. In the event of a street tree being required to be removed (subject to any approvals required under the *Development Act 1993*) to facilitate entry to a new or redeveloped property, the applicant shall be invoiced for the following costs:
 - i) removal of the tree and two replacement street trees as nominated in Council's Street Tree Strategy Planting Guide, based on Council's approved Schedule of Fees and Charges for the applicable year, and
 - ii) the lost amenity value of the tree based on the Revised Burnley Method of Tree Valuation
- b. Replacement trees will be sourced and planted by depot staff. Replacement trees will be planted in a future planting season.

3. REFERENCES

3.1 *Legislation*

- a. *Local Government Act 1999*
- b. *Development Act 1993*
- c. *Development (Regulated Trees) Amendment Act 2009*
- d. *Development (Regulated Trees) Variation Regulations 2011*

3.2 *Other References*

- a. City of Holdfast Bay Street Tree Strategy and Planting Guide
- b. City of Holdfast Bay Strategic Plan
- c. City of Holdfast Bay Development Plan
- d. City of Holdfast Bay Open Space and Public Realm Strategy
- e. AS 4373—2007

Appendix 1: Street Tree Spacing Requirements

Clearances

Infrastructure	Clearance Required
Corners	5m
Crossovers	3m
Stobie Poles	3m
Underground services pits	2m from edge
Storm water inlet	2m from edge
Stop, Give Way & Speed Signs	5m (front) or 2m (behind)
Other Signs	2m

- Trees must be planted central to verge. If there are to be multiple trees on verge, the tree must be the distance of its potential canopy spread of the selected tree species to prevent entanglement of canopies when trees reach maturity.

Verges

Verge Width	Approximate Tree Height
Up to 1m	Do not plant
1-2m	Small Tree at 5 -7m
2-3m	Medium Tree 7-10m
3m +	Large Tree 10-13m

Holes

- Hole depth must be no greater than 300mm.

Appendix 2: Guidelines for Contractors

- Construction works occurring in the vicinity of large trees, particularly Norfolk Island Pines, will not be undertaken where it is likely to damage or interfere with any part of the tree including roots without consulting with the General Manager, City Assets or his nominated representative.
- No root shall be severed closer than three metres from the base of any tree before consideration has been given to:
 - Accepting minor variations in line and level of pavement, kerbing, gutter and drainage or service system,
 - The use of permeable or replaceable surfaces, including gravel, rubble or similar around the base of the tree
 - Use of infiltration or soakage holes for minor drainage problems – with due regard to potential pollutants.
- Where root pruning is deemed necessary, work will be done under the supervision of the General Manager, City Assets or his nominated representative, generally the Manager Works & Environmental Services. In the event of any dispute, professional advice will be obtained from a qualified arborist or suitably experienced person.
- All works in the vicinity of trees shall take into account:
 - Provision of permeable surfaces up to 3 metres in diameter from the base of trees,
 - Provision of infiltration points for all trees surrounded by hard surfacing,
 - Directing run-off to the trees root zone rather than underground drainage systems.
- Any construction work or designs that are unable to meet the above criteria will not be approved, without consultation with the General Manager, City Assets. In the event of any dispute, an independent opinion shall be sought as stated above or by a report to Council for decision.
- All excavations around trees, including by Contractors, on trees larger than 10 metres will be inspected by an appropriate officer from Works & Environmental Services to consider alternate methods such as:
 - modifying design of KWT, or
 - not installing KWT in this section of road.

Item No: 19.11

Subject: **STATUTES AMENDMENT (LOCAL GOVERNMENT REVIEW) ACT 2021 – ROUND 2 REGULATIONS**

Date: 23 November 2021

Written By: Corporate Planner

General Manager: Strategy and Corporate, Ms P Jackson

SUMMARY

The *Statutes Amendment (Local Government Review) Act 2021* (the Review Act) substantially amends the *Local Government Act 1999*. The Office of Local Government (OLG), through the Local Government Association (LGA), is seeking feedback on the second round of draft regulations which will support the implementation of the Review Act.

The Round 2 Regulations are:

- *Local Government (Financial Management) (Review) Variation Regulations 2021*
 - *Local Government (General) (Annual Report) Variation Regulations 2021*
 - *Local Government (Transitional Provisions) (Stage 2) Variation Regulations 2021*
-

RECOMMENDATION

That Council:

- 1. endorses the position outlined in the report; and**
 - 2. authorises the Chief Executive Officer to respond on Council's behalf.**
-

COMMUNITY PLAN

Community: Fostering an engaged and contributing community

Culture: Enabling high performance

Culture: Supporting excellent, efficient operations

COUNCIL POLICY

Asset Accounting Policy

Corporate Credit Card Policy

Treasury Management Policy

Internal Audit Policy

Elected Member Training and Development Policy

Internal Review of Council Decisions Policy

STATUTORY PROVISIONS

Local Government Act 1999

Statutes Amendment (Local Government Review) Act 2021

BACKGROUND

The *Statutes Amendment (Local Government Review) Act 2021* (the Review Act) amends a number of provisions in the *Local Government Act 1999* (the LG Act) and amendments to associated Regulations.

The Office of Local Government (OLG), through the Local Government Association (LGA), is seeking feedback on the second round of draft regulations which will support the implementation of the Review Act. The OLG has asked for feedback by 24 November 2021 and the LGA has provided a discussion paper, which is provided as Attachment 1.

Refer Attachment 1

REPORT

Local Government (Financial Management) Regulations 2021

Proposed amendments include:

- further prescriptive requirements for the long term financial plan, which we already undertake;
- 3 yearly review of asset management and long term financial plans by ESCOSA, as foreshadowed in the release of the reforms;
- a requirement to publish a comparison of planned revenue from rates with the previous year and the expected increase in rates for the financial year for each land. The LGA suggests that this was an agreed alternative to 'rate capping'; and
- that internal financial controls must be in accordance with as the 'Better Practice Model—Internal Financial Control' (BPM), as ours are.

The LGA recommends supporting these variations. The variations are in line with our current practice, with the exception of the Essential Services Commission of South Australia (ESCOSA) review, which was an expected variation.

Local Government (General) Annual Reports) Regulations 2021

The variations comprise adding the following information to the Annual Report:

- reviews of Council decisions;
- details, including the cost, of any interstate or international travel by elected members and staff;
- details and costs of gifts over \$50 provided to staff and elected members; and
- a statement of the total amount of expenditure incurred using credit cards provided by the council for use by members or employees of the council.

The LGA supports all the proposed changes except the reporting of Council's ward quota. The LGA have advised that this regulation will be removed if the Electoral Commission of South Australia (ECSA) cannot supply the information.

It is recommended that Council support the recommendations of the LGA.

However, it is important to note that, whilst Council collects the raw data for each of these additional items, collating this information in a prescribed manner for the Annual Report will add to the staffing time to deliver the report. These costs are in addition to the, as yet unknown, cost to council for ESCOSA to undertake its reviews.

Local Government (Transitional Provisions) (Stage 2) Variation Regulations 2021

The transitional provisions clarify:

- that councils can use their existing consultation policies until such time as the Community Engagement Charter is enacted;
- the procedure for transitioning from a Presiding Member of Council to a Mayor (not relevant to the City of Holdfast Bay);
- that councils can maintain their existing Audit Committee members until the expiration of their current term of office;
- Councils may maintain their current contracts with auditors as long as the firm has a registered company auditor; and
- which elements of Council's long term financial plan need to be sent to ESCOSA prior to the variations to section 122 being enacted. The LGA has asked for further clarification in terms of the wording in the variation which states "all relevant information" and requested that it be reworded to "a manner consistent with the Uniform Presentation of Finances from the Model Financial Statements".

The LGA recommends supporting all these regulations but for the last. It is recommended that Council agrees with the recommendations of the LGA.

BUDGET

There is no budget impact for Council at this time. While the effects of the additional reporting requirements and the costs for the ESCOSA review are not known at this time, it is expected that these costs will be absorbed within existing operational budgets.

LIFE CYCLE COSTS

There are no life cycle costs arising at this time.

Attachment 1



Local Government Reform – Round 2 Regulations – Feedback sought

The *Statutes Amendment (Local Government Review) Act 2021* (the Review Act) substantially amends the *Local Government Act 1999* (the Local Government Act). Commencement of the sections is being staggered with the first tranche of amendments taking effect from 20 September 2021, the second tranche due to commence on 10 November 2021, and the remaining amendments suspended until a day to be set by further proclamation.

The Office of Local Government (OLG) is seeking feedback on the second round of draft regulations which will support the implementation of the Review Act. The Round 2 Regulations are:

- Local Government (Financial Management) (Review) Variation Regulations 2021
- Local Government (General) (Annual Report) Variation Regulations 2021
- Local Government (Transitional Provisions) (Stage 2) Variation Regulations 2021

In addition, a copy of the marked-up regulations have been provided to assist with understanding the proposed changes.

Note that this paper does not separately analyse the proposed City of Adelaide Regulations or Transitional Provisions. However, the changes proposed through these documents are very similar to the changes impacting on other councils.

The OLG has asked for feedback by **24 November 2021**. As much time as possible has been provided to receive formal council submissions, however, if your council is not able to provide a formal response within the timeframe an administrative submission is welcome.

Following is a summary of the proposed Round 2 Regulations, with LGA comments. This summary document does not set out the full detail of the Regulations. Please ensure you review the Regulation documents for the full details proposed.

The LGA generally supports the proposed regulations on the basis that they reflect negotiated positions reached during the progression of the Review Act through the Parliamentary process. However, the LGA intends to continue to seek to clarify requirements and will provide additional support to councils through development of guidance and information papers.

Any feedback on the proposed Regulations should be provided as soon as possible to **Andrew Lamb, Local Government Reform Partner at andrew.lamb@lga.sa.gov.au**.

This round of changes is focused on financial reporting. The LGA is working closely with the Local Government Financial Management Group (FMG) on the wording of these Regulations. We hope that the FMG can help provide clarity about the impacts and any necessary adjustments to enable councils to achieve the new legislative requirements in the most efficient manner possible. This FMG advice is likely to inform LGA advocacy on these Regulations.

Local Government (Financial Management) (Review) Variation Regulations 2021

(these Regulations vary the *Local Government (Financial Management) Regulations 2011* (the Financial Management Regulations))

Regulation No.	What is the change to the Local Government Act?	What does the Regulation do?	LGA Comment
1-3	N/A	These are technical sections setting out the title, the date of commencement and to explain how the change will work.	These regulations are procedural and uncontroversial.
4(1)	<p>Changes to section 122(1a) of the Local Government Act now provide that a council long-term financial plan (LTFP) must relate to a period of at least 10 years and must include a funding plan that:</p> <ul style="list-style-type: none"> (i) outlines the council's approach to funding services and infrastructure; (ii) sets out the council's projected total revenue for the period; and (iii) outlines the intended sources of revenue (such as rates, grants and other fees and charges). 	<p>This Regulation varies Regulation 5 of the Financial Management Regulations, which sets out inclusions required in a council's LTFP. Regulation 5(2)(b) and requires a statement which sets out the basis on which the LTFP has been prepared.</p> <p>This amendment requires this statement to also set out the key assumptions used as the basis for preparation of the LTFP.</p>	<p>Discussions with the OLG have confirmed that the proposed 'funding plan' is not a separate document, rather it is an explanatory statement that should be incorporated into a council's LTFP.</p> <p>It is likely that each council will already have developed a range of assumptions which underpin their LTFPs. These may include some assumptions that apply state-wide (eg average CPI over is expected to be x%) and some assumptions that will need to be determined at a council-level (eg growth in population over ten years is likely to be y% per annum).</p> <p>The LGA makes available on the member services section of its website forecasts (for the next three years) of the Local Government Price Index and Related Indices (prepared by the SA Centre for Economic Studies) to assist in this regard.</p> <p>The LGA will provide guidance on complying with the required 'funding plan' including a suggested format and will work with FMG to update the Uniform Presentation of Finances within the Model Financial Statements.</p> <p>This regulation is supported.</p>

Regulation No.	What is the change to the Local Government Act?	What does the Regulation do?	LGA Comment
4(2)	Section 122 (1c) to (1k) establishes new arrangements for the Essential Services Commission of SA (ESCOSA) to review specified council documents. ESCOSA will conduct its review in accordance with the prescribed period in section 122(1c).	This Regulation defines the prescribed period for the purposes of section 122(1c) as three years.	<p>The 3-year time period set out in these Regulations is expected. Councils will be divided into three tranches and will be reviewed at least once every three years.</p> <p>Rather than have the State Government randomly allocate each council to one of the three tranches, the LGA has indicated that it will liaise with member councils and propose a list of councils for each of the tranches.</p> <p>This regulation is supported.</p>
5	Section 124(2)(g) of the Local Government Act is unchanged. This requires council annual business plans to include an outline of any matters prescribed by the Regulations.	<p>This Regulation varies Regulation 6—Annual business plans and sets out additional requirements to be included in annual business plans, which in summary are:</p> <ul style="list-style-type: none"> • Total expected revenue from general rates compared to the total revenue from general rates for the previous financial year (excluding mandatory rebates and remissions). • The percentage change in the total expected revenue from general rates compared to the total revenue from general rates for the previous financial year (excluding mandatory rebates and remissions). <p>Note: this must not include growth relating to increased property value, but may include an increase in the number of rateable properties.</p>	<p>This proposal was the negotiated alternative to ‘rate capping’.</p> <p>The LGA understands that the State Government is looking for Annual Business Plans to present financial information in an identical manner, to facilitate the comparison of this information between councils.</p> <p>In particular, the LGA understands the State Government is concerned that when councils report ‘growth’, growth components are referred to differently across councils. This makes inter-council comparisons difficult and less meaningful.</p> <p>It is entirely possible that this information, once reported by councils and made publicly available within Annual Business Plan’s, will be collated by the media and used to ‘compare’ councils. Consequently, the LGA is mindful of ensuring the Regulations are clear and interpreted consistently by the sector.</p> <p>The LGA is liaising closely with FMG on these clauses. Ideally, the mandatory information to be reported:</p>

Regulation No.	What is the change to the Local Government Act?	What does the Regulation do?	LGA Comment
		<ul style="list-style-type: none"> The average change in the expected rates for the financial year for each land use category compared to the rates for each category for the previous financial year (if relevant). 	<ul style="list-style-type: none"> should be readily available to a council and should not require unnecessary administrative work to meet the reporting requirements. should not prevent councils from reporting other relevant information about rates and growth in an alternate manner in its Annual Business Plan and in other council publications. <p>Discussions with the OLG have indicated that the intention is that forecast figures will be used as the basis for comparisons, i.e. the comparisons will be between an amount adopted in the Annual Business Plan for the current financial year and an amount proposed to be adopted in the Annual Business Plan for the subsequent financial year.</p> <p>The LGA has discussed this regulation at length with the OLG and sought changes to clarify language and purpose with no success. As currently drafted, it is open to various interpretations as to what councils should report. The LGA will continue to submit that clarification is required in this Regulation.</p> <p>The LGA has also provided feedback that the phrase <i>'rebates and remissions on rates that are not discretionary rebates or remissions'</i> is unnecessarily complex and that <i>'mandatory rebates and remissions on rates'</i> should be used for simplicity and clarity. Clarification was sought as to whether the intent was to capture anything other than mandatory rebates and</p>

Regulation No.	What is the change to the Local Government Act?	What does the Regulation do?	LGA Comment
			<p>remissions and the advice received was no, however, no changes have been made to the drafting at this time.</p> <p>In providing feedback on these Regulations councils are asked to advise if there are other components that should be excluded (in addition to mandatory rebates/remissions)? Alternatively, councils are also asked to advise if there are elements that should be included to enable better comparison?</p> <p>The LGA will seek further information as to what obligations will apply to councils that rate on a locality basis, noting this is not captured in the proposed Regulations.</p> <p>The LGA supports the intent of this regulation (increased transparency) and acknowledges that reporting against the three components is not an overly onerous obligation for councils, however the LGA has concerns that the information reported will not necessarily achieve the intent. The LGA will continue to work with councils to clarify obligations and reporting requirements.</p> <p>Subject to feedback from councils in this consultation process, the LGA is likely to support this regulation, whilst still seeking to achieve further clarity in the drafting.</p>

Regulation No.	What is the change to the Local Government Act?	What does the Regulation do?	LGA Comment
6	<p>Section 125(1) of the Local Government Act already requires councils to ensure “<i>appropriate policies, practices and procedures of internal control are implemented and maintained</i>”.</p> <p>New section 125(2) of the Local Government Act requires these to be made in accordance with a standard or document (such as a model relating to financial controls) adopted by the Regulations.</p>	<p>Proposed Regulation 10A identifies the document that council policies, practices and procedures of internal financial control must be in accordance with as the ‘Better Practice Model—Internal Financial Control’ (BPM)</p>	<p>The BPM has been developed by council financial managers. The BPM:</p> <ul style="list-style-type: none"> • Has been specifically prepared by and for the SA local government sector. • Is scalable, ensuring its applicability for councils of different sizes and type. • Recognises the financial and legislative constraints within which the SA local government sector operates. <p>The BPM will continue to be a sector-produced document, although future changes must be approved by the Minister.</p> <p>This regulation is supported.</p>
7	<p>In section 126 of the Local Government Act, reference to council ‘Audit Committees’ is changed to ‘Audit and Risk Committees’.</p> <p>New section 126A of the Local Government Act enables two or more councils to establish a regional audit and risk committee.</p>	<p>The Regulation changes the heading above section 17 from ‘Audit committees’ to ‘Council and regional audit and risk committees.’</p>	<p>This change merely updates the heading and does not make a substantive change.</p>

Regulation No.	What is the change to the Local Government Act?	What does the Regulation do?	LGA Comment
8	New sections 126 and 126A of the Local Government Act provide that a majority of members of a council and regional audit and risk committee must not be members or employees of the council.	Reference to the audit committee in Regulation 17(1) is updated to audit and risk committee. Current regulation 17(1)(b) is deleted. This Regulation previously required council audit committees to have at least one member who is not a member of the council. Section 126(2) of the Local Government Act (rather than the Regulations) now sets out the obligation that the majority of the members of the council or regional audit and risk committee must be persons who are not council members and may not include employees of the council.	These changes update the Regulations, to take into account changes made to the Local Government Act. This regulation is supported.
9	New section 126A of the Local Government Act enables two or more councils to establish a regional audit and risk committee.	This regulation inserts new regulations 17A and 17B. Regulation 17A provides that regional audit and risk committees: <ul style="list-style-type: none"> • must have between 3 and 5 members; and • must not include, as a member, the council's auditor. Regulation 17B sets out the requirements to liaise with a council auditor as per section 126(4)(e) (council audit and risk committee) and section 126A(4)(e) (regional audit and risk committee). The prescribed requirements are that a meeting with the auditor occur on at least 1 occasion per year on a confidential basis, with a majority of the members of the committee present and no members or employees of the council present (other than members of the committee).	Similar propositions apply where an audit and risk committee is established in relation to a single council. The LGA is unaware of any groups of councils who are contemplating establishing a regional audit and risk committee. A general obligation for the council audit committee to liaise with the council auditor previously existed in section 126(4)(c) of the Local Government Act. However, the changes made by sections 84(6) and 85 of the Review Act provide that liaison with the council auditor must occur in accordance with requirements prescribed by regulations. This regulation is supported.

Local Government (General) Annual Reports) Variation Regulations 2021

(these Regulations vary the *Local Government (General) Regulations 2013* (the General Regulations))

Regulation No.	What is the change to the Act?	What does the Regulation do?	LGA Comment
1-3	N/A	These are technical sections setting out the title, the date of commencement and to explain how the change will work.	These regulations are procedural and uncontroversial.
4	<p>Schedule 4 of the Local Government Act sets out all of the material that a council must include in its Annual Report.</p> <p>As a consequence of changes from the Review Act some of these annual reporting requirements will be deleted and replaced by different requirements.</p>	<p>The proposed variation to Regulation 35(2) provides that Annual Reports must include the following new information:</p> <ol style="list-style-type: none"> the report that a council must already produce annually on reviews of council decisions (pursuant to section 270(8)); a summary of the details (including the cost) of any interstate and international travel (excluding prescribed interstate travel) undertaken by members of the council during the relevant financial year funded in whole or in part by the council; a summary of the details (including the cost) of any interstate and international travel (excluding prescribed interstate travel) undertaken by employees of the council during the relevant financial year funded in whole or in part by the council; 	<p>The LGA welcomes the deletion of many current unnecessary reporting requirements in Schedule 4. Unfortunately, the new provisions will, on balance, increase councils' requirements to report material in their Annual Reports.</p> <p>The LGA recognises, however, that there are a number of community voices who would prefer an even greater increase to council reporting requirements.</p> <p>In the current term of Parliament, several Bills were tabled calling for greater reporting on the issues contemplated by this Regulation.</p> <p>The Review Act only passed Parliament in its current form after Treasurer Rob Lucas gave the Legislative Council an undertaking that these matters would be addressed in Regulations.</p> <p>The LGA is liaising closely with the FMG on these clauses to seek clarity on reporting templates and guidelines in order to meet the requirements and to facilitate appropriate levels of consistency with reporting across the sector.</p> <p>Ideally, the mandatory information to be reported:</p> <ul style="list-style-type: none"> will already be collected by councils and will not impose a substantial additional regulatory burden. Is already contained in council IT systems, enabling the information to be 'cut and pasted' into council Annual Reports.

Regulation No.	What is the change to the Act?	What does the Regulation do?	LGA Comment
		<p>d. a summary of the details (including the cost) of any gifts above the value of \$50 provided to members of the council during the relevant financial year funded in whole or in part by the council;</p> <p>e. a summary of the details (including the cost) of any gifts above the value of \$50 provided to employees of the council during the relevant financial year funded in whole or in part by the council; and</p> <p>f. a statement of the total amount of expenditure incurred using credit cards provided by the council for use by members or employees of the council during the relevant financial year.</p>	<ul style="list-style-type: none"> • Should not prevent councils from reporting information about rates and growth in an alternate manner in its Annual Business Plan and in other council publications. <p>In relation to the requirement to report details of interstate travel, the LGA is of the view that the drafting of the regulation is complex and could be difficult to interpret. The following seeks to provide a simple explanation of the reporting requirements for interstate travel:</p> <ul style="list-style-type: none"> • All councils will need to provide a summary of details of interstate and international travel for members and employees. • This excludes 'prescribed interstate travel' –defined in regulation 35(3) which applies only to councils that share a border with another State or Territory ('border councils') and relates to travel within the other State or Territory undertaken in the course of ordinary business of the council. • However, regulation 35(4) clarifies that 'ordinary business' does <u>not</u> include travel to a conference, training or development in another State. Any travel of this nature by members and/or employees of a 'border council' must be included in the summary. <p>In relation to the credit card expenditure reporting requirement, many councils are already publishing credit card details to their websites, which sets out greater detail in relation to credit card usage than required by this new annual report obligation.</p> <p>Subject to feedback from FMG and councils the LGA is likely to support this regulation.</p>

Regulation No.	What is the change to the Act?	What does the Regulation do?	LGA Comment
5	<p>Schedule 4 of the Local Government Act sets out all of the material that a council must include in its Annual Report.</p> <p>As a consequence of changes from the Review Act some of these annual reporting requirements will be deleted and replaced by different requirements.</p>	<p>This regulation varies Schedule 4 to include the following additional matter in a council Annual Report:</p> <ul style="list-style-type: none"> If the council is divided into wards, the council's ward quota. <p>A ward quota for a council is an amount ascertained by dividing the number of electors for the area of the council (as at the last closing date under the <i>Local Government (Elections) Act 1999</i>) by the number of members for the area of the council who represent wards (ignoring any fractions resulting from the division and expressed as a quota).</p>	<p>The LGA believes that new regulations should only be introduced if there is a 'problem' that requires regulatory intervention. The LGA is not aware of any evidence to suggest that councils are unaware of the applicable ward quotas or that communities seek this information from council via their annual reports.</p> <p>Anecdotal commentary from the OLG has suggested that a small number of councils have disregarded ward quotas during the conduct of representation reviews and proposed the inclusion of an additional reporting obligation to ensure councils actively monitor ward quotas.</p> <p>The LGA believes that any new regulatory burden should be proportionate to the 'problem' it seeks to overcome. The LGA does not see value in all 68 councils calculating and reporting their ward quotas annually in their annual reports and is unconvinced that this new regulatory obligation would achieve any policy objective.</p> <p>Despite vigorous objections from the LGA on the basis that this issue has not been previously raised as an area of concern, nor has the matter been raised by the Electoral Commission of SA (ECSA), the OLG is of the view that inclusion of this information along with the currently reported representation quota is not unreasonable.</p> <p>The OLG has given the LGA an undertaking that if the ECSA cannot include details of council ward quotas in the representation data already provided to the LGA to satisfy the requirement at Schedule 4(1)(h), the regulation will be removed.</p> <p>This regulation is not supported.</p>

Local Government (Transitional Provisions) (Stage 2) Variation Regulations 2021

Transitional Provisions are only intended to apply for a window of time. They are designed to assist councils transition from the current to the amended version of the Local Government Act.

Regulation No.	What is the change to the Act?	What does the Regulation do?	LGA Comment
1-3	N/A	These are technical sections setting out the title, the date of commencement and to explain how the change will work.	These regulations are procedural and uncontroversial.
4	Pursuant to section 16 of the Review Act substantial changes will be made to sections 50 and 50A of the Local Government Act relating to public consultation. This will include a new (state-wide) Community Engagement Charter (CEC). Each council must also adopt a Community Engagement Policy (CEP).	<p>Councils are required to undertake public consultation in relation to:</p> <ul style="list-style-type: none"> • A 'Representation Report' produced as part of a process to alter the representation of a council or to change its ward structure (section 12 of the Local Government Act). • Any changes to a code of practice adopted pursuant to section 92 of the Local Government Act– Access to meetings and documents. <p>The Transitional Regulations provide that until the new CEC and CEP commence, a council may satisfy its public consultation obligations by complying with their existing public consultation policy.</p>	<p>This change gives council certainty about which public consultation/community engagement rules apply in relation to sections 12 and 92 of the Local Government Act and on that basis is supported.</p> <p>However, there are many other sections of the Local Government Act where public consultation is required. The LGA questions whether the scope of this Transitional Regulation should be broader, to clarify that councils may use their existing public consultation policies in relation to any public consultation required by the Local Government Act, until such time as sections 50 and 50A commence.</p> <p>The LGA supports this regulation and will continue discussions to ensure effective implementation of reforms relating to community engagement.</p>

Regulation No.	What is the change to the Act?	What does the Regulation do?	LGA Comment
5	<p>Changes to the Local Government Act will ensure the Principal Member of the council will be elected from the whole council area. It will no longer be possible for a Principal Member to be elected by the other council members.</p>	<p>The Transitional Regulation supplements the existing transitional provisions in section 147 of the Review Act.</p> <p>If a council commences a representation review after the changes to section 12 of the Local Government Act commence (ie after November 2021) and completes this review before 1 January 2022, then the changes will commence at the next periodic elections (ie in November 2022).</p> <p>In any other case, the changes resulting from a council's representation review will apply from the subsequent council periodic elections (most likely in November 2026).</p> <p>If a council is intending to change their representation arrangements to facilitate this change (ie the basis of electing the Principal Member), then a council does not need to comply with sections 12(3) to 12(11e) of the Local Government Act in relation to that change (however these sections do apply in relation to other changes that a council proposes to make pursuant to section 12).</p> <p>The Transitional Provisions then enables ECSA to give effect to these changes.</p>	<p>These Transitional Provisions will only apply to councils that are required to change the way their Principal Member is elected.</p> <p>The proposed provisions are well-meaning but complicated.</p> <p>Section 12(5) of the Local Government Act requires a representation report to be prepared by a suitably qualified person. If these Transitional Provisions apply, the LGA recommends that councils engage this qualified person or a lawyer to give advice on how to comply with the transitional requirements.</p> <p>The LGA supports this regulation.</p>

Regulation No.	What is the change to the Act?	What does the Regulation do?	LGA Comment
6.1	<p>Amendments to section 122 of the Local Government Act will require a council long-term financial plan to include a funding plan that:</p> <ul style="list-style-type: none"> (i) outlines the council's approach to funding services and infrastructure of the council; and (ii) sets out the council's projected total revenue for the period to which the long-term financial plan relates; and (iii) outlines the intended sources of that total revenue (such as revenue from rates, grants and other fees and charges). <p>Pursuant to new section 122(1e) of the Local Government Act, councils will have an obligation to provide the ESCOSA with “all relevant information (in accordance with ESCOSA guidelines)” on the following:</p> <ul style="list-style-type: none"> (i) material amendments made or proposed to be made to the council's long-term financial plan and infrastructure and asset management plan and the council's reasons for those amendments; (ii) revenue sources outlined in the funding plan referred to in subsection 122(1a)(a) of the Local Government Act; and (iii) any other matter prescribed by the regulations. 	<p>Until commencement of the changes to section 122 of the Local Government Act, a council will be taken to have satisfied its obligations pursuant to section 122(1e) if it provides ESCOSA with “all relevant information on the intended sources of the council's projected total revenue for the period to which its long-term financial plan relates (such as revenue from rates, grants and other fees and charges)”.</p>	<p>The proposed Transitional Provisions sets out a way for councils to comply with their new obligations to report information to ESCOSA, before the commencement of the obligation for the council to have that information in place.</p> <p>The LGA is concerned that the expression “all relevant information” is too broad. Information can be ‘relevant’ whilst also being superfluous, repeated, or unhelpful, etc. A council’s entire rating database is probably relevant information, and the proposed obligation would require a council to provide “all” of it.</p> <p>The LGA has raised these concerns with the OLG who have advised that the intent of the transitional regulation is to ensure a consistent legislative requirement for councils in the first year of the operation of the scheme with councils in later years.</p> <p>The LGA is concerned that for transitional purposes, the regulations as drafted do not provide sufficient clarity as to what information councils must report.</p> <p>The LGA recommends alternative wording so that a council can satisfy its obligations pursuant to section 122(1e) provided it has prepared the information provided to ESCOSA in a manner consistent with the Uniform Presentation of Finances from the Model Financial Statements.</p>

Regulation No.	What is the change to the Act?	What does the Regulation do?	LGA Comment
6.2	<p>Changes to section 126(2) of the Local Government Act will amend the composition of council audit and risk committees.</p> <p>A majority of the members of these committees must not be members of the council. They also must not be employees of the council. Collectively, the committee must have the skills specified in section 126(2)(b) of the Local Government Act.</p>	<p>The Transitional Provisions will authorise existing members of council audit committees to remain on the new audit and risk committee until the expiration of their current term of office, despite the new requirements of section 126(2).</p>	<p>Many regional councils have difficulty in recruiting independent members for their audit committees.</p> <p>The Transitional Provisions will give councils additional time to transition to the new requirements, including time to recruit suitable new audit and risk committee members.</p> <p>This regulation is supported.</p>
6.3	<p>Changes to section 128(6) of the Local Government Act will require councils to change their external auditor every five years and not re-appoint any auditor for a five-year period after their previous period as auditor has expired.</p>	<p>The Transitional Provision provides that, if an audit firm comprises at least one registered company auditor, then the changes to section 128(6) do not commence until the end of the term of the current contract with that audit firm.</p>	<p>This is a sensible transitional provision which will enable councils to honour their existing commercial contracts with auditors. The new requirements will commence at the end of the current contractual term.</p> <p>This regulation is supported.</p>