

## 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 14 February 2023 at 7.00pm**



Marnie Lock  
ACTING CHIEF EXECUTIVE OFFICER

## Ordinary Council Meeting Agenda

### 1. OPENING

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

### 2. KAURNA ACKNOWLEDGEMENT

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

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

### 3. SERVICE TO COUNTRY ACKNOWLEDGEMENT

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

### 4. PRAYER

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

### 5. APOLOGIES

5.1 Apologies Received

5.2 Absent – Councillor W Miller

### 6. ITEMS PRESENTED TO COUNCIL

### 7. DECLARATION OF INTEREST

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

### 8. CONFIRMATION OF MINUTES

**That the minutes of the Ordinary Meeting of Council held on 24 January 2023 be taken as read and confirmed.**

### 9. PUBLIC PRESENTATIONS

#### 9.1 Petitions

9.1.1 Calvary Brighton Aged Facility (Report No: 25/23)

9.2 **Presentations** - Nil

9.3 **Deputations** - Nil

**10. QUESTIONS BY MEMBERS**

10.1 **Without Notice**

10.2 **On Notice**

10.2.1 Partridge House Maps Classification – Councillor Smedley  
(Report No: 39/22)

10.2.2 Glenelg Town Hall Clock Tower and Façade Renovations –  
Councillor Smedley (Report No: 44/23)

**11. MEMBER’S ACTIVITY REPORTS** - Nil

**12. MOTIONS ON NOTICE**

12.1 Expansion of Existing Glenelg Dry Area – Councillor Patton  
(Report No: 30/23)

**13. ADJOURNED MATTERS** - Nil

**14. REPORTS OF MANAGEMENT COMMITTEES AND SUBSIDIARIES**

14.1 Minutes – Jetty Road Mainstreet Committee – 1 February 2023  
(Report No: 38/23)

14.2 Minutes – Executive Committee – 24 January 2023 (Report No: 34/23)

**15. REPORTS BY OFFICERS**

15.1 Items in Brief (Report No: 29/23)

15.2 Budget and Annual Business Plan Update – as at December 2022  
(Report No: 45/23)

15.3 Instrument of Delegation for the Council’s By-Laws (Report No: 31/23)

15.4 IT Policies (Report No: 33/23)

15.5 Parliamentary Inquiry into the Urban Forest (Report No: 46/23)

15.6 Sea to Shore: Glenelg Seafood Festival (Report No: 28/23)

15.7 Call for Nominations – Dog and Cat Management Report  
(Report No: 36/23)

15.8 Call for Nominations – SA Country Arts Trust (Report No: 37/23)

15.9 Executive Committee Terms of Reference (Report No: 35/23)

**16. RESOLUTIONS SUBJECT TO FORMAL MOTIONS**

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

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

**18. CONFIDENTIAL ITEMS****18.1 Event Activation (Report No: 27/23)**

Pursuant to Section 83(5) of the *Local Government Act 1999* the Report attached to this agenda and the accompanying documentation is delivered to the Council Members upon the basis that the Council consider the Report and the documents in confidence under Part 3 of the Act, specifically on the basis that Council will receive, discuss or consider:

- g. matters that must be considered in confidence in order to ensure that the council does not breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty.**

**18.2 Tram 361 Expressions of Interest Results (Report No: 32/23)**

Pursuant to Section 83(5) of the *Local Government Act 1999* the Report attached to this agenda and the accompanying documentation is delivered to the Council Members upon the basis that the Council consider the Report and the documents in confidence under Part 3 of the Act, specifically on the basis that Council will receive, discuss or consider:

- b. Information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and would, on balance, be contrary to the public interest.**

**19. CLOSURE**

**MARNIE LOCK**  
**ACTING CHIEF EXECUTIVE OFFICER**

Item No: 9.1.1

Subject: **PETITION – CALVARY BRIGHTON AGED FACILITY**

Date: 14 February 2023

Written By: Executive Support Officer

Chief Executive Officer: Mr R Bria

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### **SUMMARY**

A non-conforming petition has been received from the Calvary Brighton Aged Facility, requesting Council consider installing an aged crossing or push-button lights on Brighton Road, in front of the facility.

The petition does not meet the criteria outlined in the Council's Code of Practice – Meeting Procedures as it does not include the Head Petitioners contact details on each page of the petition; it does not restate the whole of the request or submission of the petitioners; and the names and addresses are not included in the submission.

The residents of the Calvary Brighton Aged Facility have been advised that whilst their petition is non-conforming, the Mayor has agreed to include the item on the Council agenda for noting.

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### **RECOMMENDATION**

**That the non-conforming petition be noted.**

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### **STRATEGIC PLAN**

Not applicable

### **COUNCIL POLICY**

Code of Practice – Meeting Procedures

### **STATUTORY PROVISIONS**

*Local Government Act 1999*

*Local Government Act (Procedures at Meetings) Regulations 2013*

## REPORT

A non-conforming petition has been received requesting:

*“The residents of Calvary Brighton Aged facility at 580 Brighton Road, South Brighton would like to petition for an aged crossing or push-button lights on Brighton Road, in front of the facility.*

*Calvary Brighton has around 70 residents with varying levels of mobility. A number have aged spouses who use mobility devices when visiting. The majority rely on public transport and consider crossing Brighton Road a dangerous undertaking. Many staff who are bus travellers reiterate these concerns.*

*Existing alternative solutions are untenable for the aged as distance to bus stop with diminished traffic is too far for them to reach comfortably. The spouse of a resident recently had to have a wheel replaced on her walking frame as she travels to the stop after stop 39 to cross safely and walk back along ill maintained foot paths to visit her husband. The Bus Stop outside Calvary Aged Care is Bus Stop 39 on the corner of Mills Street and Brighton Road.”*

*Refer Attachment 1*

The full petition is available on the “Hub” for Elected Members.

Brighton Road is a Department for Infrastructure and Transport asset, and these types of requests need to be managed by the Department.

## ADMINISTRATION COMMENT

### **Requirements of the Local Government (Procedures at Meetings) Regulations 2013 and City of Holdfast Bay Code of Practice – Meeting Procedures**

The *Local Government (Procedures at Meetings) Regulations 2013* and City of Holdfast Bay Code of Practice – Meeting Procedures describe how petitions are dealt with by Council and the minimum criteria that they need to meet to be considered as a petition by Council. Section 10 of regulations are shown below.

#### 10—Petitions

- (1) A petition to the council must—
  - (a) be legibly written or typed or printed; and
  - (b) clearly set out the request or submission of the petitioners; and
  - (c) include the name and address of each person who signed or endorsed the petition; and
  - (d) be addressed to the council and delivered to the principal office of the council.
- (2) If a petition is received under subregulation (1), the chief executive officer must ensure that the petition or, if the council has so determined as a policy of the council, a statement as to the nature of the request or submission and

the number of signatures or the number of persons endorsing the petition, is placed on the agenda for the next ordinary meeting of the council or, if so provided by a policy of the council, a committee of the council.

- (3) Subregulation (2) may be varied at the discretion of the council pursuant to regulation 6.

In addition, the City of Holdfast Bay Code of Practice – Meeting Procedures has additional criteria which a petition must also meet, and these are shown below.

Part Two, Regulation 10:

- (4) Each page of a petition is to be presented by the head petitioner to Council's Administration and identify the name and contact details of the head petitioner.
- (5) Each page of a petition presented to Council is to restate the whole of the request or submission of the petitioners.
- (6) Where a page of a petition does not comply with City of Holdfast Bay provision 5 above, the signatures on that page will not be taken into account by the Council when considering the petition.
- (7) A petition to the Council must be received no less than 6 clear days prior to the date of the next ordinary meeting of the Council (in this case, as the Council meets on a Tuesday, the deadline is 5.00pm the prior Tuesday), or the date at which the head petitioner requests that the petition be presented to the Council. Petitions received less than 6 clear days will be tabled at the next subsequent meeting.
- (8) On receipt of a petition, a summary report providing the statement as to the nature of the request or submission of the petitioners, and the number of signatures with name and address details (address includes street name and/or suburb name) on the petition, will be placed on the agenda for the next ordinary council meeting, subject to provision 7 above. A full copy of the petition will be available for viewing upon request but will not be placed on the agenda.
- (9) Signatures without name and address details will not be counted as valid signatories.

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

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

**BUDGET**

Not applicable

**LIFE CYCLE COSTS**

Not applicable

# Attachment 1



## PETITION

City of Holdfast Bay – Brighton

24 Jetty Rd, Brighton SA 5048

### **TO WHOM IT MAY CONCERN**

The residents of Calvary Brighton Aged facility at 580 Brighton Road, South Brighton would like to petition for an Aged Crossing or Push Button lights on Brighton Road, in front of the facility.

Calvary Brighton has around 70 residents with varying levels of mobility. A number have aged spouses who use mobility devices when visiting. The majority rely on public transport and consider crossing Brighton road a dangerous undertaking. Many staff who are bus travellers reiterate these concerns.

Existing alternative solutions are untenable for the aged as distance to bus stop with diminished traffic is too far for them to reach comfortably.

The spouse of a resident recently had to have a wheel replaced on her walking frame as she travels to the stop after stop 39 to cross safely and walk back along ill maintained foot paths to visit her husband.

The Bus Stop outside Calvary Aged Care is Bus Stop 39 on the corner of Mills street and Brighton Road.

A signed Petition is attached to this request.

Thank you and Kind regards,

Maureen Russell



(Resident at Calvary Brighton Aged Care)

Cc: The Premiers Office

Item No: 10.2 1

Subject: **QUESTION ON NOTICE – PARTRIDGE HOUSE MAPS CLASSIFICATION – COUNCILLOR SMEDLEY**

Date: 14 February 2023

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## **QUESTION**

Councillor Smedley asked the following question:

***“Could Administration please advise what further steps have been taken, since February 2022, to give effect to Council resolution C080222/2536 - Partridge House Maps Classification, and advise the current status of negotiations with Google?”***

## **Background**

The question refers to:

1. Motion on Notice 12.3 - Partridge House Maps Classification (Report No: 34/22) contained in Agenda dated 8 February 2022, moved by Cr Miller; and
2. subsequent Item in Brief 15.1 (Item 2) contained in Agenda 22 February 2022.

It is noted that a review of Google Maps on 3 February 2023 reveals no change has been made.

## **ANSWER – Manager, Communications and Engagement**

In response to Council resolution C080222/2536, Administration has endeavoured to create a new Google listing for Partridge House Gardens, in order to maintain a separate listing for Partridge House to support the commercial viability of the venue.

Google oversees and approves all listings and to have two listings for one location (Partridge House and Partridge House Gardens) can be problematic. Several attempts have been made over the past year to submit the Gardens as a separate listing, including using different location markers to distinguish between the Garden and the House, but each time Google has eventually assessed it to be a duplicate listing and rejected it. A review request was submitted to Google, but this was also rejected.

Administration have now engaged a third-party digital services specialist to provide expert advice and investigate further options at an estimated cost of \$1,000.

Additionally, the following actions have been undertaken by Administration to increase the profile of Partridge House Gardens:

- created a separate Partridge House Gardens listing on the Council's website:  
<https://www.holdfast.sa.gov.au/discover-our-place/parks-and-reserves/partridge-house-gardens>;
- created a Partridge House Gardens listing on the Holdfast Bay map, featured on the holdfast.sa.gov.au home page and on the My Holdfast App; and
- full page article about Partridge House Gardens in the Autumn 2022 edition of Our Place magazine.

Item No: 10.2 2

Subject: **QUESTION ON NOTICE – GLENELG TOWN HALL CLOCK TOWER AND  
FAÇADE RENOVATIONS – COUNCILLOR SMEDLEY**

Date: 14 February 2023

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## **QUESTION**

Councillor Smedley asked the following question:

***“Could Administration please advise the current status and estimated time for completion of paint and necessary repairs to the façade of the Glenelg Town Hall, following the failure of some aspects of renovation works in 2021?”***

## **ANSWER – Manager, Buildings and Facilities**

The southern facade of the Glenelg Town Hall has shown some deterioration following major repair works conducted in 2021. The cause of the deterioration has been investigated by a specialist and the deterioration is considered as a result of a number of contributing factors. A methodology for repair works has been proposed. The contractor who undertook the works will undertake an investigation and if the substrate is suitable, undertake a trial repair.

The trial repair will assess both the methodology and materials as well as the extent of works. Once repairs are completed, the repair site will be monitored before further works are undertaken.

The contractor is about to commence the trial and the trial should be completed within a week.

Item No: 12.1

Subject: **MOTION ON NOTICE – EXPANSION OF EXISTING GLENELG DRY AREA – COUNCILLOR PATTON**

Date: 14 February 2023

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### **PROPOSED MOTION**

Councillor Patton proposed the following motion:

**That Council endorse Administration to work with SAPOL and other relevant Stakeholders to extend the current Glenelg Dry Area to align with the boundaries of the New Year's Eve Extended Area including Colley Terrace, Augusta Street, Torrens Square, Brighton Road, Dunbar Terrace, Maxwell Terrace, High Street, College Street and South Esplanade ensuring the Glenelg precinct is a Dry Zone all year round to support SAPOL operations.**

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### **ADMINISTRATION NOTE:**

The City of Holdfast Bay is recognised as South Australia's premier seaside destination and as part of Council's efforts to maintain this amenity, the temporary Dry Area operational for New Year's Eve is recommended to be added to the existing long term regulated Dry Area established at Glenelg under Section 131 of the *Liquor Licensing Act 1997*.

The following actions will need to be undertaken as part of the process required by Consumer Business Services:

- Nominate a date and time for the dry zone extension operation
- A letter outlining why Council is seeking the dry zone
- Evidence of community consultation
- Consultation with relevant service providers to address displacement issues
- A letter of support from the officer in charge of the local police station
- A letter of support from local Member of Parliament
- A detailed and accurate description and plan of the area in the application including GIS data of the boundary (Refer Attachment 1).

*Refer Attachment 1*

# Attachment 1



# EXTENDED DRY AREA

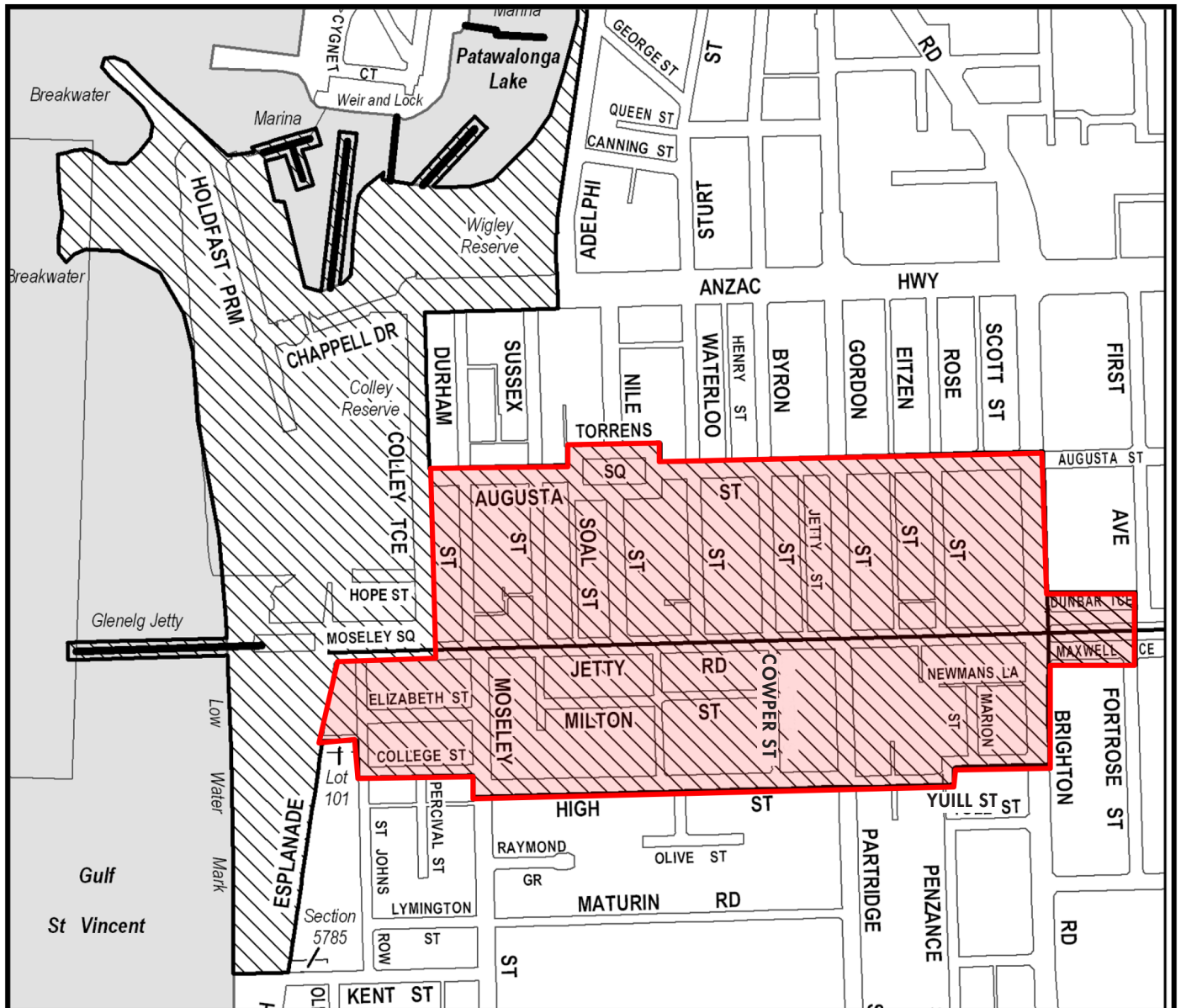
## Glenelg



Glenelg Dry Area



New Year's Eve Extended Area



Item No: 14.1

Subject: **MINUTES – JETTY ROAD MAINSTREET COMMITTEE – 1 FEBRUARY 2023**

Date: 14 February 2023

Written By: General Manager, Community and Business

General Manager: Community and Business, Ms M Lock

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### **SUMMARY**

The Minutes of the Jetty Road Mainstreet Committee meeting held on 1 February 2023 are 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.

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### **RECOMMENDATION**

**That Council notes the minutes of the Jetty Road Mainstreet Committee meeting of 1 February 2023.**

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### **STRATEGIC PLAN**

Building an economy and community that is inclusive, diverse, sustainable and resilient.

### **COUNCIL POLICY**

Not applicable

### **STATUTORY PROVISIONS**

Not applicable

### **BACKGROUND**

The Jetty Road Mainstreet Committee (JRMC) 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 meeting of JRMC held on 1 February 2023 are attached for member's information.  
*Refer Attachment 1*

**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 1 February 2023 at 6:00pm**

#### **PRESENT**

##### **Elected Members:**

Mayor A Wilson  
Councillor R Abley  
Councillor A Kane

##### **Community Representatives:**

Attitudes Boutique, Ms G Martin  
Ikos Holdings Trust, Mr A Fotopoulos  
Beach Burrito, Mr A Warren  
Cibo Espresso, Mr T Beatrice  
Glenelg Finance, Mr D Murphy  
Echelon Studio – Architecture and Design, Mr C Morley  
Terra & Sol, Mr B Meuris

##### **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

#### **1. OPENING**

The Chair, Ms G Martin, declared the meeting open at 6.03pm.

#### **2. KAURNA ACKNOWLEDGEMENT**

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

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

#### **3. APOLOGIES**

3.1 Apologies Received: Mr J Rayment, Ms G Britton

3.2 Absent:

**4. DECLARATION OF INTEREST**

Members were reminded to declare any interest before each item.

**5. CONFIRMATION OF MINUTES****Motion**

**That the minutes of the Jetty Road Mainstreet Committee held on 14 December 2022 to be taken as read and confirmed.**

Moved A Warren, Seconded Councillor Abley

**Carried**

**6. QUESTIONS BY MEMBERS****6.1 Without Notice:**

A Warren asked Administration for an update on the Taplin Development Colley Terrace hoarding. Council Administration provided a response and will distribute further information to the Committee post the meeting.

**6.2 With Notice: Nil****7. MOTIONS ON NOTICE: Nil****8. PRESENTATION:****8.1 Glenelg Film Festival Update**

Mr Nick Buckland, Director, Scuti Productions, provided an overview and update on the Glenelg Film Festival and what support they are looking for from the JRMC.

A Fotopoulos joined the meeting at 6.25pm.

**9. REPORTS/ITEMS OF BUSINESS****9.1 Monthly Finance Report (Report No: 20/23)**

This report provides an update on the Jetty Road Mainstreet income and expenditure as at 31 December 2022.

**Motion**

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

Moved T Beatrice Seconded Councillor Abley **Carried**

**9.2 Marketing Update (Report No: 21/23)**

This report provides an update on the marketing initiatives undertaken by the Jetty Road Mainstreet Committee aligned to the 2022/23 Marketing Plan and initiatives associated to the delivery of the Jetty Road Glenelg Retail Strategy 2018-2022.

**Motion**

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

Moved A Warren, Seconded C Morley **Carried**

**9.3 Jetty Road Events Update (Report No: 22/23)**

Jetty Road Mainstreet Committee (JRMCC) 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 recent and upcoming events.

**Motion**

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

Moved A Warren, Seconded D Murphy **Carried**

9.4 Jetty Road Mainstreet Committee Nominations (Report No: 23/23)

The Jetty Road Mainstreet Committee (JRMCC) comprises of up to 13 persons who are a mix of the Jetty Road Mainstreet Precinct business owners, commercial property owners (nine persons) and Elected Members of Council (two persons) and, if the committee wishes to do so, independent members (two persons). Business owners and owners of commercial property within the boundaries of the Jetty Road, Glenelg precinct who contribute to the separate rate levy are invited to nominate for a position on the Jetty Road Mainstreet Committee. There are nine positions available for those people who are either a landlord or trader for the period 1 April 2023 – 31 March 2025. Nominations for the positions are open from 2 February to 15 February 2023.

This report seeks the appointment of a JRMCC member to the Selection Panel.

**Motion**

**That the Jetty Road Mainstreet Committee:**

1. **Note this report.**
2. **Endorses Chris Morley to the Selection Panel in accordance with the JRMCC Terms of Reference**

Moved T Beatrice, Seconded A Fotopoulos

**Carried**

**10. URGENT BUSINESS – Subject to the Leave of the Meeting**

**REPORTS/ITEMS OF BUSINESS:**

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

The next meeting of the Jetty Road Mainstreet Committee will be held on Wednesday 1 March 2023 at the Glenelg Town Hall.

**12. CLOSURE**

The meeting closed at 7.20pm

**CONFIRMED:** Wednesday 1 March 2023

**CHAIR PERSON**

Item No: 14.2

Subject: **MINUTES – EXECUTIVE COMMITTEE – 24 JANUARY 2023**

Date: 14 February 2023

Written By: Executive Assistant, Strategy and Corporate

General Manager: Strategy and Corporate, Ms P Jackson

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## **SUMMARY**

The minutes of the meeting of the Executive Committee held 24 January 2023 are presented to Council for information.

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## **RECOMMENDATION**

**That Council notes the minutes of the meeting of the Executive Committee of 24 January 2023.**

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## **STRATEGIC PLAN**

Statutory requirement

## **COUNCIL POLICY**

Not applicable

## **STATUTORY PROVISIONS**

*Local Government Act 1999*

## **BACKGROUND**

Council established an Executive Committee pursuant to Section 41 of the *Local Government Act 1999* with responsibility for undertaking the annual performance appraisal of the Chief Executive Officer to:

- recommend to Council the form and process of the Chief Executive Officer's annual performance appraisal;
- undertake the annual performance appraisal; and
- provide a report and to make recommendations to Council on any matters arising from the annual performance appraisal.

The Executive Committee's authority extends to making recommendations to Council and does not have any authority to make decisions in relation to the Chief Executive Officer's employment arrangements.

**REPORT**

The minutes of the meeting of the Executive Committee held on 24 January 2023 are attached for Members' information.

*Refer Attachment 1*

**BUDGET**

Not applicable

**LIFE CYCLE COSTS**

Not applicable

# Attachment 1



**Minutes of the meeting of the Executive Committee of the City of Holdfast Bay held in the Council Chamber, Glenelg Town Hall, Moseley Square, Glenelg on Tuesday 24 January 2023 at 5:00pm.**

**PRESENT**

**Members**

Chairman – Mayor A Wilson  
Deputy Mayor – C Lindop  
Councillor M O’Donohue  
Councillor R Patton  
Councillor J Fleming  
Councillor S Lonie

**Staff**

General Manager, Strategy and Corporate – P Jackson

**1. OPENING**

The Chairman declared the meeting open at 5.05pm.

**2. APOLOGIES**

- 2.1 Apologies Received
- 2.2 Absent

**3. DECLARATION OF INTEREST**

Members were reminded to declare their interest before each item.

**4. CONFIRMATION OF MINUTES**

**Motion**

**That the minutes of the Executive Committee held on 9 August 2022 be taken as read and confirmed.**

Moved by Councillor Lonie, Seconded by Councillor Fleming

**Carried**

**5. REPORTS BY OFFICERS**

- 5.1 **Executive Committee – Terms of Reference (Report No: 18/23)**

**Motion**

**The Executive Committee recommends to Council:**

- 1. **an amendment to the Committee’s Terms of Reference to remove the appointment of an Independent Member;**

2. the Expression of Interest for a Qualified Independent Person, for a contract period of two plus two years aligning with the Council term, to provide advice to the Committee on the Chief Executives' Performance Review; and
3. a panel comprising of the Mayor, Councillor Fleming and Councillor Lindop to undertake the procurement process and provide recommendation to the Executive Committee.

Moved Councillor Patton, Seconded Councillor Fleming **Carried Unanimously**

**6. URGENT BUSINESS – SUBJECT TO THE LEAVE OF THE MEETING - Nil**

**7. CLOSURE**

The Meeting closed at 5.25pm.

**CONFIRMED 28 February 2023**

**CHAIRMAN**

Item No: 15.1

Subject: **ITEMS IN BRIEF**

Date: 14 February 2023

Written By: Executive Officer and Assistant to the Mayor

General Manager: Mr R Bria

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## 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.

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## RECOMMENDATION

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

1. **Living Memory Photographic Exhibition**
  2. **Glenelg Greek Festival with Blessing of the Waters**
  3. **Australia Day Awards 2023**
  4. **Enhanced Electromagnetic Energy (EME) Communications Program – Stakeholder Kit**
  5. **Local Government Election Feedback, Sam Telfer MP**
  6. **Second Quarter Grants Update**
  7. **State Planning System Implementation Review – Letter to Minister for Planning**
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## REPORT

### 1. **Living Memory Photographic Exhibition**

The National Portrait Gallery's *Living Memory* photographic exhibition was displayed in the Bay Discovery Centre's gallery space from 30 October to 11 December 2022. A total of 3,021 people visited the exhibition over the six week opening period. The Bay Discovery Centre last hosted the National Photographic Portrait Prize in December 2019. Open for eight weeks during Glenelg's peak summer season in 2019/2020, the exhibition attracted 3,301 visitors. The comparison of these two exhibitions demonstrates that the gallery is once again flourishing post the COVID lock down period and closure of the gallery during Glenelg Town Hall building works.

### 2. **Glenelg Greek Festival with Blessing of the Waters**

The Glenelg Greek Festival with Blessing of the Waters took place on the 7 and 8 January 2023 from 10am to 9pm at Jimmy Melrose Park. The two-day cultural festival was organised by the Greek Orthodox Archdiocese of Australia Intercommunities Council of South Australia. The event brings together all the parishes and communities, cultural dancing groups and over 120 volunteers offering their services

to display a fun-filled festival, which highlights Greek cuisine, music, dance and culture.

The Blessing of the Waters ceremony was held on 8 January from 12:30pm to 1:30pm on the Glenelg Jetty. The ceremony commenced with the Bishop and Clergy of the Greek Orthodox Archdiocese of Australia Intercommunities Council of South Australia, invited dignitaries and community gathering on the Jetty. The Waters were then blessed and the cross tossed into the water for the competing divers to retrieve. The diver who retrieves the cross first is blessed for the year. Following the Ceremony, The Honourable Peter Malinauskas MP, Premier of South Australia and The Honourable David Speirs MP, Leader of the Opposition made speeches. An official luncheon was then held at Jimmy Melrose Park, where Deputy Mayor Clare Lindop made a speech on behalf of the City of Holdfast Bay.

### **3. Australia Day Awards 2023**

Council's 2023 Australia Day Ceremony was held on the Glenelg Foreshore Lawns on 26 January 2023. A total of 70 new citizens from 22 countries made their citizenship pledge and Mayor Wilson announced the City of Holdfast Bay Australia Day Award winners.

Every year Council recognises and celebrates the outstanding achievements and contributions of members in our community with the Australia Day and Community Recognition Awards. A Selection Panel comprising the Mayor, two Elected Members, Chief Executive Officer, and General Manager, Community and Business assessed the nominations received and the following winners were chosen:

- Citizen of the Year – Cheryle Pinkess
- Young Citizen of the Year – Hayley Hosking
- Community Event of the Year – Rotary Youth Photographic Exhibition, Somerton Park Rotary Club
- Award for Active Citizenship – Rotary Club of Holdfast Bay
- Local Hero – Bronwyn Watt

Special guests at the ceremony included:

- The Hon David Speirs MP, Leader of the Opposition and Member for Black
- Mr Stephen Patterson MP, Member for Morphett
- Ms Sarah Andrews MP, Member for Gibson who also represented Ms Louise Miller Frost, Federal Member for Boothby
- Senator Kerryne Liddle
- Joel Bayliss, Australia Day Ambassador

### **4. Enhanced Electromagnetic Energy (EME) Communications Program – Stakeholder Kit**

As valued network stakeholders, the Department of Infrastructure, Transport, Regional Development, Communications and the Arts provided their Stakeholder Kit for Enhanced Electromagnetic Energy Communications Program, seeking support to help share information on the research, regulation and safety of EME from telecommunications in Australia.

*Refer Attachment 1*

**5. Local Government Election Feedback, Sam Telfer MP**

The Mayor and Chief Executive Officer received correspondence from the Shadow Minister for Local Government, Sam Telfer MP seeking feedback on the Local Government election process.

*Refer Attachment 2*

**6. Second Quarter Grants update**

Council has received \$1,087,546 in external grant funding in the first two quarters of 2022/23. This amount does not include operating subsidies from Alwyndor. It should be noted that the operation of general home support under the Commonwealth Home Support Program (CHSP) was relocated to Alwyndor in 2021/22. This means that this amount no longer appears in this general update of Council grant funding.

The total amount received in the October to December quarter was \$281,788. It is expected that the bulk of the \$3,704,275 expected external grant funding will come through in the third and fourth quarters. Notably, many projects are continuing and funding of \$5,813,054 has been received in previous years for projects in the 2022/23 and future years.

The attached tables provide the details of our external grant position.

*Refer Attachment 3*

Council will continue to monitor for opportunities for grant funding where applicable and suitable.

**7. State Planning System Implementation Review – Letter to Minister for Planning**

A copy of Council's final submission to the State Planning Systems Implementation review has been sent to the Minister for Planning, as well as the local Members of Parliament for the City of Holdfast Bay area and all Metropolitan Mayors.

*Refer Attachment 4*

# Attachment 1



**From:** "Eme" <eme@communications.gov.au>  
**Sent:** Wed, 1 Feb 2023 10:15:33 +1030  
**To:** "Undisclosed recipients:"  
**Subject:** Enhanced Electromagnetic Energy (EME) communications program - Stakeholder Kit [SEC=OFFICIAL]  
**Attachments:** EME Stakeholder Kit.pdf

**OFFICIAL**

Dear Mayor and Councillors

The Department of Infrastructure, Transport, Regional Development, Communications and the Arts delivers the Enhanced Electromagnetic Energy (EME) communications program on behalf of the Australian Government.

I am writing to you because we understand there are some people in the community who have some concerns and are seeking further information about the safety of EME from telecommunications. This is particularly the case when telecommunications carriers, such as Telstra, Optus and TPG/Vodafone install and upgrade telecommunications infrastructure in local areas.

As part of our valued network of stakeholders, we are seeking your support to help share information on the research, regulation and safety of EME from telecommunications in Australia.

The attached digital stakeholder kit includes **key messages**, **social media** and **editorial content** as well as other useful **downloadable resources** that provide credible and simple to understand information. We would appreciate you sharing these resources with your community networks, including any groups and/or individuals who could benefit from this information, as appropriate.

A range of other resources, including some materials translated into the most commonly spoken languages other than English, are also available from [www.eme.gov.au](http://www.eme.gov.au), should they be of interest to you and your community.

Please don't hesitate to get in contact via [eme@communications.gov.au](mailto:eme@communications.gov.au) if you have any questions.

Thank you for your consideration.

Kind regards

**Jason Ashurst**

Assistant Secretary • Digital Inclusion and Sustainable Communications Branch •  
Communications Infrastructure Division  
[eme@communications.gov.au](mailto:eme@communications.gov.au)  
GPO Box 594 Canberra, ACT 2601

**Department of Infrastructure, Transport, Regional Development, Communications and the Arts**  
**CONNECTING AUSTRALIANS • ENRICHING COMMUNITIES • EMPOWERING REGIONS**



OFFICIAL

OFFICIAL

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Disclaimer

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Australian Government

# EME and YOU Stakeholder Kit

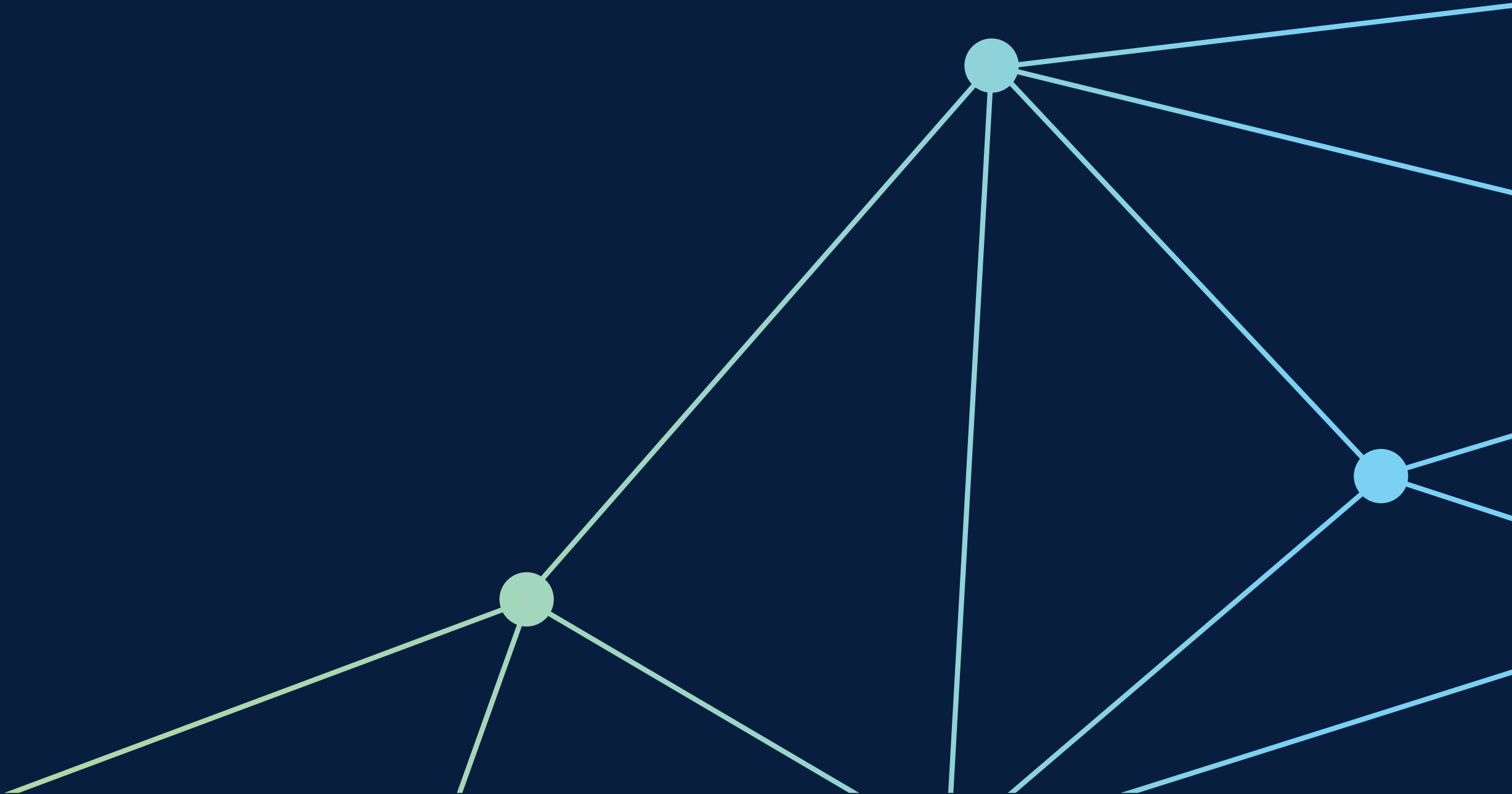
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November 2022



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Introduction	1
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# Introduction

In Australia, electromagnetic energy (EME) from telecommunications is strictly regulated to protect the health and safety of the public while allowing the community to benefit from modern telecommunications.

The Australian Government understands there are people in the community who have concerns about the safety of EME from telecommunications, particularly with the installation of, and upgrades to, telecommunications infrastructure in local areas.

The Department of Infrastructure, Transport, Regional Development, Communications and the Arts has developed a range of products to improve access to credible information that EME from telecommunications is researched, regulated and safe. This includes resources like posters, factsheets, social media content and explanatory videos on our dedicated website [eme.gov.au](https://eme.gov.au) that provides information in a way that can be easily understood.

## How you can help

We are seeking your support, as part of our valued network of stakeholders, to help share information with your community on the research, regulation and safety of telecommunications in Australia. Included in this kit are key messages, social media and editorial content, as well as other useful resources that can be used to provide credible and up-to-date information on this matter.

We encourage you to please share these resources with your networks, stakeholders and any local groups or individuals that could benefit from this information.

## How to use the kit

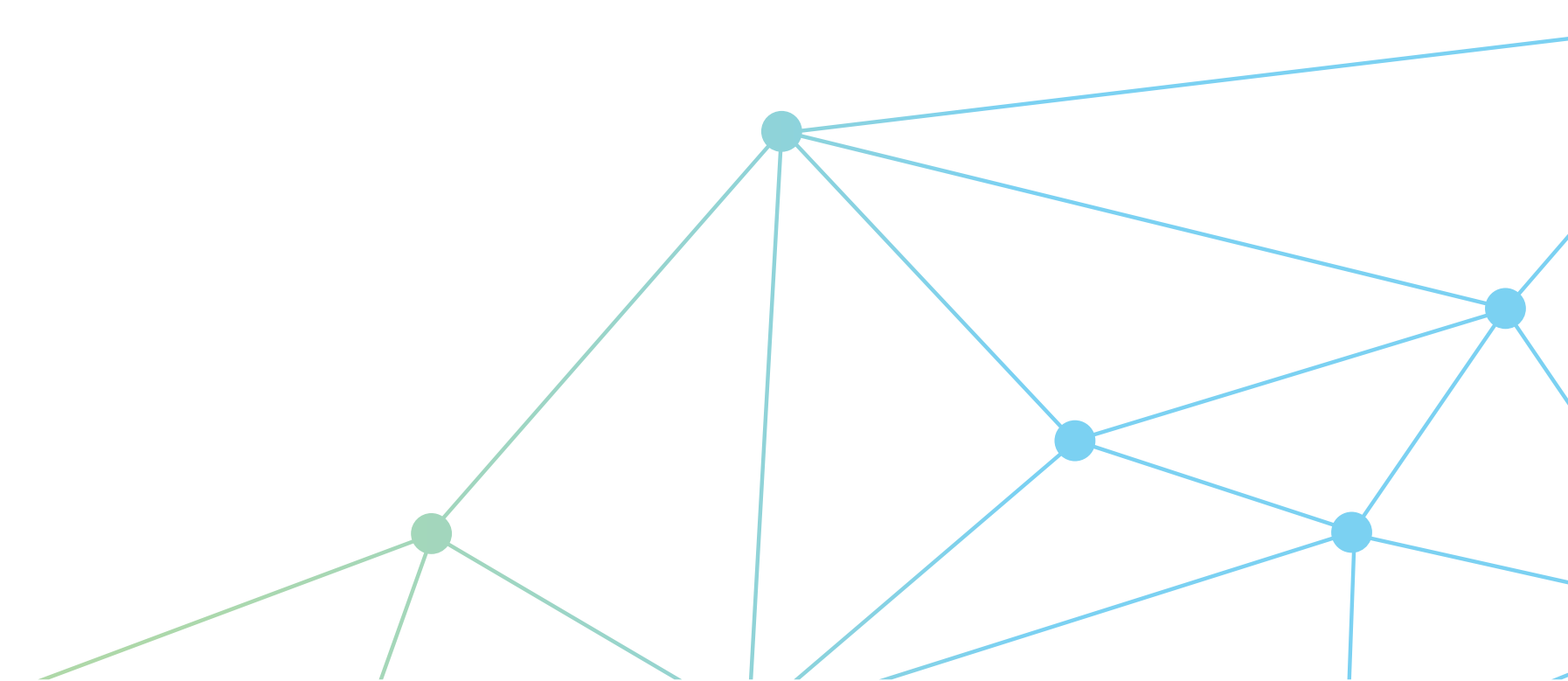
Here are some ways you can help us raise awareness about the research, regulation and safety of EME from telecommunications:

1. include the information on your website, or link to relevant pages on our website ([eme.gov.au](https://eme.gov.au))
2. add it to your newsletter
3. share on social media, tagging us [@AusGovMediaTech](https://twitter.com/AusGovMediaTech) or [AusGov Media & Tech](https://www.facebook.com/AusGovMediaTech)

This URL can be copied and pasted into all your communications: [eme.gov.au](https://eme.gov.au)

## Contact us

For more information or additional assets, please get in touch: [eme@communications.gov.au](mailto:eme@communications.gov.au)



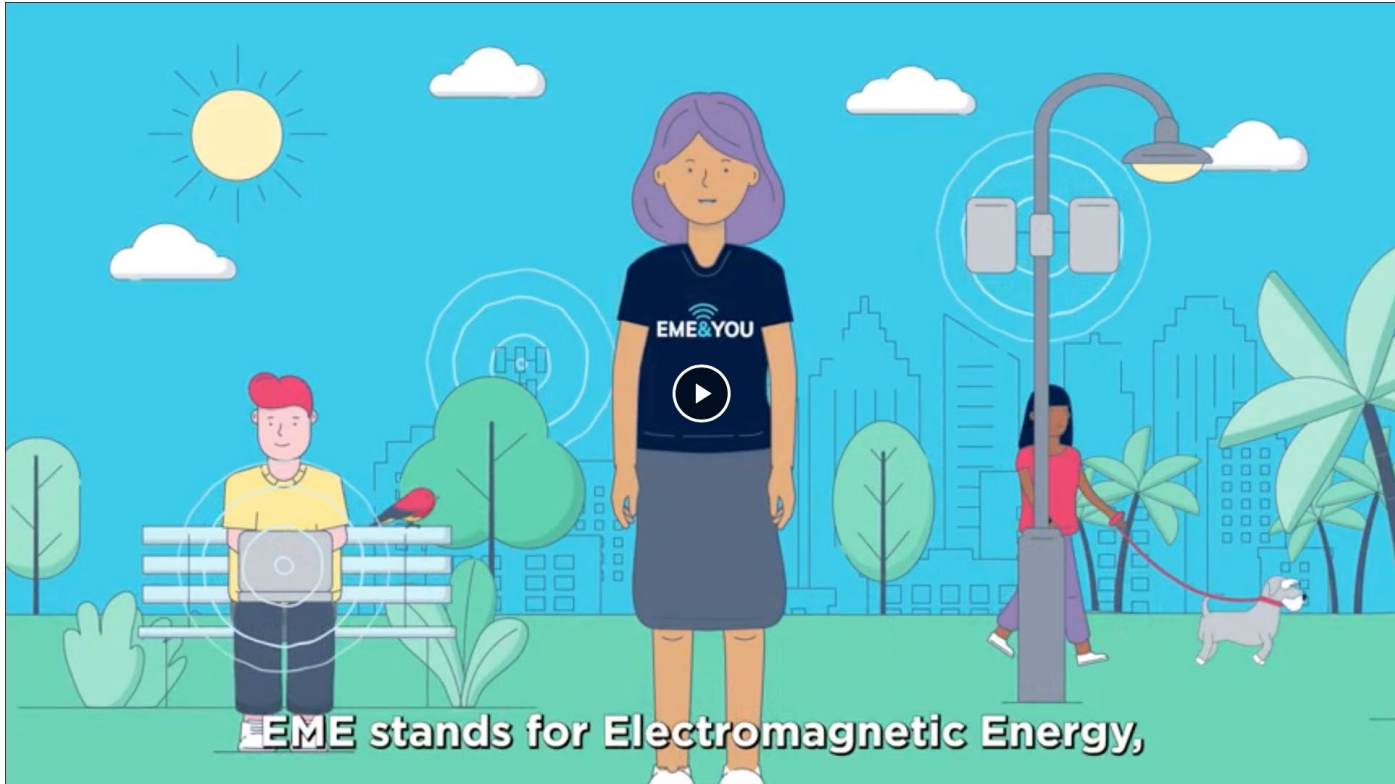
# Key messages

These messages have been developed in consultation with the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA), and the Australian Communications and Media Authority (ACMA). They may be used in some of your communications about EME from telecommunications if appropriate.

## General messages

- Electromagnetic energy (EME) from telecommunications in Australia is researched, regulated and safe.
- EME emissions from telecommunications are strictly regulated to protect the health and safety of the public while allowing the community to benefit from modern telecommunications.
- The Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) provides advice to the Australian Government on radiation protection.
- A large number of studies have been carried out to investigate whether EME exposure from mobile phone use poses a potential risk to human health.
- It is the assessment of ARPANSA and other national and international health authorities, including the World Health Organization (WHO), that there is no substantiated scientific evidence to support claims of any adverse health effects from low-level exposure to RF EME associated with wireless technologies operating below the limits set within the ARPANSA RF Standard.
- In 2021, ARPANSA updated the *Standard for Limiting Exposure to Radiofrequency Fields - 100 kHz to 300 GHz* (the Standard).
- The Standard is based on the most up-to-date Australian and international peer-reviewed research into EME, and is informed by guidelines published by the International Commission on Non-ionizing Radiation Protection (ICNIRP) and endorsed by the WHO.
- The Standard considers the safety of all members of the public, including children and vulnerable people against all known adverse health effects from exposure to EME.
- The Australian Communications and Media Authority (ACMA) sets rules for the Australian communications industry to follow. These rules require that levels of EME emitted by radio and telecommunications network equipment and facilities are below the maximum limit set out in the ARPANSA Standard to protect the health and safety of Australians as they use, live and work near these types of facilities.
- Visit [eme.gov.au](https://eme.gov.au) to find out more about the research, safety and regulation of wireless technologies in Australia, including 5G.

# Videos



Post:

Find out more about the research, regulation and safety of electromagnetic energy (EME) from telecommunications in Australia at [eme.gov.au](https://eme.gov.au)



Access here



Post:

Electromagnetic energy (EME) from #telecommunications is one of the most researched topics in the world.

Find out more at [eme.gov.au](https://eme.gov.au)



Access here



Post:

Learn more about the relationship between electromagnetic energy (EME) and #5G at [eme.gov.au](https://eme.gov.au)



Access here

# Fact sheets

The following fact sheets may be useful for communicating to your community about EME from telecommunications:



## EME is all around us

This fact sheet highlights the use of **EME in every day life**, including in many modern day devices.



Download Fact sheet

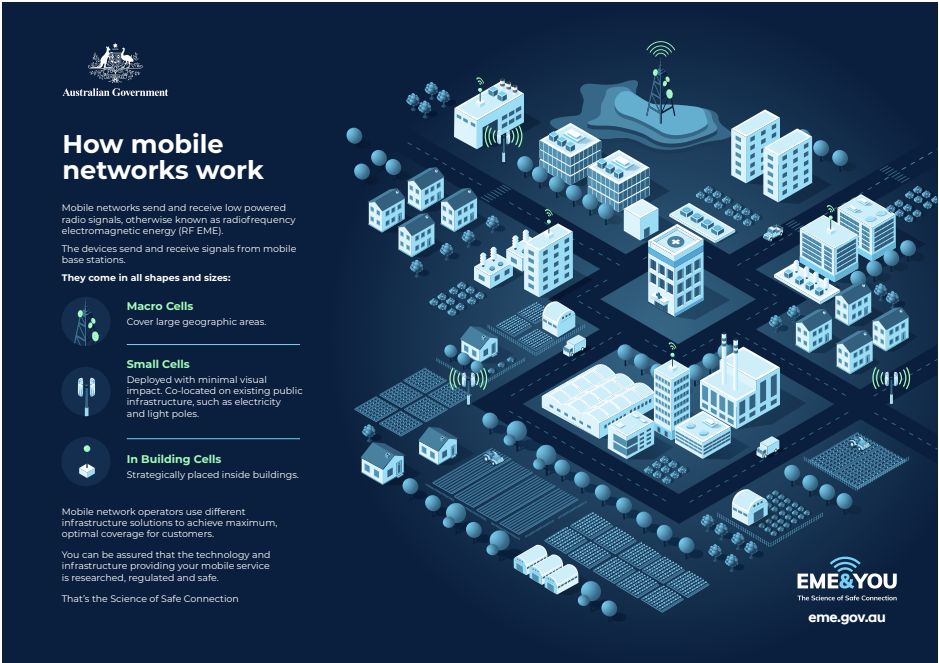


## Small cells are being installed near my home. What do I need to know?

This fact sheet provides information about **small cells** and what people need to know if they are installed near their home.



Download Fact sheet

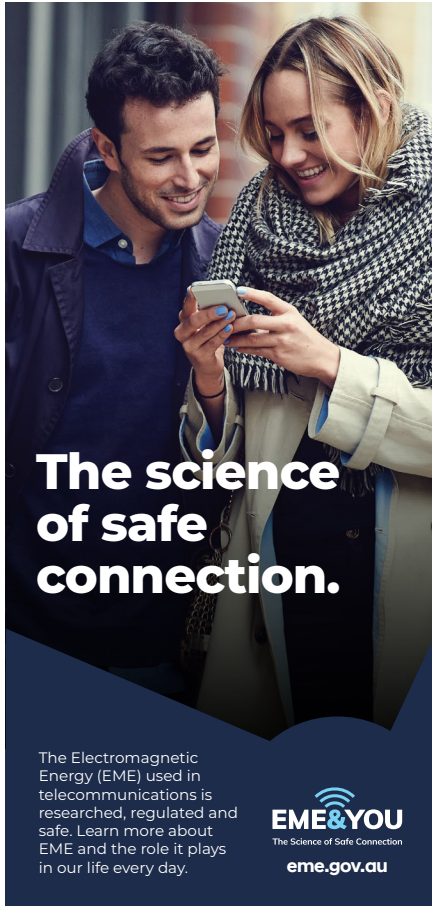


## EME mobile network infographic

This infographic illustrates **how mobile networks work** and the different types of installations that are required to enable connection.



Download Infographic



## EME and you

This flyer explains the **research, safety and regulation of EME** from wireless telecommunications.

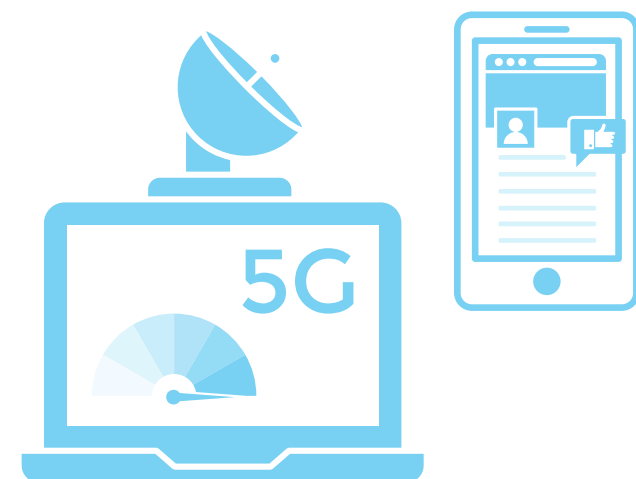


Download Flyer

# Articles

The following articles may be shared on your website or newsletters.

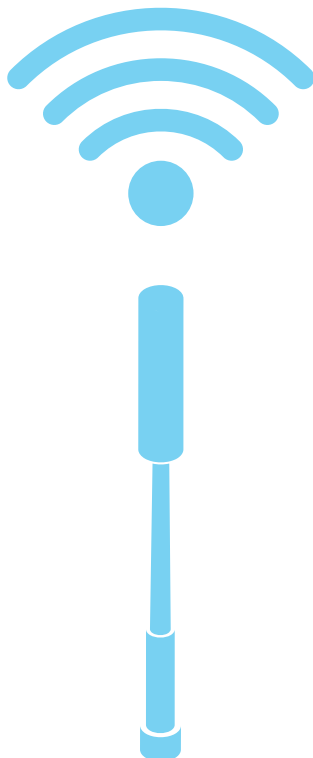
## Millimetre waves, EME and 5G - what you need to know



This article highlights the **facts about millimetre waves** and how they are being used for new wireless technologies like 5G.

 [View article](#)

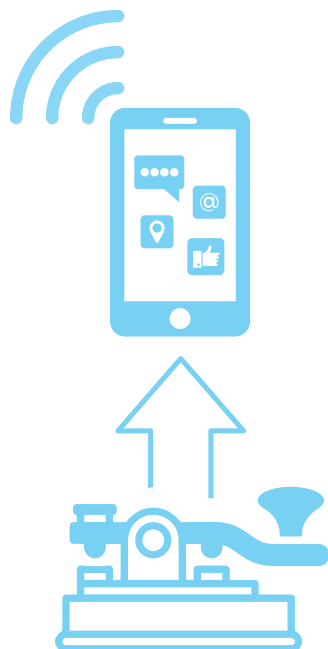
## 5G Technology & Small Cells



This article illustrates the **science behind 5G technology and small cells** to provide reassurance about their safety.

 [View article](#)

## Why there's nothing new about Electromagnetic Energy (EME)



This article provides factual information including the **history of EME from telecommunications** and other every day devices.

 [View article](#)

## Why you can be sure Radiofrequency Electromagnetic Energy (RF EME) from telecommunications is safe



This article outlines the **research and regulation measures relating to EME from wireless technology** in Australia to ensure their safety.

 [View article](#)

## What is Electromagnetic Energy (EME) and how does it affect you?



This article provides an overview on **EME and how it's used in everyday life.**

 [View article](#)

# Powers and Immunities

All people in Australia should be able to access modern telecommunications services regardless of where they live or work. Often, this means new telecommunications facilities need to be installed, or existing facilities upgraded, to provide those services.

The Australian Government has laws in place to encourage telecommunications companies to roll out networks and install facilities in a nationally consistent way, and in accordance with good engineering practices.

The information below may assist you in communicating with your community about installation of facilities in the area and can be used in some of your channels, including websites, newsletter and social media.

## Key messages

- Telecommunications companies have powers under the *Telecommunications Act 1997* to inspect land, install ‘low-impact’ facilities, and maintain existing facilities on publicly and privately owned land.
- Carriers have immunity from some state and territory laws, such as planning laws, when doing so. These legislative powers are collectively referred to as the carriers’ powers and immunities framework.
- These laws encourage telecommunications companies to roll out networks in a nationally consistent way using equipment that falls within strict type, size, colour and location limitations.
- Carriers are required to notify landowners and occupiers and consult with the local council and the community about proposed installation or maintenance activities, so that interested parties have a say in the deployment of infrastructure that impacts them.
- Carriers are required to comply with a number of other conditions and obligations related to safety and best practice when they inspect land, and install or maintain telecommunications facilities. These obligations are set out in the powers and immunities framework.
- Further information on the carriers’ powers and immunities framework is available on the Department of Infrastructure, Transport, Regional Development, Communications and the Arts website at: [Telecommunications Infrastructure Deployment](#)

# Resources

Flyer

## Telecommunications Deployment



This flyer provides information on **carrier obligations and the role of councils** for telecommunications deployments.



Download Flyer

Fact sheet

## How the powers and immunities framework affects you



This fact sheet **provides information on the carrier's powers and immunities framework**, and includes guidance for landowners about objecting to proposed activities and how communities can have their say about proposed activities.



Download Fact sheet

Please tag us when using these assets:



Facebook: [AusGov Media & Tech](#)



Twitter: [@AusGovMediaTech](#)



LinkedIn: [Department of Infrastructure, Transport, Regional Development, Communications and the Arts](#)



Australian Government

# Contact us

For more information or additional assets, please get in touch: [eme@communications.gov.au](mailto:eme@communications.gov.au)

# Attachment 2





# SAM TELFER MP MEMBER FOR FLINDERS

SHADOW MINISTER FOR LOCAL GOVERNMENT  
SHADOW MINISTER FOR REGIONAL PLANNING  
SHADOW MINISTER FOR REGIONAL POPULATION GROWTH



Mayor Amanda Wilson  
CEO Roberto Bria  
City of Holdfast Bay  
mail@holdfast.sa.gov.au

February 1<sup>st</sup>, 2023

*Amanda and Roberto*

Dear ~~Mayor Wilson and Mr Bria~~

It has been a couple of months since the Local Government Elections, and there has been some time for the new elected member body to settle into their roles, albeit some Councils require supplementary elections. There were a number of changes across the State, and I know that the first few months of a term takes time and effort to go through training and information sharing.

Although it has been a busy time, I hope you have had time to reflect on the local government election process. This is the first election since the significant local government reforms, and I believe it is important for us to reflect on any aspects of the process which we believe may require changing.

I am keen to receive your feedback, and believe it's very important for elections to be reviewed so any issues can be identified and addressed before the time comes again to undergo the process.

In the many discussions I've had with my local government colleagues since the elections, there have been some aspects of the process which have caused concern, but I am aware there might be others. As the Shadow Minister for Local Government, it is important that I work closely with the sector on policy development and adaption, and your input is incredibly important for my own post-election assessment.

As a previous Mayor and LGA President, I am attuned to the nuances of the election process, but your feedback is vital, so if you have the time and capacity I would be very keen to hear from you directly on any changes you believe we should be making on the legislation or process.

I look forward to hearing from you, and am also more than happy to meet in person or speak on the phone if that is preferable to you.

Yours sincerely,

**Sam Telfer MP**  
**SHADOW MINISTER FOR LOCAL GOVERNMENT**

**Shadow Minister for Regional Planning**  
**Shadow Minister for Regional Population Growth**

#### Port Lincoln Office

🏠 36 Washington Street, Port Lincoln SA 5606  
📮 PO Box 1798, Port Lincoln, SA 5606

☎ 08 8683 0722 ✉ flinders@parliament.sa.gov.au

#### Ceduna Office

🏠 O'Loughlin Terrace, Ceduna SA 5690  
📮 PO Box 287, Ceduna, SA 5690

☎ 08 8625 2392 ✉ flinders.ceduna@parliament.sa.gov.au

# Attachment 3



2022-23 External Grant Funding

SUCCESSFUL APPLICATIONS										
Grant - Capital										
Bid Title	Funding Body / Program	Grant Total	Received in Previous Financial Year(s)	2022-23 Total Expected	Received 2022-23 Quarter 1	Received 2022-23 Quarter 2	Received 2022-23 Quarter 3	Received 2022-23 Quarter 4	Received for future financial years	Total Received during 2022-23
Former Buffalo site remediation	Minister for Planning and Local Government	\$100,000	\$100,000							\$0
Dover Square Tennis Club lighting	Office for Recreation Sport & Racing	\$55,000	\$55,000							\$0
Glenelg Oval Stage 3 & 4- received retrospectively on expenditure	Local Government Infrastructure Partnership Program	\$1,400,000	\$140,000	\$776,833						\$0
Access and Inclusion - Glenelg DDA Ramp	State Government	\$50,000	\$50,000							\$0
Pine Gully Stormwater contribution	Green Adelaide	\$150,000	\$100,000							\$0
Stormwater contribution - Tarlton Street	Federal Dept of Industry, Science, Energy and Resources	\$2,927,000	\$2,000,000							\$0
Seacliff Plaza	Amenities Open Space Grant	\$1,000,000	\$1,000,000							\$0
Pedestrian Safety Improvements at Paringa Park Primary	Way2Go	\$19,413	\$19,413							\$0
Helmsdale Tennis Court	Helmsdale Tennis Club	\$11,000		\$11,000	\$11,000					\$11,000
Kingston House Reserve Tennis Court	Office for Recreation Sport & Racing	\$200,000	\$200,000	\$0						\$0
Total		\$5,912,413	\$3,464,413	\$787,833	\$11,000	\$0	\$0	\$0	\$0	\$11,000

Grant - Operating Project and other										
Bid Title	Funding Body / Program	Grant Total	Received in Previous Financial Year(s)	2022-23 Total Expected	Received 2022-23 Quarter 1	Received 2022-23 Quarter 2	Received 2022-23 Quarter 3	Received 2022-23 Quarter 4	Received for future financial years	Total Received during 2022-23
fogo council -wide	Green Industries SA	\$100,000	\$100,000							\$0
Museum and collection program	History Trust SA	\$15,000		\$15,000	\$11,352					\$11,352
Seacliff Trees Project	Department of Environment and Water	\$100,000	\$100,000							\$0
New Years Eve Celebration	Department of Premier and Cabinet	\$25,000		\$25,000	\$25,000					\$25,000
Revegetation Minda Dunes	Department Environment and Water	\$4,312		\$4,312	\$4,312					\$4,312
Total		\$244,312	\$200,000	\$44,312	\$40,664	\$0	\$0	\$0	\$0	\$40,664

Grant - Recurring										
Bid Title	Funding Body / Program	Grant Total	Received in Previous Financial Year(s)	2022-23 Total Expected	Received 2022-23 Quarter 1	Received 2022-23 Quarter 2	Received 2022-23 Quarter 3	Received 2022-23 Quarter 4	Received for future financial years	Total Received during 2022-23
Community Bus	Commonwealth Home Support Programme (CHSP)	\$198,564	\$0	\$198,564	\$49,641	\$49,641				\$99,282
Financial Assistance Grant - General Purpose	Financial Assistance Grant	\$238,584	\$669,865	\$238,584	\$59,646	\$59,646				\$119,292
Financial Assistance Grant - Roads	Financial Assistance Grant	\$25,940	\$425,650	\$188,520	\$6,485	\$6,485				\$12,970
Supplementary Roads Grants Commission	Financial Assistance Grant	\$183,375	\$0	\$183,375	\$183,375					\$183,375
Roads to Recovery	Roads to Recovery	\$298,000	\$0	\$298,000						\$0
Covid Stimulus - Roads and Community Infrastructure - Phase One	Local Roads and Community Infrastructure	\$454,957	\$409,453	\$45,504						\$0
Covid Stimulus - Roads and Community Infrastructure - Phase Two	Local Roads and Community Infrastructure	\$1,287,346	\$643,673	\$643,673						\$0
Covid Stimulus - Roads and Community Infrastructure - Phase Three	Local Roads and Community Infrastructure	\$909,894	\$0	\$909,894	\$454,947					\$454,947
Brighton Library (Awaiting State Government budget)	Libraries Board Grant	\$75,008	\$0	\$75,008		\$75,008				\$75,008
Australia Day Grant	National Australia Day Council	\$16,000		\$16,000		\$16,000				\$16,000
Glenelg Library (Awaiting State Government budget)	Libraries Board Grant	\$75,008	\$0	\$75,008		\$75,008				\$75,008
Total		\$3,762,676	\$2,148,641	\$2,872,130	\$754,094	\$281,788	\$0	\$0	\$0	\$1,035,882

Total of Grant Funding Confirmed (All Years including 2022-23)	\$	9,919,401
Total received in previous years applicable to 2022-23 and future years	\$	5,813,054
Total expected to receive in 2022-23	\$	3,704,275
Total Received 2022-23 - Quarter 1	\$	805,758
Total Received 2022-23 - Quarter 2	\$	281,788
Total Received 2022-23 - Quarter 3	\$	-
Total Received 2022-23 - Quarter 4	\$	-
Total Grant Funding received to date in 2022-23	\$	1,087,546

# Attachment 4





[holdfast.sa.gov.au](http://holdfast.sa.gov.au)

Brighton Civic Centre 24 Jetty Road, Brighton SA 5048

PO Box 19 Brighton SA 5048

P 08 8229 9999 F 08 298 4561

Glenelg Customer Service Centre and Library

2 Colley Terrace, Glenelg SA 5045

## OFFICE OF THE MAYOR

1 February 2023

Nick Champion MP  
Minister for Planning  
GPO Box 11032  
Adelaide SA 5001

via email: [MinisterChampion@sa.gov.au](mailto:MinisterChampion@sa.gov.au)

Dear Minister

I hope this letter finds you well.

Please find attached a copy of Council's recent submission to the state planning system implementation review.

Our submission addresses design, heritage, urban planning and the like but I would like to draw to your attention the deficiencies in relation to the environment and climate change, and, to express our concern about the current state of planning legislation both in South Australia and Australia.

Our council believes that mitigating the effects of climate change is a critical issue that requires immediate action. We believe that the planning laws are weak in this regard.

The current 6/7-star national standard for energy efficiency in buildings, as part of the Nationwide House Energy Rating Scheme (NatHERS) provides a minimum level of energy efficiency for new homes in Australia. The Australian Government through the Department of Industry, Science, Energy and Resources administers and regulates the scheme.

Advances in building technologies and energy efficiency have made it possible to construct homes that are more energy efficient than those meeting the current 6/7-star minimum standard. We seek that the Department undertake a review of the scheme to provide guidelines and support builders and developers in achieving higher standards, with an aim of moving to a 10-star national rating.

We will be calling on the Federal Government to change this, and to work towards a 10-star rating. In the interim, we hope that the submissions are acted upon, and that the State Government will support our attempts to improve national standards in the interest of reducing greenhouse gas emissions.

Yours sincerely

Amanda Wilson  
**Mayor**

Att: City of Holdfast Bay submission to the State Planning System Implementation Review





[holdfast.sa.gov.au](http://holdfast.sa.gov.au)

Brighton Civic Centre 24 Jetty Road, Brighton SA 5048

PO Box 19 Brighton SA 5048

P 08 8229 9999 F 08 8298 4561

Glenelg Customer Service Centre and Library

2 Colley Terrace, Glenelg SA 5045

27 January 2023

Expert Panel  
Planning System Implementation Review  
GPO Box 1815  
Adelaide SA 5001

By email: [DTI.PlanningReview@sa.gov.au](mailto:DTI.PlanningReview@sa.gov.au)

Dear Expert Panel

**City of Holdfast Bay Submission  
The Planning System Implementation Review**

Thank you for the opportunity to make a submission to the Planning System Implementation Review (the Review). The City of Holdfast Bay's submission reiterates the response prepared on behalf of councils by the Local Government Association, adopting its platform for restoring community engagement in the planning process, returning planning powers to local government for greater autonomy in shaping their communities, and enhancing protections to the natural environment and built heritage. Specifically, the City of Holdfast Bay recommends amendments to the current planning system that enables:

1. A well-informed community who can genuinely engage with the planning system.
2. A Planning and Design Code that enables the development of localised policy.
3. Good design outcomes informed by changes to the Planning and Design Code managed by local councils with direct input from its community.
4. Increased regulated and significant tree protection that recognises the importance of these trees and discourages removal through significant penalties.
5. Greater protection to established suburban character and heritage buildings.
6. Removal of the financial burden of administering and implementing the planning system removed from local government and their communities.
7. Empowering individual councils to establish localised land use policy, rather than the current system where unilateral policies are applied through the statewide Planning and Design Code.
8. Provision of greater opportunity to provide for a more localised and nuanced policy to preserve and enhance local character.
9. Provision of a planning system where the community's understanding and usage of the system is improved.

The City of Holdfast Bay is committed to working together with its community and State Government agencies towards the common goal of an improved planning system for South Australia that delivers better outcomes for all. Whilst council is committed to the new planning system as a means to provide an efficient level of service to the community and the development industry, it is concerned that the expediency required by the system has come at the cost of quality in decision making. In this regard, the City of Holdfast Bay believes that the implementation of the planning system and the adoption of the Planning and Design Code will only be successful through an inclusive partnership between local government, its communities and State Government, with reasonable targets and inclusive outcomes.

The new planning system has resulted in a loss of community voice and local knowledge in its decision-making process. Some of the key observations made by Council's elected members, the city's constituents, and those who administer planning policies on the community's behalf, are that the following measures need to be adopted to restore the community's involvement and faith in the planning system, and to ensure that decision making with respect to important planning applications and land use policy changes occur at the local level:

- Developing a successful planning system depends on the State Government's commitment to ensuring full participation of councils and communities in decision making. The State government should work with councils to maximise the local benefits of planning processes, strategies and policies.
- Restore the three tiers of public consultation for planning applications, enabling a greater number of residents to be actively engaged in the planning process, with third-party appeal rights reintroduced for residents to have the opportunity for an independent review of planning decisions that affect their neighbourhood.
- Reintroduction of the balance between elected member and independent member representation on Council Assessment Panels to ensure that the aspirations and expectations of constituents are represented with respect to major planning decisions.
- Restoring the role of local government as the primary authority for planning decisions and land use policy changes, with such responsibilities for statutory and strategic functions clearly defined within the legislation.
- Re-establishing local autonomy as a means to promote the interests of local communities, and to ensure consistent and transparent planning decisions.
- Re-empowering local government to amend and develop localised planning policy, particularly in terms of identifying and protecting areas of built heritage and suburban character.
- Revisiting the regulated tree legislation to reinstate protections once afforded to trees of significant size, irrespective of their relative location to dwellings and swimming pools. It is incongruous to have targets for increasing the urban tree canopy when current laws allow the removal of trees that make the greatest contribution.

More specifically, there are a number of functions associated with the current planning system that are viewed as problematic for the City of Holdfast Bay. These relate to both the functionality of the planning system and the urban outcomes associated with the implementation of the land use policies. The following section breaks down the various parts of the planning system, their respective shortcomings, and recommendations for improvement.

### **Funding the new Planning System**

- The City of Holdfast Bay supports its role as a local decision-making authority and considers that this role should be properly funded by fees and charges set at a cost recovery level. The City of Holdfast Bay opposes any reforms that result in a more unfavourable financial position in relation to planning functions. The fee discrepancy is exacerbated by the fact that the City of Holdfast Bay has had to expend funds to challenge inadequate planning outcomes caused by the narrow and exclusive assessment pathways presently offered.
- The City of Holdfast Bay considers that the costs of the ePlanning system and the SA Planning Portal have been shifted inequitably onto councils. The City of Holdfast Bay is required to pay a levy in excess of \$60,000 each year to maintain a planning portal controlled by the State Government to which the broader community has limited access to. Furthermore, councils must forego lodgement fees to the State Government, being fees that were previously payable to councils.
- The City of Holdfast Bay recommends that lodgement fees are returned to councils, and that audited accounts of the levy expenditure are provided to local government as a means to understand how those funds are expended, particularly now that the ePlanning system has been established and only requires maintenance support.

### **Developer Contributions**

- Infill development within Holdfast Bay is placing increasing pressure on existing council infrastructure. Furthermore, as a downstream council, the City of Holdfast Bay is required to manage the stormwater flows and discharge created by unabated infill in neighbouring council areas. Councils need the ability to seek a development contribution to be charged against new development that requires upgrade of council infrastructure to support the proper servicing of the intended development proposal. Developer contributions are a fair and viable means of raising revenue to improve local infrastructure and assets. Mechanisms by which developer contributions can be regulated and applied to address the pressures on existing infrastructure should be considered in the *Planning, Development and Infrastructure Act 2016*.

### **Infill Development**

- Building sustainable densities is an important aspect to healthy and vibrant communities. The current policy on cumulative impacts of infill development should be reviewed and monitored with appropriate targets and controls established and enhanced policy relating to infill development to address issues such as loss of character, carparking, the loss of private open space and the urban tree canopy.

## **Heritage and Conservation**

- Local government recognises the benefits of protecting its built heritage while emphasising that classification of 'heritage' and 'conservation' status should be made locally, on the basis of evidence. The City of Holdfast Bay does not support the implementation of policies that lack a sufficiently robust evidence base for the removal of heritage protection status to listed properties, for instance.

## **Principles of Good Design**

- Planning decisions should be made cognisant of good design principles and in the best interests of the local community. Further consideration of good design within the Planning and Design Code for all forms of development is required. An appropriate start would be to dismantle the generic design standards that are imposed metropolitan-wide, as this approach fails to consider and articulate individual suburban character that is worthy of noting and replicating in all new development.

## **Areas of Cultural and Spiritual Values**

- Protecting areas of cultural and spiritual value is a shared responsibility of all tiers of government and communities. Further work is required to include policies within the Planning and Design Code that consider non-European cultural and spiritual values.

## **Urban Greening, Tree Planting and Offset Fund**

- The City of Holdfast Bay understands that having higher levels of natural plant life (trees and shrubs located in street verges, parks and on private properties) in their local communities has many social and environmental benefits, particularly in urban communities. Indeed, the City of Holdfast Bay has a proud and ongoing commitment to revegetating its coastal and natural reserves, in addition to implementing an intensive street tree planting program that will restore tree canopies and corridors to the urban environment. However, these attempts at revegetation are exponentially offset by State Government policies that enable the unabated removal of the city's most significant trees. This is such an issue of concern to the Holdfast Bay community that a separate paper is provided as an appendix to this submission containing specific concerns and recommendations to help guide rapidly needed reform.
- To achieve the Tree Canopy Cover Target in the Greater Adelaide 30 Year Plan there is a need to understand that to reduce the heat island effect arising from the increased paved areas and effects of climate change that there is a need for a consistent canopy cover. This can only be achieved by trees being planted on both public land (reserves, open space and streets) and private land. To reduce the heat island effect in the higher density infill areas there is a need to ensure that trees are planted on private land.
- The City of Holdfast Bay recommends that the cost of paying into the Tree Offset Fund in lieu of planting a tree should be commensurate with the full life cost of the tree, notwithstanding the benefit the community will receive.

Having regard to the abovementioned issues, the following technical amendments to the *Planning, Development and Infrastructure Act 2016* (PDI Act) and associated regulations, and the Planning and Design Code are recommended by the City of Holdfast Bay:

- Amend the regulated and significant tree legislation with the aim to protect regulated and significant trees. This would include expanding the definition, determining a value for trees and including a fee when a regulated or significant tree is to be removed and increased penalties for the illegal removal or damage to these trees.
- S56, Fees and Charges: the requirement for councils to pay the ePlanning levy should be repealed. Councils have had to forego lodgement fees to sustain the ePlanning platform, and to seek an additional levy is entirely inappropriate, particularly as the high level of investment by local government does not translate in quality of product or service provided.
- Sub-section 67(4) and (5) should be repealed to ensure that planning policy is determined by proper planning principles through broad community consultation, rather than through a selective vote of property owners.
- S106.2 and Regulation 54(1), Deemed to Satisfy (Minor variations): the ability of Private Certifiers to make minor variations to applications should be repealed or at the very least provide greater guidance and controls on what are minor variations.
- S121(2) Design Review, a person undertaking specified forms of development should be required to undertake design review, rather than being a voluntary process.
- S125 Timeframes in which to make a decision: sub-section 2 Deemed Consents should be repealed.
- Regulation 125, Timeframes within which a decision must be made: more flexible timeframes for complex applications that are not subject to public notification should be introduced.
- Public notification provisions should be reviewed, with more targeted public notification provided and third-party appeal rights introduced for identified forms of performance assessed applications assessed by Assessment Panels and subject to public notification.
- S136, 137, Regulation 3F and definitions relating to Regulated and Significant Trees: an independent review of the regulated and significant tree legislation should be undertaken with the aim to increase protection of regulated and significant trees, this would include expanding the definition. A value for trees should be determined and regulated and included as a fee when a regulated or significant tree is to be removed.
- Planning and Development Fund: amend S194 and 195 and Regulation 119 to ensure that the fund is only used to improve access to public open spaces and places and enable the planning, design and delivery of quality public space that is essential to healthy, liveable communities.

- S197 Off-setting contributions: the operation and applicability of the Urban Tree Off Set Scheme should be reviewed and the contribution for not planting a tree under the Urban Tree Off Set Scheme should be substantially increased to provide an incentive to plant trees on private land and to enable councils to recover the cost of planning and maintaining the trees on public land.
- Include mechanisms by which developer contributions can be regulated and applied to address the pressures on existing local infrastructure.
- A comprehensive review of fees and charges should be undertaken with consideration being given to the lodgment fee currently being paid to the State Government being paid to the council and consideration should be given to a verification and development approval fee.
- Include the ODASA Design Guidelines into the Planning and Design Code – Principles should be incorporated in the Planning and Design Code to ensure that Object 4(d) and S59 of the Act are fully addressed and incorporated within the Code.
- Reintroduce detailed Desired Character Statements for zones to provide clarity in relation to outcomes sought.
- Enable councils the opportunity to include more localised policy within the Planning and Design Code to reflect local neighborhoods and local character.
- Undertake a comprehensive independent review of the benefits and impacts of infill development in metropolitan Adelaide and amend the Code based on the findings.
- Provide greater policy consideration and detail for regional South Australia in the Code.
- Engage with local government on the provisions of policy and design guidelines required to protect heritage and character areas.
- Ensure policy is well written and understood and the language used is not ambiguous and non-contradictory and enables clear outcomes.

To assist the Expert Panel in understanding the challenges faced by the City of Holdfast Bay in administering a planning system where the involvement of councils is limited with respect to shaping policies, engaging with their communities on development applications, and indeed making assessments on merit, it is important to expand on some of the fundamental issues that require revision, with specific recommendations to achieve better outcomes.

### **Loss of Policy Direction**

The City of Holdfast Bay has noticed that the opportunity to develop and improve on land use policy has been lost with the introduction of a single Code that is managed centrally through Planning and Land Use Services and the State Planning Commission. Under the previous system, the City of Holdfast Bay had the opportunity to be innovative through developing and testing policy in its local area, for its own local community. While this previous approach had

drawn a negative response from the development industry due to varying policy across council areas, it led to innovation and ongoing improvement in policy content. While some see value in the new centralised approach which has created 'homogenous' policy across suburban Adelaide, it has stifled innovation and reduced policy content to the lowest common denominator.

### ***Recommendations***

- a) Councils should be provided the ability to develop and test policy at a local scale, or at the very least adapt policies to suit their own local circumstances.
- b) State Planning Commission to provide more detailed and comprehensive feedback on issues raised by councils and provide a clear framework and understanding on how policy issues raised by councils can be addressed.
- c) Introduce greater transparency to the otherwise confidential nature of many of the State Planning Commissions discussions, as a means to instill confidence in the system and increase the ability of councils and the community to be engaged in policy development.

### **The Loss of Local Policy Content**

The State Government, in the early stages of development, communicated that the Code would be comprised of current Development Plan policies in the new Code format, in effect a "like for like" transition to precede future changes to policy content developed in consultation with councils.

The Code in its current form does not uphold that commitment. Policy intent, content and tools fundamental to councils' ability to sustain and enhance the quality of suburbs and neighbourhoods from existing Development Plans, have not been replaced with substantive planning policy of a level of detail or rigor necessary to enable good development outcomes. Attention is drawn to a specific example in Holdfast Bay, where allotment densities and site frontages were reduced by up to 30% without any reciprocal policies relating to retention of the urban tree canopy, management of on-street car parking congestion, disposal of stormwater from increased hard-surface areas, and reduction in the number of on-street car parking opportunities through the increase in the number of driveway crossovers.

The Code omits local policy that had been developed by the City of Holdfast Bay in consultation with its community over considerable time and at considerable expense. The State-based approach as adopted in the Code has seen the removal of both this local policy, and in many instances, Structure Plans and Master Plans specifically developed for local and unique areas. Inclusion of these local area plans was supported by the Expert Panel in its original recommendations for Planning Reform.

Perhaps the starkest example of where Ministerial land use policy has failed local communities is represented by the arbitrary allowance for high-rise development in some of Holdfast Bay's most sensitive localities. The State Government saw fit in 2016 to repeal previous local policies

created with community input, in favour of generic high rise policies that had no regard pre-existing local traffic conditions, architectural character, capacity of existing stormwater infrastructure, importance of heritage listed buildings, and the social welfare of those residing adjacent. With the advent of such developments along South Esplanade, Colley Terrace, and Adelphi Terrace (in particular), it is critical that an evaluation of the impacts of such developments is undertaken to understand the ramifications of continuing with these policies, relative to the benefits of re-introducing local content to guide development policy.

### ***Recommendations***

- a) Councils should be empowered to develop local policy, including Structure Plans and Master Plans specifically for local and unique areas, and in consultation with their community.
- b) The City of Holdfast Bay seeks a review into the current building height allowances along South Esplanade, Colley Terrace, and Adelphi Terrace to understand the environmental, social, heritage, and built form impact to surrounding residential communities.

### **Good Design**

A key premise behind the South Australian Planning Reforms and as identified in the PDI Act and State Planning Policies, is the focus on good design outcomes under the Code. Good design and placemaking must be a central objective of the Code and must be enforceable in the assessment process.

The importance of design to good planning outcomes has been emphasised throughout the reform process. While the intent to promote good design is clear, this is not fully realised in the Code, which is the most practical and effective instrument available to realise the intent of the PDI Act. As the Code currently stands, these good intentions have not been met. The reduction of the number of zones overall, and stripping away of well developed, locally responsive policy guidance, has resulted in standardised policy across many neighbourhoods and suburbs which fails to recognise and respect unique character.

The City of Holdfast Bay and its community have an expectation that the Code will significantly lift the bar in terms of the quality of design outcomes being achieved through the planning system. Therefore, good design and placemaking must be a central objective of the Code and must be enforceable in the assessment process. Good housing and urban design should not be considered as an add-on, but as an essential part of an acceptable living environment.

### ***Recommendation***

- a) Introduce measures that allow councils to expand on the choice of generic zones which they are otherwise limited to, as a means to develop land use policies that meet the specific design needs of the particular locality and areas of character.

## **Infill Development**

The City of Holdfast Bay recognises that building sustainable densities is key to healthy and vibrant communities, however current policy should be reviewed to gain a greater understanding on cumulative impacts of infill development particularly as it related to the loss of local character, the loss of the urban tree canopy, car parking, stormwater and other council-managed infrastructure and both public and private open space.

While the Code accommodates continued infill development in the metropolitan area, the design, impacts and management of infill development should be addressed more thoroughly in the Code, ideally with the guidance of a broader strategy. In the Code, infill development should be considered together with particular regard to policies addressing design, neighbourhood character, and local context.

While there is some recognition of these issues in the State Planning Policies, there is no holistic policy to guide the land use planning and funding settings specific to infill development in urban areas. This policy vacuum contributes to disjointed decision making within the planning system about the intensity of development permitted within an area, and the capacity of that area to accommodate high levels of infill development.

A better understanding is needed of the cumulative impacts of the current policies that encourage infill development, whether the areas that are identified for further infill development have the service and infrastructure capacity to sustain further development, the level of investment that is funded. These issues should be thoroughly considered and clearly articulated in a State Planning Policy on Infill Development.

### ***Recommendation***

- a) A State Planning Policy relating to infill should be developed to address the loss of local character, the loss of the urban tree canopy, carparking, stormwater and other council-managed infrastructure and both public and private open space.

## **Heritage and Conservation**

Conservation of heritage and historic character through the planning system remains a vital concern for the City of Holdfast Bay community. The City of Holdfast Bay reiterates its earlier comments to the State Government that highly effective heritage conservation policies existed in the now repealed Development Plan, and that these should be reintroduced into the Code and indeed expanded rather than lost through the planning reform program. As matters stand, the Code provides generic heritage and conservation policies, which are oblivious to the distinctly unique character areas within Holdfast Bay. There needs to be a finer grained approach to heritage conservation to ensure that the unique features of a particular area are not lost but in fact enhanced.

Previous Historic Conservation Zones (HCZ) and Contributory Items (CI) were highly valued by the Holdfast Bay community, including identification of certain places as Contributory Items. While the City of Holdfast Bay reluctantly supported the decision to transition many of the

existing Contributory Items into the Code as 'representative buildings' as a means to afford some level of protection to these important places, concern has been expressed that these 'representative buildings' are not defined in the Code. Indeed, the City of Holdfast Bay had to prepare a Code Amendment to ensure that 27 of its most valuable Contributory Items were elevated to Local Heritage status for their own protection.

The interface of development assessment and heritage is particularly significant in the context of State Government directions for urban development. The City of Holdfast Bay believes that urban infill development can be compatible with heritage conservation, and with good design offers opportunities for improving streetscapes and areas in ways that can benefit local heritage places and incentivise their restoration and use. Conversely, such development also has the potential to impact negatively on local heritage, and clear policies and frameworks for decision making are required where heritage conservation must be considered alongside other objectives in pursuit of infill targets.

While it is understood that the Code seeks to provide for flexibility of design response for development that impacts on heritage places, the loss of detailed development guidance, otherwise previously available in council Development Plans, has the potential to result in more development proposals that fail to have appropriate regard to heritage significance and value. Without repeating in whole past submissions made to the State Government on the issue of heritage protection, the City of Holdfast Bay reinforces its support for the following recommendations made in the *2018-19 Inquiry into Heritage Reform* of the Environment, Resources and Development Committee of Parliament:

- State Government commences a statewide, collaborative and strategic approach to heritage reform through development of a staged process and that any reforms undertaken must result in streamlined, clear and responsive processes and transparent and accountable decision making;
- A statewide, strategic approach to identifying heritage of local and state significance, involving the community and interested stakeholders, which is appropriately funded by State Government;
- An audit or review be undertaken of local and state heritage places and contributory items, with the aim of working collaboratively with community and local government;
- A suitable long-term funding base (that incentivises management for heritage and disincentivises deliberate neglect of heritage) for the management of heritage be identified and secured; and
- Sub-section 67(4) and (5) of the *Planning, Development and Infrastructure Act 2016* should be repealed in order to ensure that planning policy is determined by proper planning principles through broad community consultation, rather than through a selective vote of property owners.

The City of Holdfast Bay was pleased to receive notice from the State Planning Commissioner on 19 October 2022 that opportunities had been unlocked to wind back some of the current measures, restoring autonomy to councils to elevate Character Areas to Historic Areas, and

providing support and facilitate councils to review and update their Character Area Statements (and Historic Area Statements) to address identified gaps or deficiencies, and support and facilitate councils to undertake Code Amendments to elevate existing Character Areas to Historic Areas. However, it is important that such measures are reflected by changes to Section 67 (4) and (5) of the Act, which requires a plebiscite of property owners where a heritage character or preservation zone or sub zone is proposed. The Act requires that 51% of property owners agree with the proposal. The City of Holdfast Bay opposes this provision on the basis that the recognition of heritage character should be based on the merits and character of the built form, not on a popular vote. The requirement for 51% of property owners to agree by a vote to the establishment of a heritage conservation zone should be removed from the PDI Act to enable the City of Holdfast Bay to duly recognise areas of distinctive character.

### ***Recommendations***

- a) Policy provided in the Historic Area overlay that provides specific guidance and recognition in relation to 'Representative Buildings'.
- b) Clearer reference be provided in the Historic Area Overlay (and Character Area Overlay) to specifically refer to the statements in the Performance Outcomes.
- c) The State Government establish a Panel comprising persons of appropriate expertise, including representation from the Commission, Heritage Council, local government and relevant Government agencies to prepare a roadmap for a staged approach to heritage.
- d) Repeal S67(4) and (5) relating to the requirement for 51% of property owners to agree by a vote to the establishment of a heritage conservation zone.

### **Urban Greening, Tree Planting and Offset Fund**

The City of Holdfast Bay understands that having higher levels of natural plant life (trees and shrubs located in street verges, parks and on private properties) in their local communities has many social and environmental benefits, particularly in urban communities. The City of Holdfast Bay is presently exploring and implementing strategies that maintain and increase levels of urban greenery to maximise the benefits of green cover.

To achieve the Tree Canopy Cover Target in the Greater Adelaide 30 Year Plan there is a need to understand that to reduce the heat island effect arising from the increased paved areas and effects of climate change that there is a need for a consistent canopy cover. This can only be achieved by trees being planted on both public land (reserves, open space and streets) and private land. To reduce the heat island effect in the higher density infill areas there is a need to ensure that trees are planted on private land. Developers and builders need to recognise and accept that they have a responsibility to ensure this occurs and the responsibility does not lie only with State and local government.

A significant improvement to planning policy proposed in the early draft of the Code was the requirement for tree planting and provision of deep root zones within infill development / small lot housing. Unfortunately, this policy has been significantly weakened due to the introduction of an Offset Fund for the planting of the trees required by the policy.

The City of Holdfast Bay's concerns about the approach to providing opportunities for offsetting the planting of a tree on these sites include:

- it undermines the overall intent and purpose of the policy for improving amenity and comfort outcomes for occupants and surrounding properties to infill development sites that the tree would provide over time;
- it focusses planting by local council's into the public realm, which is most likely to be away from the locations where canopy loss is occurring on private sites, and arguably where the benefits of additional tree planting would be less beneficial to the overall policy intent (ie, open spaces and streets already have tree coverage and lower urban heat island impacts).
- it assumes that this will be available as an option, whereas more established locations (where much of the infill is occurring) already have streets filled with mature street trees and open space areas with established trees (or in some cases limited or no open space areas within the same walkable neighbourhood).
- the inadequate cost, is a disincentive to plant trees which is what the community expects for development and will not result in better design and amenity outcomes for occupants.

The cost-benefit analysis undertaken by the State Government to support an offset fund, misrepresented the amenity benefits of trees within development sites, from a comfort viewpoint, particularly in light of increasing higher temperature days as a result of climate change (this is as opposed to direct energy cost savings). The offset scheme option places increased responsibility on local government in achieving the 30 Year Plan's urban tree canopy target, when it is private landowners and developers which are reducing tree canopy, contrary to the policy. The position also ignores the importance of trees to contributing to better design outcomes for infill development (spaces created to accommodate the trees are part of this), and this is a key objective of the PDI Act.

While the City of Holdfast Bay understands the rationale for such a scheme particularly in areas with reactive soils, which would result in an increase in the cost of footings, the City of Holdfast Bay is concerned that the scheme is open to misuse and as such considers that the following should be taken into consideration in a review of the scheme.

### ***Recommendations***

- a) Establish clear rules and obligations on the Private Certifier and applicant to ensure that payment into the offset scheme in lieu of a tree on the property is the last resort. Where a tree is unable to be located on a property in conjunction with a dwelling because of reactive soils, footing costs or setbacks and the applicant is therefore required to pay into the offset scheme, these applications should not be assessed on merit in lieu of a lack of significant vegetation on the site.
- b) Ensure that the cost of planting and maintaining a tree must reflect the actual cost, as set by the respective council at the time of assessment.

- c) Mandating the size requirement of the tree to be planted on the site.
- d) Requiring the planting of an appropriate established tree on the site should form part of the Certificate of Completion/Certification of Occupancy (ie the builder/developer is compelled to plant the tree prior to permission being granted for occupation).

### **Assessment Panels**

The gradual erosion of elected member representation on Council Assessment Panels has been unnecessary and has not met community expectations, resulting instead in a loss of community voice and local knowledge in the decision-making process. A review of the current limit of one elected member on local Council Assessment Panels should be undertaken to ensure that community views are adequately represented in decision making, particularly as the State Government's marginalization of elected member involvement on Assessment Panels has occurred in concert with a reduction in the ability of neighbours to make representation and be heard on development in their locality.

Aside from its concerns around the diminishing role of elected members on Assessment Panels, the City of Holdfast Bay is also concerned with the process for appointing independent members to an Assessment Panel, with the current accreditation system discouraging a diversity of professions and community members. This is due to the complexity of the accreditation system particularly for non-planners, the cost of becoming and maintaining accreditation, and the ongoing Continual Professional Development requirements. The restrictive provisions as to persons who can be appointed as Independent Assessment Panel members prevents otherwise capable community members from nominating for membership to the Holdfast Bay Council Assessment Panel.

A further deterrent to nominating for membership to the Holdfast Bay Council Assessment Panel is that currently under the PDI Act there is no statutory immunity from personal liability for members of Assessment Panels, instead liabilities of the Assessment Panel rest with the Council, which is in turn covered by the LGA Mutual Liability Scheme, which can choose not to indemnify. Any individual appointed to an Assessment Panel acting honestly in that capacity would have rights at common law to be indemnified by the appointing authority. The legislation is silent on that point in that there is no provision for immunity, transfer of responsibility of liabilities of individual members to the Assessment Panel.

### **Recommendations**

- a) Restore the balance between elected member and independent member representation on Council Assessment Panels to ensure that the aspirations and expectations of constituents are represented with respect to major planning decisions.
- b) Introduce measures that encourage broad-based nominations for membership to the Council Assessment Panel to ensure quality rather than simply qualified representation.
- c) Legislate immunity for Assessment Panel member decisions to avoid liability falling on councils.

## **Infrastructure Framework**

Infrastructure Schemes are not serving the purpose they were intended for. S162-184 collectively deal with the establishment of infrastructure delivery schemes for basic and essential infrastructure. The issue for the sector is that the processes and associated resource implications of such statutory schemes are so complex and resource intensive that they have not been taken up. Rather, the traditional model of non-statutory infrastructure agreements tied to land by way of Land Management Agreement continues to be used.

The City of Holdfast Bay would encourage the resolution of this issue in the Act, as a statutory process would be beneficial where land ownership is fragmented, and coordination of infrastructure is more difficult and for infill Councils where smaller scale public realm works are needed to be part-funded by developers. Councils are still having to set up costly and time-consuming legal agreements to leverage good public realm upgrades.

### ***Recommendation***

- a) Ensure that infrastructure provision is resolved at the planning stage of the development application process, reducing the need to reserve such decisions through statutory schemes. This will enable the community to understand the future infrastructure provision and enable council's to plan for their funding and delivery.

## **Public notification**

The City of Holdfast Bay has noted concern within its community since changes were introduced in March 2021 to public notification requirements. There is a view that people feel they have the right to be engaged where developmental changes and development applications are proposed in their neighbourhood, but that the current planning system denies them of that opportunity. Specifically, the Planning and Design Code reduces the public notification requirements, with significantly more land uses being classified as 'Deemed to Satisfy', and therefore not requiring notification. In addition, the appeal rights of third parties have also been significantly reduced, with only restricted developments being subject to third party appeal rights. Notification is an important tool for informing and engaging with communities and the provisions relating to public notification should enable this communication in both metropolitan and regional contexts.

### ***Recommendations***

- a) Review Division 2 (Planning Consent) under the PDI Act 2016 and Division 3 (Notice requirements and consultation) of the PDI (General) Regulations 2017 to more appropriately consider the impacts of land use and developments on adjoining owners and communities.
- b) Reinstate three tiers of public consultation relative to the impact of the development proposal, thereby enabling neighbours to be formally notified, with the option to express their views, and the safeguard of being able to appeal a decision that significantly compromises their amenity.

## **Regulated and Significant Trees**

The City of Holdfast Bay and its community is concerned with the current protections that exist in the planning system to safeguard regulated and significant trees. While the City of Holdfast Bay is working hard to plant new trees, there is not enough available space on public land to replace what is being lost from private land because of the reducing allotment size and increasing built site coverage across the council area. This is such an issue of concern to the Holdfast Bay community that a separate paper is provided as an appendix to this submission containing specific concerns and recommendations to help guide rapidly needed reform.

### ***Recommendation***

- a) Revisit the regulated tree legislation to reinstate protections once afforded to trees of significant size, irrespective of their relative location to dwellings and swimming pools. It is incongruous to have targets for increasing the urban tree canopy when current laws allow the removal of trees that make the greatest contribution.

## **Developer Contributions**

With infill development putting pressure on existing infrastructure within the City of Holdfast Bay, the ability for the council to seek a development contribution to be charged against new development that requires upgrade of council infrastructure to support the proper servicing of the intended development proposal need should be considered. Developer contributions are a fair and viable means of raising revenue to improve local infrastructure and assets.

### ***Recommendation***

- a) Development of mechanisms by which developer contributions can be regulated and applied to address the pressures on existing infrastructure should be considered in the *Planning, Development and Infrastructure Act 2016*.

## **Private Certification**

The City of Holdfast Bay believes that planning decisions should be made locally. Communities continue to perceive councils as responsible for planning decisions, and as such councils will continue to hold significant interest in all local development outcomes. However, councils have no formal responsibility nor resources to oversee privately assessed applications and may be legally vulnerable if they do so.

The City of Holdfast Bay has previously raised concerns with the use of private certification in the planning system, specifically given that the system now allows for private certifiers to assess applications and approve 'minor' variations where a prescribed standard is not met. Section 106(2) of the Act provides that where a relevant authority (which includes a Level 3 accredited professional) is satisfied that development is Deemed to Satisfy (DTS) except for one or more minor variations, they must assess it as DTS. Indeed, the City of Holdfast Bay has experienced instances where developments had been privately certified where the development did not satisfy important criteria. Examples have also been provided of private certifiers exercising considerable discretion in the judgement of a 'minor' departure from the criteria.

The system is therefore easily being flouted by private certifiers deeming significant variations to be 'minor' to achieve a quick approval that might not be in the community interest. This aspect of the system should be more tightly regulated. The ability for a planning Level 3 accredited professional to act as a relevant authority where there are one or more minor variations under S106(2) should be removed. In this regard, there needs to be both greater oversight and regulation of private certifier decisions, and a return to a system where only local councils make planning decisions.

### ***Recommendations***

- a) Restore planning consent authority to local government, ensuring that private certifiers do not make planning decisions; or
- b) Private Certifiers be more effectively regulated by the Chief Executive of the Department in their role as the Accreditation Authority to ensure the proper operation of the system, and the quality of development outcomes are reflected in practice/on the ground.

### **Coastal climate change and protection of coastal land**

Increased understanding of coastal change is highlighting the need for progressive changes to coastal zoning to accommodate sea-level rise and other climate-related impacts. The City of Holdfast Bay is particularly vulnerable to coastal climate change due to its geographic location. Impacts to coastal land from changing coastal conditions can result in changes to the land that are similar to the impacts of "development". Areas of "coastal land" are commonly under the care, control and management of councils. The role of councils in managing changes to coastal land due to changing environmental conditions is unclear. As climate-related coastal changes increase, this lack of clarity will continue to increase. Coastal protection mechanisms are exceptionally costly but funding mechanisms do not currently meet the scale of the challenge. As such the following recommendations should be adopted.

### ***Recommendations***

- a) Coastal planning policies to be based on statewide modelling of 2050 and 2100 inundation and erosion hazards.
- b) State Government to develop a state Coastal Retreat Policy that links to the PDI and other relevant legislation.
- c) State Government to implement similar reforms to NSW, VIC and QLD with reviews to ensure improved interaction between Planning, Development and Infrastructure Act, Coast Protection Act, Harbors and Navigation Act, Crown Land Management Act and Heritage legislation. Reviews should include in their scope an investigation into funding mechanisms that match the scale of funding required for coastal protection and that fit with state policies, plans and legislative frameworks in a consistent, strategic and prioritised manner.

Thank you once again for the opportunity to be engaged on this most important review. Should you have any further queries regarding the City of Holdfast Bay's submission, please do not hesitate to contact Council's Manager Development Services, Mr Anthony Marroncelli, on 8229 9904 or at [amarroncelli@holdfast.sa.gov.au](mailto:amarroncelli@holdfast.sa.gov.au).

Yours sincerely

A handwritten signature in black ink, appearing to read 'Roberto Bria', with a stylized flourish at the end.

Roberto Bria

**CHIEF EXECUTIVE OFFICER**

## Appendix: Expanded Commentary Specific to Regulated Trees and Urban Tree Canopy

Topic	Summary of Issue	Possible resolution / Proposed amendment
<b>Tree protections</b>	A high proportion of tree canopy cover is the most effective and cost-effective method for the provision of cooling increasingly warm urban areas, especially around urban heat islands that are created by large areas of hard surfaces and no shade. Protection and retention of existing canopy is as important as growing new canopy. There is a significant canopy increase target in the 30-year plan and many councils are now introducing their own canopy increase targets. Canopy is a highly valued resource and needs protection.	<p>Remove the ability to prune up to 30% of regulated and significant trees without requiring council approval. The 30% rule is difficult to enforce and is often flouted. There is also no time caveat that the 30% applies to, i.e. it could be 30% within one year, or within one week. This allows continual abuse of this regulation. It is also recommended that the ability to prune without approval be reduced to 10% within one year. In addition, fence-lining (boundary pruning) of public and regulated trees must not be allowed.</p> <p>The City of Holdfast Bay recommends implementing a system for the pruning of regulated and significant trees that requires the mandatory use of Australian Standard 4373: Pruning of amenity trees. In addition, there needs to be a requirement that pruning of regulated trees is undertaken by a Level V arborist. This will significantly protect existing tree canopy as well as ensuring the best pruning techniques to ensure tree health and structure, and for public safety. This will significantly protect existing tree canopy.</p>
		The City of Holdfast Bay recommends that the definition of a regulated tree includes that it meet one of the criteria of either: minimum trunk circumference, OR minimum height, OR minimum canopy spread at the sizes recommended below. Preferably two or more of these criteria would be used together.
	There are benefits in reducing the minimum circumference for regulated and significant tree protections.	Many more trees would be protected. This action would bring South Australian tree protection standards up to a minimum level of best practice, depending on the size that is recommended. The City of Holdfast Bay therefore recommends reducing the minimum circumference for regulated (protected) trees to approximately 0.5 m as a baseline and also giving councils the power to institute further protections based on their own contexts.
	There are benefits in introducing a height protection threshold, to assist in meeting canopy targets.	This would protect many more existing trees and their canopy. The City of Holdfast Bay recommends that a tree with a height of 6m or more be defined as regulated (protected). Height is easy to measure.

Topic	Summary of Issue	Possible resolution / Proposed amendment
	There are benefits in introducing a crown spread protection, to assist in meeting canopy targets.	This would protect more existing trees and their canopy. The City of Holdfast Bay recommends that a tree with a canopy spread of more than 9m <sup>2</sup> be defined as regulated (protected). The methodology for measurement of this must be defined in the regulations to ensure consistent application across multiple jurisdictions.
	There are benefits in introducing species-based tree protections.	The City of Holdfast Bay strongly recommends removing the exempt species list in Section 3(F) and instead the Regulations must refer to the Declared Plant species list in the <i>Landscape SA Act 2019</i> . This makes interpretation of the legislation much easier, reduces confusion and will reduce administrative burden. Conversely, the use of species-based protections will increase administrative burden, increase confusion and have potentially adverse effects by protecting the wrong trees. The use of size only criteria for protection through classification as regulated (or similar wording) is much easier to administer, interpret and apply.
	Privately Certified developments: These cause lots of issues, with inaccurate/misleading plans submitted to Council which often do not reflect Council trees in the plan. In addition, many of these certifiers are interstate, and never attend the site in person to examine its context, or proximity to trees. Instead they use inaccurate satellite or aerial imagery. This frequently results in buildings with roofs that extend into and interfere with pre-existing public tree canopy, which subsequently has to have high pruning requirements, increasing the maintenance burden of already under-resourced councils, and reducing potential additional canopy.	Councils should be able to refuse a development if the plans are inaccurate/misleading, and force private certifiers to ensure all lodged documents are accurate and reflect council vegetation. Plans should show the crown of public trees that encroach onto the subject site. There is no wording in the Act that empowers councils to do this at the moment.  In addition, it should be mandatory that private certifiers and relevant authorities (e.g. surveyors) visit every site in person as part of the design process to ensure that pre-existing public tree canopy is protected and the building design accounts for this.
	Trees are often removed by State Government on State Government land without independent consideration of the value of the trees against the reasons for their removal. This often occurs along major roads and at public school sites. These types of locations have particularly high risks associated with increased urban heat.	The City of Holdfast Bay recommends that current exemptions from tree protection regulations for some State Government agencies (notably the Department of Infrastructure and Transport, and Department for Education) be removed; as well as advocacy to exempt Commonwealth agencies (e.g. the Department of Defence) to promote the protection of trees on public land – particularly

Topic	Summary of Issue	Possible resolution / Proposed amendment
		given the increased urban heat risk exposure of these publicly managed areas.
<b>Distance from structures</b>	Currently a protected tree (excluding <i>Agonis flexuosa</i> or <i>Eucalyptus</i> ) can be removed or damaged if it is within 10m of a dwelling or swimming pool. As this section of the Act is currently written it can easily cause problems and be abused, as was demonstrated recently when an old, abandoned, filled-in pool was used to remove a regulated tree. Another case went to the ERD Court and allowed the removal of a Norfolk Island Pine that had a stem >10m away from any structure, on the basis that a basal root was within 10m of a building.	<p>Reducing or removing this distance will significantly enhance protection for existing trees and bring SA into line with other states where the majority of councils in the University of Adelaide report do not have a distance provision.</p> <p>The City of Holdfast Bay therefore recommends:</p> <ol style="list-style-type: none"> <li>1. Replacing the current 10m distance provision with a requirement for a proponent to demonstrate that a protected tree is interfering with a substantial structure (e.g. through an engineer's report) and the value of that structure be weighed up against the value of the tree; or in lieu of Recommendation 1.</li> <li>2. Include <i>araucaria heterophylla</i> (Norfolk Island Pine) on the list of species that are excluded from entitlement to removal or damage on the basis of being located within 10m of a private dwelling or swimming pool, and as a tree on public streets and reserves.</li> </ol>
	There are benefits in revising the circumstances when it would be permissible to permit a protected tree to be removed to better manage problematic tree species (i.e. not only when it is within the proximity of a major structure, and/or poses a threat to safety and/or infrastructure)?	<p>Regulated (protected) trees should be allowed to be removed in the following circumstances:</p> <ul style="list-style-type: none"> <li>- If listed in the Declared Plant species list in the <i>Landscape Act SA 2019</i></li> <li>- When it poses a significant threat to safety, as assessed by a Level V arborist. The risk assessment methodology must be industry standard and specified in the <i>PDI Act</i> to ensure consistent application.</li> </ul>
<b>Urban tree canopy offset scheme</b>	There are real benefits in increasing the fee for payment into the offset scheme.	At the moment the fee is too low, which means it is too easy and affordable for the majority of households to pay, rather than plant a tree. The fee needs to be high enough to incentivise tree planting rather than paying a high fee.
	There are benefits in aligning the fee for tree removal with the actual cost to a council of delivering (and maintaining) a tree, noting that this would result in differing costs in different locations.	Whilst the City of Holdfast Bay recognises that costs are different in different areas, Council would argue that an average tree installation and maintenance cost could be derived for the Adelaide metropolitan area. This cost should be enough to cover a minimum of 3 years formative care and watering, and deriving this average should be undertaken as part of the review process.

Topic	Summary of Issue	Possible resolution / Proposed amendment
	<p>There are benefits in increasing the offset fees for the removal or regulated or significant trees?</p>	<p>Unless the fees are significantly high they will not act as a deterrent for the removal of protected trees. The fee in this circumstance should include up to 100% of the value of the tree (to be calculated using stipulated methodology) and replacement cost.</p> <p>In addition, the development application lodgment and assessment fees should be increased significantly. The City of Holdfast Bay recommends removing Sections 119(7) and (8) of the <i>PDI Act</i>, the result of which would be to give councils the ability to request additional information, such as an arborist's report, as part of the process in assessing a request to remove a regulated tree. If trees are defined as protected/regulated, etc. consideration should be given to not allowing their removal at all, unless they are a Declared Plant in the <i>Landscape SA Act</i> or pose a significant safety risk.</p>
	<p>The offsetting of lost open space through payment into the Planning and Development Fund could have an increased allocation of funding to urban greening priorities. The current fund favours large-scale projects and does not have a clear method for prioritising projects based on urban greening or climate resilience needs.</p>	<p>The Planning and Development Fund should be aligned with the priorities emerging from the Adelaide Urban Greening Strategy (in development by Green Adelaide), along with the evidence-base being collected through the state government urban heat and tree canopy mapping. Options for funding of smaller projects and biodiversity projects to also be considered.</p>
<b>Public realm tree planting</b>	<p>There are benefits in amending the criteria within the Planning and Development Fund application assessment process to give greater weighting to the provision of increased tree canopy.</p>	<p>The City of Holdfast Bay recommends stronger priorities and criteria weighting needs to be given to urban greening, including increasing tree canopy and biodiversity projects.</p>
<b>Climate resilience</b>	<p>Most developments being approved today will still be here in 2050, which means these developments MUST factor in climate change and resilience now. As natural hazards intensify, living expenses like energy bills, mortgages and insurance will get more expensive for 'climate vulnerable' homes – that is, homes that are in high-risk areas and have not been built to mitigate those risks. The current Code does not have clear policy outcomes that promote more energy efficient and carbon neutral buildings apart from minimal standards of insulation and</p>	<p>Land-use planning needs to be updated to respond to a changing climate. This means providing the tools needed to plan for risk and uncertainty. Examples include scenario planning, carbon assessments of developments, water-sensitive urban design and factoring in the latest climate science into everyday decisions on land use. It must be mandatory to consider natural disaster and climate risks in all land-use planning decisions for new development and redevelopment.</p> <p>The City of Holdfast Bay recommends detailed and early planning occur for the cumulative</p>

Topic	Summary of Issue	Possible resolution / Proposed amendment
	<p>shading and tree planting. Land use planning can play an important role in climate change mitigation and adaptation. The <i>Planning Development and Infrastructure Act 2016</i> requires the Minister for Planning to prepare a specific state planning policy relating to climate change. The Policy identifies the specific policies and principles that should be applied to minimise adverse effects of decisions made under the Act on the climate and promoting development that is resilient to climate change. A key action for the State Government is to strengthen these policies for climate-smart development through the planning system.</p>	<p>impacts of climate change on communities and urban areas, and their consequences.</p> <p>Upcoming amendments to the National Construction Code will see a requirement for new constructions to increase from a 6-star to 7-star rating and the Planning and Design Code should also be amended to reflect this by promoting more energy efficient and carbon neutral buildings.</p>
<b>Climate hazard mapping</b>	<p>Climate-related hazards have the potential to change over time and need to include some flexibility in planning responses on a regular basis as new information is collected. This is particularly important for:</p> <ul style="list-style-type: none"> <li>• Bushfire</li> <li>• Urban heat</li> <li>• Coastal erosion</li> <li>• Flooding (including seawater inundation).</li> </ul>	<p>State Government to coordinate regional climate hazard mapping on a regular basis and include hazard overlays in the SA Property and Planning Atlas. The SA Property and Planning Atlas should be a central location for climate hazard mapping. Hazard overlays are therefore required to direct permitted types of development, housing design and planning requirements for community emergency responses. Climate risks must also be overlaid on both existing and future urban zones to identify hazard 'hot spots'.</p>
<b>Water sensitive urban design (WSUD)</b>	<p>There is currently no guidance to achieve Water sensitive urban design (WSUD) outcomes (e.g. 'green' stormwater management systems, swales, permeable pavers, rain gardens, tree inlets, etc).</p>	<p>Water sensitive urban design techniques should be incorporated into developments and include evidence of bio-filtration systems, grassed or landscaped swales, slotted kerbs, permeable pavements, and retention systems, consistent with the examples provided in the "Water Sensitive Urban Design Technical Manuals for the Greater Adelaide Region".</p>

## Open Space and Trees Project

Summary of Issue	Comments
<p>The City of Holdfast Bay notes that the State Planning Commission's 'Open Space and Trees Project' and provide general support for Part 1 and Part 2 of the project and that these should be reviewed by the Expert Panel as part of the Planning System Implementation Review.</p> <p>The <i>Open Space and Trees Project – Part 1A (Arborist Review)</i> has been reviewed by the City of Holdfast Bay arborist, together with key staff involved in regional collaboration on urban greening priorities in the Resilient South regional climate partnership (<a href="http://www.resilientsouth.com">www.resilientsouth.com</a>). The City of Holdfast Bay would appreciate the following key points being noted:</p> <ul style="list-style-type: none"> <li>• Dr Dean Nicolle does not appear to hold arboricultural qualifications, nor is he a member of, or endorsed by, a relevant professional association (e.g. the International Society of Arborists or Arboriculture Australia).</li> <li>• The methodology that Dr Nicolle has used to value and rank species appears to be based on his opinion and professional experience and is not recognised externally. These valuations should be evaluated by a group of industry professionals before being accepted by the State Government.</li> <li>• The majority of Dr Nicolle's report is concerned with the inclusion of various species on exemption lists under Regulation 3F of the <i>Planning, Development and Infrastructure Act 2016</i>. The presence of such lists complicates the implementation of the Act in that a proponent needs to identify a tree to evaluate if it can be modified/removed.</li> </ul>	<p>Specific detailed responses are provided in Tables 1 and 2 below. It is noted in particular that many of the recommendations will have resourcing and financial implications for councils. The comments in the table represent views of technical staff and not a formal position for the City of Holdfast Bay.</p> <ul style="list-style-type: none"> <li>• <b>TABLE 1.</b> Summary of Recommendations from the <i>Open Space and Trees Project – Part 1A (Arborist Review)</i> Report with City of Holdfast Bay responses.</li> <li>• <b>TABLE 2.</b> Summary of Recommendations from the report <i>Urban tree protection in Australia: Review of regulatory matters</i> (by The University of Adelaide) with City of Holdfast Bay responses.</li> </ul> <p>With regard to Regulation 3F (exempt species), it is suggested it would be preferable to remove this section. Then, proponents wishing to remove/modify <b>ANY TREE</b> above a specific size threshold, would need to apply for a council permit to do so.</p> <p>While several of the recommendations from the reports are supported, the City of Holdfast Bay is concerned that increased protection of trees will increase the regulatory burden on local governments. It is therefore recommended that any increase in regulation be accompanied by a mechanism to resource local governments for this, e.g. through leveraging fees or state government provision of funds.</p>

**Table 1.** Summary of Recommendations from the *Open Space and Trees Project – Part 1A (Arborist Review)* Report with City of Holdfast Bay responses.

Section 2.4.1 – Currently generically excluded species under Regulation 3F (4) (b)	
Recommendation	Response
<b>Retain</b> <i>Acer negundo</i> (box elder) on the list of species under Regulation 3F(4) (b).	Not supported.
<b>Remove</b> <i>Acer saccharinum</i> (silver maple) from the list of species under Regulation 3F(4) (b).	Supported.
<b>Retain</b> <i>Ailanthus altissima</i> (tree of heaven) on the list of species under Regulation 3F(4) (b).	Not supported.
<b>Remove</b> <i>Alnus acuminata</i> subsp. <i>glabrata</i> (evergreen alder) from the list of species under Regulation 3F(4) (b).	Supported.
<b>Remove</b> <i>Celtis australis</i> (European hackberry) from the list of species under Regulation 3F(4) (b).	Supported.
<b>Remove</b> <i>Celtis sinuensis</i> (Chinese hackberry) from the list of species under Regulation 3F(4) (b).	Supported.
<b>Remove</b> <i>Cinammomum camphora</i> (camphor laurel) from the list of species under Regulation 3F(4) (b).	Supported.
<b>Retain</b> <i>Cupressus macrocarpa</i> (Monterey cypress) on the list of species under Regulation 3F(4) (b).	Not supported.
<b>Remove</b> <i>Ficus</i> species (figs) from the list of species under Regulation 3F(4) (b)	Supported.
<b>Remove</b> <i>Ficus macrophylla</i> (Moreton Bay fig) from the list of species under Regulation 3F(4) (b) except where <15m from dwelling.	Supported. Suggest removal of this species from the list entirely as it is captured within the genus <i>Ficus</i> covered by the previous recommendation.
<b>Retain</b> <i>Fraxinus angustifolia</i> (desert ash) on the list of species under Regulation 3F(4) (b) except for the grafted cultivar ‘Raywood’ (claret ash).	Supported to remain consistent with Declared Plants of SA
<b>Remove</b> <i>Fraxinus angustifolia</i> ‘Raywood’ (claret ash; listed as <i>F. angustifolia</i> ) from the list of species excluded from Regulation 3F (4) (b).	Supported
<b>Retain</b> <i>Lagunaria patersonia</i> (Norfolk Island hibiscus) as exempt from tree-damaging activity under Schedule 4 (18).	Supported
<b>Remove</b> <i>Melaleuca styphelioides</i> (prickly-leaved paperbark) from the list of species excluded from Regulation 3F (4) (b).	Supported.
<b>Retain</b> <i>Pinus radiata</i> (Radiata pine) on the list of species excluded from Regulation 3F (4) (b).	Not supported.
<b>Remove</b> <i>Platanus x acerifolia</i> (London plane) from the list of species excluded from Regulation 3F (4) (b).	Supported.
<b>Retain</b> <i>Populus alba</i> (white poplar) on the list of species excluded from Regulation 3F (4) (b).	Not supported.
<b>Retain</b> <i>Populus nigra</i> ‘Italica’ (Lombardy poplar) on the list of species excluded from Regulation 3F (4) (b).	Not supported.
<b>Retain</b> <i>Robinia pseudoacacia</i> (black locust) on the list of species excluded from Regulation 3F (4) (b).	Not supported.
<b>Retain</b> <i>Salix babylonica</i> (weeping willow) on the list of species excluded from Regulation 3F (4) (b).	Not supported.

<b>Retain</b> <i>Salix chilensis</i> ‘Fastigiata’ (Chilean pencil willow) on the list of species excluded from Regulation 3F(4) (b).	Not supported.
<b>Retain</b> <i>Salix fragilis</i> (crack willow) on the list of species excluded from Regulation 3F(4) (b).	Not supported.
<b>Retain</b> <i>Salix x rubens</i> (hybrid crack willow) on the list of species excluded from Regulation 3F(4) (b).	Not supported.
<b>Retain</b> <i>Salix x sepulcralis</i> var. <i>chrysocoma</i> (golden weeping willow) on the list of species excluded from Regulation 3F(4) (b).	Not supported.
<b>Remove</b> <i>Schinus molle</i> (peppercorn) from the list of species excluded from Regulation 3F(4) (b).	Supported.
<b>Section 2.4.2 – Other species recommended as generically excluded species</b>	
<b>Recommendation</b>	<b>Response</b>
<b>Add</b> <i>Eucalyptus globulus</i> (Tasmanian blue gum) to the list of species excluded from Regulation 3F(4) (b).	Only support the addition of Declared Plants ( <i>Olea europaea</i> , <i>Tamarix aphylla</i> , <i>Pinus halepensis</i> ) listed in the <i>Landscape SA Act 2019</i> .  <i>Phoenix canariensis</i> and all palms are to be excluded on the basis of them being botanically classified as a grass.
<b>Add</b> <i>Eucalyptus grandis</i> (flooded gum) to the list of species excluded from Regulation 3F(4) (b).	
<b>Add</b> <i>Eucalyptus saligna</i> (Sydney blue gum) to the list of species excluded from Regulation 3F(4) (b).	
<b>Add</b> <i>Melaleuca armillaris</i> (bracelet honey-myrtle) to the list of species excluded from Regulation 3F(4) (b).	
<b>Add</b> <i>Olea europaea</i> (olive) to the list of species excluded from Regulation 3F(4) (b), excepting non-fruiting cultivars and individuals.	
<b>Add</b> <i>Phoenix canariensis</i> (Canary Island date palm) to the list of species excluded from Regulation 3F(4) (b).	
<b>Add</b> <i>Pinus halepensis</i> (Aleppo pine) to the list of species excluded from Regulation 3F(4) (b).	
<b>Add</b> <i>Pittosporum undulatum</i> (sweet pittosporum) to the list of species excluded from Regulation 3F(4) (b).	
<b>Add</b> <i>Populus</i> species (all poplar species) to the list of species excluded from Regulation 3F(4) (b).	
<b>Add</b> <i>Prunus</i> species (all stone fruit species) to the list of species excluded from Regulation 3F(4) (b).	
<b>Add</b> <i>Pyrus</i> species (all pear species) to the list of species excluded from Regulation 3F(4) (b).	
<b>Add</b> <i>Salix</i> species (all willow species) to the list of species excluded from Regulation 3F(4) (b).	
<b>Add</b> <i>Tamarix aphylla</i> (Athel pine) to the list of species excluded from Regulation 3F(4) (b).	
<b>Add</b> <i>Ulmus minor</i> (English elm) and <i>Ulmus x hollandica</i> (Dutch elm) to the list of species excluded from Regulation 3F(4) (b).	
<b>Section 2.4.3 – Species currently not excluded even when &lt;10m from a dwelling/pool</b>	
<b>Recommendation</b>	<b>Response</b>
Regulation 3F(4) (a) be abolished, and replaced with a list of species to be excluded from the definition of a ‘regulated tree’ and ‘significant tree’ under the <i>PDI Act 2016</i> when located <10m from a dwelling or pool.	Not supported. The ability to remove a tree in proximity to a structure without any evidence that the structure is of value or being negatively impacted by the tree, makes this provision open to abuse.
<i>Agonis flexuosa</i> (willow myrtle) not be excluded, even when <10m from a dwelling or pool.	The meaning of this recommendation is unclear. The City of Holdfast Bay recommends that trees

	not be exempt from protections based on proximity to a structure alone.
<i>Eucalyptus</i> species (gums) not be excluded, even when <10m from a dwelling or pool.	The meaning of this recommendation is unclear. The City of Holdfast Bay recommends that trees not be exempt from protections based on proximity to a structure alone.
<b>Section 2.4.4 – Species recommended for exclusion when &lt;10m from a dwelling/pool</b>	
<b>Recommendation</b>	<b>Response</b>
<i>Casuarina</i> species (all species and excluding the genus <i>Allocasuarina</i> ) be <b>excluded</b> from the definition of a ‘regulated’ or ‘significant’ tree when <10m from a dwelling or pool.	Not supported.
<i>Cupressus</i> species (all species except <i>C. macrocarpa</i> ) be <b>excluded</b> from the definition of a ‘regulated’ or ‘significant’ tree when <10m from a dwelling or pool.	Not supported.
<i>Ficus</i> species (all species) be <b>excluded</b> from the definition of a ‘regulated’ or ‘significant’ tree when <10m from a dwelling or pool.	Not supported.
<b>Section 2.4.5 – Trunk size triggers</b>	
<b>Recommendation</b>	<b>Response</b>
For multi-trunked individuals, only trunks that are 1m or greater in circumference be included in the total trunk circumference, with no average trunk circumference required.	The City of Holdfast Bay agrees that there is value in instituting a minimum threshold for trunks when calculating the trunk circumference of multi-stemmed trees. However, the City of Holdfast Bay regards the current 2m circumference threshold for a tree to reach ‘regulated’ status as too large. The City of Holdfast Bay therefore supports this suggestion but suggests an individual trunk circumference threshold lower than 1m. Any change in the way multi-trunked trees are assessed should ensure typical mature grey box ( <i>Eucalyptus microcarpa</i> ) meet the definition of a Regulated/Significant tree.
<b>Section 2.4.6 Consistency with the <i>Landscape South Australia Act 2019</i></b>	
<b>Recommendation</b>	<b>Response</b>
All tree species of Declared Plants in the <i>Landscape South Australia Act 2019</i> also be listed as generically excluded species in the PDI Act 2016. Regulation 3F (4)(c) of the <i>PDI Act 2016</i> could then be removed from the regulations, as it would become redundant. This option will result in a longer list of generically excluded species under Regulation 3F (4)(b) of the PDI Act 2016, but would mean that all generically excluded species are listed together in the <i>PDI Act 2016</i> , without the need to cross-reference the <i>Landscape South Australia Act 2019</i> .	Not supported. The <i>Landscape South Australia Act</i> is primarily focused on the management of productive landscapes and open areas and some species that are identified as weeds in a general sense may be suitable for cultivation under some conditions in an urban environment. However, Councils should be empowered to designate zones around urban sites of high biodiversity, in which street trees are planted that are not declared plants in the <i>Landscape SA Act</i> , so that they do not spread into these high value sites.
No species of Declared Plants in the <i>Landscape South Australia Act 2019</i> be listed as generically excluded species in the PDI Act 2016, and Regulation 3F (4)(c) of the <i>PDI Act 2016</i> is retained (effectively excluding all Declared Plant species). While this option would result	Supported, noting that consideration should be given to including any Declared Plant in the <i>PDI Act</i> also.

in a much shorter list of generically excluded species under Regulation 3F (4)(b) of the <i>PDI Act 2016</i> , it is less user-friendly, as it would require anyone enquiring about which species are exempt to consider both Regulation 3F (4)(b) of the <i>PDI Act 2016</i> and the numerous classes of Declared Plants in the <i>Landscape South Australia Act 2019</i> .	Both of these recommendations overly complicate what should be a simple system whereby all trees are protected unless they are on the list of Declared Plants in the <i>Landscape South Australia Act 2019</i> .
<b>Section 2.4.7 Species identification concerns</b>	
<b>Recommendation</b>	<b>Response</b>
It is recommended that the identification concerns regarding certain species that are recommended for exclusion be further investigated. Such an investigation is beyond the scope of this report. Potential mechanisms to address species identification concerns could include a clause in the Regulations requiring for the professional identification of a tree prior to approval of its removal/damage/pruning. Professional identification could be undertaken by agreement with the Botanical Gardens and State Herbarium of South Australia (likely requiring some additional resources by this organisation to undertake the identifications), or by an appropriately qualified and/or experienced consultant (e.g. a botanist) at a financial cost to either the applicant or the approving body.	<p>Not supported.</p> <p>While the City of Holdfast Bay agrees that incorrect identification remains a problem with the protection of trees, the City of Holdfast Bay does not regard mandating identification by the Botanic Gardens and State Herbarium or other experts as necessary. Rather, the City of Holdfast Bay recommends increased enforcement of and penalties for arborists who incorrectly identify protected trees leading to their damage or removal to encourage greater upskilling of the industry, and the use of external consultants for identification when required.</p> <p>Planning overlays could be used to identify areas where expert identification might be warranted, e.g. in native conservation areas where superficially similar weeds may grow alongside native relatives (e.g. <i>Casuarina glauca</i> and <i>Allocasuarina verticillata</i>).</p>
<b>Section 3 – Should Regulation 3F(4)(a) be extended to include genera <i>Corymbia</i> and <i>Angophora</i>?</b>	
<b>Recommendation</b>	<b>Response</b>
It is recommended that all species (and therefore all genera) be included in the definition of ‘regulated tree’ and ‘significant tree’ under the <i>PDI Act 2016</i> , even when <10m from a residential dwelling or swimming pool, excluding generically excluded species (listed in Section 4.1) and excluded species when <10m from a dwelling or pool (listed in Section 4.2). This makes redundant the question of whether the genus <i>Eucalyptus</i> as referred to in Regulation 3F(4)(a) should be extended to also include the genera <i>Corymbia</i> and <i>Angophora</i> .	Supported, noting earlier comments around exemptions close to a dwelling or swimming pool.
In the case that the alternative and non-preferred recommendation is adopted, that all species be excluded from the definition of ‘regulated tree’ and ‘significant tree’ under the <i>PDI Act 2016</i> when <10m from a residential dwelling or swimming pool, excepting for <i>Agonis flexuosa</i> and <i>Eucalyptus</i> species (i.e. the current regulations), then the following is recommended: - <i>Eucalyptus</i> (all species) be maintained as an exception to the exclusion from the definition of	Supported, noting earlier comments around exemptions close to a dwelling or swimming pool.

<p>'regulated tree' and 'significant tree' under the <i>PDI Act 2016</i> when &lt;10m from a residential dwelling or swimming pool</p> <ul style="list-style-type: none"> <li>- <i>Angophora</i> (all species) and <i>Corymbia</i> (all species) be added as exceptions to the exclusion from the definition of 'regulated tree' and 'significant tree' under the <i>PDI Act 2016</i> when &lt;10m from a residential dwelling or swimming pool.</li> <li>- <i>Agonis flexuosa</i> (Willow Myrtle) be removed from the exception to the exclusion from the definition of 'regulated tree' and 'significant tree' under the <i>PDI Act 2016</i> when &lt;10m from a residential dwelling or swimming pool.</li> </ul>	
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**TABLE 2.** Summary of Recommendations from the report *Urban tree protection in Australia: Review of regulatory matters* (by The University of Adelaide) with City of Holdfast Bay responses.

Section 6.1 Recommendations drawn from regulatory review data	
Recommendation	Response
Reduce circumference protection threshold from 2m to approximately 50cm.	Supportive of reducing circumference protection in <i>PDI Act</i> as a baseline and then giving councils power to institute further protections based on their own contexts.
Institute an independent height protection threshold of less than 6m.	Not supported. It is instead recommended that a tree with a height of 6m or more be defined as 'regulated'.
Institute an independent crown spread protection threshold of $\leq 6\text{m}$ .	Not supported. It is instead recommended that a tree with a canopy spread of more than $9\text{m}^2$ be defined as 'regulated'. The measurement of this must be defined in the regulations to ensure consistent application across multiple jurisdictions.
Institute location-based protections for trees.	Supported. Councils should be able to develop their own zoning/planning overlays to protect particular tree types in different areas of their councils.
Designate one or more tree registers to which nominations can be made, the entries on which should be extended full protections.	Supported, particularly if exemptions (e.g. due to species or proximity to a structure) remain. Protections from a tree register should override any exemptions. The process for nominating and reviewing a listing also need to be elucidated. Also need to consider the maintenance requirements for a registered tree to prevent them being neglected. This register should also be available as a spatial overlay in the SA Property and Planning Atlas.
Reduce proximity-based exemptions to existing tree protections to 3m of a substantial structure (house or other major building).	Not supported. It is instead recommended the removal of a distance exemption, as it is less important than impact assessment balanced against tree value. In lieu of this, that <i>araucaria heterophylla</i> (Norfolk Island Pine) is placed on the list of species that are excluded from entitlement to removal or damage on the basis of being located within 10m of a private dwelling or swimming pool, and as a tree on public streets and reserves.
Ensure that any assessments or works on significant trees are undertaken by a suitably qualified arborist.	Supported with modification. Suggest amendment to "significant or <u>regulated</u> trees". The requirement for an expert assessor under the Native Vegetation Act may provide a useful parallel here.
Provide a tree protection mechanism to promote the biodiversity of the urban forest through the protection of rare or unusual species.	Supported. It is also suggested to using Santamour's diversity guideline as a mechanism to support urban forest species diversity. This guidelines suggests that an urban tree population should include no more than 10% of any one

	species, 20% of any one genus, or 30% of any family.
Institute limits on the pruning that may be undertaken on protected trees without arboricultural advice.	Supported.
Stipulate all pruning of protected trees, including clearance from public utilities, must be undertaken in accordance with AS4373: Pruning of Amenity Trees.	Supported.
Provide a mechanism for local governments to charge a fee for assessment of tree works applications.	Supported.
Provide a mechanism for local governments to erect structures where protected trees have been vandalised or illegally removed.	Supported only on the condition that the replacement 'structure' is able to contribute to increasing tree canopy (e.g. to be covered by a climbing plant), and doesn't contribute to increasing urban heat problems.
Provide a mechanism for local governments to require bonds be paid to protect Regulated and Significant trees on development sites.	Supported. Funds need to be directed to tree management in local government.
Review the penalties available for local governments to police protected tree provisions.	Supported. Funds need to be directed to tree management in local government.
<b>Section 6.2 Recommendations based on expertise</b>	
<b>Recommendation</b>	<b>Response</b>
A fee and bond be instituted to apply for any works with the potential to impact a regulated, or significant tree.	Supported. Funds need to be directed to tree management in local government.
For protected trees on private land, the bond mentioned above is to have a floor value of \$1,000 (indexed) per tree, plus up to 100% of the value of the tree (calculated using stipulated methodology) plus replacement cost (cost to remove existing tree, purchase, plant and establish a similar tree, i.e. cost within first three years). 'Similar tree' to be defined by a government authority in line with a council or State Urban Forest Strategy and may represent a tree of a similar age/size and the same or a different species.	Supported. Funds need to be directed to tree management in local government.
For protected trees on private land, bond to have a floor value of \$1,000 per tree (calculated using stipulated methodology), plus up to 100% of the value of the tree and land area (within crown extent). Land value to be calculated using council rates and after any rezoning or subdivision.	Supported. Funds need to be directed to tree management in local government.
Value of tree to be calculated using a methodology that has been developed or optimised for Adelaide conditions and tree species (suggest upcoming Minimum Industry Standard MIS506: Industry guidance on tree valuation methodologies, practices and standards to be used as a starting point) and used across greater Adelaide area. Methodology to be developed or endorsed by the South Australian government.	Supported. State Government should provide direction on which methodology to use (or use in specific circumstances) to avoid wildly different valuations.
Tree valuations to be undertaken by a Level V arborist who has undertaken a training course in the state-endorsed valuation methodology indicated above.	Supported. This would be analogous to the system used for Accredited Native Vegetation Consultants.

Register of qualified valuers to be maintained by appropriate industry body or SA Government.	
Tree valuations can be disputed by a proponent or council by commissioning a second appropriately qualified valuer. Final decision to be made by a relevant authority, who may commission a third independent valuer if required.	Supported.
Level V arborist to inspect bonded trees for damage, and if necessary, undertake a new valuation using the valuation accepted in the development application as a benchmark. Any damage reducing the value of the tree will be penalised through the forfeiture of that amount. The inspecting arborist may recommend deferral of inspection by up to a year if they suspect impacts are not yet detectable.	Supported, however the council/inspecting arborist should have the ability to defer inspection by up to three years if warranted.
In the case of works impacting the structural root zone or >25% of the tree protection zone, including soil compaction, grade change or interference with roots, proponent remains liable for tree damage for a period of one year following work completion. Tree to be inspected by council arborist one year after works completed, if tree appears to be in decline, clock extended for a maximum of three years.	Supported.
Fees and forfeited bonds are to be collected by a relevant authority and held in a dedicated fund to be used for the development of urban canopy within the local area, including to fund the purchase of land for tree planting.	Supported. Funds should be collected in a Council fund for use in the relevant local government area.

Item No: 15.2

Subject: **BUDGET AND ANNUAL BUSINESS PLAN UPDATE – AS AT  
31 DECEMBER 2022**

Date: 14 February 2023

Written By: Manager, Finance

General Manager: Strategy and Corporate, Ms P Jackson

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### **SUMMARY**

This report covers the second update of Council's 2022/23 budget conducted as at 31 December 2022.

A comprehensive review of Municipal budgets has decreased the forecast operating surplus by \$227,070 to a forecast surplus of \$262,911. This includes a provision of \$303,000 to allow for a potential timing issue of when Council receives its annual allocation of the Financial Assistance Grant (FAG). Other unfavourable variances of \$289,000 include increased electricity costs, additional GPT cleaning and extra expenditure resulting from the severe storm in November. This has been offset by positive variances identified of \$365,000 for revenue raised through the Brighton Caravan Park, the sum of hoarding fee applications processed, savings on the cost of borrowings and additional investment earnings due to higher interest rates.

There are currently no changes to the revised budget forecast for Alwyndor, however, this will be reviewed in February and any proposed update will subsequently be reported to Council.

Attached are financial reports for Municipal and Alwyndor operations, commercial activities, and progress summaries and analysis of Annual Business Plan projects.

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### **RECOMMENDATION**

1. **That Council notes the second 2022/23 budget update for Council's municipal operations including:**
  - (a) **a movement in the forecast operating result for 2022/23 of \$227,070 from a surplus of \$489,981 to a surplus of \$262,911;**
  - (b) **no change in forecast capital expenditure of \$30.749 million;**
  - (c) **no change in forecast capital revenue of \$6.418 million;**
  - (d) **an increase in forecast net financial liabilities of \$277,070 at 30 June 2023 from \$35.279 million to \$35.506 million.**

2. **That Council notes for Alwyndor operations no change to the 2022/23 revised budget forecast.**
  3. **That Council note the Annual Business Plan quarterly update for December 2022.**
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## **STRATEGIC PLAN**

This review contributes to achieving the vision in the Strategic Plan of being “South Australia’s most sustainable city” by enabling responsible financial stewardship to ensure the financial sustainability of Council. Sound financial management also supports the delivery of all objectives and aspirations across all focus areas and time horizons.

## **COUNCIL POLICY**

Not applicable

## **STATUTORY PROVISIONS**

*Local Government (Financial Management) Regulations 2011, Regulation 9*

## **BACKGROUND**

The Local Government (Financial Management) Regulations 2011 require three specific budget performance reports to be prepared and considered by Councils including:

1. Budget Update (at least twice per year);
2. Mid-year Budget Review (once per year); and
3. Report on Financial Results (after completion and audit of annual financial statement of previous financial year).

The three reports collectively are intended to provide a comprehensive reporting process that allows Council to track performance against the financial targets it established in its annual budget.

## **REPORT**

The current forecast projections comprise the original budget adopted by Council at its meeting on 28 June 2022, items carried forward from 2021/22 adopted by Council on 23 August 2022 and the first budget update as at 30 September 2022 on 25 October 2022. Following a review of these budgets a number of proposed variations have been identified.

Positive operational variances have been forecast including: \$100,000 for the Brighton Caravan Park due to higher occupancy rates; \$100,000 for additional hoarding fee income generated as a result of continuing developer construction works; and savings of \$112,000 on estimated borrowing costs. The favourable variance on expected borrowing costs is only an issue of timing between financial years as a number of committed major projects will now be completed next year. This is in line with Council’s Treasury Management Policy of new loans being acquired only as required.

These positive variances will be offset by a significant increase in the cost of electricity over the remaining six months of this financial year; estimated at an additional \$189,000. Council benefited from lower-than-average rates under its previous contract which expired in December and has now entered in to a new six-month agreement. Due to the current energy price crisis this has seen rates rise considerably.

Other additional expenditure has occurred due to the significant storm event to hit Adelaide in November 2022 (\$45,000) and extra GPT cleaning required at Pier Street to reduce the possibility of flooding in that location (\$55,000).

### ***Financial Assistance Grant***

In April 2022 the Federal Government announced that it would bring forward part payment of the 2022/23 Financial Assistance Grants. Council received a \$1,095,515 (80%) advance payment in April 2022, but the timing of this payment required it, under Australian accounting standards, to be recorded as income in the 2021/22 financial year. This is a timing issue across financial years, however, due to this advance payment, and depending on the timing of future Financial Assistance Grant payments, there may be a potential reduction to the 2022/23 operating result.

In previous years, Council has, on average, received advance payments of 50% and if repeated in June 2023 would leave a budget shortfall of \$303,000. Though the amount, and timing, of any future payments are unknown it is deemed prudent, based on historic trends, to make a budget adjustment for \$303,000 as part of this update.

Further details of the amounts and notes along with funding statements for both Council Municipal and Alwyndor operations have been prepared and are attached to this report.

*Refer Attachment 1*

The statements comprise six columns:

- The 2022/23 original full year budget.
- The current year to date revised forecast.
- Actual to 31 December 2022.
- Year to date variance to 31 December 2022.
- The current approved full year revised forecast comprising the original budget and items carried forward from 2021/22.
- Proposed budget forecasts variances arising from this budget update.

Major year-to-date variances have been accounted for as part of this budget update. The remaining year-to-date variances are the result of budget timings.

### **Financial Statements**

The financial regulations also require the mid-year review to include a revised forecast of each item shown in the budgeted financial statements compared with estimates in the budget presented in a manner consistent with the Model Financial Statements.

These financial statements have been prepared and are provided for Municipal, Alwyndor and consolidated operations.

*Refer Attachment 2*

### **Commercial Activities**

Comparative financial reports to 31 December 2022 have been provided for Councils major commercial activities including Brighton Caravan Park, Partridge House and Partridge Street carpark.

*Refer Attachment 3*

### **Financial Indicators**

Financial indicators have been prepared including an operating surplus ratio, net financial liabilities ratio and asset sustainability ratio.

The operating surplus ratio is determined by calculating the operating surplus/(deficit) before capital amounts as a percentage of total operating revenue.

The net financial liabilities ratio is determined by calculating total liabilities less financial assets as percentage of total operating revenue.

Another relevant measure of ability to service debt is the interest cover ratio. The interest cover ratio is measured by calculating net financial interest as a percentage of the total operating revenue. A ratio of 5 per cent indicates that for every \$100 of revenue \$5 is spent in net interest payments. The current interest cover ratio indicates that Council is in a strong financial position to manage debt.

The asset sustainability ratio is determined by calculating capital expenditure on the renewal or replacement of existing assets, excluding new capital expenditure as a percentage of Asset Management Plan required expenditure. This ratio measures the extent to which existing infrastructure and assets are being replaced.

The following tables provide updated forecasts for these and other major ratios for Council, Alwyndor and the consolidated result for both entities at 31 December 2022.

<b>Municipal Funds</b>	<b>Target – from 2022/23 Annual Budget/LTFP</b>	<b>Original Budget Forecast</b>	<b>Revised Budget Forecast</b>
Operating Result*	≥ 0	\$389,644 Surplus	\$262,911 Surplus
Operating Ratio**	≥ 0%	0.8%	0.5%
Net Financial Liabilities ratio***	≤ 75%	72%	70%
Interest Cover Ratio****	≤ 5%	1.6%	1.3%
Asset Sustainability Ratio *****	90% -110%	100%	185%

**\* Operating Result** is the result from total operating income less total operating expenses before asset disposals, amounts received for assets and changes in the valuations of assets.

**\*\* Operating Ratio** expresses the operating result as a percentage of total operating income.

**\*\*\* Net Financial Liabilities Ratio** expresses total liabilities less total financial assets as a percentage of total operating income.

**\*\*\*\* Interest Cover Ratio** expresses finance costs including interest on borrowings less interest on investments as a percentage of total operating revenue excluding interest on investments.

**\*\*\*\*\* Asset Sustainability Ratio** is defined as net capital expenditure on the renewal and replacement of existing assets expressed as a percentage of the asset management plan required expenditure.

Ratio – Alwyndor Funds	Target – from 2022/23 Annual Budget/LTFP	Original Budget Forecast	Revised Budget Forecast
Operating Result	≥ 0	(\$281,415) Deficit	(\$281,415) Deficit
Net Financial Liabilities ratio	NA	53%	57%
Asset Sustainability Ratio	90% -110%	30%	56%

Ratio – Consolidated Funds *	Target – from 2022/23 Annual Budget/LTFP	Original Budget Forecast	Revised Budget Forecast
Operating Result	≥ 0	(\$108,229) Deficit	(\$18,504) Deficit
Operating Ratio	≥ 0%	(0.1)%	0.0%
Net Financial Liabilities ratio	≤ 75%	65%	65%
Interest Cover Ratio	≤ 5%	0.6%	0.3%
Asset Sustainability Ratio	90% -110%	82%	165%

\*Amounts and ratios include Alwyndor operations.

Additional financial indicators have been identified for Alwyndor operations which give a better measure of financial performance. These measures and indicators have been included in the table below as at 31 December 2022.

Additional Alwyndor Performance Indicators	Target	Actual to 31 December 2022
Cash to total revenue	4.4%	2.6%
Cash Liquidity Level – ability to refund bonds/refundable accommodation deposits (RAD's)	Minimum of \$2.5m	Minimum of \$3.0m
Bed occupancy rate – year-to-date average	98.0%	96.3%
Average direct care funding per resident per day (Aged Care Funding Instrument)	\$187.00	\$193.10
Number of Home Support Packages	435	474
Home Support funding utilisation - the portion of revenue generated from Home Support Packages funds	78.0%	74.5%
Therapy and Wellness service hours	18,981	10,739

### ***Annual Business Plan Quarterly Update***

The City of Holdfast Bay has begun to pursue the vision set out in the new Strategic Plan *Our Holdfast 2050+* and the three focus areas that support it:

#### ***Our Holdfast 2050+ Vision***

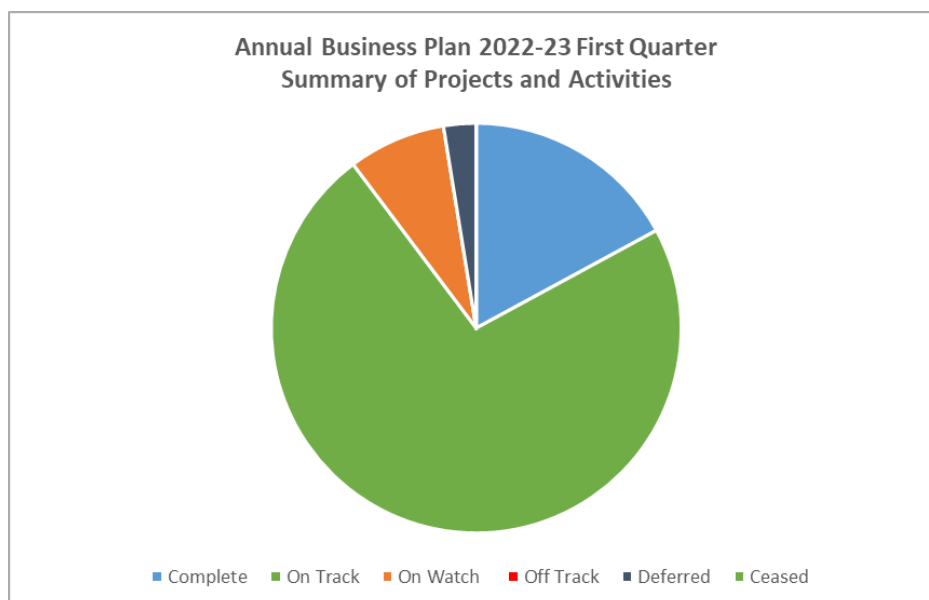
*Protecting our heritage and beautiful coast, while creating a welcoming and healthy place for all in South Australia's most sustainable city.*

To achieve this vision, we have identified three focus areas:

- WELLBEING - Good health and economic success in an environment and a community that supports wellbeing.
- SUSTAINABILITY - A city, economy and community that is resilient and sustainable.
- INNOVATION - A thriving economy and community that values life-long education, research, creativity and entrepreneurialism.

To deliver this Strategic Plan, the *Our Plan for Our Place Annual Business Plan 2022-23* (the Business Plan) outlines specific actions for the year. These actions are aligned to one of the three focus areas. The following provides an overview of progress on projects and significant activities within the Business Plan.

The overwhelming proportion (90%) of projects are 'on track' to be delivered or have been 'completed'. There are nine projects identified as 'on watch' which means there are circumstances that impact on the successful delivery of the project which are being managed. Three projects have been deferred which means either they have been reassessed and are not required in this year or other activities need to be completed before they can commence. No projects are 'off track'.



Common issues for 'on watch' and 'deferred' projects are the impacts of global supply pressures on the timing of projects and the cost and/or availability of materials and specialised labour.

## WELLBEING

Project Title	Status	Notes
Fordham Reserve - Playground Renewal	On Watch	Likely carry forward to align with Sturt River Linear Park project

## SUSTAINABILITY

Project Title	Status	Notes
Pine Gully Stormwater	On Watch	Construction has commenced - delayed due to wet weather and ground water
Pathway - Edith Butler Pier	On Watch	Consultant engaged to provide detailed designs. Contractor engagement planned in May. Construction element of the project likely a carry forward
Gully Masterplans Implementation	On Watch	Included with the Pine Gully Storm water project
Patawalonga Lock Gate East	On Watch	To be re-scoped and re-tendered following previous unsuccessful tender
Patawalonga Lock Sea Gate West	On Watch	To be re-scoped and re-tendered following previous unsuccessful tender
Glenelg Jetty Structural Repairs	On Watch	Pending discussions with the Department of Infrastructure and Transport
Walls Renewal Program	Deferred	To be reviewed following open space asset audit which is currently underway
Glenelg Rotunda Roof replacement	Deferred	Additional resourcing may be required given current quotes

## INNOVATION

Project Title	Status	Notes
Major Plant & Equipment Purchases - Heavy Vehicles / Other	On Watch	Vehicles have been ordered - there is global supply chain delays for vehicles
Executive / Regulatory / Passenger Vehicles (Plant & Equipment - Car Fleet)	On Watch	Vehicles have been ordered - there is global supply chain delays for vehicles
Partridge House - Paving	Deferred	There are issues around the timely delivery of materials and ensuring the least disruption to the operation of Partridge House

Further details are attached to this report.

*Refer Attachment 4*

## **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 December 2022**

2022 - 2023 Original Budget \$'000	Year to Date				2022 - 2023 Adopted Forecast \$'000	Proposed Forecast Adjustment \$'000	Note
	Adopted Forecast \$'000	Actual \$'000	Variance \$'000				
131	78	109	(31)	Cemeteries	131	-	
495	185	253	(68)	Commercial & Club Leases	495	-	
(1,458)	(914)	(894)	(20)	Council Administration	(1,458)	-	
(917)	(462)	(389)	(73)	Development Services	(935)	-	
1,730	922	771	151	FAG/R2R Grants	2,185	(303)	1
(1,825)	(1,240)	(1,281)	41	Financial Services	(1,929)	53	2
(10,468)	(5,276)	(5,198)	(78)	Financial Services-Depreciation	(10,468)	-	
(267)	-	-	-	Financial Services-Employee Leave Provisions	(267)	-	
(830)	(415)	(240)	(175)	Financial Services-Interest on Borrowings	(830)	112	3
101	-	-	-	Financial Services-SRWRA	101	-	
38,455	39,200	39,221	(22)	General Rates	38,559	-	
(2,867)	(1,967)	(1,937)	(30)	Innovation & Technology	(2,867)	-	
(614)	(274)	(292)	19	People & Culture	(614)	-	
(612)	(256)	(265)	9	Public Realm and Urban Design	(578)	-	
(819)	(428)	(413)	(14)	Strategy & Governance	(878)	-	
(1,204)	(555)	(486)	(68)	City Activation	(1,272)	-	
1,266	397	562	(166)	Commercial - Brighton Caravan Park	1,285	100	4
44	12	24	(12)	Commercial - Partridge House	44	-	
(563)	(263)	(277)	14	Communications and Engagement	(563)	-	
(351)	(174)	(175)	1	Community and Business Administration	(351)	-	
(887)	(510)	(480)	(29)	Community Events	(937)	-	
892	476	827	(351)	Community Safety	882	100	5
(574)	(283)	(278)	(5)	Community Wellbeing	(578)	-	
(533)	(268)	(293)	25	Customer Service	(533)	-	
-	255	265	(10)	Jetty Road Mainstreet	(93)	-	
(1,518)	(668)	(653)	(15)	Library Services	(1,518)	-	
(302)	(151)	(144)	(6)	Assets & Delivery Administration	(302)	-	
(1,413)	(575)	(491)	(84)	Engineering & Traffic	(1,518)	-	
(966)	(307)	(224)	(82)	Environmental Services	(966)	-	
(8,137)	(3,993)	(4,069)	76	Field Services & Depot	(8,137)	(100)	6
(2,036)	(798)	(799)	1	Property Management	(2,036)	(59)	7
(439)	(213)	(191)	(22)	Street Lighting	(439)	(130)	8
(4,072)	(1,761)	(1,656)	(105)	Waste Management	(4,072)	-	
945	-	-	-	Less full cost attribution - % admin costs capitalised	945	-	
<b>390</b>	<b>19,775</b>	<b>20,905</b>	<b>(1,130)</b>	<b>=Operating Surplus/(Deficit)</b>	<b>490</b>	<b>(227)</b>	
10,468	5,276	5,198	78	Depreciation	10,468	-	
166	-	-	-	Other Non Cash Items	166	-	
<b>10,634</b>	<b>5,276</b>	<b>5,198</b>	<b>78</b>	<b>Plus Non Cash Items in Operating Surplus/(Deficit)</b>	<b>10,634</b>	-	
<b>11,024</b>	<b>25,051</b>	<b>26,103</b>	<b>(1,052)</b>	<b>=Funds Generated from Operating Activities</b>	<b>11,124</b>	<b>(227)</b>	
1,484	3,330	3,555	(225)	Amounts Received for New/Upgraded Assets	4,482	-	
474	-	269	(269)	Proceeds from Disposal of Assets	1,936	-	
<b>1,958</b>	<b>3,330</b>	<b>3,824</b>	<b>(494)</b>	<b>Plus Funds Sourced from Capital Activities</b>	<b>6,418</b>	-	
(9,094)	(2,757)	(2,794)	37	Capital Expenditure on Renewal and Replacement	(13,543)	-	
(5,721)	(2,798)	(1,498)	(1,300)	Capital Expenditure on New and Upgraded Assets	(17,205)	-	
<b>(14,815)</b>	<b>(5,555)</b>	<b>(4,293)</b>	<b>(1,263)</b>	<b>Less Total Capital Expenditure</b>	<b>(30,749)</b>	-	
253	243	243	-	Plus: Repayments of loan principal by sporting groups	253	-	
<b>253</b>	<b>243</b>	<b>243</b>	-	<b>Plus/(less) funds provided (used) by Investing Activities</b>	<b>253</b>	-	
<b>(1,580)</b>	<b>23,070</b>	<b>25,878</b>	<b>(2,808)</b>	<b>= FUNDING SURPLUS/(REQUIREMENT)</b>	<b>(12,954)</b>	<b>(227)</b>	
<b>Funded by</b>							
-	2,529	2,529	-	Increase/(Decrease) in Cash & Cash Equivalents	-	-	
-	19,866	23,083	(3,217)	Non Cash Changes in Net Current Assets	-	-	
(2,959)	-	-	-	Less: Proceeds from new borrowings	(14,333)	(227)	
-	-	-	-	Less: Net Movements from Cash Advance Debentures	-	-	
1,379	674	266	408	Plus: Principal repayments of borrowings	1,379	-	
<b>(1,580)</b>	<b>23,070</b>	<b>25,878</b>	<b>(2,808)</b>	<b>=Funding Application/(Source)</b>	<b>(12,954)</b>	<b>(227)</b>	

Note 1 – FAG/R2R Grants - \$303,000 unfavourable

80% of Council's Financial Assistance Grant allocation for 2022/23 was received, and accounted for, in the 2021/22 financial year. Due to this advance payment, and depending on the timing of future Financial Assistance Grant payments, there may be a potential reduction to the 2022-23 operating result.

In previous years, Council have, on average, received advance payments of 50% and if replicated in June 2023 would leave a budget shortfall of \$303,000. However, it should be noted this is a timing issue between financial years and does not affect Council's working cashflow.

Note 2 – Financial Services - \$53,000 favourable

Interest on investments more than anticipated due to higher interest rates and an unbudgeted for bonus payment received from the Local Government Finance Authority (LGFA).

Note 3 – Financial Services – Interest on Borrowings - \$112,000 favourable

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

Note 4 – Commercial – Brighton Caravan Park - \$100,000 favourable

Year to date Caravan Park revenue higher than forecast.

Note 5 – Community Safety - \$100,000 favourable

Additional hoarding fee income received due to on-going developer construction works in Glenelg.

Note 6 – Field Services & Depot - \$100,000 unfavourable

Additional expenditure incurred as a result of the severe storm on 12 November 2022 (\$45,000) and extra GPT cleaning required at Pier Street to reduce the possibility of flooding (\$55,000).

Note 7 – Property Management - \$59,000 unfavourable

A short-term, 6 month, electricity contract, has been arranged through the LGA, and has seen a significant increase in the rates charged. The sharp rise is due to a combination of recent energy price increases and the fact Council had benefited from lower than normal rates under the old contract. Current arrangements will be reviewed before a new contract is organised to start from 1 July 2023.

Note 8 – Street Lighting - \$130,000 unfavourable

Increased electricity costs – see note 5 – for street lighting, including an anticipated rise in the charges passed on by Dept. of Planning, Transport & Infrastructure for main road lighting.

**City of Holdfast Bay**  
**Capital Expenditure Summary by Budget Item to December 2022**

2022-23 Original Budget \$'000	Year to Date				2022-23 Adopted Forecast \$'000
	Adopted Forecast \$'000	Actual \$'000	Variance \$'000		
(944)	-	-	-	Full Cost Attribution	(944)
(806)	(336)	(342)		5 Information Technology	(892)
(989)	(60)	(9)	(51)	Commercial and Economic Enterprises	(3,064)
-	-	(5)		5 Partridge House	-
(85)	(40)	(41)		1 Brighton Library	(85)
-	-	(5)		5 Sport and Recreation	(562)
(13)	(6)	(11)		5 Depot and Stores	(13)
(1,306)	(972)	(976)		3 Machinery Operating	(2,670)
(2,322)	(529)	(291)	(238)	Road Construction and Re-seal Program	(2,788)
-	-	-		- Car Park Construction	(100)
(453)	(250)	(99)	(151)	Footpath Program	(453)
(1,200)	(55)	160	(215)	Stormwater Drainage Program	(3,707)
-	(142)	(67)	(75)	Traffic Control Construction Program	(161)
(1,122)	(510)	(479)	(31)	Kerb and Water Table Construction Program	(1,360)
(30)	-	3	(3)	Other Transport - Bus Shelters etc.	(30)
(3,487)	(1,904)	(1,574)	(330)	Reserve Improvements Program	(8,553)
(1,302)	(532)	(463)	(69)	Land, Buildings and Infrastructure Program	(3,371)
(450)	(170)	(43)	(127)	Streetscape Program	(1,266)
(306)	(30)	(16)	(14)	Foreshore Improvements Program	(710)
-	(19)	(36)		16 Caravan Park - General	(19)
(14,815)	(5,555)	(4,293)	(1,263)	<b>Total</b>	(30,749)



### Alwyndor Aged Care Funds Statement as at 31 December 2022

2022-23 Original Budget \$'000	Year to Date				2022-23 Adopted Forecast \$'000	Note
	Adopted Budget YTD \$'000	Actual YTD \$'000	Variance \$'000			
5,576	2,764	3,177	(413)	User Charges	5,576	
13,653	6,829	7,035	(206)	Operating Grants and Subsidies	13,653	
445	239	325	(86)	Investment Income	445	
5,361	2,594	2,447	146	Reimbursements	5,361	
3,993	1,944	2,596	(652)	Other Income	3,993	
<b>29,027</b>	<b>14,370</b>	<b>15,581</b>	<b>(1,211)</b>	<b>Operating Revenue</b>	<b>29,027</b>	<b>1</b>
(20,916)	(10,374)	(10,760)	386	Employee Costs - Salaries & Wages	(20,916)	<b>2</b>
(6,966)	(3,468)	(4,463)	996	Materials, Contracts and Other Expenses	(6,966)	<b>3</b>
(68)	(34)	(61)	27	Finance Charges	(68)	
(1,358)	(685)	(672)	(13)	Depreciation	(1,358)	
<b>(29,308)</b>	<b>(14,560)</b>	<b>(15,956)</b>	<b>1,395</b>	<b>Less Operating Expenditure</b>	<b>(29,308)</b>	
<b>(281)</b>	<b>(191)</b>	<b>(375)</b>	<b>184</b>	<b>=Operating Surplus/(Deficit)</b>	<b>(281)</b>	<b>4</b>
0	0	(16)	16	Net gain/(loss) on disposal of investments		
0	0	479	(479)	Net gain/(loss) on Fair Value movement on investments		
<b>(281)</b>	<b>(191)</b>	<b>88</b>	<b>(279)</b>	<b>=Net Surplus/(Deficit)</b>		
1,358	685	672	13	Depreciation	1,358	
0	0	16	(16)	Net gain/(loss) on disposal of investments		
0	0	(479)	479	Net gain/(loss) on Fair Value movement on investments		
193	96	108	(12)	Provisions	193	
<b>1,551</b>	<b>781</b>	<b>317</b>	<b>463</b>	<b>Plus Non Cash Items in Operating Surplus/(Deficit)</b>	<b>1,551</b>	
<b>1,269</b>	<b>590</b>	<b>406</b>	<b>184</b>	<b>=Funds Generated from Operating Activities</b>	<b>1,269</b>	
0	0	0	0	Amounts Received for New/Upgraded Assets	0	
<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>Plus Funds Sourced from Capital Activities</b>	<b>0</b>	
0	0	0	0	Capital Expenditure on Renewal and Replacement		
(524)	(612)	(573)	(39)	Capital Expenditure on New and Upgraded Assets	(874)	
<b>(524)</b>	<b>(612)</b>	<b>(573)</b>	<b>(39)</b>	<b>Less Total Capital Expenditure</b>	<b>(874)</b>	
<b>745</b>	<b>(22)</b>	<b>(168)</b>	<b>146</b>	<b>= Funding SURPLUS/(REQUIREMENT)</b>	<b>395</b>	
<b>Funded by</b>						
745	(22)	(168)	146	Increase/(Decrease) in Cash & Cash Equivalents	395	
<b>745</b>	<b>(22)</b>	<b>(168)</b>	<b>146</b>	<b>=Funding Application/(Source)</b>	<b>395</b>	<b>4</b>

## Alwyndor - Notes December 2022

### 1 Operating Revenue

Operating Revenue is favourable by \$1,211k. This is mainly due to Support at Home client growth remaining strong and exceeding monthly targets.

Residential experienced higher government funding (ACFI up to 30 September 2022 for permanent residents and occupancy levels have continued to be strong during Q2.

COVID grant income of \$257k has been offset by higher costs in Residential.

### 2 Employee Costs – Salaries & Wages

The variance in employee costs (\$386k unfavourable) is comprised of:

- Residential – additional carers in response to higher acuity residents (offset by higher government funding (ACFI) as part of Operating Revenue) and staff COVID payments (offset by COVID Grant Income as part of Operating Revenue)
- Wage increases, consistent with the renewed Enterprise Agreement, are higher than the 2% increase assumed in the budget noting the national wage increase and associated workforce market forces at 4.6%.  
NB this was highlighted as an anticipated cost pressure when the budget was prepared however the quantum was not known at that time and will be addressed in a future budget forecast.

### 3 Materials, Contracts and Other Expenses

The \$996k YTD increase is attributed to:

- Contract labour costs incurred with the introduction and implementation of the new catering model.
- Additional brokered services in Support at Home which are recovered as part of Operating Revenue.

### 4 Operating Deficit

#### December 2022 YTD

The \$375K Operating Deficit, after allowing for depreciation and capital expenditure, has led to a funding deficit of \$168K as at December YTD. This will be funded by Alwyndor's existing cash reserves.

# Attachment 2



**CITY OF HOLDFAST BAY**  
**PROJECTED INCOME STATEMENT**  
**FOR THE YEAR ENDED 30TH JUNE 2023 - MUNICIPAL FUNDS**

<b>2022-23 ORIGINAL BUDGET</b>	<b>YTD ACTUAL @31/12/22</b>		<b>2022-23 Adopted Forecast</b>	<b>Proposed Forecast Adjustments</b>	<b>2022-23 Proposed Forecast</b>
\$	\$		\$	\$	\$
38,348,000	38,453,654	Rates - General	38,452,000	-	38,452,000
617,630	617,629	Rates - Jetty Road Glenelg	617,630	-	617,630
77,140	77,138	Rates - Patawalonga Marina	77,140	-	77,140
1,351,000	1,350,971	Rates - RL Levy	1,351,000	-	1,351,000
2,582,060	1,663,716	Statutory Charges	2,582,060	100,000	2,682,060
3,191,115	1,676,355	User Charges	3,191,115	100,000	3,291,115
2,381,546	1,240,273	Operating Grants & Subsidies	2,926,678	(303,000)	2,623,678
20,000	73,346	Investment Income	20,000	53,000	73,000
749,070	383,251	Reimbursements	749,070	-	749,070
650,410	407,542	Other	650,410	-	650,410
101,250	-	Share of profit - joint ventures	101,250	-	101,250
<b>50,069,221</b>	<b>45,943,874</b>	<b>TOTAL REVENUES</b>	<b>50,718,353</b>	<b>(50,000)</b>	<b>50,668,353</b>
		<b>EXPENSES</b>			
19,105,389	9,737,867	Employee Costs	19,105,389	-	19,105,389
20,215,358	9,860,580	Materials, contracts and other expenses	20,764,153	289,070	21,053,223
834,830	242,009	Finance Charges	834,830	(112,000)	722,830
10,468,000	5,198,349	Depreciation	10,468,000	-	10,468,000
( 944,000)	-	Less full cost attribution	( 944,000)	-	(944,000)
<b>49,679,577</b>	<b>25,038,805</b>	<b>TOTAL EXPENSES</b>	<b>50,228,372</b>	<b>177,070</b>	<b>50,405,442</b>
<b>389,644</b>	<b>20,905,069</b>	<b>Operating Surplus/(Deficit) - Before Capital Revenue</b>	<b>489,981</b>	<b>(227,070)</b>	<b>262,911</b>
<b>1,483,500</b>	<b>3,555,481</b>	<b>Amounts specifically for new or upgraded assets</b>	<b>4,482,246</b>	<b>-</b>	<b>4,482,246</b>
<b>1,873,144</b>	<b>24,460,550</b>	<b>NET SURPLUS/(DEFICIT)</b>	<b>4,972,227</b>	<b>(227,070)</b>	<b>4,745,157</b>

**CITY OF HOLDFAST BAY**  
**PROJECTED BALANCE SHEET**  
**AS AT 30TH JUNE 2023 - MUNICIPAL FUNDS**

<b>2022-23 ORIGINAL BUDGET</b>	<b>YTD ACTUAL @31/12/22</b>		<b>2022-23 Adopted Forecast</b>	<b>Proposed Forecast Adjustments</b>	<b>2022-23 Proposed Forecast</b>
\$	\$		\$	\$	\$
		<b>CURRENT ASSETS</b>			
443,183	3,371,432	Cash and cash equivalents	842,279	-	842,279
2,422,226	18,172,185	Trade and Other Receivables	3,217,475	-	3,217,475
-	-	Inventory	-	-	-
<b>2,865,409</b>	<b>21,543,617</b>	<b>TOTAL CURRENT ASSETS</b>	<b>4,059,754</b>	<b>-</b>	<b>4,059,754</b>
		<b>NON-CURRENT ASSETS</b>			
632,816	860,769	Financial Assets	607,769	-	607,769
3,414,876	3,927,750	Equity accounted investments-Council businesses	3,927,750	-	3,927,750
718,138,802	855,469,299	Land, Infrastructure, Property, Plant & Equipment	874,736,108	-	874,736,108
722,186,494	860,257,818	<b>TOTAL NON-CURRENT ASSETS</b>	<b>879,271,627</b>	<b>-</b>	<b>879,271,627</b>
<b>725,051,903</b>	<b>881,801,435</b>	<b>TOTAL ASSETS</b>	<b>883,331,381</b>	<b>-</b>	<b>883,331,381</b>
		<b>CURRENT LIABILITIES</b>			
5,866,943	1,319,167	Trade and Other Payables	8,329,663	-	8,329,663
1,379,000	825,116	Borrowings	(305,670)	-	(305,670)
3,277,750	3,137,144	Short-term Provisions	3,477,529	-	3,477,529
10,523,693	5,281,428	<b>TOTAL CURRENT LIABILITIES</b>	<b>11,501,522</b>	<b>-</b>	<b>11,501,522</b>
		<b>NON-CURRENT LIABILITIES</b>			
28,879,136	13,365,333	Long-term Borrowings	28,163,507	227,070	28,390,577
291,538	281,897	Long-term Provisions	281,897	-	281,897
29,170,674	13,647,231	<b>TOTAL NON-CURRENT LIABILITIES</b>	<b>28,445,404</b>	<b>227,070</b>	<b>28,672,474</b>
39,694,367	18,928,659	<b>TOTAL LIABILITIES</b>	<b>39,946,926</b>	<b>227,070</b>	<b>40,173,996</b>
<b>685,357,536</b>	<b>862,872,777</b>	<b>NET ASSETS</b>	<b>843,384,455</b>	<b>(227,070)</b>	<b>843,157,385</b>
		<b>EQUITY</b>			
184,787,536	207,818,369	Accumulated Surplus	187,974,048	(227,070)	187,746,978
500,570,000	655,054,407	Asset Revaluation Reserve	655,410,407	-	655,410,407
-	-	Other Reserves	-	-	-
<b>685,357,536</b>	<b>862,872,777</b>	<b>TOTAL EQUITY</b>	<b>843,384,455</b>	<b>(227,070)</b>	<b>843,157,385</b>

**CITY OF HOLDFAST BAY**  
**PROJECTED STATEMENT OF CHANGES IN EQUITY**  
**FOR THE YEAR ENDED 30TH JUNE 2023 - MUNICIPAL FUNDS**

<b>2022-23 ORIGINAL BUDGET</b>	<b>YTD ACTUAL @31/12/22</b>		<b>2022-23 Adopted Forecast</b>	<b>Proposed Forecast Adjustments</b>	<b>2022-23 Proposed Forecast</b>
\$	\$		\$	\$	\$
182,914,392	183,357,819	Balance at beginning of period	183,001,821	-	183,001,821
1,873,144	24,460,550	Net Surplus/(Deficit)	4,972,227	(227,070)	4,745,157
-	-	Transfers from reserves	-	-	-
184,787,536	207,818,369	Balance at end of period	187,974,048	(227,070)	187,746,978
500,570,000	655,054,407	<b>ASSET REVALUATION RESERVE</b>	655,410,407	-	655,410,407
500,570,000	655,054,407	<b>TOTAL RESERVES CLOSING BALANCE</b>	655,410,407	-	655,410,407
685,357,536	862,872,777	<b>TOTAL EQUITY</b>	843,384,455	(227,070)	843,157,385

**CITY OF HOLDFAST BAY**  
**PROJECTED BUDGETED STATEMENT OF CASH FLOWS**  
**FOR THE YEAR ENDED 30TH JUNE 2023 - MUNICIPAL FUNDS**

<b>2022-23 ORIGINAL BUDGET</b>	<b>YTD ACTUAL @31/12/22</b>		<b>2022-23 Adopted Forecast</b>	<b>Proposed Forecast Adjustments</b>	<b>2022-23 Proposed Forecast</b>
\$	\$		\$	\$	\$
(OUTFLOWS)	(OUTFLOWS)		(OUTFLOWS)	(OUTFLOWS)	(OUTFLOWS)
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>					
<u>Receipts</u>					
50,187,271	22,861,083	Operating Receipts	50,746,218	(50,000)	50,696,218
<u>Payments</u>					
(38,328,950)	(19,598,447)	Operating payments to suppliers and employees	(38,877,745)	(289,070)	(39,166,815)
(834,830)	(242,009)	Finance Payments	(834,830)	112,000	(722,830)
11,023,491	3,020,627	<b>NET CASH PROVIDED BY OPERATING ACTIVITIES</b>	11,033,643	(227,070)	10,806,573
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>					
<u>Receipts</u>					
1,483,500	3,555,481	Grants specifically for new or upgraded assets	4,107,246	-	4,107,246
474,250	268,636	Sale of replaced assets	1,935,614	-	1,935,614
253,000	243,015	Repayments of loans (principal) by community groups	253,000	-	253,000
<u>Payments</u>					
(8,877,700)	(2,794,115)	Expenditure on renewal/replacement of assets	(13,705,137)	-	(13,705,137)
(5,937,000)	(1,498,454)	Expenditure on new/upgraded assets	(17,043,540)	-	(17,043,540)
(12,603,950)	(225,436)	<b>NET CASH (USED IN) INVESTING ACTIVITIES</b>	(24,452,817)	-	(24,452,817)
<b>CASH FLOWS FROM FINANCING ACTIVITIES</b>					
<u>Receipts</u>					
2,959,459	-	Proceeds from Borrowings/CAD - External	14,798,174	227,070	15,025,244
<u>Payments</u>					
(1,379,000)	(266,038)	Repayments of Borrowings/CAD - External	(1,379,000)	-	(1,379,000)
-	-	Aged Care facility Deposits - Net Movement	-	-	-
1,580,459	(266,038)	<b>NET CASH PROVIDED BY FINANCING ACTIVITIES</b>	13,419,174	227,070	13,646,244
-	2,529,153	<b>NET INCREASE (DECREASE) IN CASH HELD</b>	-	-	-
443,183	842,279	<b>CASH AND CASH EQUIVALENTS AT BEGINNING OF REPORTING PERIOD</b>	842,279	-	842,279
443,183	3,371,432	<b>CASH AND CASH EQUIVALENTS AT END OF REPORTING PERIOD</b>	842,279	-	842,279
	(0)				
<b>RECONCILIATION OF INCOME STATEMENT TO BUDGETED STATEMENT OF CASH FLOWS</b>					
<b>FOR THE YEAR ENDED 30TH JUNE 2023 - MUNICIPAL FUNDS</b>					
1,873,144	24,460,550	<b>SURPLUS FROM INCOME STATEMENT</b>	4,972,227	(227,070)	4,745,157
<b>NON-CASH ITEMS IN INCOME STATEMENT</b>					
10,468,000	5,198,349	Depreciation	10,468,000	-	10,468,000
165,847	(23,082,791)	Increase in provisions/receivables - nett	(299,338)	-	(299,338)
10,633,847	(17,884,442)	<b>TOTAL NON-CASH ITEMS</b>	10,168,662	-	10,168,662
<b>CASH ITEMS NOT IN INCOME STATEMENT</b>					
(14,814,700)	(4,292,568)	Capital Expenditure	(30,748,677)	-	(30,748,677)
(1,379,000)	(266,038)	Loan Repayments - External	(1,379,000)	-	(1,379,000)
2,959,459	-	Proceeds from Borrowings - External	14,798,174	227,070	15,025,244
253,000	243,015	Repayments of loans (principal) by community groups	253,000	-	253,000
474,250	268,636	Proceeds from Disposal of Assets	1,935,614	-	1,935,614
(12,506,991)	(4,046,955)	<b>TOTAL CASH ITEMS</b>	(15,140,889)	227,070	(14,913,819)
-	2,529,153	<b>NET INCREASE/(DECREASE) IN CASH AND CASH EQUIVALENTS</b>	-	-	-

**CITY OF HOLDFAST BAY**  
**PROJECTED SUMMARY OF OPERATING AND CAPITAL INVESTMENT ACTIVITIES**  
**FOR THE YEAR ENDED 30TH JUNE 2023 - MUNICIPAL FUNDS**

<u>2022-23</u> <u>ORIGINAL</u> <u>BUDGET</u>	<u>YTD</u> <u>ACTUAL</u> <u>@31/12/22</u>		<u>2022-23</u> <u>Adopted</u> <u>Forecast</u>	<u>Proposed</u> <u>Forecast</u> <u>Adjustments</u>	<u>2022-23</u> <u>Proposed</u> <u>Forecast</u>
\$	\$		\$	\$	\$
50,069,221	45,943,874	Operating Revenues	50,718,353	(50,000)	50,668,353
( 49,679,577)	( 25,038,805)	less Operating Expenses	(50,228,372)	(177,070)	(50,405,442)
389,644	20,905,069	Operating Surplus/(Deficit) before Capital Amounts	489,981	(227,070)	262,911
<b>Less net outlays on Existing Assets</b>					
8,877,700	2,794,115	Capital Expenditure on renewal & replacement of existing assets	13,705,137	-	13,705,137
( 10,468,000)	( 5,198,349)	Less Depreciation	(10,468,000)	-	(10,468,000)
( 1,590,300)	( 2,404,234)		3,237,137	-	3,237,137
<b>Less outlays on New and Upgraded Assets</b>					
5,937,000	1,498,454	Capital Expenditure on new & upgraded assets	17,043,540	-	17,043,540
( 1,483,500)	( 3,555,481)	Less amounts received for new & upgraded assets	(4,482,246)	-	(4,482,246)
4,453,500	( 2,057,027)		12,561,294	-	12,561,294
( 2,473,556)	25,366,331	<b>Net lending/(borrowing) for financial year</b>	( 15,308,450)	(227,070)	(15,535,520)

**PROJECTED FINANCIAL INDICATORS**  
**FOR THE YEAR ENDED 30TH JUNE 2023 - MUNICIPAL FUNDS**

<u>2022-23</u> <u>ORIGINAL</u> <u>BUDGET</u>	<u>YTD</u> <u>ACTUAL</u> <u>@31/12/22</u>		<u>2022-23</u> <u>Adopted</u> <u>Forecast</u>	<u>Proposed</u> <u>Forecast</u> <u>Adjustments</u>	<u>2022-23</u> <u>Proposed</u> <u>Forecast</u>
\$	\$		\$		\$
389,644	20,905,069	<b>OPERATING SURPLUS/(DEFICIT) - BEFORE CAPITAL AMOUNTS</b>	489,981	( 227,070)	262,911
<b>OPERATING SURPLUS RATIO</b> (Operating surplus/(deficit) before capital amounts as % of total operating revenue)					
0.8%	45.5%		1.0%	NA	0.5%
36,196,142	( 3,475,728)	<b>NET FINANCIAL LIABILITIES - (Total liabilities less financial assets)</b>	\$35,279,403	NA	35,506,473
<b>NET FINANCIAL LIABILITIES RATIO</b> (Total liabilities less financial assets as % of total operating revenue)					
72%	-8%		70%	NA	70%
<b>INTEREST COVER RATIO</b> (Net interest expense as % of total operating revenue less investment income)					
1.6%	0.4%		1.6%	NA	1.3%
<b>ASSET SUSTAINABILITY RATIO</b> (Capital expenditure on renewal/replacement of existing assets, excluding new capital expenditure as % of asset management plan)					
100%	38%		185%	NA	185%

**CITY OF HOLDFAST BAY  
PROJECTED INCOME STATEMENT  
FOR THE YEAR ENDED 30TH JUNE 2023 - ALWYNDOR FUNDS**

<b>2022-23 ORIGINAL BUDGET</b>	<b>YTD ACTUAL @31/12/22</b>		<b>2022-23 Adopted Forecast</b>	<b>Proposed Forecast Adjustments</b>	<b>2022-23 Proposed Forecast</b>
\$	\$		\$	\$	\$
5,575,565	3,177,070	User Charges	5,575,565	-	5,575,565
13,653,029	7,035,447	Operating Grants & Subsidies	13,653,029	-	13,653,029
445,000	325,135	Investment Income	445,000	-	445,000
5,360,638	2,447,218	Reimbursements	5,360,638	-	5,360,638
3,992,579	2,596,014	Other	3,992,579	-	3,992,579
<b>29,026,811</b>	<b>15,580,884</b>	<b>TOTAL REVENUES</b>	<b>29,026,811</b>	<b>-</b>	<b>29,026,811</b>
		<b>EXPENSES</b>			
20,916,284	10,750,664	Employee Costs	20,916,284	-	20,916,284
6,966,053	4,473,434	Materials, contracts and other expenses	6,966,053	-	6,966,053
68,000	60,743	Finance Charges	68,000	-	68,000
1,357,889	671,737	Depreciation	1,357,889	-	1,357,889
<b>29,308,226</b>	<b>15,956,579</b>	<b>TOTAL EXPENSES</b>	<b>29,308,226</b>	<b>-</b>	<b>29,308,226</b>
( 281,415)	( 375,695)	Operating Surplus/(Deficit) - Before Capital Revenue	(281,415)	-	(281,415)
-	463,022	Unrealised Investment Gain	-	-	-
<b>( 281,415)</b>	<b>87,327</b>	<b>NET SURPLUS/(DEFICIT)</b>	<b>(281,415)</b>	<b>-</b>	<b>(281,415)</b>

**CITY OF HOLDFAST BAY  
PROJECTED BALANCE SHEET  
AS AT 30TH JUNE 2023 - ALWYNDOR FUNDS**

<b>2022-23 ORIGINAL BUDGET</b>	<b>YTD ACTUAL @31/12/22</b>		<b>2022-23 Adopted Forecast</b>	<b>Proposed Forecast Adjustments</b>	<b>2022-23 Proposed Forecast</b>
\$	\$		\$	\$	\$
		<b>CURRENT ASSETS</b>			
3,200,000	1,835,948	Cash and cash equivalents	4,262,195	-	4,262,195
1,425,102	4,881,672	Trade and Other Receivables	3,059,413	-	3,059,413
4,625,102	6,717,620	<b>TOTAL CURRENT ASSETS</b>	7,321,608	-	7,321,608
		<b>NON-CURRENT ASSETS</b>			
17,034,904	11,798,968	Financial Assets	11,542,075	-	11,542,075
36,576,260	40,482,757	Land, Infrastructure, Property, Plant & Equipment	40,097,157	-	40,097,157
53,611,164	52,281,725	<b>TOTAL NON-CURRENT ASSETS</b>	51,639,232	-	51,639,232
<b>58,236,266</b>	<b>58,999,345</b>	<b>TOTAL ASSETS</b>	<b>58,960,840</b>	<b>-</b>	<b>58,960,840</b>
		<b>CURRENT LIABILITIES</b>			
35,108,377	32,965,017	Trade and Other Payables	33,577,363	-	33,577,363
1,803,574	1,976,978	Short-term Provisions	1,719,974	-	1,719,974
36,911,951	34,941,995	<b>TOTAL CURRENT LIABILITIES</b>	35,297,337	-	35,297,337
		<b>NON-CURRENT LIABILITIES</b>			
240,202	234,230	Long-term Provisions	209,126	-	209,126
240,202	234,230	<b>TOTAL NON-CURRENT LIABILITIES</b>	209,126	-	209,126
37,152,153	35,176,225	<b>TOTAL LIABILITIES</b>	35,506,463	-	35,506,463
<b>21,084,113</b>	<b>23,823,119</b>	<b>NET ASSETS</b>	<b>23,454,377</b>	<b>-</b>	<b>23,454,377</b>
		<b>EQUITY</b>			
5,599,102	4,985,476	Accumulated Surplus	4,616,734	-	4,616,734
9,070,657	12,423,289	Asset Revaluation Reserve	12,423,289	-	12,423,289
6,414,354	6,414,354	Other Reserves	6,414,354	-	6,414,354
<b>21,084,113</b>	<b>23,823,119</b>	<b>TOTAL EQUITY</b>	<b>23,454,377</b>	<b>-</b>	<b>23,454,377</b>

**CITY OF HOLDFAST BAY  
PROJECTED STATEMENT OF CHANGES IN EQUITY  
FOR THE YEAR ENDED 30TH JUNE 2023 - ALWYNDOR FUNDS**

<b>2022-23 ORIGINAL BUDGET</b>	<b>YTD ACTUAL @31/12/22</b>		<b>2022-23 Adopted Forecast</b>	<b>Proposed Forecast Adjustments</b>	<b>2022-23 Proposed Forecast</b>
\$	\$		\$	\$	\$
5,880,517	4,898,149	Balance at beginning of period	4,898,149	-	4,898,149
( 281,415)	87,327	Net Surplus/(Deficit)	(281,415)	-	(281,415)
-	-	Transfers from reserves	-	-	-
5,599,102	4,985,476	Balance at end of period	4,616,734	-	4,616,734
9,070,657	12,423,289	<b>ASSET REVALUATION RESERVE</b>	12,423,289	-	12,423,289
6,414,354	6,414,354	<b>ALWYNDOR RESERVES</b>	6,414,354	-	6,414,354
<b>15,485,011</b>	<b>18,837,643</b>	<b>TOTAL RESERVES CLOSING BALANCE</b>	<b>18,837,643</b>	<b>-</b>	<b>18,837,643</b>
<b>21,084,113</b>	<b>23,823,119</b>	<b>TOTAL EQUITY</b>	<b>23,454,377</b>	<b>-</b>	<b>23,454,377</b>

**CITY OF HOLDFAST BAY  
PROJECTED BUDGETED STATEMENT OF CASH FLOWS  
FOR THE YEAR ENDED 30TH JUNE 2023 - ALWYNDOR FUNDS**

<b>2022-23 ORIGINAL BUDGET</b>	<b>YTD ACTUAL @31/12/22</b>		<b>2022-23 Adopted Forecast</b>	<b>Proposed Forecast Adjustments</b>	<b>2022-23 Proposed Forecast</b>
\$	\$		\$	\$	\$
(OUTFLOWS)					
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>					
		<u>Receipts</u>			
29,026,811	15,580,884	Operating Receipts	29,026,811	-	29,026,811
		<u>Payments</u>			
( 27,689,566)	( 15,965,707)	Operating payments to suppliers and employees	(27,689,566)	-	(27,689,566)
( 68,000)	( 60,743)	Finance Payments	(68,000)	-	(68,000)
<u>1,269,245</u>	<u>( 445,566)</u>	<b>NET CASH PROVIDED BY OPERATING ACTIVITIES</b>	<u>1,269,245</u>	<u>-</u>	<u>1,269,245</u>
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>					
		<u>Receipts</u>			
-	-	Grants specifically for new or upgraded assets	-	-	-
( 709,832)	200,083	Net purchase of Investment Securities	(709,832)	-	(709,832)
		<u>Payments</u>			
( 403,971)	( 473,420)	Expenditure on renewal/replacement of assets	(753,971)	-	(753,971)
( 120,000)	( 100,000)	Expenditure on new/upgraded assets	(120,000)	-	(120,000)
<u>( 1,233,803)</u>	<u>( 373,337)</u>	<b>NET CASH (USED IN) INVESTING ACTIVITIES</b>	<u>( 1,583,803)</u>	<u>-</u>	<u>(1,583,803)</u>
<b>CASH FLOWS FROM FINANCING ACTIVITIES</b>					
		<u>Receipts</u>			
339,213	( 1,582,689)	Aged Care facility Deposits - Net Movement	339,213	-	339,213
<u>339,213</u>	<u>( 1,582,689)</u>	<b>NET CASH PROVIDED BY FINANCING ACTIVITIES</b>	<u>339,213</u>	<u>-</u>	<u>339,213</u>
374,655	( 2,401,592)	<b>NET INCREASE (DECREASE) IN CASH HELD</b>	24,655	-	24,655
2,825,345	4,237,540	<b>CASH AND CASH EQUIVALENTS AT BEGINNING OF</b>	4,237,540	-	4,237,540
		<b>REPORTING PERIOD</b>			
3,200,000	1,835,948	<b>CASH AND CASH EQUIVALENTS AT END OF</b>	4,262,195	-	4,262,195
		<b>REPORTING PERIOD</b>			

**RECONCILIATION OF INCOME STATEMENT TO BUDGETED STATEMENT OF CASH FLOWS  
FOR THE YEAR ENDED 30TH JUNE 2023 - ALWYNDOR FUNDS**

( 281,415)	87,327	<b>SURPLUS FROM INCOME STATEMENT</b>	( 281,415)	-	( 281,415)
		<b>NON-CASH ITEMS IN INCOME STATEMENT</b>			
1,357,889	671,737	Depreciation	1,357,889	-	1,357,889
192,771	( 1,204,631)	Increase in provisions/receivables - nett	192,771	-	192,771
<u>1,550,660</u>	<u>( 532,893)</u>	<b>TOTAL NON-CASH ITEMS</b>	<u>1,550,660</u>	<u>-</u>	<u>1,550,660</u>
<b>CASH ITEMS NOT IN INCOME STATEMENT</b>					
( 523,971)	( 573,420)	Capital Expenditure	( 873,971)	-	( 873,971)
339,213	( 1,582,689)	Proceeds from Aged Care Facilities Deposits	339,213	-	339,213
( 709,832)	200,083	Net Purchase of Investment Securities	(709,832)	-	(709,832)
<u>( 894,590)</u>	<u>( 1,956,026)</u>	<b>TOTAL CASH ITEMS</b>	<u>( 1,244,590)</u>	<u>-</u>	<u>( 1,244,590)</u>
374,655	( 2,401,592)	<b>NET INCREASE/(DECREASE) IN CASH AND CASH EQUIVALENTS</b>	24,655	-	24,655

**CITY OF HOLDFAST BAY  
PROJECTED SUMMARY OF OPERATING AND CAPITAL INVESTMENT ACTIVITIES  
FOR THE YEAR ENDED 30TH JUNE 2023 - ALWYNDOR FUNDS**

<b>2022-23 ORIGINAL BUDGET</b>	<b>YTD ACTUAL @31/12/22</b>		<b>2022-23 Adopted Forecast</b>	<b>Proposed Forecast Adjustments</b>	<b>2022-23 Proposed Forecast</b>
\$	\$		\$	\$	\$
29,026,811	15,580,884	Operating Revenues	29,026,811	-	29,026,811
( 29,308,226)	( 15,956,579)	less Operating Expenses	(29,308,226)	-	(29,308,226)
( 281,415)	( 375,695)	Operating Surplus/(Deficit) before Capital Amounts	( 281,415)	-	(281,415)
<b>Less net outlays on Existing Assets</b>					
403,971	473,420	Capital Expenditure on renewal & replacement of existing assets	753,971	-	753,971
( 1,357,889)	( 671,737)	Less Depreciation	(1,357,889)	-	(1,357,889)
( 953,918)	( 198,318)		( 603,918)	-	(603,918)
<b>Less outlays on New and Upgraded Assets</b>					
120,000	100,000	Capital Expenditure on new & upgraded assets	120,000	-	120,000
-	-	Less amounts received for for new & upgraded assets	-	-	-
120,000	100,000		120,000	-	120,000
<u>552,503</u>	<u>( 277,377)</u>	<b>Net lending/(borrowing) for financial year</b>	<u>202,503</u>	<u>-</u>	<u>202,503</u>

PROJECTED FINANCIAL INDICATORS					
FOR THE YEAR ENDED 30TH JUNE 2023 - ALWYNDOR FUNDS					
<u>2022-23</u> <u>ORIGINAL</u> <u>BUDGET</u>	<u>YTD</u> <u>ACTUAL</u> <u>@31/12/22</u>		<u>2022-23</u> <u>Adopted</u> <u>Forecast</u>	<u>Proposed</u> <u>Forecast</u> <u>Adjustments</u>	<u>2022-23</u> <u>Proposed</u> <u>Forecast</u>
\$	\$		\$		\$
		OPERATING SURPLUS/(DEFICIT) - BEFORE CAPITAL AMOUNTS			
( 281,415)	( 375,695)		( 281,415)	-	( 281,415)
		OPERATING SURPLUS RATIO			
		(Operating surplus/(deficit) before capital amounts as % of total operating revenue)			
-1.0%	-2.4%		-1.0%	NA	-1.0%
		NET FINANCIAL LIABILITIES - (Total liabilities less financial assets)			
15,492,147	16,659,638		\$16,642,780	NA	16,642,780
		NET FINANCIAL LIABILITIES RATIO			
		(Total liabilities less financial assets as % of total operating revenue)			
53%	107%		57%	NA	57%
		INTEREST COVER RATIO			
		(Net interest expense as % of total operating revenue less investment income)			
-1.3%	-1.7%		-1.3%	NA	-1.3%
		ASSET SUSTAINABILITY RATIO			
		(Capital expenditure on renewal/replacement of existing assets, excluding new capital expenditure as % of depreciation)			
39%	35%		56%	NA	56%

**CITY OF HOLDFAST BAY**  
**PROJECTED INCOME STATEMENT**  
**FOR THE YEAR ENDED 30TH JUNE 2023 - CONSOLIDATED FUNDS**

<b>2022-23 ORIGINAL BUDGET</b>	<b>YTD ACTUAL @31/12/22</b>		<b>2022-23 Adopted Forecast</b>	<b>Proposed Forecast Adjustments</b>	<b>2022-23 Proposed Forecast</b>
\$	\$		\$	\$	\$
38,348,000	38,453,654	Rates - General	38,452,000	-	38,452,000
617,630	617,629	Rates - Jetty Road Glenelg	617,630	-	617,630
77,140	77,138	Rates - Patawalonga Marina	77,140	-	77,140
1,351,000	1,350,971	Rates - NRM Levy	1,351,000	-	1,351,000
2,582,060	1,663,716	Statutory Charges	2,582,060	100,000	2,682,060
8,766,680	4,853,424	User Charges	8,766,680	100,000	8,866,680
16,034,575	8,275,720	Operating Grants & Subsidies	16,579,707	(303,000)	16,276,707
465,000	398,481	Investment Income	465,000	53,000	518,000
6,109,708	2,830,469	Reimbursements	6,109,708	-	6,109,708
4,642,989	3,003,557	Other	4,642,989	-	4,642,989
101,250	-	Share of profit - joint ventures	101,250	-	101,250
<b>79,096,032</b>	<b>61,524,758</b>	<b>TOTAL REVENUES</b>	<b>79,745,164</b>	<b>(50,000)</b>	<b>79,695,164</b>
		<b>EXPENSES</b>			
40,021,673	20,488,531	Employee Costs	40,021,673	-	40,021,673
27,181,411	14,334,015	Materials, contracts and other expenses	27,730,206	289,070	28,019,276
902,830	302,752	Finance Charges	902,830	(112,000)	790,830
11,825,889	5,870,086	Depreciation	11,825,889	-	11,825,889
(944,000)	-	Less full cost attribution	(944,000)	-	(944,000)
<b>78,987,803</b>	<b>40,995,384</b>	<b>TOTAL EXPENSES</b>	<b>79,536,598</b>	<b>177,070</b>	<b>79,713,668</b>
<b>108,229</b>	<b>20,529,374</b>	<b>Operating Surplus/(Deficit) - Before Capital Revenue</b>	<b>208,566</b>	<b>(227,070)</b>	<b>(18,504)</b>
1,483,500	3,555,481	Amounts specifically for new or upgraded assets	4,482,246	-	4,482,246
-	463,022	Unrealised Investment Gain	-	-	-
<b>1,591,729</b>	<b>24,547,877</b>	<b>NET SURPLUS/(DEFICIT)</b>	<b>4,690,812</b>	<b>(227,070)</b>	<b>4,463,742</b>

**CITY OF HOLDFAST BAY**  
**PROJECTED BALANCE SHEET**  
**AS AT 30TH JUNE 2023 -CONSOLIDATED FUNDS**

<b>2022-23 ORIGINAL BUDGET</b>	<b>YTD ACTUAL @31/12/22</b>		<b>2022-23 Adopted Forecast</b>	<b>Proposed Forecast Adjustments</b>	<b>2022-23 Proposed Forecast</b>
\$	\$		\$	\$	\$
		<b>CURRENT ASSETS</b>			
3,643,183	5,207,380	Cash and cash equivalents	5,104,474	-	5,104,474
3,847,328	23,053,857	Trade and Other Receivables	6,276,888	-	6,276,888
-	-	Inventory	-	-	-
<b>7,490,511</b>	<b>28,261,237</b>	<b>TOTAL CURRENT ASSETS</b>	<b>11,381,362</b>	<b>-</b>	<b>11,381,362</b>
		<b>NON-CURRENT ASSETS</b>			
17,667,720	12,659,737	Financial Assets	12,149,844	-	12,149,844
3,414,876	3,927,750	Equity accounted investments-Council businesses	3,927,750	-	3,927,750
754,715,062	895,952,056	Land, Infrastructure, Property, Plant & Equipment	914,833,265	-	914,833,265
775,797,658	912,539,543	<b>TOTAL NON-CURRENT ASSETS</b>	<b>930,910,859</b>	<b>-</b>	<b>930,910,859</b>
<b>783,288,169</b>	<b>940,800,780</b>	<b>TOTAL ASSETS</b>	<b>942,292,221</b>	<b>-</b>	<b>942,292,221</b>
		<b>CURRENT LIABILITIES</b>			
40,975,320	34,284,184	Trade and Other Payables	41,907,026	-	41,907,026
1,379,000	825,116	Borrowings	(305,670)	-	(305,670)
5,081,324	5,114,122	Short-term Provisions	5,197,503	-	5,197,503
<b>47,435,644</b>	<b>40,223,423</b>	<b>TOTAL CURRENT LIABILITIES</b>	<b>46,798,859</b>	<b>-</b>	<b>46,798,859</b>
		<b>NON-CURRENT LIABILITIES</b>			
28,879,136	13,365,333	Long-term Borrowings	28,163,507	227,070	28,390,577
531,740	516,128	Long-term Provisions	491,023	-	491,023
29,410,876	13,881,461	<b>TOTAL NON-CURRENT LIABILITIES</b>	<b>28,654,530</b>	<b>227,070</b>	<b>28,881,600</b>
76,846,520	54,104,884	<b>TOTAL LIABILITIES</b>	<b>75,453,389</b>	<b>227,070</b>	<b>75,680,459</b>
<b>706,441,649</b>	<b>886,695,896</b>	<b>NET ASSETS</b>	<b>866,838,832</b>	<b>(227,070)</b>	<b>866,611,762</b>
		<b>EQUITY</b>			
190,386,638	212,803,845	Accumulated Surplus	192,590,782	(227,070)	192,363,712
509,640,657	667,477,696	Asset Revaluation Reserve	667,833,696	-	667,833,696
6,414,354	6,414,354	Other Reserves	6,414,354	-	6,414,354
<b>706,441,649</b>	<b>886,695,896</b>	<b>TOTAL EQUITY</b>	<b>866,838,832</b>	<b>(227,070)</b>	<b>866,611,762</b>

**CITY OF HOLDFAST BAY  
PROJECTED STATEMENT OF CHANGES IN EQUITY  
FOR THE YEAR ENDED 30TH JUNE 2023 - CONSOLIDATED FUNDS**

<u>2022-23</u> <u>ORIGINAL</u> <u>BUDGET</u>	<u>YTD</u> <u>ACTUAL</u> <u>@31/12/22</u>		<u>2022-23</u> <u>Adopted</u> <u>Forecast</u>	<u>Proposed</u> <u>Forecast</u> <u>Adjustments</u>	<u>2022-23</u> <u>Proposed</u> <u>Forecast</u>
\$	\$		\$	\$	\$
188,794,909	188,255,968	Balance at beginning of period	187,899,970	-	187,899,970
1,591,729	24,547,877	Net Surplus/(Deficit)	4,690,812	(227,070)	4,463,742
-	-	Transfers from reserves	-	-	-
190,386,638	212,803,845	Balance at end of period	192,590,782	( 227,070)	192,363,712
509,640,657	667,477,696	<b>ASSET REVALUATION RESERVE</b>	667,833,696	-	667,833,696
-	-	<b>MUNICIPAL RESERVES</b>	-	-	-
6,414,354	6,414,354	<b>ALWYNDOR RESERVES</b>	6,414,354	-	6,414,354
516,055,011	673,892,050	<b>TOTAL RESERVES CLOSING BALANCE</b>	674,248,050	-	674,248,050
706,441,649	886,695,896	<b>TOTAL EQUITY</b>	866,838,832	(227,070)	866,611,762

**CITY OF HOLDFAST BAY  
PROJECTED BUDGETED STATEMENT OF CASH FLOWS  
FOR THE YEAR ENDED 30TH JUNE 2023 - CONSOLIDATED FUNDS**

<u>2022-23</u> <u>ORIGINAL</u> <u>BUDGET</u>	<u>YTD</u> <u>ACTUAL</u> <u>@31/12/22</u>		<u>2022-23</u> <u>Adopted</u> <u>Forecast</u>	<u>Proposed</u> <u>Forecast</u> <u>Adjustments</u>	<u>2022-23</u> <u>Proposed</u> <u>Forecast</u>
\$	\$		\$	\$	\$
(OUTFLOWS)					
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>					
		<u>Receipts</u>			
79,214,082	38,441,967	Operating Receipts	79,773,029	(50,000)	79,723,029
		<u>Payments</u>			
( 66,018,516)	( 35,564,154)	Operating payments to suppliers and employees	(66,567,311)	(289,070)	(66,856,381)
( 902,830)	( 302,752)	Finance Payments	(902,830)	112,000	(790,830)
12,292,736	2,575,061	<b>NET CASH PROVIDED BY OPERATING ACTIVITIES</b>	12,302,888	(227,070)	12,075,818
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>					
		<u>Receipts</u>			
1,483,500	3,555,481	Grants specifically for new or upgraded assets	4,107,246	-	4,107,246
474,250	268,636	Sale of replaced assets	1,935,614	-	1,935,614
-	-	Sale of surplus assets	-	-	-
( 709,832)	200,083	Net purchase of Investment Securities	(709,832)	-	(709,832)
253,000	243,015	Repayments of loans (principal) by community groups	253,000	-	253,000
		<u>Payments</u>			
( 9,281,671)	( 3,267,535)	Expenditure on renewal/replacement of assets	(14,459,108)	-	(14,459,108)
( 6,057,000)	( 1,598,454)	Expenditure on new/upgraded assets	(17,163,540)	-	(17,163,540)
( 13,837,753)	( 598,772)	<b>NET CASH (USED IN) INVESTING ACTIVITIES</b>	( 26,036,620)	-	(26,036,620)
<b>CASH FLOWS FROM FINANCING ACTIVITIES</b>					
		<u>Receipts</u>			
2,959,459	-	Proceeds from Borrowings/CAD - External	14,798,174	227,070	15,025,244
		<u>Payments</u>			
( 1,379,000)	( 266,038)	Repayments of Borrowings/CAD - External	(1,379,000)	-	(1,379,000)
339,213	( 1,582,689)	Aged Care facility Deposits - Net Movement	339,213	-	339,213
1,919,672	( 1,848,728)	<b>NET CASH PROVIDED BY FINANCING ACTIVITIES</b>	13,758,387	227,070	13,985,457
374,655	127,561	<b>NET INCREASE (DECREASE) IN CASH HELD</b>	24,655	-	24,655
3,268,528	5,079,819	<b>CASH AND CASH EQUIVALENTS AT BEGINNING OF</b>	5,079,819	-	5,079,819
3,643,183	5,207,379	<b>CASH AND CASH EQUIVALENTS AT END OF</b>	5,104,474	-	5,104,474
		<b>REPORTING PERIOD</b>			

**RECONCILIATION OF INCOME STATEMENT TO BUDGETED STATEMENT OF CASH FLOWS  
FOR THE YEAR ENDED 30TH JUNE 2023 - CONSOLIDATED FUNDS**

1,591,729	24,547,877	<b>SURPLUS FROM INCOME STATEMENT</b>	4,690,812	( 227,070)	4,463,742
<b>NON-CASH ITEMS IN INCOME STATEMENT</b>					
11,825,889	5,870,086	Depreciation	11,825,889	-	11,825,889
358,618	( 24,287,422)	Increase in provisions/receivables - nett	( 106,567)	-	( 106,567)
12,184,507	( 18,417,336)	<b>TOTAL NON-CASH ITEMS</b>	11,719,322	-	11,719,322
<b>CASH ITEMS NOT IN INCOME STATEMENT</b>					
( 15,338,671)	( 4,865,988)	Capital Expenditure	( 31,622,648)	-	( 31,622,648)
( 1,379,000)	( 266,038)	Loan Repayments - External	( 1,379,000)	-	( 1,379,000)
2,959,459	-	Proceeds from Borrowings - External	14,798,174	227,070	15,025,244
253,000	243,015	Repayments of loans (principal) by community groups	253,000	-	253,000
474,250	268,636	Proceeds from Disposal of Assets	1,935,614	-	1,935,614
339,213	( 1,582,689)	Proceeds from Aged Care Facilities Deposits	339,213	-	339,213
( 709,832)	200,083	Net Purchase of Investment Securities	( 709,832)	-	( 709,832)
( 13,401,581)	( 6,002,981)	<b>TOTAL CASH ITEMS</b>	( 16,385,479)	227,070	( 16,158,409)
374,655	127,561	<b>NET INCREASE/(DECREASE) IN CASH AND CASH EQUIVALENTS</b>	24,655	-	24,655

**CITY OF HOLDFAST BAY**  
**PROJECTED SUMMARY OF OPERATING AND CAPITAL INVESTMENT ACTIVITIES**  
**FOR THE YEAR ENDED 30TH JUNE 2023 - CONSOLIDATED FUNDS**

<u>2022-23</u> <u>ORIGINAL</u> <u>BUDGET</u>	<u>YTD</u> <u>ACTUAL</u> <u>@31/12/22</u>		<u>2022-23</u> <u>Adopted</u> <u>Forecast</u>	<u>Proposed</u> <u>Forecast</u> <u>Adjustments</u>	<u>2022-23</u> <u>Proposed</u> <u>Forecast</u>
\$	\$		\$	\$	\$
79,096,032	61,524,758	Operating Revenues	79,745,164	(50,000)	79,695,164
( 78,987,803)	( 40,995,384)	less Operating Expenses	(79,536,598)	(177,070)	(79,713,668)
108,229	20,529,374	Operating Surplus/(Deficit) before Capital Amounts	208,566	(227,070)	(18,504)
<b>Less net outlays on Existing Assets</b>					
9,281,671	3,267,535	Capital Expenditure on renewal & replacement of existing assets	14,459,108	-	14,459,108
( 11,825,889)	( 5,870,086)	Less Depreciation	(11,825,889)	-	(11,825,889)
( 2,544,218)	( 2,602,552)		2,633,219	-	2,633,219
<b>Less outlays on New and Upgraded Assets</b>					
6,057,000	1,598,454	Capital Expenditure on new & upgraded assets	17,163,540	-	17,163,540
( 1,483,500)	( 3,555,481)	Less amounts received for for new & upgraded assets	(4,482,246)	-	(4,482,246)
4,573,500	( 1,957,027)		12,681,294	-	12,681,294
( 1,921,053)	25,088,953	<b>Net lending/(borrowing) for financial year</b>	( 15,105,947)	(227,070)	(15,333,017)

**PROJECTED FINANCIAL INDICATORS**  
**FOR THE YEAR ENDED 30TH JUNE 2023 - CONSOLIDATED FUNDS**

<u>2022-23</u> <u>ORIGINAL</u> <u>BUDGET</u>	<u>YTD</u> <u>ACTUAL</u> <u>@31/12/22</u>		<u>2022-23</u> <u>Adopted</u> <u>Forecast</u>	<u>Proposed</u> <u>Forecast</u> <u>Adjustments</u>	<u>2022-23</u> <u>Proposed</u> <u>Forecast</u>
\$	\$		\$	\$	\$
108,229	20,529,374	<b>OPERATING SURPLUS/(DEFICIT) - BEFORE CAPITAL AMOUNTS</b>	208,566	( 227,070)	( 18,504)
<b>OPERATING SURPLUS RATIO</b> (Operating surplus/(deficit) before capital amounts as % of total operating revenue)					
0.1%	33.4%		0.3%	454.1%	0.0%
51,688,289	13,183,910	<b>NET FINANCIAL LIABILITIES - (Total liabilities less financial assets)</b>	\$51,922,183	227,070	52,149,253
<b>NET FINANCIAL LIABILITIES RATIO</b> (Total liabilities less financial assets as % of total operating revenue)					
65%	21%		65%	-454.1%	65%
<b>INTEREST COVER RATIO</b> (Net interest expense as % of total operating revenue less investment income)					
0.6%	-0.2%		0.6%	160.2%	0.3%
<b>ASSET SUSTAINABILITY RATIO</b> (Capital expenditure on renewal/replacement of existing assets, excluding new capital expenditure as % of asset management plan)					
106%	37%		165%	0%	165%

# Attachment 3



## BRIGHTON CARAVAN PARK

Financial Results	Actual \$ 01/07/21 to 31/12/21	Actual \$ 01/07/22 to 31/12/22
Revenue From Cabins and Sites	\$574,259	\$762,028
Occupancy Rates	Actual % 01/07/21 to 31/12/21	Actual % 01/07/22 to 31/12/22
Accommodation Type		
Cabins	70%	87%
Sites	60%	76%
<b>Average Total</b>	<b>65%</b>	<b>81%</b>

## PARTRIDGE STREET CAR PARK

Financial Results	Actual \$ 01/07/21 to 31/12/21	Actual \$ 01/07/22 to 31/12/22
Income & Expenditure		
Car Parking Revenue	\$60,244	\$64,883
Operational Costs	\$63,612	\$64,268
<b>Net Result</b>	<b>(\$3,368)</b>	<b>\$615</b>
Car Park Usage	Actual No. 01/07/21 to 31/12/21	Actual No. 01/07/22 to 31/12/22
Car Park		
Eastern Car Park - No. of Transactions	45,799 *	63,279
Western Car Park - No. of Transactions	61,408	63,708
<b>Total No. of Transactions</b>	<b>107,207</b>	<b>126,987</b>

\* Recorded numbers are low due to vehicle detection loop equipment error. Issue fixed 29.11.2021.

## PARTRIDGE HOUSE

Financial Results	Actual \$ 01/07/21 to 31/12/21	Actual \$ 01/07/22 to 31/12/22
Income & Expenditure		
Functions and Room Hire Revenue	\$108,610	\$115,280
Operational Costs	\$94,156	\$95,756
<b>Net Result</b>	<b>\$14,454</b>	<b>\$19,524</b>
Number of Events	Actual No. 01/07/21 to 31/12/21	Actual No. 01/07/22 to 31/12/22
Event Type		
Wedding	6	10
Funeral	78	54
Community Function	131	153
Other Events	44	45
<b>Total Number of Events</b>	<b>259</b>	<b>262</b>

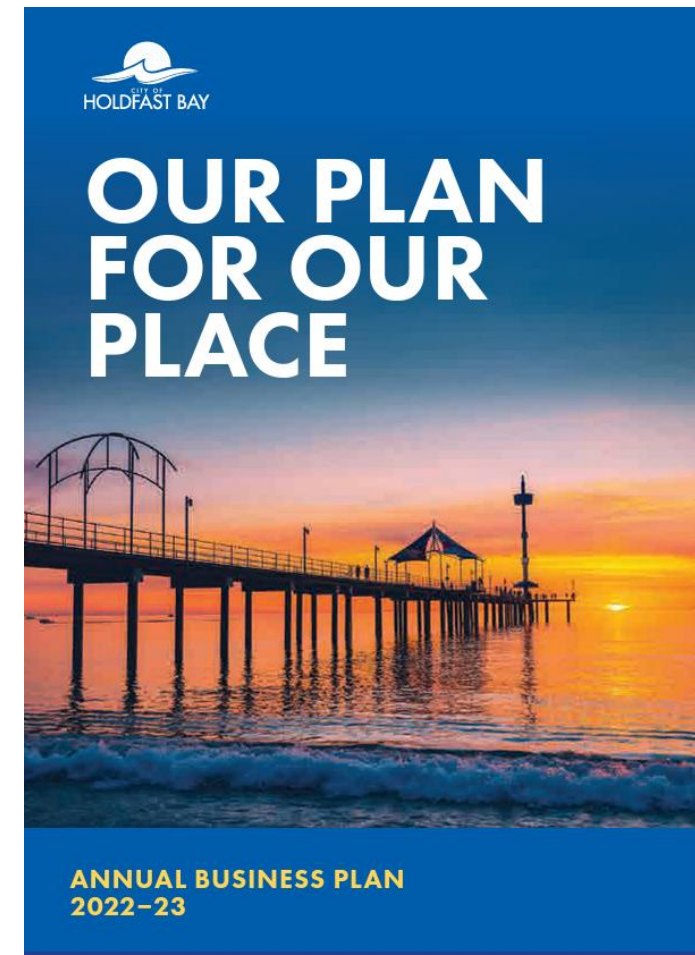
# Attachment 4



# **Annual Business Plan 2022 – 23**

## **Quarterly Status Report**

### **As at December 2022**



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INNOVATION .....	16

## OVERVIEW

The City of Holdfast Bay has begun to pursue the vision set out in the new Strategic Plan *Our Holdfast 2050+* and the three focus areas that support it:

### *Our Holdfast 2050+ Vision*

***Protecting our heritage and beautiful coast, while creating  
a welcoming and healthy place for all in South Australia's most sustainable city.***

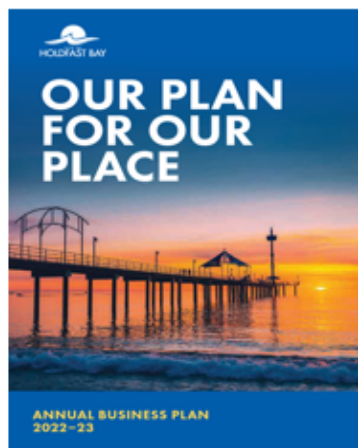
To achieve this vision, we have identified three focus areas:

- **WELLBEING - Good health and economic success in an environment and a community that supports wellbeing.**
- **SUSTAINABILITY - A city, economy and community that is resilient and sustainable.**
- **INNOVATION - A thriving economy and community that values life-long education, research, creativity and entrepreneurialism.**

To deliver this Strategic Plan, the *Our Plan for Our Place Annual Business Plan 2022-23* (the Business Plan) outlines specific actions for the year. This report captures progress against the Business plan.

The overwhelming proportion (90%) of projects are 'on track' to be delivered or have been 'completed'. There are nine projects identified as 'on watch' which means there are circumstances that impact on the successful delivery of the project which are being managed. Three projects have been deferred which means either they have been reassessed and are not required in this year or other activities need to be completed before they can commence. No projects are 'off track'.

The following page provides an overview of progress in all focus areas.



Overall Summary		%
Complete	20	17%
On Track	85	73%
On Watch	9	8%
Off Track	0	0%
Deferred	3	3%
Ceased	0	0%
<b>Total</b>	<b>117</b>	<b>100%</b>



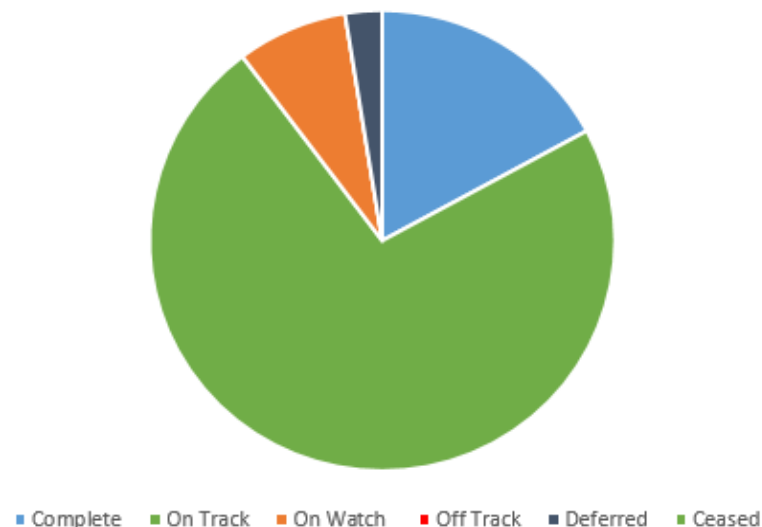
## WELLBEING

Wellbeing Summary	
Complete	10
On Track	26
On Watch	1
Off Track	0
Deferred	0
Ceased	0

## Annual Business Plan - Quarterly Status Report

As at 31 December 2022

Annual Business Plan 2022-23 First Quarter  
Summary of Projects and Activities



## SUSTAINABILITY

Sustainability Summary	
Complete	8
On Track	44
On Watch	6
Off Track	0
Deferred	2
Ceased	0



## INNOVATION

Innovation Summary	
Complete	2
On Track	15
On Watch	2
Off Track	0
Deferred	1
Ceased	0

## WELLBEING

Project Title	Status	Notes
Fordham Reserve - Playground Renewal	On Watch	Likely carry forward to align with Sturt River Linear Park project

## SUSTAINABILITY

Project Title	Status	Notes
Pine Gully Stormwater	On Watch	Construction has commenced - delayed due to wet weather and ground water
Pathway - Edith Butler Pier	On Watch	Consultant engaged to provide detailed designs. Contractor engagement planned in May. Construction element of the project likely a carry forward.
Gully Masterplans Implementation	On Watch	Included with the Pine Gully Storm water project
Patawalonga Lock Gate East	On Watch	To be re-scoped and re-tendered following previous unsuccessful tender
Patawalonga Lock Sea Gate West	On Watch	To be re-scoped and re-tendered following previous unsuccessful tender
Glenelg Jetty Structural Repairs	On Watch	Pending discussions with the Department of Infrastructure and Transport
Walls Renewal Program	Deferred	To be reviewed following open space asset audit which is currently underway
Glenelg Rotunda Roof replacement	Deferred	Additional resourcing may be required given current quotes

## INNOVATION

Project Title	Status	Notes
Major Plant & Equipment Purchases - Heavy Vehicles / Other	On Watch	Vehicles have been ordered - there is global supply chain delays for vehicles
Executive / Regulatory / Passenger Vehicles (Plant & Equipment - Car Fleet)	On Watch	Vehicles have been ordered - there is global supply chain delays for vehicles
Partridge House - Paving	Deferred	There are issues around the timely delivery of materials and ensuring the least disruption to the operation of Partridge House

The following pages provide detail of the projects under each of the three focus areas of *Our Holdfast 2050+*.

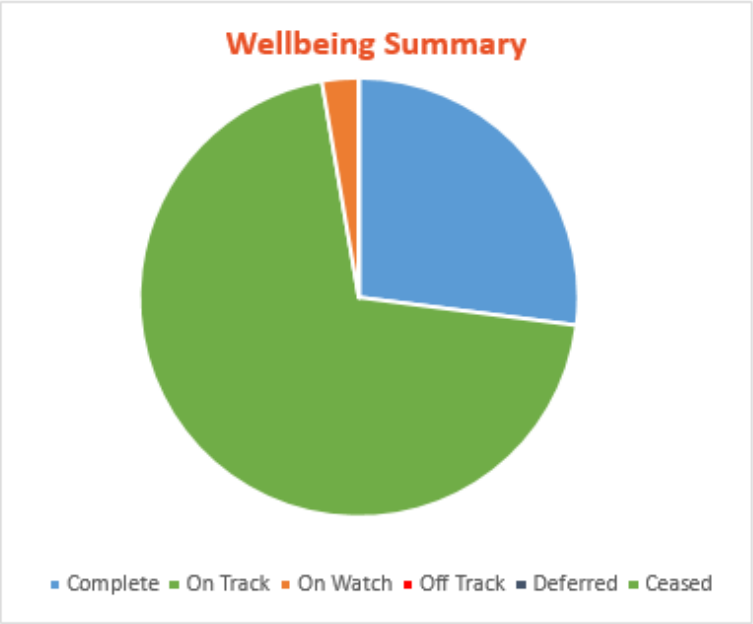


**WELLBEING**

Good health and economic success in an environment and a community that supports wellbeing.

# Annual Business Plan - Wellbeing - Status Report









As at 31 December 2022







Wellbeing Summary		
Complete	10	27%
On Track	26	70%
On Watch	1	3%
Off Track	0	0%
Deferred	0	0%
Ceased	0	0%
Total	37	

## Wellbeing - Carry Forward Projects


Attachment 4

<i>Title</i>	<i>Officer</i>	<i>Start Date</i>	<i>End Date</i>	<i>Project Stage</i>	<i>2nd ¼ Status</i>	<i>2nd ¼ Rating</i>	<i>2nd ¼ Notes</i>
Playspace - Bowker St Oval - Equipment/Softfall/Surfaces	Bill Blyth	Dec-22	Mar-23	Not Started	On Track		
Stone Wall Improvements - Various Reserves	Mathew Walsh	Jul-22	Aug-22	4. Closure	Complete		
Kauri Parade Precinct Public Toilet	Mathew Walsh	May-22	Dec-22	3. Delivery	On Track		
Brighton Oval - Rotary Club Shed	Mathew Walsh	Jul-22	Dec-22	4. Closure	Complete		
Buffalo Site - Amenity Improvements	Matthew Rechner	Jul-22	Jun-23	1. Planning	On Track		
Lookout Decking - Kingston Park Cliff Face	Matthew Rechner	Jul-22	Jun-23	2. Procurement	On Track		
Reserve Improvements Program - East of Brighton	Matthew Rechner	Jul-22	Aug-22	5. DLP	Complete		
Jetty Rd Glenelg - M'plan - Stg 1 Construction	Matthew Rechner	Jul-22	Jun-23	5. DLP	Complete		

## Wellbeing - Carry Forward Plus 2022-23 Budget Projects

<i>Title</i>	<i>Officer</i>	<i>Start Date</i>	<i>End Date</i>	<i>Project Stage</i>	<i>2nd ¼ Status</i>	<i>2nd ¼ Rating</i>	<i>2nd ¼ Notes</i>
Fordham Reserve - Playground Renewal	Matthew Rechner	TBA	TBA	Not Started	On Watch		Likely carry forward to align with Sturt River Linear Park project
Glenelg Oval Stage 3 and 4	Matthew Rechner	Jul-22	Jun-23	2. Procurement	On Track		
Seacliff Plaza Upgrade	Matthew Rechner	Jul-22	Jun-23	1. Planning	On Track		
Jetty Rd Glenelg - M'plan - Stg 2 Detailed Design	Matthew Rechner	Jul-22	Jun-23	1. Planning	On Track		





## Wellbeing - New Initiatives

<i>Title</i>	<i>Officer</i>	<i>Start Date</i>	<i>End Date</i>	<i>Project Stage</i>	<i>2nd ¼ Status</i>	<i>2nd ¼ Rating</i>	<i>2nd ¼ Notes</i>
Beach Showers & Taps Audit	James Mitchell	Jul-22	Jun-23	3. Delivery	On Track		

<i>Title</i>	<i>Officer</i>	<i>Start Date</i>	<i>End Date</i>	<i>Project Stage</i>	<i>2nd ¼ Status</i>	<i>2nd ¼ Rating</i>	<i>2nd ¼ Notes</i>
Seating Replacement Program	Bill Blyth	Aug-22	Dec-22	Various Projects	On Track	●	
Sporting Structures - Bike Rails - various	Bill Blyth	Nov-22	Jan-23	1. Planning	On Track	●	
Coastal Shower Replacement Program	Bill Blyth	Sep-22	Dec-22	3. Delivery	On Track	●	
Drink Fountain and Dog Bowl Replacement	Bill Blyth	Nov-22	Feb-23	Not Started	On Track	●	
Somerton Park Yacht Club Refurbishment	Mathew Walsh			4. Closure	Complete	●	
Holdfast Bay Bowling Club - Toilets	Mathew Walsh		Jun-23	1. Planning	On Track	●	
Council Depot - Paint Lunchroom/Offices	Mathew Walsh	Aug-22	Sep-22	4. Closure	Complete	●	
Helmsdale Tennis Clubrooms - External paint	Mathew Walsh	Jul-22	Jun-22	4. Closure	Complete	●	
Brighton Oval - Dog Training Centre - Fence	Mathew Walsh	Aug-22	Aug-22	4. Closure	Complete	●	
Seacliff Youth Centre - Sthrn Hall Roofing	Mathew Walsh	Aug-22	May-23	3. Delivery	On Track	●	Additional resourcing may be required given current quotes
Brighton Table Tennis Clubrooms - Gutter	Mathew Walsh		Jun-23	Not Started	On Track	●	
Somerton Bowling Club Roof Replacement	Mathew Walsh	Aug-22	Jun-23	2. Procurement	On Track	●	There are some issues around the availability of materials and contractors able to deliver this project.
Fencing & Lighting - Somerton Tennis Club	Matthew Rechner	Jul-22	Jun-23	1. Planning	On Track	●	
Dovar Square - Playground Renewal	Matthew Rechner	Jul-22	Jun-23	3. Delivery	On Track	●	
Paringa Park - Playground Renewal	Matthew Rechner	TBA	TBA	3. Delivery	On Track	●	
Partridge House - Playground Renewal	Matthew Rechner	TBA	TBA	3. Delivery	On Track	●	
Holdfast Bay Bowling and Croquet Club Lighting	Matthew Rechner	Jul-22	Jun-23	1. Planning	On Track	●	
Seacliff Hockey Club Netting (LRCI Phase 2)	Matthew Rechner	Jul-22	Aug-22	5. DLP	Complete	●	
Dover Square Pathway, Tennis Court & Bike Rail	Matthew Rechner	Jul-22	Jun-23	3. Delivery	On Track	●	
Pathway Refurbishment Program	Matthew Rechner	Jul-22	Apr-23	3. Delivery	On Track	●	

## Wellbeing - Capital and Other Projects

Attachment 4

<i>Title</i>	<i>Officer</i>	<i>Start Date</i>	<i>End Date</i>	<i>Project Stage</i>	<i>2nd ¼ Status</i>	<i>2nd ¼ Rating</i>	<i>2nd ¼ Notes</i>
Playspace - John Miller Reserve	Matthew Rechner	Jul-22	Apr-22	5. DLP	Complete		Project was completed in 2021-22. Minor finalisation in 2022-23
Helmsdale Tennis Court	Matthew Rechner	Jul-22	Jun-23	3. Delivery	On Track		
Seacliff Toilets	Matthew Rechner	Jul-22	Jun-23	3. Delivery	On Track		
Jetty Rd Glenelg - M'plan - Stg 1 Detailed Design	Matthew Rechner	Jul-22	TBA	5. DLP	On Track		

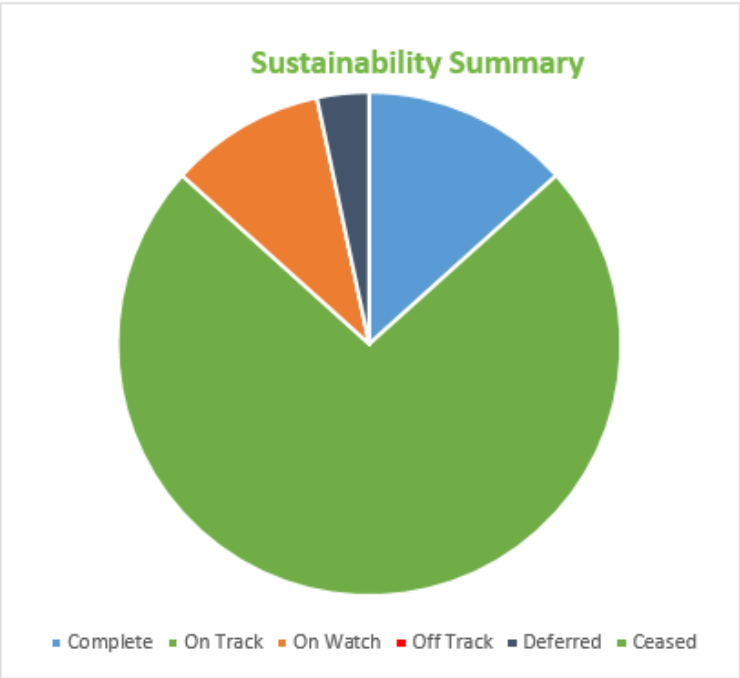


**SUSTAINABILITY**










A city, economy and community that is resilient and sustainable.








**Annual Business Plan - Sustainability - Status Report**








As at 31 December 2022



Sustainability Summary		
Complete	8	13%
On Track	44	73%
On Watch	6	10%
Off Track	0	0%
Deferred	2	3%
Ceased	0	0%
Total	60	

Sustainability - Carry Forward Projects							
<i>Title</i>	<i>Officer</i>	<i>Start Date</i>	<i>End Date</i>	<i>Project Stage</i>	<i>2nd ¼ Status</i>	<i>2nd ¼ Rating</i>	<i>2nd ¼ Notes</i>
Carpark Construction / Renewal Program	James Mitchell	Jul-22	Jun-23	Various Projects	On Track		To follow Kiosk construction
Pine Gully Stormwater	James Mitchell	Aug-22	Mar-23	3. Delivery	On Watch		Construction has commenced - delayed due to wet weather and ground water
CCTV Glenelg (LRCI Phase 2)	Mathew Walsh	Dec-21	Jan-23	3. Delivery	On Track		
Public Reserve Lighting	Mathew Walsh	Jan-22	Dec-22	3. Delivery	On Track		
FOGO Capital Implementation	James Mitchell	Jun-21	Jul-23	3. Delivery	On Track		
Street Light LED conversion	Mathew Walsh	Jul-22	Apr-23	3. Delivery	On Track		
Renewable energy - Solar systems/energy monitoring	Mathew Walsh	Dec-21	Mar-23	3. Delivery	On Track		
Kingston House - Shed	Mathew Walsh			4. Closure	Complete		
Jetty Rd, Brighton - Lighting Masterplan	James Mitchell	Jul-21	Jun-23	3. Delivery	On Track		
Broadway Toilets Replacement	Mathew Walsh			4. Closure	Complete		
Ringwood - Timber Replacements	Mathew Walsh			4. Closure	Complete		
Greening Seacliff	James Mitchell	Jun-22	Dec-22	3. Delivery	On Track		
Seacliff \$100k Project - Trees	James Mitchell	Jun-22	Dec-22	3. Delivery	On Track		
Art Deco Heritage Review	Anthony Marroncelli	Jul-22	Mar-23	3. Delivery	On Track		
Kingston Park - Kiosk	Matthew Rechner	Jul-22	Jun-23	3. Delivery	On Track		

Sustainability - Carry Forward plus 2022-23 Budget Projects							
Title	Officer	Start Date	Due Date	Project Stage	2nd ¼ Status	2nd ¼ Rating	2nd ¼ Notes
Roads Reseal Program	James Mitchell	Jul-22	Jun-23	Various Projects	On Track		Program commenced in January, likely completion in April. Street segments are likely to change as scoping and planning continues. See separate table.
Stormwater Management Plan Implementation (as per AMP)	James Mitchell	Jul-22	Jun-23	Various Projects	On Track		
Brighton Caravan Park - Stage 2 redevelopment	Matthew Rechner	Jul-22	Jun-23	2. Procurement	On Track		
Sturt Creek Linear Park Design	Matthew Rechner	Jul-22	Jun-23	2. Procurement	On Track		
Kerbing & Water Table Renewal Program	James Mitchell	Jul-22	Jun-23	Various Projects	On Track		
Gully Masterplans Implementation	James Mitchell	Jul-22	Jun-23	1. Planning	On Watch		Included with the Pine Gully Storm water project
Glenelg Town Hall - BDC - Structure	Mathew Walsh		Jul-23	3. Delivery	On Track		

Sustainability - New Initiatives							
Title	Officer	Start Date	End Date	Project Stage	2nd ¼ Status	2nd ¼ Rating	2nd ¼ Notes
Urban Forest Maintenance	James Mitchell	Aug-22	May-23	3. Delivery	On Track		
Stormwater Data Collection	James Mitchell	Jul-22	Jun-22	3. Delivery	On Track		
Resilient Asset Management Project (RAMP)	James Mitchell	Jul-22	Jun-23	3. Delivery	On Track		
Electric Vehicle Transition Plan	James Mitchell	Jul-22	Mar-23	3. Delivery	On Track		
Gordon St/Augusta St Roundabout Landscaping	Bill Blyth	Jul-22	Jun-23	1. Planning	On Track		
Greening Diagonal Rd Triangle	Matthew Rechner	Oct-22	Jun-23	1. Planning	On Track		
Greening Brighton/Hove Railway Corridor	James Mitchell	Jul-22	Jun-23	1. Planning	On Track		

Sustainability - Capital and Other Projects							
<i>Title</i>	<i>Officer</i>	<i>Start Date</i>	<i>End Date</i>	<i>Project Stage</i>	<i>2nd ¼ Status</i>	<i>2nd ¼ Rating</i>	<i>2nd ¼ Notes</i>
Stormwater Pipes/Pits Renewal Program	James Mitchell	Jul-22	Jun-23	Various Projects	On Track	●	
Electrical and Lighting Renewal	Mathew Walsh	Jul-22	Aug-22	5. DLP	Complete	●	
Fences Renewal Program	James Mitchell	Aug-22	Jun-23	Various Projects	On Track	●	
Pathways Renewal Program	James Mitchell	Aug-22	Jun-23	Various Projects	On Track	●	
Pathway - Edith Butler Pier	James Mitchell	Aug-22	Jun-23	3. Delivery	On Watch	●	Consultant engaged to provide detailed designs. Contractor engagement planned in May. Construction element of the project likely a carry forward.
Gate - Bowker St Oval	Bill Blyth	Sep-22	Mar-23	Various Projects	On Track	●	
Walls Renewal Program	James Mitchell	Aug-22	Jun-23	Various Projects	Deferred	●	To be reviewed following open space asset audit which is currently underway
Bin Replacement Program	Bill Blyth	Sep-22	Dec-22	Various Projects	On Track	●	
Bollards Renewal Program	Bill Blyth	Oct-22	Jan-23	Not Started	On Track	●	
CCTV Installations - Various Locations	Mathew Walsh	Aug-22	Mar-23	2. Procurement	On Track	●	
Street lighting replacements (SAPN and Reserves)	Mathew Walsh	Jul-22	May-23	3. Delivery	On Track	●	
Patawalonga Lock Gate East	Mathew Walsh	Jul-22	Aug-23	2. Procurement	On Watch	●	To be re-scoped and re-tendered following previous unsuccessful tender
Patawalonga Lock Sea Gate West	Mathew Walsh	Jul-22	Aug-23	2. Procurement	On Watch	●	To be re-scoped and re-tendered following previous unsuccessful tender
Glenelg Jetty Structural Repairs	James Mitchell	Sep-22	Jun-23	1. Planning	Deferred	●	Pending discussions with the Department of Infrastructure and Transport

Sustainability - Capital and Other Projects							Attachment 4
<i>Title</i>	<i>Officer</i>	<i>Start Date</i>	<i>End Date</i>	<i>Project Stage</i>	<i>2nd ¼ Status</i>	<i>2nd ¼ Rating</i>	<i>2nd ¼ Notes</i>
Accelerated Footpath Program	Bill Blyth	Aug-22	Sep-22	3. Delivery	On Track	●	
Footpaths Renewal Program	James Mitchell	Jul-22	Mar-23	2. Procurement	On Track	●	
Broadway Kiosk - Int/Ext - Finishes	Mathew Walsh	Jul-22	May-23	3. Delivery	On Track	●	
Glenelg Town Hall - Refurbishment	Mathew Walsh		Jun-23	Not Started	On Track	●	
Bay Discovery Centre - Drain Trays	Mathew Walsh	Jun-22	Jun-22	4. Closure	Complete	●	
Brighton Civic Centre -insulate 1st floor	Mathew Walsh	Jul-22	Jul-23	4. Closure	Complete	●	
Glenelg Town Hall - Gallery Doors	Mathew Walsh	Jul-22	Jun-22	4. Closure	Complete	●	
Glenelg Foreshore Toilets - Partition/Refurb	Mathew Walsh	Aug-22	Jan-23	4. Closure	Complete	●	
Broadway Toilets Exeloo	Mathew Walsh	May-22	May-23	2. Procurement	On Track	●	
Beachouse Toilets - refurbish	Mathew Walsh	Aug-22	Jan-23	2. Procurement	On Track	●	
Glenelg Rotunda Roof replacement	Mathew Walsh	Aug-22	Jun-23	1. Planning	Deferred	●	Additional resourcing may be required given current quotes
Beachouse - Exterior lighting	Mathew Walsh	Jul-22	Jun-23	1. Planning	On Track	●	
Depot Cleaning Compound	Bill Blyth	Jul-22	Jun-23	1. Planning	On Track	●	
Glenelg Town Hall Boomers Fit Out	Mathew Walsh	Aug-22	Jul-23	3. Delivery	On Track	●	
Bowker Oval - Kitchen fit out- EHO	Mathew Walsh	Sep-22	Aug-23	1. Planning	On Track	●	
Brighton Caravan Park Retaining Wall (LRCI Phase 3)	Matthew Rechner	Jul-22	Jan-23	3. Delivery	On Track	●	
Wigley Reserve lighting	Matthew Rechner	Jul-22	Jun-23	2. Procurement	On Track	●	

The Roads Reseal Program for 2022-23 includes the sections of road in the table below.

Road	From	To	Suburb
Indra Terrace	Alfreda Street	Yester Avenue	Brighton
Indra Terrace	Yester Avenue	Dunluce Avenue	Brighton
Keelara Street	Brighton Road	Torr Avenue	Brighton
Mortimer Terrace	Wahroonga Avenue	Bennett Street	Brighton
Sexton Road	Rudford Street	Hastings Road	Brighton
Tarcoola Street	Fulton Street	Ross Street	Brighton
Tarcoola Street	Oraston Avenue	Fulton Street	Brighton
Torr Avenue	Brighton Road	Alfreda Street	Brighton
Volues Lane	Voules Street	End	Brighton
Voules Sreet	Brighton Road	Slow point	Brighton
Wenlock Street	Jetty Road	Hartley Road	Brighton
Giles Avenue	Moseley Street	East End	Glenelg
Lymington Street	Moseley Street	St Johns Row	Glenelg
Percival Street	South End	College Street	Glenelg
Soal Street	Jetty Road	Augusta Street	Glenelg
Maxwell Terrace	Fortrose Street	Malcolm Street	Glenelg East
Maxwell Terrace	Buttrose Street	Council Boundary	Glenelg East
Maxwell Terrace	Wyatt Street	Buttrose Street	Glenelg East
Blackburn Avenue	Tapleys Hill Road	Leak Avenue	Glenelg North
Blackburn Avenue	Leak Avenue	Davey Avenue	Glenelg North
Gosse Avenue	Davey Avenue	Goldworthy Crescent	Glenelg North
Newhaven Avenue	Adelphi Terrace	Tod Street	Glenelg North
Downing Street	Esplanade	Cross Street	Hove
Downing Street	Cross Street	King George Avenue	Hove
Winchester Avenue	Stopford Road	Lascelles Avenue	Hove
Winchester Avenue	Lascelles Avenue	Sunshine Avenue	Hove
MacPherson Street	Caroona Avenue	Brighton Road	Hove
Railway Terrace	Caroona Avenue	Illawara Avenue	Hove
Railway Terrace	Illawara Avenue	Seventh Avenue	Hove
Singleton Road	Kauri Parade	Bandon Terrace	Kingston Park
Singleton Road	Bandon Terrace	Cygnat Terrace	Kingston Park
Strickland Road	Burnham Road	Cameron Avenue	Kingston Park

Maitland Terrace	Brighton Road	Acacia Street	Seacliff
Maitland Terrace	Acacia Street	Yacca Road	Seacliff
Pine Avenue	Brighton Road	Acacia Street	Seacliff
Pine Avenue	Yacca Road	Kauri Parade	Seacliff
Pine Avenue	Acacia Street	Yacca Road	Seacliff
Waratah Street	Maitland Terrace	Pine Avenue	Seacliff
Yacca Road	Wheatland Street	Maitland Terrace	Seacliff
Broadway	Brighton Road	Margate Street	South Brighton
High Street	Stephenson Avenue	Mills Street	South Brighton
High Street	Mills Street	Seacombe Road	South Brighton
Mills Street	Brighton Road	Surf Street	South Brighton
Mills Street	Surf Street	High Street	South Brighton
Stewart Street	Stephenson Avenue	Rowe Street	South Brighton



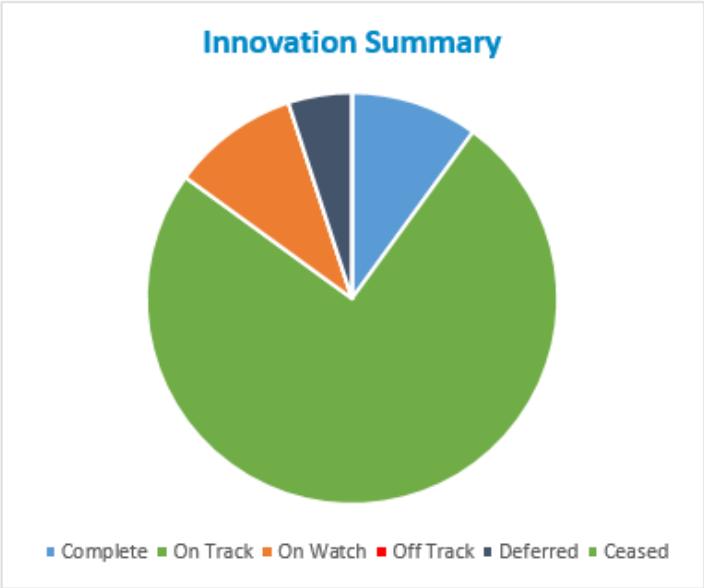
# Annual Business Plan - Innovation - Status Report

As at 31 December 2022








## INNOVATION







A thriving economy and community that values life-long education, research, creativity and entrepreneurialism.



Innovation Summary		
Complete	2	10%
On Track	15	75%
On Watch	2	10%
Off Track	0	0%
Deferred	1	5%
Ceased	0	0%
Total	20	

Innovation - Carry Forward Capital Projects							Attachment 4
<i>Title</i>	<i>Officer</i>	<i>Start Date</i>	<i>End Date</i>	<i>Project Stage</i>	<i>2nd ¼ Status</i>	<i>2nd ¼ Rating</i>	<i>2nd ¼ Notes</i>
Traffic Safety Improvements	James Mitchell	Jul-22	Jun-23	Various Projects	On Track		
PLEC and Aerial Bundled Cable Investigations	James Mitchell	Jul-22	Mar-23	2. Procurement	On Track		

Innovation - Carry Forward plus 2022 -23 Budget Projects							
<i>Title</i>	<i>Officer</i>	<i>Start Date</i>	<i>End Date</i>	<i>Project Stage</i>	<i>2nd ¼ Status</i>	<i>2nd ¼ Rating</i>	<i>2nd ¼ Notes</i>
Major Plant & Equipment Purchases - Heavy Vehicles / Other	James Mitchell	Jul-22	Jun-23	2. Procurement	On Watch		Vehicles have been ordered - there is global supply chain delays for vehicles
Executive / Regulatory / Passenger Vehicles (Plant & Equipment - Car Fleet)	James Mitchell	Jul-22	Jun-23	1. Planning	On Watch		Vehicles have been ordered - there is global supply chain delays for vehicles
Business Transformation Program	Robert Zanin	Jul-22	Jun-23	3. Delivery	On Track		

Innovation - Capital and Other Projects							
<i>Title</i>	<i>Officer</i>	<i>Start Date</i>	<i>End Date</i>	<i>Project Stage</i>	<i>2nd ¼ Status</i>	<i>2nd ¼ Rating</i>	<i>2nd ¼ Notes</i>
Sign Replacement Program	Bill Blyth	Sep-22	Dec-22	Various Projects	On Track		
Glenelg Town Hall - Café - Electrical/Mechanical	Mathew Walsh		Jun-23	Not Started	On Track		
Glenelg Library - Paint Ceiling	Mathew Walsh		Jun-23	Not Started	On Track		
Partridge House - Paving	Mathew Walsh	Jul-22		1. Planning	Deferred		There are issues around the timely delivery of materials and ensuring the least disruption to the operation of Partridge House
Bowker Oval Clubrooms - Switchboard	Mathew Walsh	Aug-22	Jun-23	1. Planning	On Track		
Partridge House - internal toilets refurb	Mathew Walsh	Aug-22	Jun-23	4. Closure	On Track		

Innovation - Capital and Other Projects							Attachment 4
<i>Title</i>	<i>Officer</i>	<i>Start Date</i>	<i>End Date</i>	<i>Project Stage</i>	<i>2nd ¼ Status</i>	<i>2nd ¼ Rating</i>	<i>2nd ¼ Notes</i>
Bus Stops Renewal Program	James Mitchell	Jul-22	Jun-23	Various Projects	On Track	●	
Plant & Equipment - Depot / Stores	James Mitchell	Jul-22	Jun-23	2. Procurement	On Track	●	Global supply chain delays for vehicles
ICT Replacement Program	Robert Zanin	Jul-22	Jun-23	2. Procurement	On Track	●	
Brighton Caravan Park - Renewal Program	Matthew Rechner	Jul-22	Jan-23	3. Delivery	On Track	●	
Partridge House - Plant & Equipment	Regan Forrest	Jul-23	Mar-23	4. Closure	Complete	●	
Library Books Purchases	Tania Paull	Jul-22	Jul-23	2. Procurement	On Track	●	
Library Books Purchases - Reading Group	Tania Paull	Jul-22	Jul-23	2. Procurement	On Track	●	
Kingston Park Stages 4 & 6 - Detailed Design	Matthew Rechner	Jul-22	Jun-23	1. Planning	On Track	●	
Caravan Park - Cabins	Regan Forrest	Jul-22	Aug-22	4. Closure	Complete	●	

Item No: 15.3

Subject: **INSTRUMENT OF DELEGATION FOR THE COUNCIL'S BY-LAWS**

Date: 14 February 2023

Written By: Strategy and Governance Lead

General Manager: Strategy and Corporate, Ms P Jackson

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## **SUMMARY**

By-laws are local laws established by councils to deal with issues specific to the relevant council area. The City of Holdfast Bay has six By-laws, which apply only within the City of Holdfast Bay's boundaries.

Following a review in early-mid 2019, the By-laws commenced operation on 1 January 2020. For reasons that are unknown, the relevant delegations were not completed at the time the By-laws were adopted by Council. This means that Council currently is, and has technically been, the approving authority for permits under By-law applications since the new By-laws were adopted.

A delegation is now requested to rectify this oversight, so that long-standing processes relating to permit approvals can continue. Notwithstanding the low risk of the current situation, Administration will re-issue all current permits to ensure they comply with Council's delegated authority.

---

## **RECOMMENDATION**

**It is recommended that:**

**Council delegates the powers contained in the instrument of delegation under the Council's By-laws to the delegate specified therein to ensure the appropriate employees in Council can exercise the power to grant, revoke or vary permission to undertake the various activities regulated under its By-laws.**

---

## **STRATEGIC PLAN**

Council's vision for 2050+ is *"Protecting our heritage and beautiful coast, while creating a welcoming and healthy place for all in South Australia's most sustainable city."*

By-laws underpin this vision in a range of ways by providing localised direction, and provide a framework for officers to implement Council's directions.

## **COUNCIL POLICY**

Not applicable

## STATUTORY PROVISIONS

*Local Government Act 1999*

*Subordinate Legislation Act 1978*

City of Holdfast Bay By-laws

## BACKGROUND

Having undertaken the consultation and referral process required by legislation in respect of the By-laws, at its meeting on 9 July 2019 Council adopted six By-laws, which are provided for reference:

1. Permits and Penalties
2. Moveable Signs
3. Local Government Land
4. Roads
5. Dogs
6. Cats

*Refer Attachments 1 to 6*

After Council's adoption of the By-laws, several legislative steps followed, including:

- approval by the Legislative Review Committee, pursuant to Section 10 of the *Subordinate Legislation Act 1978*, in August 2019, and
- publication in the South Australian Government Gazette on 31 August 2019.

However, the requisite delegations did not form part of the recommendations in the report relating to approval of the By-laws, nor was a follow-up report submitted. This oversight was identified following an informal, internal line of enquiry about a current process that was related to a By-law.

Due to staff changes, it is not possible to determine why this oversight occurred, however, now that it has been identified, a process to rectify it has commenced.

## REPORT

Pursuant to Section 249(5) of the *Local Government Act 1999*, the By-laws commenced operation on 1 January 2020 (four months after publication in the Government Gazette).

As the relevant delegations were not provided to the Chief Executive Officer and Council employees when the By-laws commenced, at this time, Council is technically the approving authority for applications relating to By-laws. However, due to the oversight and in line with long-standing processes, Administration has not been seeking Council approval for permit applications under By-laws.

There are currently over 70 active permits that have been approved by Administration which relate to By-laws, as follows:

**Current Active Permits - January 2023**

- Outdoor dining permits 61
- Goods on footpath permits 17
- Hoarding and skip bin permits 3

Legal advice has been sought on risks and rectification, and recommendations made have been followed, resulting in this report being submitted.

The risk to Council is considered low. As permits are issued regularly, there is a presumption that they are validly issued and can be relied upon. Declaring a permit invalid would require a ruling from a Court, which would require a person to commence and conclude proceedings prior to an existing permit expiring.

Council is now able to delegate the power to grant, revoke or vary permission to undertake the various activities regulated under its By-laws to staff or other authorised persons to exercise these powers. This is recommended to ensure operational efficiency and avoids the need for By-law permit applications to be determined by Council.

To this end, an Instrument of Delegation is presented. The instrument will operate by delegating all relevant powers pursuant to the By-laws to the Chief Executive Officer and appropriate Council employees.

*Refer Attachment 7*

Once the delegation has been conferred, Administration will re-issue all current By-law permits to ensure they comply with Council's delegation.

To prevent such an oversight in future, a Standard Operating Procedure for By-laws has been drafted.

**BUDGET**

Not applicable

**LIFE CYCLE COSTS**

Not applicable

# Attachment 1





## CITY OF HOLDFAST BAY

### PERMITS AND PENALTIES BY-LAW 2019

#### By-law No. 1 of 2019

*This By-law is to create a permit system for Council By-laws, to fix maximum and continuing penalties for offences, and to clarify the construction of Council By-laws.*

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6. Interpretation.....	2
7. Construction of By-laws generally .....	3
<b>PART 2 – PERMITS AND PENALTIES .....</b>	<b>3</b>
8. Permits .....	3
9. Offences and Penalties.....	3

## PART 1 -PRELIMINARY

### 1. Title

This By-law may be cited as the *Permits and Penalties By-law 2019* and is By-law No. 1 of the City of Holdfast Bay.

### 2. Authorising law

This By-law is made under section 246 of the Act.

### 3. Purpose

The objectives of this By-law are to provide for the good rule and government of the Council area, and for the convenience, comfort and safety of its inhabitants by:

- 3.1 creating a permit system for Council By-laws;
- 3.2 providing for the enforcement of breaches of Council By-laws and fixing penalties; and
- 3.3 clarifying the construction of Council By-laws.

### 4. Commencement, revocation and expiry

- 4.1 The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation<sup>1</sup>:

By-Law No.1 – Permits and Penalties 2012.<sup>2</sup>

- 4.2 This By-law will expire on 1<sup>st</sup> January 2027.<sup>3</sup>

#### Note-

- 1. Generally, a By-law comes into operation 4 months after the day on which it is gazetted: section 249(5) of the Act.
- 2. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
- 3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.

### 5. Application

This By-law applies throughout the Council's area.

### 6. Interpretation

In this By-law, unless the contrary intention appears;

- 6.1 **Act** means the *Local Government Act 1999*;
- 6.2 **Council** means the City of Holdfast Bay; and
- 6.3 **person** includes a natural person, a body corporate, an incorporated association or an unincorporated association.

**Note-**

Section 14 of the Acts *Interpretation Act 1915* provides that an expression used in this By-law has, unless the contrary intention appears, the same meaning as in the Act.

**7. Construction of By-laws generally**

- 7.1 Every By-law of the Council is subject to any Act of Parliament and Regulations made thereunder.
- 7.2 In any By-law of the Council, unless the contrary intention appears **permission** means permission of the Council, or such other person as the Council may authorise, granted in writing (including, by way of the Council adopting a policy of general application for this purpose) prior to the act, event or activity to which it relates.

**PART 2 – PERMITS AND PENALTIES****8. Permits**

- 8.1 Where a By-law requires that permission be obtained any person seeking the grant of permission must submit a written application to the Council in the form (if any) and accompanied by the fee (if any) prescribed by the Council.
- 8.2 The Council (or such other person as the Council may authorise) may attach such conditions as it thinks fit to a grant of permission and may vary or revoke such conditions or impose new conditions by notice in writing to the person granted permission.
- 8.3 A person granted permission must comply with every such condition. Failure to do so is an offence (to the extent that it gives rise to a contravention of a By-law).
- 8.4 The Council (or such other person authorised by the Council) may suspend or revoke a grant of permission at any time by notice in writing to the person granted permission.

**9. Offences and Penalties**

- 9.1 A person who commits a breach of any By-law of the Council is guilty of an offence and may be liable to pay:
- 9.1.1 a maximum penalty being the maximum penalty referred to in the Act that may be fixed by a By-law for any breach of a By-law
- 9.1.2 subject to any resolution of the Council to the contrary, the expiation fee fixed by the Act for alleged offences against By-laws, being a fee equivalent to 25 per cent of the maximum penalty fixed for any breach of a By-law.

**Note-**

A person who commits a breach of a By-law of the Council of a continuing nature is guilty of an offence and, in addition to any other penalty that may be imposed, is liable to a further penalty for every day on which the offence continues, such penalty being the maximum amount referred to in the Act that may be fixed by a By-law for a breach of a By-law of a continuing nature.

The maximum penalty for a breach of a By-law is currently \$750.00, and the maximum penalty for every day in which a breach of a continuing nature continues is currently \$50.00 – see section 246(3)(g) of the Act.

Pursuant to section 246(5) of the Act expiation fees may be fixed for alleged offences against by-laws either by a by-law or by resolution of the Council. However, an expiation fee fixed by the Council cannot exceed 25 per cent of the maximum penalty for the offence to which it relates.

This By-law was duly made and passed at a meeting of the City of Holdfast Bay held on **9 July 2019** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

  
.....  
ROBERTO BRIA  
Chief Executive Officer

# Attachment 2





**CITY OF  
HOLDFAST BAY**

**CITY OF HOLDFAST BAY**

**MOVEABLE SIGNS BY-LAW 2019**

**By-law No. 2 of 2019**

*A By-law to set standards for moveable signs on roads and to provide conditions for the placement of such signs for the purpose of protecting visual amenity and public safety.*

## **CONTENTS**

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9. Placement .....	4
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11. Moveable Signs on Vehicles.....	5
12. Exemptions.....	6
13. Removal of Moveable Signs .....	6
14. Liability of vehicle owners .....	7

**PART 1 – PRELIMINARY****1. Title**

This By-law may be cited as the *Moveable Signs By-law 2019* and is By-law No. 2 of the City of Holdfast Bay.

**2. Authorising law**

This By-law is made under sections 226, 238, 239 and 246 of the Act.

**3. Purpose**

The objectives of this By-law are to set standards for moveable signs on roads:

- 3.1 to protect the comfort and safety of road users and members of the public;
- 3.2 to enhance the amenity of roads and surrounding parts of the Council area;
- 3.3 to prevent nuisances occurring on roads;
- 3.4 to prevent unreasonable interference with the use of a road; and
- 3.5 for the good rule and government of the Council area.

**4. Commencement, revocation and expiry**

- 4.1 The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation<sup>1</sup>:

By-Law No.2 - Moveable Signs 2012.<sup>2</sup>

- 4.2 This By-law will expire on 1 January 2027.<sup>3</sup>

**Note -**

- 1. Generally, a By-law comes into operation 4 months after the day on which it is gazetted: section 249(5) of the Act.
- 2. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
- 3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.

**5. Application**

- 5.1 This By-law operates subject to the Council's *Permits and Penalties By-law 2019*.
- 5.2 This By-law applies throughout the Council's area and is subject to the exemptions set out in clause 12.

**6. Interpretation**

In this By-law, unless the contrary intention appears:

- 6.1 **Act** means the *Local Government Act 1999*;

- 6.2 **authorised person** means a person appointed as an authorised person pursuant to section 260 of the Act;
- 6.3 **business premises** means premises from which a business is being conducted.
- 6.4 **Council** means the City of Holdfast Bay;
- 6.5 **footpath area** means:
- 6.5.1 that part of a road between the property boundary of the road and the edge of the carriageway on the same side as that boundary;
  - 6.5.2 a footway, laneway or other place made or constructed for the use of pedestrians and not for the use of vehicles;
- 6.6 **Local Government land** has the same meaning as in the Act;
- 6.7 **moveable sign** has the same meaning as in the Act;
- 6.8 **road** has the same meaning as in the Act; and
- 6.9 **vehicle** has the same meaning as in the *Road Traffic Act 1961*.

**Note-**

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

## **PART 2 – MOVEABLE SIGNS**

### **7. Construction**

A moveable sign must:

- 7.1 be of a kind known as an 'A' frame or sandwich board sign, an 'inverted 'T'' sign, a flat sign, or, with the permission of the Council (including as may be set out in a Council policy from time to time), a sign of some other kind;
- 7.2 be designed, constructed and maintained in good condition so as not to present a hazard to any member of the public;
- 7.3 be of strong construction and sufficiently stable or securely fixed in position so as to keep its position in any adverse weather conditions;
- 7.4 not contain any sharp or jagged edges or corners;
- 7.5 not be unsightly or offensive in appearance or content;
- 7.6 not rotate or contain moving parts;
- 7.7 be constructed of timber, cloth, metal, plastic or plastic coated cardboard, or a mixture of such materials;

- 7.8 not contain flashing lights or be illuminated internally;
- 7.9 not have balloons, flags, streamers or other things attached to it;
- 7.10 not be more than 1100mm high, 700mm wide and 700mm deep;
- 7.11 not have a display area exceeding 700mm square in total or, if the sign is two sided, 700mm square on each side;
- 7.12 in the case of an 'A' frame or 'sandwich board' sign:
  - 7.12.1 be hinged or joined at the top;
  - 7.12.2 be of such construction that its sides are securely fixed or locked in position when erected; and
- 7.13 in the case of an 'inverted 'T' sign, contain no struts or supports that run between the display area and the base of the sign.

## **8. Appearance**

A moveable sign must, in the opinion of an authorised person:

- 8.1 be painted or otherwise detailed in a competent and professional manner;
- 8.2 be aesthetically appealing, legible and simply worded to convey a precise message;
- 8.3 be of such design and contain such colours as are compatible with the architectural design of the premises adjacent to the sign, and which relate well to the townscape and overall amenity of the locality in which it is situated and which do not detract from or conflict with traffic, safety or direction signs or signals; and
- 8.4 contain combinations of colour and typographical styles which blend in with and reinforce the heritage qualities of the locality and the buildings where it is situated.

## **9. Placement**

A moveable sign must:

- 9.1 only be placed on the footpath area of a road;
- 9.2 where there is no kerb to define the footpath area, be set back from the edge of the carriageway by no less than 400mm;
- 9.3 in the case of a flat sign, the message of which only contains newspaper headlines and the name of a newspaper, be in line with and against the business to which it relates;
- 9.4 be placed no less than 2 metres from any structure, fixed object, tree, bush or plant (including another moveable sign);
- 9.5 be placed directly in front of the business premises to which it relates;

- 9.6 not be placed on a sealed part of any footpath area unless the sealed part is wide enough to contain the sign and still leave a clear thoroughfare of at least
- 9.7 1.8 metres;
- 9.8 not be placed on a road where the width of the road (including the footpath area and the carriageway) is less than 4 metres;
- 9.9 not be placed within 10 metres of the corner of a road;
- 9.10 not be placed on a landscaped area;
- 9.11 not be placed on a designated parking area or within 1 metre of an entrance to or exit from premises;
- 9.12 not unreasonably restrict the use of the footpath area; and
- 9.13 not be placed in such a position or in such circumstances that:
  - 9.13.1 it compromises the safety of any person or places a person at risk of harm; or
  - 9.13.2 it obstructs or impedes (or would be likely to obstruct or impede) a vehicle door when opened, provided that the vehicle is parked lawfully on a road.

## **10. Restrictions**

- 10.1 A moveable sign must:
  - 10.1.1 only display material which advertises a business being conducted on business premises adjacent to the sign or the products available from that business;
  - 10.1.2 be limited in number to one moveable sign per business premises;
  - 10.1.3 only be displayed when the business to which it relates is open to the public;
  - 10.1.4 not be displayed during the hours of darkness unless it is in a clearly lit area and is clearly visible; and
- 10.2 A moveable sign must not, without the Council's permission, be displayed on any road, footpath or local government land within Moseley Square.
- 10.3 A moveable sign must not be displayed on any road, footpath or local government land along Jetty Road, Glenelg.
- 10.4 If in the opinion of the Council a road is unsafe for a moveable sign to be displayed, the Council may by resolution prohibit or restrict the display of a moveable sign thereon on such conditions as the Council thinks fit.

## **11. Moveable Signs on Vehicles**

A person must not, without the Council's permission, display or cause to be displayed a moveable sign on or attached to or adjacent to a vehicle that is parked on Local Government

land or a road primarily for the purpose of advertising or offering for sale a product (including the vehicle) or business to which the sign relates.

## 12. Exemptions

- 12.1 Subclauses 9.5 and 10.1 do not apply to a moveable sign which is used:
- 12.1.1 to advertise a garage sale taking place from residential premises;
  - 12.1.2 as a directional sign to an event run by an incorporated association or a charitable body; or
- 12.2 Subclause 10.1 does not apply to a flat sign the message of which only contains newspaper headlines and the name of a newspaper and which must be displayed and located flat against a wall of the business premises at all times.
- 12.3 A requirement of this By-law will not apply where the Council has granted permission (which may include by way of adopting a policy for this purpose) for a moveable sign (or class of moveable sign) to be displayed contrary to that requirement.

### Note-

This By-law does not apply to moveable signs placed and maintained on a road in accordance with section 226(3) of the Act, which includes any sign:

- placed there pursuant to an authorisation under the Act or another Act; or
  - designed to direct people to the open inspection of any land or building that is available for purchase or lease; or
  - related to a State or Commonwealth election and is displayed during the period commencing on the issue of the writ or writs for the election and ending at the close of polls on polling day; or
- related to an election held under this Act or the *Local Government (Elections) Act 1999* and is displayed during the period commencing four (4) weeks immediately before the date that has been set (either by or under either Act) for polling day and ending at the close of voting on polling day.

## 13. Removal of Moveable Signs

- 13.1 If:
- 13.1.1 the design or construction of a moveable sign that has been placed on a road does not comply with a requirement of this By-law; or
  - 13.1.2 the positioning of a moveable sign does not comply with a requirement of this By-law; or
  - 13.1.3 any other relevant requirement of this By-law is not complied with; or
  - 13.1.4 the moveable sign unreasonably:
    - 13.1.4.1 restricts the use of the road; or
    - 13.1.4.2 endangers the safety of members of the public,
- an authorised person may order the owner of the sign to remove the sign from the road.
- 13.2 A person must comply with an order of an authorised person made pursuant to subparagraph 13.1 of this By-law.

- 13.3 If the authorised person cannot find the owner, or the owner fails to comply with the order of an authorised person, the authorised person may remove and dispose of the moveable sign.
- 13.4 The owner of or other person entitled to recover a moveable sign removed by an authorised person pursuant to section 227(2) of the Act, may be required to pay to the Council any reasonable costs incurred by the Council in removing, storing, and/or disposing of the moveable sign before being entitled to recover the moveable sign.
- 13.5 The owner, or other person responsible for a moveable sign must remove or relocate the moveable sign at the request of an authorised person:
- 13.5.1 if, in the opinion of an authorised person, and notwithstanding compliance with this By-law, there is any hazard or obstruction or there is likely to be a hazard or obstruction arising out of the location of the moveable sign; or
- 13.5.2 for the purpose of special events, parades, roadworks or in any other circumstances which, in the opinion of the authorised person, require relocation or removal of the moveable sign to protect public safety or to protect or enhance the amenity of a particular locality.

#### 14. Liability of vehicle owners

- 14.1 For the purposes of this clause 14, **owner** in relation to a vehicle has the same meaning as contained in section 4 of the Act.
- 14.2 The owner and the driver of a vehicle driven, parked or standing in contravention of this By-law are each guilty of an offence and liable to the penalty as prescribed for that offence.

This By-law was duly made and passed at a meeting of the City of Holdfast Bay held on **9 July 2019** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

  
.....  
ROBERTO BRIA  
Chief Executive Officer

# Attachment 3





## LOCAL GOVERNMENT LAND BY-LAW 2019

### By-law No. 3 of 2019

*A By-law to manage and regulate the access to and use of Local Government land (other than roads), and certain public places.*

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**PART 1 – PRELIMINARY****1. Title**

This By-law may be cited as the *Local Government Land By-law 2019* and is By-law No. 3 of the City of Holdfast Bay.

**2. Authorising law**

This By-law is made under sections 238 and 246 of the Act and section 18A of the *Harbors and Navigation Act 1993*.

**3. Purpose**

The objectives of this By-law are to regulate the access to and use of Local Government land (other than roads), and certain public places:

- 3.1 to prevent and mitigate nuisances;
- 3.2 to prevent damage to Local Government land and promote conservation of the foreshore;
- 3.3 to protect the convenience, comfort and safety of members of the public;
- 3.4 to enhance the amenity of the Council area; and
- 3.5 for the good rule and government of the Council's area.

**4. Commencement, revocation and expiry**

- 4.1 The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation<sup>1</sup>:

By-law No.3 – Local Government Land 2012.<sup>2</sup>

- 4.2 This By-law will expire on 1 January 2027.<sup>3</sup>

**Note-**

- 1. Generally, a By-law comes into operation 4 months after the day on which it is gazetted: section 249(5) of the Act.
- 2. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
- 3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.

**5. Application**

- 5.1 This By-law operates subject to the Council's Permits and Penalties By-law 2019.
- 5.2 Subject to subclauses 5.3 and 5.4, this By-law applies throughout the Council area.
- 5.3 Subclauses 9.2, 9.4.2, 9.9.2, 9.9.5, 9.25.1, 9.25.3, 9.25.4, 9.29.2, 9.31, 9.42, 10.2 and 10.7 of this By-law only apply in such part or parts of the Council area as the Council may, by resolution direct in accordance with section 246(3)(e) of the Act.

- 5.4 Subclauses 9.4.4, 9.9.1, 9.9.3, 9.9.4 and 9.13.2 of this By-law apply throughout the Council area except in such parts of the Council area as the Council may by resolution direct in accordance with section 246(3)(e) of the Act.

## 6. Interpretation

In this By-law, unless the contrary intention appears:

- 6.1 **Act** means the *Local Government Act 1999*;
- 6.2 **animal or animals** includes birds and insects but does not include a dog;
- 6.3 **aquatic life** means any animal or plant living or growing in water including, but not limited to, yabbies, molluscs, fish, insects, insect pupa or larvae and water plants
- 6.4 **authorised person** is a person appointed by the Council as an authorised person under section 260 of the Act;
- 6.5 **boat** includes a raft, pontoon, houseboat, personal watercraft or other similar device;
- 6.6 **boat ramp** means a facility constructed, maintained and operated for the launching and retrieval of a boat;
- 6.7 **camp** includes setting up a camp, or causing a tent, swag and/or similar bedding, a caravan or motor home to remain on the land for the purpose of staying overnight, whether or not any person is in attendance or sleeps on the land or foreshore;
- 6.8 **Council** means the City of Holdfast Bay;
- 6.9 **electoral matter** has the same meaning as in the *Electoral Act 1985* provided that such electoral matter is not capable of causing physical damage or injury to any person within its immediate vicinity;
- 6.10 **effective control** means a person exercising effective control of an animal either:
- 6.10.1 by means of a physical restraint; or
- 6.10.2 by command, the animal being in close proximity to the person and the person being able to see the animal at all times;
- 6.11 **emergency worker** has the same meaning as in the *Road Traffic (Road Rules-Ancillary and Miscellaneous Provisions) Regulations 2014*;
- 6.12 **foreshore** means land owned by or under the Council's care, control and management (including a road) that:
- 6.12.1 extends from the low water mark on the seashore to the nearest road or section boundary, or to a distance of 50 metres from high water mark (whichever is the lesser distance) or;
- 6.12.2 extends from the edge of any other navigable waterway or body of water in the Council's area to the nearest road or section boundary or for a distance of 50 metres (whichever is the lesser).

- 6.13 **funeral ceremony** means a ceremony only (i.e. a memorial service) and does not include a burial;
- 6.14 **liquor** has the same meaning as in the *Liquor Licensing Act 1997*;
- 6.15 **Local Government land** means all land owned by the Council or under the Council's care, control and management (except roads);
- 6.16 **low water mark** means the lowest meteorological tide;
- 6.17 **offensive** includes threatening, abusive, insulting or annoying behaviour and offend has a complementary meaning;
- 6.18 **open container** means a container that after the contents of the container have been sealed at the time of manufacture:
- 6.18.1 being a bottle, it has had its cap, cork or top removed (whether or not it has since been replaced);
  - 6.18.2 being a can, it has been opened or punctured;
  - 6.18.3 being a cask, it has had its tap placed in a position to allow it to be used;
  - 6.18.4 being any other form of container, it has been opened, broken, punctured or manipulated in such a way as to allow access to its contents; or
  - 6.18.5 is a flask, glass, mug or other container able to contain liquid.
- 6.19 **personal watercraft** means a device that –
- 6.19.1 is propelled by a motor; and
  - 6.19.2 has a fully enclosed hull; and
  - 6.19.3 is designed not to retain water if capsized; and
  - 6.19.4 is designed to be operated by a person who sits astride, stands, or kneels on the device,
- and includes the device commonly referred to as a jet ski;
- 6.20 **tobacco product** has the same meaning as in the *Tobacco Products Regulation Act 1997*;
- 6.21 **'road'** has the same meaning as in the *Local Government Act 1999*;
- 6.22 **'vehicle'** has the same meaning as in the *Road Traffic Act 1961*;
- 6.23 **waters** includes a body of water, including a pond, lake, river, creek or wetlands under the care, control and management of the Council; and
- 6.24 **wheeled recreational device** has the same meaning as in the *Road Traffic Act 1961*.

**Note-**

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

**PART 2 – ACCESS TO LOCAL GOVERNMENT LAND****7. Access****Note-**

Pursuant to section 238(3) of the Act, if a Council makes a By-law about access to or use of a particular piece of Local Government land (under section 238), the Council should erect a sign in a prominent position on, or in the immediate vicinity of, the land to which the By-law applies.

The Council may:

- 7.1 close, or regulate or restrict access to, any part of Local Government land to the public for specified times and days; and
- 7.2 fix charges or fees payable for entry onto any part of Local Government land.

**8. Closed lands**

A person must not without permission, enter or remain on any Local Government land:

- 8.1 which has been closed, or in respect of which access by the public is regulated or restricted in accordance with subclause 7.1;
- 8.2 where entry fees or charges are payable, without paying those fees or charges; or
- 8.3 where the land has been enclosed by fences and/or walls and gates that have been closed and locked.

**PART 3 – USE OF LOCAL GOVERNMENT LAND****9. Activities requiring permission****Note-**

Pursuant to section 238(3) of the Act, if a Council makes a By-law about access to or use of a particular piece of Local Government land (under section 238), the Council should erect a sign in a prominent position on, or in the immediate vicinity of, the land to which the By-law applies.

A person must not without the permission of the Council, do any of the following on Local Government land or, where stated, the foreshore.

**9.1 Advertising**

Display, paint or erect or cause to be displayed, painted or erected, on Local Government Land or a structure, building or fixture on Local Government Land any sign, advertising or hoarding for the purpose of commercial advertising or any other purpose.

**9.2 Alcohol**

Consume, carry or be in possession or in charge of any liquor on Local Government land comprising parks or reserves to which the Council has determined this paragraph applies.

### 9.3 Amplification

Use an amplifier or other mechanical or electrical device for the purpose of amplifying sound or broadcasting announcements or advertisements.

### 9.4 Animals

9.4.1 Cause or allow an animal to stray onto, move over, graze or be left unattended on Local Government land.

9.4.2 Cause or allow an animal to enter, swim, bathe or remain in any waters located on Local Government land to which the Council has resolved this subparagraph shall apply;

9.4.3 Cause or allow any animal to swim or bathe in any waters adjacent to the foreshore to the inconvenience, annoyance or danger of any other person bathing or swimming;

9.4.4 Take, drive or ride any horse, or allow it to remain, on the foreshore or to bathe in any waters adjacent the foreshore except between the hours of midnight and 9.00am and then only in such areas of the foreshore as the Council may be resolution direct and if the horse remains under effective control;

9.4.5 Lead, herd or exercise an animal, except where the Council has set aside a track or other area for use by or in connection with an animal of that kind, and provided that the animal or animals are under effective control.

### 9.5 Annoyance

Do anything likely to offend or unreasonably interfere with any other person:

9.5.1 using that land; or

9.5.2 occupying nearby premises,

by making noise or creating a disturbance.

### 9.6 Aquatic Life

Introduce any aquatic life to any waters located on Local Government Land.

### 9.7 Attachments

Subject to subclause 9.1, attach or cause to be attached, hang or fix anything to a tree, plant, equipment, fence, post, structure or fixture on Local Government land.

### 9.8 Bathing

In any waters adjacent the foreshore:

9.8.1 swim or bathe within five metres of any jetty; or

- 9.8.2 swim or bathe at a time when swimming or bathing in that place has been prohibited by resolution of the Council (for reasons of public safety) as indicated by a sign or signs displayed on or near the foreshore.

## 9.9 Boats & Mooring

Subject to the provisions of the *Harbors and Navigation Act 1993* and the *Marine Safety (Domestic Commercial Vessel) National Law*:

- 9.9.1 launch or retrieve a boat to or from any waters adjacent to or on any Local Government land or foreshore except in an area to which the Council has resolved this subclause applies;
- 9.9.2 launch or retrieve a boat from or to any Local Government land to which the Council has determined this subclause applies without using a boat ramp constructed and set aside by the Council for that purpose;
- 9.9.3 propel, float or otherwise use a boat on or in any waters except:
- (a) in an area to which the Council has determined this subclause applies; and
  - (b) in accordance with any conditions that the Council may have determined by resolution apply to that use.
- 9.9.4 hire out a boat or otherwise use a boat for commercial purposes except in an area to which the Council has resolved this subclause applies and other than in accordance with any conditions determined by resolution of the Council; or
- 9.9.5 moor any boat on or to Local Government land to which the Council has determined this subclause applies.

## 9.10 Bridge Jumping

Jump or dive from a bridge on Local Government land.

## 9.11 Buildings

Use a building, or structure on Local Government land for a purpose other than its intended purpose.

## 9.12 Burials and Memorials

- 9.12.1 Bury, inter or spread the ashes of any human or animal remains.
- 9.12.2 Erect any memorial.

## 9.13 Camping and Tents

- 9.13.1 Subject to this subclause 9.1, erect a tent or other structure of calico, canvas, plastic or similar material as a place of habitation for a period of 24 hours.

9.13.2 Camp or sleep overnight on Local Government land other than on an area which has been designated by resolution of the Council for that purpose and only then, in accordance with such time limits and other conditions determined by resolution of the Council and contained in any signage erected thereon.

**9.14 Canvassing**

Subject to subclause 14.2, convey any advertising, religious or other message to any bystander, passer-by or other.

**9.15 Charge Admission**

Charge admission or seek payment for entering any part of the foreshore.

**9.16 Defacing Property**

Deface, remove, paint, spray, write upon, cut names, letters or make marks on any tree, rock, gate, fence, object, monument, building, sign, bridge or property of the Council.

**9.17 Distribution**

Subject to subclause 14.2 and the *Local Nuisance and Litter Control Act 2016*, place on a vehicle (without the consent of the owner of the vehicle), or give out or distribute any book, leaflet or other printed matter to any bystander, passer-by or other person.

**9.18 Donations**

Ask for or receive or indicate that he or she desires a donation of money or any other thing.

**9.19 Entertainment and Busking**

9.19.1 Sing, busk or play a recording or use a musical instrument for the apparent purpose of either entertaining others whether or not receiving money.

9.19.2 Conduct or hold a concert, festival, show, public gathering, circus, meeting, performance or any other similar activity.

**9.20 Equipment**

Use an item of equipment, facilities or property belonging to the Council other than in accordance with any conditions of use contained on a sign or notice in the vicinity of the equipment, facility or property.

**9.21 Fires**

Subject to the *Fire and Emergency Services Act 2005* light a fire except:

9.21.1 in a place provided by the Council for that purpose; or

9.21.2 in a portable barbeque, as long as the barbeque is used in an area that is clear of flammable material for a distance of at least four (4) metres.

**9.22 Fireworks**

Ignite, explode or use any fireworks.

**9.23 Fishing**

9.23.1 Cast a fishing line or keep a fishing line in the water from any beach while there are other persons in the waters in the vicinity of the fishing line;

9.23.2 Cast a fishing line, net or trap to catch water creatures in areas to which this subparagraph applies.

**9.24 Flora and Fauna**

Subject to the *Native Vegetation Act 1991* and the *National Parks and Wildlife Act 1972*:

9.24.1 plant, damage, pick, cut, disturb, interfere with or remove any plant, tree or flower thereon;

9.24.2 cause or allow an animal to stand or walk on any flower bed or garden plot;

9.24.3 deposit, dig, damage, disturb, interfere with or remove any soil, stone, wood, clay, gravel, pebbles, timber, bark or any part of the land;

9.24.4 take, interfere with, tease, harm or disturb any animal, bird or aquatic life or the eggs or young of any animal, bird or aquatic life;

9.24.5 pick, collect, take, interfere with or disturb any fruit, nuts, berries or native seeds;

9.24.6 disturb, interfere with or damage any burrow, nest or habitat of any animal or bird;

9.24.7 use, possess or have control of any device for the purpose of killing or capturing any animal, bird or aquatic life; or

9.24.8 burn any timber or dead wood –

with the exception that subclauses 9.21.4 and 9.21.7 do not apply to lawful fishing activities.

**9.25 Games & Sport**

9.25.1 Participate in, promote or organise any organised competition or sport, as distinct from organised social play on Local Government land to which the Council has resolved this subclause applies.

9.25.2 Play or practise any game which involves the use of a ball, missile or other object which by the use thereof may cause or be likely to cause injury or discomfort to any person being on or in the vicinity of that land or detract from or be likely to detract from another person's lawful use and enjoyment of that land.

- 9.25.3 Engage or participate in or conduct any organised group fitness activity or training on Local Government land to which the Council has resolved this subclause applies.
- 9.25.4 Play or practise any game or sport on Local Government land to which the Council has resolved this subclause applies except at the times determined by the Council and indicated on a sign on or in the vicinity of the land (if any)
- 9.25.5 Participate in any game, recreational activity or event where the Council has caused a notice to be erected indicating the game, recreational activity or event is prohibited.

## 9.26 Interference with Land

Interfere with, alter or damage the land (including a building, structure or fixture located on the land) including:

- 9.26.1 altering the construction or arrangement of the land to permit or facilitate access from an adjacent property;
- 9.26.2 erecting or installing a structure in, on, across, under or over the land;
- 9.26.3 changing or interfering with the construction, arrangement or materials of the land;
- 9.26.4 planting a tree or other vegetation on the land, interfering with the vegetation on the land or removing vegetation from the land; or
- 9.26.5 otherwise use the land in a manner contrary to the purpose for which the land was designed to be used.

## 9.27 Jetties

- 9.27.1 Jump or dive from a jetty into water or onto a beach;
- 9.27.2 Tie or affix any water craft to a jetty;
- 9.27.3 After being requested to leave a jetty by an authorised officer for any contravention (alleged or actual) of this subclause 9.27, come back onto the jetty within 24 hours of the request being made.

## 9.28 Model Aircraft, Boats and Cars

Subject to the *Civil Aviation Safety Regulations 1998*:

- 9.28.1 fly or operate a model or drone aircraft, boat or model or remote control vehicle in a manner which may cause or be likely to cause injury or discomfort to a person being on or in the vicinity of the land or detract from or be likely to detract from another person's lawful use of and enjoyment of the land; or
- 9.28.2 fly or operate a model or drone aircraft, boat or model or remote control vehicle on any Local Government Land to which the Council has resolved this subclause applies.

**9.29 Moorings**

- 9.29.1 Enter or be on any mooring or mooring area between the hours of 12 midnight and 7.00am following other than with the consent of the person who has the right to use the mooring or mooring area to moor a vessel;
- 9.29.2 Enter a mooring area which is generally closed to the public and requires permission for entry.

**9.30 Kites**

Fly a kite with more than one control string on Local Government land to which the Council has resolved this subparagraph shall apply.

**9.31 Overhanging Articles or Displaying Personal Items**

Suspend or hang an article or object from a building, verandah, pergola, post or other structure on Local Government land where it might present a nuisance or danger to a person using the land or be of an unsightly nature.

**9.32 Playing Area**

Use or occupy a playing area:

- 9.32.1 in such a manner as to damage or be likely to damage the surface of the playing area or infrastructure (above and under ground level);
- 9.32.2 in a manner contrary to the purpose for which the playing area was intended to be used or occupied; or
- 9.32.3 contrary to directions of the Council made by resolution and indicated on a sign displayed adjacent to the playing area.

**9.33 Preaching**

Preach, harangue or solicit for religious purposes.

**9.34 Removing Soil**

Carry away or remove any soil, sand, clay, timber, stones, pebbles, gravel, seaweed, rocks, minerals, vegetation, shells, or other organic or inorganic materials or any part of the land;

**9.35 Rubbish Dumps and Rubbish Bins**

- 9.35.1 Interfere with, remove or take away any rubbish that has been discarded at any rubbish dump on Local Government Land.
- 9.35.2 Remove, disperse or interfere with any rubbish (including bottles, newspapers, cans, containers or packaging) that has been discarded in a bin on any Local Government Land, or placed on Local Government Land for collection by the Council (or its agent).

**9.36 Structures**

Erect or allow to remain erected any shed, tent, hut or other structure;

**9.37 Swimming and Aquatic Activity**

Subject to the provisions of the *Harbors and Navigation Act 1993* enter, swim or engage in any aquatic activity in or on any waters except:

9.37.1 in waters that the Council has set aside for that purpose; or

9.37.2 in an area where a nearby sign states that such activity is allowed and in accordance with any conditions stated in the sign; or

9.37.3 in the sea.

**9.38 Trading**

9.38.1 Sell buy, offer or display anything for sale or hire or lease any goods, merchandise, commodity, article or thing.

9.38.2 Carry on any business or promote or advertise the same.

9.38.3 Set up a van or other vehicle, stall, stand, table or other structure, tray, carpet or device for the apparent purpose of buying, selling, offering, displaying or exposing for sale or the hiring or leasing of any goods, merchandise, commodity, article, service or thing.

**9.39 Vehicles**

9.39.1 Drive or propel a vehicle except on an area or road constructed and set aside by the Council for that purpose.

9.39.2 Promote, organise or take part in a race, test or trial of any kind in which vehicles take part, except on an area properly constructed for that purpose.

9.39.3 Repair, wash, paint, panel beat or carry out any other work to a vehicle, except for running repairs in the case of a breakdown.

**9.40 Weddings, Functions and Special events**

9.40.1 Hold, conduct or participate in a marriage ceremony, game, picnic, other event or entertainment on any local government land except where the number of persons attending the event or entertainment does not exceed forty (40).

9.40.2 Hold or conduct any filming where the filming is for a commercial purpose.

**9.41 Wheeled Recreational Devices**

Subject to the *Road Traffic Act 1961*, ride a wheeled recreational device on Local Government land to which the Council has determined this subclause applies.

**10. Prohibited activities**

A person must not do any of the following on Local Government land.

**10.1 Equipment**

Use any item of equipment, facilities or property belonging to the Council other than in the manner and for the purpose for which it was designed, constructed or intended to be used or in such manner as is likely to damage or destroy it.

**10.2 Fishing**

Fish in any waters to which the Council has determined this subclause applies.

**10.3 Glass**

Willfully break any glass, china or other brittle material.

**10.4 Helium Balloons**

Release an unsecured balloon containing helium unless the balloon is:

10.4.1 released unintentionally and without negligence; or

10.4.2 released inside a building or structure and does not make its way into the open air;

10.4.3 released for scientific, including meteorological, purposes; or

10.4.4 a balloon aircraft that is recovered after landing.

**10.5 Interference with Permitted Use**

Interrupt or unreasonably interfere with any other person's use of Local Government land where the person is using the land in a manner permitted by the Council or in accordance with any permission that has been granted by the Council.

**10.6 Nuisance**

Behave in such an unreasonable manner as to cause discomfort, inconvenience, annoyance or offence to any other person including by using profane, indecent or obscene language.

**10.7 Playing games**

Play or participate in a game:

10.7.1 which is likely to cause damage to the land or anything on it; or

10.7.2 in any area where a sign indicates that the game is prohibited.

**10.8 Smoking**

Subject to the *Tobacco Products Regulation Act 1997*, smoke, hold or otherwise have control over an ignited tobacco product on any land to which the Council has determined this subclause applies.

**10.9 Missiles**

Throw, roll or discharge any stone, substance or missile to the danger of any person or animal.

**10.10 Obstruction**

Obstruct:

10.10.1 any footpath or bicycle track;

10.10.2 any door, entrance, stairway or aisle in any building; or

10.10.3 any gate or entrance to local government land;

**10.11 Sand Dunes, Pebble Dunes, Coastal Slopes and Cliffs**

10.11.1 carry out any activity that may damage or threaten the integrity of sand dunes, pebble dunes, coastal slopes or cliffs; or

10.11.2 introduce non-indigenous flora or fauna or dump any material in a sand dune or pebble dune; or

10.11.3 destroy, remove or cause interference to any vegetation, whether living or dead, on or within a sand dune, coastal slope or coastal cliff.

**10.12 Solicitation**

Tout or solicit customers for the parking of vehicles or for any other purpose whatsoever.

**10.13 Toilets**

In any public convenience on Local Government land:

10.13.1 urinate other than in a urinal or pan or defecate other than in a pan set apart for that purpose;

10.13.2 deposit anything in a pan, urinal or drain which is likely to cause a blockage;

10.13.3 use it for a purpose for which it was not designed or constructed;

10.13.4 enter a toilet that is set aside for use of the opposite gender except:

10.13.4.1 where a child under the age of eight years is accompanied by a parent or adult guardian of that gender; or

10.13.4.2 to provide assistance to a person with a disability; or

10.13.4.3 in the case of a genuine emergency.

#### 10.14 Waste

10.14.1 Deposit or leave thereon:

10.14.1.1 anything obnoxious or offensive;

10.14.1.2 any mineral, mineral waste, industrial waste or by-products;

10.14.2 Deposit any rubbish other than in receptacles provided by the Council for that purpose;

10.14.3 Deposit in any receptacle any rubbish emanating from domestic or trade purposes, unless designated by a sign or signs.

### PART 4 – ENFORCEMENT

#### 11. Directions

11.1 A person on Local Government land, including the foreshore, must comply with a reasonable direction from an authorised person relating to:

11.1.1 that person's use of the land;

11.1.2 that person's conduct and behaviour on the land;

11.1.3 that person's safety on the land; or

11.1.4 the safety and enjoyment of other persons on the land.

11.2 A person who, in the opinion of an authorised person, is likely to commit or has committed, a breach of this By-law must immediately comply with a direction of an authorised person to leave that part of Local Government land.

#### 12. Orders

If a person fails to comply with an order of an authorised person made pursuant to section 262 of the Act in respect of a breach of this By-law, the Council may seek to recover its costs of any action taken under section 262(3) of the Act from the person to whom the order was directed.

##### Note –

Section 262(1) of the Act states:

- (1) *If a person (the offender) engages in conduct that is a contravention of this Act or a By-law under this Act, an authorised person may order the offender-*
- (a) *if the conduct is still continuing - to stop the conduct; and*
  - (b) *whether or not the conduct is still continuing- to take specified action to remedy the contravention.*

Subsections (2) and (3) of section 262 also provide that it is an offence to fail to comply with an order and that if a person does not comply, the authorised person may take action reasonably required to have the order carried out. For example, an authorised person may order a person to:

- cease smoking on Local Government land;
- remove an object or structure encroaching on Local Government land;
- dismantle and remove a structure erected on Local Government land without permission.

### 13. Removal of animals and objects

An authorised person may remove an animal or object that is on Local Government land in breach of a By-law if no person is in charge of, or apparently in charge of, the animal or object.

## PART 5 – MISCELLANEOUS

### 14. Exemptions

- 14.1 The restrictions in this by-law do not apply to any Police Officer, emergency worker, Council Officer or Council employee acting in the course and within the scope of that person's normal duties, or to a contractor while performing work for the Council and while acting under the supervision or in accordance with a direction of a Council Officer.
- 14.2 The restrictions in subclauses 9.14 and 9.17 of this By-law do not apply to electoral matter authorised by a candidate and which is:
- 14.2.1 related to a Commonwealth or State election and occurs during the period commencing on the issue of the writ or writs for the election and ending at the close of polls on polling day; or
- 14.2.2 related to an election under the Act or the *Local Government (Elections) Act 1999* and occurs during the period commencing four weeks immediately before the date that has been set (either by or under either Act) for polling day and ending at the close of voting on polling day; or
- 14.2.3 related to, and occurs during the course of and for the purpose of a referendum.

### 15. Liability of vehicle owners

- 15.1 For the purposes of this clause 15, *owner* in relation to a vehicle has the same meaning as contained in section 4 of the Act.
- 15.2 the owner and the driver of a vehicle driven, parked or standing in contravention of this By-law are each guilty of an offence and liable to the penalty as prescribed for that offence.

This By-law was duly made and passed at a meeting of the City of Holdfast Bay held on the **9 July 2019** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.



ROBERTO BRIA  
Chief Executive Officer

# Attachment 4





**CITY OF  
HOLDFAST BAY**  
**CITY OF HOLDFAST BAY**  
**ROADS BY-LAW 2019**  
**By-law No. 4 of 2019**

*For the management, control and regulation of activities on roads in the Council's area.*

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**PART 1– PRELIMINARY****1. Title**

This By-law may be cited as the *Roads By-law 2019* and is By-law No. 4 of the City of Holdfast Bay.

**2. Authorising law**

This By-law is made under sections 239 and 246 of the Act and regulation 28 of the *Local Government (General) Regulations 2013*.

**3. Purpose**

The objectives of this By-law are to manage, control and regulate the prescribed uses of roads in the Council's area:

- 3.1 to protect the convenience, comfort and safety of road users and members of the public;
- 3.2 to prevent damage to buildings and structures on roads;
- 3.3 to prevent certain nuisances occurring on roads; and
- 3.4 for the good rule and government of the Council's area

**4. Commencement, revocation and expiry**

- 4.1 The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation.<sup>1</sup>
- 4.2 By-Law No. 4 - Roads 2012.<sup>2</sup>
- 4.3 This By-law will expire on 1 January 2027.<sup>3</sup>

**Note-**

- 1. Generally a By-law comes into operation 4 months after the day on which it is gazetted: section 249(5) of the Act.
- 2. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
- 3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.

**5. Application**

- 5.1 This By-law operates subject to the Council's *Permits and Penalties By-law 2019*.
- 5.2 Subject to subclauses 5.3 and 5.4, this By-law applies throughout the Council's area.
- 5.3 Subclause 7.3 of this By-law only applies to such part or parts of the Council area as the Council may by resolution direct in accordance with section 246(3)(e) of the Act;
- 5.4 Subclause 7.4.2 of this By-law applies throughout the Council's area except in such part or parts of the Council area as the Council may by resolution direct in accordance with section 246(3)(e) of the Act.

## 6. Interpretation

In this By-law, unless the contrary intention appears:

- 6.1 **Act** means the *Local Government Act 1999*;
- 6.2 **animal** includes birds, insects and poultry but does not include a dog;
- 6.3 **authorised person** is a person appointed by the Council as an authorised person under section 260 of the Act;
- 6.4 **camp** includes setting up a camp, or causing:
  - 6.4.1 a tent (including a tent trailer) or other structure of calico, canvas, plastic or other similar material; or
  - 6.4.2 a swag or similar bedding; or
  - 6.4.3 subject to the *Road Traffic Act 1961*, a caravan or motor home;to remain on a road for the purpose of staying overnight, whether or not any person is in attendance or sleeps on the road;
- 6.5 **Council** means the City of Holdfast Bay;
- 6.6 **effective control** means a person exercising effective control of an animal either:
  - 6.6.1 by means of a physical restraint; or
  - 6.6.2 by command, the animal being in close proximity to the person and the person being able to see the animal at all times;
- 6.7 **electoral matter** has the same meaning as in the *Electoral Act 1995* provided that such electoral matter is not capable of causing physical damage or injury to a person within its immediate vicinity;
- 6.8 **emergency worker** has the same meaning as in the *Road Traffic (Road Rules - Ancillary and Miscellaneous Provisions) Regulations 2014*;
- 6.9 **moveable sign** has the same meaning as in the Act;
- 6.10 **road** has the same meaning as in the Act being, a public or private street, road or thoroughfare to which public access is available on a continuous or substantially continuous basis to vehicles or pedestrians or both and includes—
  - 6.10.1 a bridge, viaduct or subway; or
  - 6.10.2 an alley, laneway or walkway; and
- 6.11 **vehicle** has the same meaning as in the *Road Traffic Act 1961*.

### Note-

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

## **PART 2 – USE OF ROADS**

### **7. Activities Requiring Permission**

A person must not do any of the following activities on a road without the permission of the Council.

#### **7.1 Advertising**

Display or cause to be displayed on a road or on a structure on a road, any poster, advertising or sign for the purpose of advertising goods or services, other than a moveable sign that is displayed in accordance with the Council's Moveable Signs By-law.

#### **7.2 Amplification**

Use an amplifier or other device whether mechanical or electrical for the purpose of amplifying sound or magnifying sound including the broadcasting of announcements or advertisements.

#### **7.3 Animals**

Allow any horse, cattle, sheep or other livestock to stray onto, graze, wander or be left unattended on any road to which the Council has, by resolution, determined this subclause applies.

#### **7.4 Camping and Tents**

7.4.1 Subject to this subclause 7.4, erect a tent or other structure of calico, canvas, plastic or other similar material as a place of habitation.

7.4.2 Camp or remain overnight except:

7.4.2.1 on a road to which the Council has resolved this subclause applies (if any); and

7.4.2.2 in accordance with any conditions determined by the Council and displayed on any signage on or near the road.

#### **7.5 Obstructions**

Erect, install or place or cause to be erected, installed or placed any structure, object or material of any kind so as to obstruct a road, footway, water-channel, or watercourse in a road.

#### **7.6 Preaching**

Preach, harangue, solicit or canvass for religious or charitable purposes.

#### **7.7 Public Exhibitions and Displays**

7.7.1 Sing, busk, play a recording or use a music instrument, or perform similar activities.

7.7.2 Conduct, cause or hold a concert, festival, show, display public gathering, circus, performance or a similar activity.

7.7.3 Erect a stage or structure for the purpose of conducting or holding a concert, festival, show, circus, performance or a similar activity.

#### **7.8 Rubbish Bins**

Deposit in any Council bin on a road any rubbish emanating from a domestic, commercial or trade source.

#### **7.9 Soliciting**

Ask for or receive or do anything to indicate a desire for a donation of money or any other thing.

#### **7.10 Repairs to Vehicles**

Repair, wash, paint, panel beat or perform other work of any nature on or to any vehicle, except for running repairs in the case of a vehicle breakdown.

**Note-**

Movable signs on roads are regulated by sections 226 and 227 of the Act and the Council's Moveable Signs By law.

### **PART 3- ENFORCEMENT**

#### **8. Directions**

A person who, in the opinion of an authorised person is committing or has committed a breach of this By-law, must immediately comply with a direction of the authorised person to leave that part of the road.

#### **9. Orders**

If a person does not comply with an order of an authorised person made pursuant to section 262 of the Act in respect of a breach of this By-law, the Council may seek to recover its costs of any action taken under section 262(3) of the Act from the person to whom the order was directed.

**Note-**

Section 262(1) of the Act states:

- 1) If a person (the offender) engages in conduct that is a contravention of this Act or a By-law under this Act, an authorised person may order the offender-
  - a) if the conduct is still continuing – to stop the conduct; and
  - b) whether or not the conduct is still continuing – to take specified action to remedy the contravention.

Subsections (2) and (3) of section 262 also provide that it is an offence to fail to comply with an order and that if a person does not comply, the authorised person may take action reasonably required to have the order carried out. For example, an authorised person may order a person to:

- cease busking on a road;
- remove an object or structure blocking a footpath;
- dismantle and remove a tent from a road.

**10. Removal of animals and objects**

- 10.1 The Council (or its delegate) may, pursuant to section 234 of the Act, remove an animal or object that is on a road in breach of a By-law if no person is in charge, or apparently in charge, of the animal or object.
- 10.2 The Council may recover from the owner or apparent owner of an object removed under subclause 10.1 the costs it incurs in removing that object.

**PART 4- MISCELLANEOUS****11. Exemptions**

The restrictions in this By-law do not apply to any emergency worker, Police Officer, Council Officer or employee acting in the course and within the scope of that person's normal duties, or to a contractor while performing work for the Council and while acting under the supervision or in accordance with a direction of a Council Officer..

**12. Liability of vehicle owners**

- 12.1 For the purposes of this clause 12, **owner** in relation to a vehicle has the same meaning as contained in section 4 of the Act.
- 12.2 The owner and the driver of a vehicle driven, parked or standing in contravention of this By-law are each guilty of an offence and liable to the penalty as prescribed for that offence.

This By-law was duly made and passed at a meeting of the City of Holdfast Bay held on **9 July 2019** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.



ROBERTO BRIA  
Chief Executive Officer

# Attachment 5





## CITY OF HOLDFAST BAY

## DOGS BY-LAW 2019

## By-law No. 5 of 2019

*A By-law to limit the number of dogs kept on premises and for the management and control of dogs in the Council's area.*

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**PART 1 – PRELIMINARY****1. Title**

This By-law may be cited as the *Dogs By-law 2019* and is By-law No. 5 of the City of Holdfast Bay.

**2. Authorising law**

This By-law is made under section 90(5) of the *Dog and Cat Management Act 1995*, sections 238 and 246 of the Act, and section 18A of the *Harbors and Navigation Act 1993*.

**3. Purpose**

The objectives of this By-law are to control and manage dogs in the Council area:

- 3.1 to reduce the incidence of environmental nuisance caused by dogs; and
- 3.2 to promote responsible dog ownership; and
- 3.3 to protect the convenience, comfort and safety of members of the public; and
- 3.4 for the good rule and government of the Council's area.

**4. Commencement, revocation and expiry**

- 4.1 The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation<sup>1</sup>.

By-Law No. 5 – Dogs 2012.<sup>2</sup>

- 4.2 This By-law will expire on 1 January 2027.<sup>3</sup>

**Note-**

- 1. Generally a By-law comes into operation 4 months after the day on which it is gazetted: section 249(5) of the Act.
- 2. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
- 3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.

**5. Application**

- 5.1 This By-law operates subject to the Council's *Permits and Penalties By-law 2019*.
- 5.2 Subject to subclause 5.3, this By-law applies throughout the Council's area.
- 5.3 Subclauses 9 and 10.1, of this By-law only apply in such part or parts of the Council area as the Council may, by resolution direct in accordance with section 246(3)(e) of the Act.

## 6. Interpretation

In this By-law, unless the contrary intention appears:

- 6.1 **Act** means the *Local Government Act 1999*;
- 6.2 **approved kennel establishment** means a building, structure or area approved by a relevant authority, pursuant to the *Development Act 1993* for the keeping of dogs on a temporary or permanent basis;
- 6.3 **assistance dog** means a dog trained and used for the purpose of assisting a person who is wholly or partially disabled and includes a dog undergoing training of a kind approved by the Dog and Cat Management Board;
- 6.4 **Council** means the City of Holdfast Bay;
- 6.5 **dog** (except for in clause 7.1) has the same meaning as in the *Dog and Cat Management Act 1995*;
- 6.6 **effective control** means a person exercising effective control of a dog either:
  - 6.6.1 by means of a physical restraint (as defined under the *Dog and Cat Management Act 1995*); or
  - 6.6.2 by command, the dog being in close proximity to the person and the person being able to see the dog at all times;
- 6.7 **Hooded Plover breeding site** means any land within 100 metres of a sign on Local Government land that indicates a Hooded Plover breeding nest, eggs or chick(s) are or may be present on the land or in the vicinity.
- 6.8 **keep** includes the provision of food or shelter;
- 6.9 **park** has the same meaning as in the *Dog and Cat Management Act 1995*;
- 6.10 **premises** includes land and part of any premises or land whether used or occupied for domestic or non-domestic purposes;
- 6.11 **small dwelling** means a self-contained dwelling commonly known as a flat, service flat, home unit or the like.
- 6.12 For the purposes of clause 10 of the By-law, a dog is (under **effective control by means of a leash**) if the dog is secured to a leash, chain or cord that does not exceed 2 metres in length and:
  - 6.12.1 the leash, chain or cord is either tethered securely to a fixed object; or
  - 6.12.2 held by a person capable of controlling the dog and preventing it from being a nuisance or a danger to other persons, animals or birds.

### Note-

Section 14 of the *Acts Interpretation Act 1915* provides that an expression used in this By-law has, unless the contrary intention appears, the same meaning as in the Acts under which the By-laws was made.

## PART 2 – LIMITS ON DOG NUMBERS

### 7. Limits on dog numbers in private premises

- 7.1 Subject to subclauses 7.3 and 7.5, a person must not, without the Council's permission keep or cause, suffer or permit to be kept:
- 7.1.1 more than one dog in a small dwelling; or
  - 7.1.2 more than two dogs in any premises other than a small dwelling.
- 7.2 For the purposes of subclause 7.1, 'dog' means a dog that is three (3) months of age or older or, a dog that has lost its juvenile teeth.
- 7.3 Subclause 7.1 does not apply to:
- 7.3.1 approved kennel establishments operating in accordance with all required approvals and consents; or
  - 7.3.2 any other business involving the keeping of dogs provided that the business is registered in accordance with the *Dog and Cat Management Act 1995* and operating in accordance with all required approvals and consents.
- 7.4 The Council may require that premises which are the subject of an application for permission to keep additional dogs, must be inspected by an authorised person for the purpose of assessing the suitability of the premises for housing dogs.
- 7.5 No dog is to be kept on any premises where, in the opinion of an authorised person, there is no secure or appropriate area where a dog may be effectively confined.

## PART 3 – DOG CONTROLS

### 8. Dog exercise areas

Subject to clauses 9 and 10 of this By-law, a person may enter a park in the Council's area for the purpose of exercising a dog under his or her effective control.

#### Note –

If a person is exercising a dog in a park as permitted under this clause and the dog is not under effective control as that term is defined by the *Dog and Cat Management Act 1995*, this gives rise to a dog wandering at large offence under section 43(1) of the *Dog and Cat Management Act 1995*, for which the owner of or person responsible for the dog may be liable.

### 9. Dog Prohibited Areas

A person must not allow a dog under that person's control, charge or authority (except an assistance dog) to enter or remain on any other Local Government land or public place to which the Council has determined that this subclause applies.

**10. Dog on Leash Areas**

- 10.1 A person must not, without the Council's permission, allow a dog under that person's control, charge or authority (except an assistance dog that is required to remain off-lead in order to fulfil its functions) to be or remain on Local Government land or in a public place to which the Council has resolved that this subclause applies unless the dog is under effective control by means of a leash.
- 10.2 A person must not allow a dog under that person's control, charge or authority to be or remain in a Hooded Plover breeding site unless the dog is under effective control by means of a leash.

**11. Dog faeces**

No person is to allow a dog under that person's control, charge or authority to be in a public place or on Local Government land unless that person has in their possession a bag or other suitable container for the collection and lawful disposal of any faeces that the dog may deposit (for the purpose of complying with their obligation under section 45A(6) of the *Dog and Cat Management Act 1995*).

**PART 4 – EXEMPTIONS****12. Council may grant exemptions**

- 12.1 The Council may, by notice in writing, on application or on its own initiative, exempt a person (or a class of persons) from the operation of a specified provision of this By-law.
- 12.2 An exemption—
- 12.2.1 may be granted or refused at the discretion of the Council; and
  - 12.2.2 may operate indefinitely or for a period specified in the instrument of exemption; and
  - 12.2.3 is subject to any conditions specified in the instrument of exemption.
- 12.3 The Council may, by notice in writing, vary, revoke or add a condition of an exemption.
- 12.4 The Council may, in its discretion, revoke an exemption for a contravention of a condition of the exemption, or for any other reason it thinks fit.

**PART 5 – ENFORCEMENT****13. Orders**

- 13.1 If a person engages in conduct that is in contravention of this By-law, an authorised person may order that person:
- 13.1.1 if the conduct is still continuing – to stop the conduct; and

- 13.1.2 whether or not the conduct is still continuing – to take specified action to remedy the contravention.
- 13.2 A person must comply with an order under this clause.
- 13.3 If a person does not comply with an order, the authorised person may take action reasonably required to have the order carried out, and the Council may seek to recover its costs of any action so taken from the person to whom the order was directed.
- 13.4 However, an authorised person may not use force against a person under this section.

**Note-**

For example, an authorised person may order a person to:

- cease keeping more than the permitted number of dogs on that person's premises; or
- remove a dog from a dog prohibited area or dog on leash area.

This By-law was duly made and passed at a meeting of the City of Holdfast Bay held on **9 July 2019** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.



ROBERTO BRIA  
Chief Executive Officer

# Attachment 6





**CITY OF  
HOLDFAST BAY**

**CITY OF HOLDFAST BAY**

**CATS BY-LAW 2019**

**By-law No. 6 of 2019**

*A By-law to limit the number of cats kept on premises and for the management and control of cats in the Council's area.*

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## PART 1 – PRELIMINARY

### 1. Title

This By-law may be cited as the *Cats By-law 2019* and is By-law No. 6 of the City of Holdfast Bay.

### 2. Authorising law

This By-law is made under section 90(5) of the *Dog and Cat Management Act 1995* and section 246 of the Act.

### 3. Purpose

The objectives of this By-law are to control and manage cats in the Council's area:

- 3.1 to promote responsible cat ownership;
- 3.2 to reduce the incidence of the public and environmental nuisance caused by cats;
- 3.3 to protect the comfort and safety of members of the public; and
- 3.4 for the good rule and government of the Council's area.

### 4. Commencement, revocation and expiry

- 4.1 The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation<sup>1</sup>:

- 4.1.1 By-law No 6 – Cats 2012.<sup>2</sup>

- 4.2 This By-law will expire on 1 January 2027.<sup>3</sup>

#### Note-

- 1. Generally a By-law comes into operation 4 months after the day on which it is gazetted: section 249(5) of the Act.
- 2. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
- 3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.

### 5. Application

- 5.1 This By-law operates subject to the Council's *Permits and Penalties By-law 2019*.
- 5.2 This By-law applies throughout the Council's area.

### 6. Interpretation

In this By-law, unless the contrary intention appears;

- 6.1 **Act** means the *Local Government Act 1999*;
- 6.2 **approved cattery** means a building, structure, premises or area approved by the relevant authority pursuant to the *Development Act 1993* for the keeping of cats on a

- temporary or permanent basis or, for use in connection with a business involving the keeping of cats, that is operating in the accordance with all approvals;
- 6.3 except for in clause 8, **cat** means an animal of the species *felis catus*, which is three months of age or has lost its juvenile canine teeth;
- 6.4 **Council** means the City of Holdfast Bay;
- 6.5 **keep** includes the provision of food or shelter;
- 6.6 for the purposes of clause 8, a cat (or cats) causes a **nuisance** if it:
- 6.6.1 unreasonably interferes with the peace, comfort or convenience of a person, including but not limited to by displaying aggressive nature or creating unpleasant noise or odour; or
  - 6.6.2 damages or otherwise has an adverse impact upon native flora or fauna; or
  - 6.6.3 acts in a manner that is injurious to a person's real or personal property; or
  - 6.6.4 wanders onto premises without the consent of the owner or occupier of the premises; or
  - 6.6.5 defecates or urinates on premises without the consent of the owner or occupier of the premises;
- 6.7 **owner** of a cat has the same meaning as in section 5 of the *Dog and Cat Management Act 1995*;
- 6.8 **premises** includes any land (whether used or occupied for domestic or non-domestic purposes) and any part thereof; and
- 6.9 the **person responsible for the control of a cat** has the same meaning as in section 6 of the *Dog and Cat Management Act 1995*.

**Note-**

Section 14 of the *Acts Interpretation Act 1915* provides that an expression used in this By-law has, unless the contrary intention appears, the same meaning as in the Acts under which the By-law is made.

## **PART 2 – LIMITS ON CAT NUMBERS**

### **7. Limits on cat numbers**

- 7.1 Subject to this clause 7, a person must not, without the Council's permission keep, or cause suffer or permit to be kept more than two (2) cats on any premises.
- 7.2 Subclause 7.1 does not apply to premises comprising an approved cattery.
- 7.3 Council may require that premises which are the subject of an application for permission to keep additional cats, must be inspected by an authorised person for the purpose of assessing the suitability of the premises for housing cats.
- 7.4 Permission under subclause 7.3 may be given if the Council is satisfied that:
- 7.4.1 no insanitary condition exists or is likely to arise on the premises as a result of the keeping of cats; and

- 7.4.2 a nuisance is not or is not likely to be caused to any neighbour as a result of the keeping of cats on the premises.

## **PART 3 –CAT CONTROLS**

### **8. Cats not to be a nuisance**

- 8.1 An owner or occupier of premises is guilty of an offence if a cat (or cats) kept or allowed to remain on the premises causes a nuisance.
- 8.2 Without limiting liability under clause 8.1, the owner of or person responsible for the control of a cat is guilty of an offence under this By-law if the cat causes a nuisance.
- 8.3 For the purposes of this subclause 8, **cat** means an animal of the species *felis catus* (of any age).

### **9. Registration of cats**

- 9.1 Where the Council has resolved to adopt a registration scheme for cats, a person must not keep a cat in the Council's area for more than 14 days unless the cat is registered in accordance with this By-law.
- 9.2 An application for registration of a cat must:
- 9.2.1 be made to the Council in the manner and form (if any) and accompanied by the fee (if any) as prescribed by the Council; and
  - 9.2.2 nominate a person of or over sixteen (16) years of age who consents to the cat being registered in his or her name; and
  - 9.2.3 identify with reference to an address the premises at which the cat is kept; and
  - 9.2.4 otherwise comply with any other requirements determined by the Council.
- 9.3 Registration under this By-law remains in force until 30 June next following the grant of registration and may be renewed from time to time for further periods of up to twelve (12) months.
- 9.4 Subclause 9.1 does not apply to premises comprising an approved cattery.
- 9.5 The Council may, by resolution, revoke a resolution to adopt a registrations scheme under subclause 9.1 should it see fit to do so.

## **PART 3 – EXEMPTIONS**

### **10. Council may grant exemptions**

- 10.1 The Council may, by notice in writing, on application or on its own initiative, exempt a person (or a class of persons) from the operation of a specified provision of this By-law.

**10.2 An exemption—**

10.2.1 may be granted or refused at the discretion of the Council; and

10.2.2 may operate indefinitely or for a period specified in the instrument of exemption; and

10.2.3 is subject to any conditions specified in the instrument of exemption.

10.3 The Council may, by notice in writing, vary, revoke or add a condition of an exemption.

10.4 The Council may, in its discretion, revoke an exemption for a contravention of a condition of the exemption, or for any other reason it thinks fit.

**PART 4 – ENFORCEMENT****11. Orders**

11.1 If a person engages in conduct that is a contravention of this By-law, an authorised person may order that person:

11.1.1 if the conduct is still continuing – to stop the conduct; and

11.1.2 whether or not the conduct is still continuing – to take specified action to remedy the contravention.

11.2 A person must comply with an order under this clause.

11.3 If a person does not comply with an order, the authorised person may take action reasonably required to have the order carried out, and the Council may seek to recover its costs of any action so taken from the person to whom the order was directed.

11.4 However, an authorised person may not use force against a person under this section.

**Note:**

For example, an authorised person may order a person to:

- cease keeping more than the permitted number of cats on that person's premises; or
- take the necessary steps to mitigate a nuisance caused by howling cats

This By-law was duly made and passed at a meeting of the City of Holdfast Bay held on **9 July 2019** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

ROBERTO BRIA  
Chief Executive Officer

# Attachment 7



## INSTRUMENT OF DELEGATION UNDER COUNCIL BY-LAWS

In exercise of the powers contained in Section 44 of the *Local Government Act 1999* and in accordance with the resolution made by the City of Holdfast Bay (the **Council**) on the **14th day of February 2023**, the powers and functions under the By-laws made by the Council as contained hereunder are delegated by the Council to the officer or officers of the Council as indicated in the column marked "Delegate" (including any person appointed to act in any such position), subject to the conditions or limitations (if any) specified in this instrument.

In accordance with sections 44 and 101 of the *Local Government Act 1999*, the Chief Executive Officer is authorised to sub-delegate, as the Chief Executive Officer sees fit, the powers and functions delegated to the Chief Executive Officer in this instrument, provided that any sub-delegation shall be subject to the same conditions and limitations (if any) as are specified in this instrument.

POWER/FUNCTION DELEGATED BY COUNCIL	DELEGATE
<b><i>By-law No. 1 - Permits and Penalties By-law 2019</i></b>	
1. The power to grant or refuse an application for permission to undertake an activity or engage in conduct regulated by a Council By-law or, to otherwise grant permission under a Council By-law.	Chief Executive Officer Manager Community Safety Community Safety Officer Community Safety Officer Admin
2. The power to attach any conditions that the delegate sees fit to a grant of permission issued under any Council By-law and to vary or revoke such conditions or impose new conditions by notice in writing to the person to whom permission was granted.	Chief Executive Officer Manager Community Safety Community Safety Officer Community Safety Officer Admin
3. The power to revoke or suspend a grant of permission that has been issued under a Council By-law by notice in writing to the person to whom permission was granted.	Chief Executive Officer Manager Community Safety Community Safety Officer Community Safety Officer Admin
<b><i>By-law No. 3 – Local Government Land By-law 2019</i></b>	
4. The power pursuant to clause 7.1 to close to the public or regulate or restrict access to, any part of Local Government land for specified times and days.	Chief Executive Officer Manager Community Safety Community Safety Officer Community Safety Officer Admin
<b><i>By-law No. 5 – Dogs By-law 2019</i></b>	
5. The power pursuant to clause 7.4 to require that premises which are the subject of an application for permission to keep additional dogs, are inspected by an authorised person for the purpose of assessing the suitability of the premises for housing dogs.	Chief Executive Officer Manager Community Safety Community Safety Officer Community Safety Officer Admin

6. The power pursuant to clause 12.1 by notice in writing and either on application or on the delegate's own initiative, exempt a person (or a class of persons) from the operation of a specified provision of the Dogs By-law, including subject to any conditions the delegate sees fit to impose.	Chief Executive Officer Manager Community Safety Community Safety Officer Community Safety Officer Admin
7. The power pursuant to clause 12.3 to, by notice in writing, vary, revoke or add a condition to an exemption granted under the Dogs By-law.	Chief Executive Officer Manager Community Safety Community Safety Officer Community Safety Officer Admin
8. The power pursuant to clause 12.4 to revoke an exemption under the Dogs By-law for a contravention of a condition of the exemption, or for any other reason the delegate thinks fit.	Chief Executive Officer Manager Community Safety Community Safety Officer Community Safety Officer Admin
<b>By-law No. 6 – Cats 2019</b>	
9. The power pursuant to clause 7.3 to require that premises which are the subject of an application for permission to keep an additional cat, are inspected by an authorised person for the purpose of assessing the suitability of the premises for that purpose.	Chief Executive Officer Manager Community Safety Community Safety Officer Community Safety Officer Admin
10. The power pursuant to clause 10.1 by notice in writing and either on application or on the delegate's own initiative, exempt a person (or a class of persons) from the operation of a specified provision of the Cats By-law, including subject to any conditions the delegate sees fit to impose.	Chief Executive Officer Manager Community Safety Community Safety Officer Community Safety Officer Admin
11. The power pursuant to clause 10.3 to, by notice in writing, vary, revoke or add a condition to exemption granted under the Cats By-law.	Chief Executive Officer Manager Community Safety Community Safety Officer Community Safety Officer Admin
12. The power pursuant to clause 10.4 to revoke an exemption under the Cats By-law for a contravention of a condition of the exemption, or for any other reason the delegate thinks fit.	Chief Executive Officer Manager Community Safety Community Safety Officer Community Safety Officer Admin

Item No: 15.4

Subject: **IT POLICIES**

Date: 14 February 2023

Written By: Strategy and Governance Lead

General Manager: Strategy and Corporate, Ms P Jackson

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## **SUMMARY**

A number of IT Policies have been developed, following recommendations from an Internal Audit relating to Cyber Security. The draft policies provided apply to both Council and Alwyndor and relate to the acceptable use of technologies and information security.

These are new policies that are also recommended to apply to Elected Members, hence they require adoption by Council.

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## **RECOMMENDATION**

**That Council endorses:**

- 1. Council Acceptable Use Policy**
  - 2. Council Information Security Policy**
  - 3. Council Mobile Device Policy**
  - 4. Council Social Media Policy**
- 

## **STRATEGIC PLAN**

In *Holdfast 2050+*, the innovation focus area includes aspirations to create conditions for early adoption and experimentation with beneficial technologies and using digital tools to create transparency and enable direct participation. These policies provide a framework for making wise use of available technologies.

## **COUNCIL POLICY**

Employee Code of Conduct  
Fair Treatment Procedures  
Managing Misconduct & Disciplinary Procedures  
Workplace Relations Policy  
Quality Working Culture Policy

## **STATUTORY PROVISIONS**

*Local Government Act 1999*

*State Records Act 1997*

## **BACKGROUND**

An Internal Audit relating to Cyber Security was undertaken in 2020, with a follow-up report in 2022. Those internal audits recommended the review and/or development of a number of information technology policies and procedures.

A range of policies and procedures have been drafted and/or adopted in response to the recommendations. Where a policy applies to Elected Members, it must be adopted by Council.

## **REPORT**

A suite of new policies has been developed relating to the use of technologies and information security as follows.

### **Council Acceptable Use Policy**

The purpose is to define the parameters of acceptable use in relation to Council's IT infrastructure and resources.

This policy applies to the use of any Council IT infrastructure and resources by all Elected Members, staff (including work experience placements and trainees), volunteers, consultants and contractors across Council, including Alwyndor.

For personal devices used to access Council information, this policy will apply to the extent of Council-related business.

*Refer Attachment 1*

### **Council Information Security Policy**

This policy describes the security requirements that Council must meet in order to meet its obligations and to manage the confidentiality, integrity, availability and privacy of both Council and external client-owned data and information.

This policy applies to all information that is generated, received, stored, printed, filmed or keyed and to the IT applications and systems that create, use, manage and store information and data.

*Refer Attachment 2*

### **Council Mobile Device Policy**

This policy applies to the use of any Council IT infrastructure and resources by all Elected Members, staff (including work experience placements and trainees), volunteers, consultants and contractors across Council, including Alwyndor.

Where personal devices are used to access Council information or infrastructure, this policy will apply to the extent of Council-related business.

Mobile devices covered by this policy include both Council-owned devices and approved non-Council owned devices.

*Refer Attachment 3*

### **Council Social Media Policy**

This policy relates to social media use and to encourage employees to be mindful of both their own and Council's reputation when using social media.

This policy defines Council's commitment to the use of social media and to creating a positive social media presence for Council. It also provides guidance regarding the use of social media for private versus professional use.

*Refer Attachment 4*

### **BUDGET**

Not applicable

### **LIFE CYCLE COSTS**

Not applicable

# Attachment 1





ECM DSID:	4422661
First Issued / Approved:	XX November 2022
Last Reviewed:	
	<b>Resolution Number</b>
Next Review:	XX November 2025
Responsible Officer:	<b>Manager, Information and Technology</b>

## 1. PREAMBLE

### 1.1 Background

IT equipment and resources can enable work to be done more efficiently and effectively, however, users need to be mindful of security and similar considerations.

This policy is written to be consistent with the Information Security Management Standards ISO/IEC 27001:2015 and ISO/IEC 27002:2015.

### 1.2 Purpose

The purpose of this policy is to define the parameters of acceptable use in relation to Council's IT infrastructure and resources.

### 1.3 Scope

This policy applies to the use of any Council IT infrastructure and resources by all Elected Members, staff (including work experience placements and trainees), volunteers, and consultants and contractors across Council, including Alwyndor.

Where personal devices are used to access Council information, this policy will apply to the extent of Council-related business.

### 1.4 Definitions

**Approved Council channels and tools** means Council approved or Council issued IT infrastructure and resources.

**Classification** means identification of information and data as Public, Restricted or Confidential.

**IT infrastructure and resources** refers to computing, collaboration and communications equipment and systems, examples of which include telephones, facsimiles, mobile telephones, computers, tablets, printers, photocopiers, email, internet access, software, applications, networks, web services, cloud services, remote services and similar resources.

# COUNCIL ACCEPTABLE USE POLICY

**Users** refers to people using IT infrastructure and resources covered by this policy, namely Elected Members, staff, volunteers, consultants and contractors.

## 1.5 Strategic Reference

The innovation focus area includes aspirations of creating conditions for early adoption and experimentation with beneficial technologies, and using digital tools to create transparency and enable direct participation.

## 2. PRINCIPLES

- 2.1 Council embraces the value that IT infrastructure and resources can add to the workplace and will provide all relevant users with appropriate tools to undertake their work effectively.
- 2.2 Users are expected to use all IT infrastructure and resources responsibly, with reasonable standards of professional courtesy, ethical conduct, cyber security and information privacy, following Council's values, all relevant laws and policies.
- 2.3 Council's information, systems and devices are to be used primarily for business purposes to further the interests of the community and the organisation. Nevertheless, users may use IT infrastructure and resources for incidental, limited personal use. This does not include for the purposes of carrying out private business/commercial activities (whether or not approved by the Chief Executive). Where personal use is deemed excessive, users may be requested to reimburse costs incurred.
- 2.4 Only approved Council channels and tools can be used. Where a user wishes to use IT infrastructure or resources that are not supplied by Council, permission must be sought via an IT request. This includes the use of personal devices for receiving/sending Council emails or other examples of Council information storage on personal devices.

## 2.5 Acceptable Use of Information

- 2.5.1 In addition to general responsibilities, when using Council information, users must:
  - only use Council information for the purposes of Council business, in accordance with the classification of the information
  - ensure appropriate classification of data
  - use channels and tools appropriate to the classification
  - exchange and store information only through approved Council channels and tools
  - not disclose any information on the internet that is not classified as public
  - notify IT of any suspected or known losses, thefts or breaches relating to information and data
  - consider intellectual property rights and copyright when using information (including images) not created or owned by Council.

# COUNCIL ACCEPTABLE USE POLICY

## 2.6 Acceptable Use of Systems

2.6.1 In addition to general responsibilities, when using Council systems, users must:

- keep their usernames and passwords confidential and not written down or saved anywhere in plain text
- log out or lock systems when not in use or unattended
- report suspected system breaches, including stolen or compromised passwords, and authorised system access
- requesting system access for new users and decommissioning of access for departing users is the responsibility of the relevant manager.

2.6.2 Users must not perform any activity that adversely affects the confidentiality, integrity or availability of Council's information systems, networks and devices.

## 2.7 Acceptable Use of Devices

2.7.1 In addition to general responsibilities, when using Council issued devices, users must:

- store equipment in a safe environment
- inform IT if any malfunction or damage occurs
- immediately inform IT and their supervisor/ manager if a device is stolen or lost.

## 2.8 Acceptable Use of Messaging tools (Email, Teams, Sharepoint etc.)

2.8.1 Messaging tools are provided to Council employees for obtaining, sending and storing of information. Users of Council's messaging systems must ensure that all material made available, in any form whatsoever, appropriately represents Council. This includes but is not limited to:

- all users must use the messaging applications with respect and courtesy for others and in a responsible and professional manner and in accordance with the organisational values
- messaging tools are provided for work-related activities and the use of these for private use must be minimal
- work emails must not be forwarded to personal email addresses
- non-work related email addresses and telephone numbers must not be included in work related correspondence (with the exception of personal mobile phone numbers if approved for official use).
- users must ensure that any communication messages containing personal opinions on any subject are not sent to groups. Unsolicited messages containing personal opinions may have the potential to be misconstrued and can potentially offend
- all communications sent or received from Council's systems remain the property of Council

## COUNCIL ACCEPTABLE USE POLICY

- consideration should be given to the appropriateness of email where other Council systems are better placed, particularly if communicating with large numbers of recipients or attachments are included.

2.8.2 Users are responsible for registering Council emails in the records management system for future reference.

### 2.9 Acceptable Use of the Internet

2.9.1 In addition to general responsibilities, when using Council systems, users must:

- take all reasonable care when downloading, accessing or executing files on or from internet services
- never disclose any usernames or passwords associated with Council on the internet. If accessing a site that requires a username and password, create a separate username and password that is completely different to your Council username and password
- carefully consider the type and nature of information requested when completing on-line application forms to ensure Council's information and network security are not compromised.

### 2.10 Other Security Considerations

2.10.1 Users must take reasonable care when downloading, accessing or opening files on or from internet destinations. This includes due care in completing on-line application forms. If in doubt about the security of a website, users should consult with IT.

2.10.2 Release of Council information into the public realm must be considered in the context of the Information Security Policy and the Social Media Policy.

2.10.3 Council may choose to block access to some sites, as well as record internet usage and sites visited. Access to these log files will be restricted to persons designated to perform relevant reporting and/or security controls.

2.10.4 Notwithstanding that emails may contain Council information, confidential information or material in which third parties own or claim copyright, Council may access, review, monitor, and disclose the contents of all messages created, sent or received using Council infrastructure (whether solely or in part) for the purpose of monitoring compliance with this policy or compliance with any terms and conditions of employment or engagement.

2.10.5 All reasonable care is taken to protect user privacy. However, the content of personal electronic communications, documents and data may be inspected with the authorisation of a General Manager where a valid business reason exists.

## 2.11 Unacceptable Use

2.11.1 Acceptable use expressly excludes use that is contrary to policy or legislation, excessive downloading and access to, and/or distribution/sharing of:

- sexually explicit material
- hate speech or offensive material
- material regarding violence, criminal and/or illegal activities
- material that aims to defame, discriminate or harass
- political lobbying
- operating a business
- peer to peer file sharing services
- sites or tools designed to scan for or exploit IT vulnerabilities
- material that violates copyright, trade secret, patent or other intellectual property rights
- material that infringes on the privacy of others
- material that may bring Council into disrepute.

## 3. REFERENCES

### 3.1 Legislation

*Local Government Act 1999*  
*State Records Act 1997*

### 3.2 Other References

Information Security Policy  
Social Media Policy  
Mobile Device Policy  
Elected Member Code of Conduct  
Employee Code of Conduct  
AS ISO/IEC 27001:2015  
AS ISO/IEC 27002:2015  
Fair Treatment Procedures  
Managing Misconduct & Disciplinary Procedures  
Workplace Relations Policy  
Quality Working Culture Policy

# Attachment 2





ECM DSID:	4422673
First Issued / Approved:	XX November 2022
Last Reviewed:	<b>Date of last review</b>
	<b>Resolution Number</b>
Next Review:	XX November 2025
Responsible Officer:	<b>Manager, Innovation and Technology</b>
Date Placed on Webpage/ Intranet:	

## 1. PREAMBLE

### 1.1 Background

Data, information and the systems that hold and operate it are essential assets and consequently, need to be suitably protected. Information security is achieved by implementing controls (based on risk profile) such as policies, processes, procedures, organisational structures and software and hardware functions. These controls need to be established, implemented, monitored, reviewed and improved continuously to ensure that security objectives are met.

### 1.2 Purpose

This policy articulates the security requirements that Council must meet in order to meet its obligations and to manage the confidentiality, integrity, availability and privacy of both Council and external client-owned data and information.

This policy has the following objectives:

- **Access Control Objective:** To limit access to information and information processing facilities in support of business requirements.
- **Digital Messaging Objective:** To establish and maintain the protocol for using digital messaging in all its forms, including the security aspects of information transfer within Council and with any external entities.
- **Communications and Operation Management Objective:** To ensure the protection of information and the secure operations of networks and supporting processing facilities.
- **Physical and Environmental Security Objective:** To prevent unauthorised physical access, damage and interference to Council's information and information processing facilities.
- **Supplier Relationships Objective:** To ensure the protection of Council's information assets that are accessible by service providers if/as required.
- **Information Security Incident Management Objective:** To ensure a consistent and effective approach to the management of information security incidents, including security events and vulnerabilities.
- **Information Security aspects of Business Continuity Management Objective:** ensure information security continuity is embedded in business continuity plans and management processes.
- **Compliance Management Objective:** To avoid breaches of legal, statutory, regulatory or contractual obligations related to information security.

# COUNCIL INFORMATION SECURITY POLICY

## 1.3 Scope

This policy applies to all information that is generated, received, stored, printed, filmed, or keyed and to the IT applications and systems that create, use, manage and store information and data, including:

- information in any form, including print, electronic, audio, video, and backup and archived data
- computer systems, peripheral devices, software applications, databases, middleware and operating systems
- physical premises occupied by the personnel and equipment
- operational environments including power supply and related equipment
- processes and procedures
- transmission pathways for communications.

This policy applies to Elected Members, staff (including work experience placements and trainees), volunteers, and consultants and contractors across Council, including Alwyndor.

## 1.4 Definitions

**Users** – refers to any person using or accessing Council's data, systems, tools or infrastructure.

## 1.5 Strategic Reference

The innovation focus area includes aspirations of creating conditions for early adoption and experimentation with beneficial technologies, and using digital tools to create transparency and enable direct participation.

## 2. PRINCIPLES

2.1 Council is committed to providing a secure environment that protects the integrity and confidentiality of information without compromising access and availability.

2.2 To ensure the information environment and information resources are safeguarded against security threats, Council will:

- define roles and responsibilities to establish clear lines of accountability
- enable the protection of information assets against internal and external threats
- enable the identification and treatment of security risks to Council's information environment through appropriate physical, technical and administrative channels
- enable the development of best practices for effective information security.

2.3 Users are required to:

- take responsibility for developing information security awareness, education and training to safeguard Council's assets
- only access information needed to perform their authorised duties

## COUNCIL INFORMATION SECURITY POLICY

- understand/determine the classification of the information they are using and producing
- protect the confidentiality, integrity and availability of Council's information in accordance with the relevant information classification level
- safeguard any physical key, ID card or computer/network account that enables access to Council or external Client information
- maintain appropriate password creation and protection measures as set out in the Council's password requirements
- report any activities likely to compromise sensitive information to the relevant Manager, General Manager or Chief Executive Officer
- maintain confidentiality even after separation from Council and not in any way divulge, copy, release, sell, loan, alter or destroy any information, except as specifically authorised by a General Manager or Chief Executive Officer.

2.4 In addition to complying with general user requirements, managers and supervisors must:

- ensure that team processes support the objectives of confidentiality, integrity and availability and that those procedures are followed
- ensure that any relevant restrictions are effectively communicated to those who use, administer, capture, store, process or transfer information in any form.

2.5 The Information and Technology Team is responsible for:

- ensuring adequate security for computing and network environments that capture, store, process and/or transmit information
- ensuring that the requirements for confidentiality, integrity and availability are being appropriately managed within their respective environments
- understanding the classification level of the information that will be captured by, stored within, processed by, and/or transmitted through Council technologies and providing an appropriately enabling and supportive environment
- developing, implementing, operating and maintaining a secure information environment that includes:
  - a cohesive architecture
  - system implementation and configuration standards
  - procedures and guidelines for administering network and system accounts and access privileges in a manner that satisfies the security requirements
  - an effective strategy for protecting information against generic threats posed by computer hackers that adheres to industry-accepted information management best practices for the system or service.

2.6 Security requirements are identified by a methodical assessment of security risks. Expenditure on controls needs to be balanced against the operational damage likely to result from security failures. The results of the risk assessment help to guide and determine the appropriate management action and priorities for managing

# COUNCIL INFORMATION SECURITY POLICY

information security risks, and for implementing controls to protect against these risks.

- 2.7 No corporate information is to be stored and retained in non-authorised online file sharing solutions (for example, DropBox, iCloud, Google Drive and MS SkyDrive).
- 2.8 Mobile devices are not to be used as the sole repository for Council information. All Council information stored on mobile devices is to be backed up to an appropriate network location and ECM as appropriate.

## 3. REFERENCES

### 3.1 Legislation

*Local Government Act 1999*  
*State Records Act 1997*

### 3.2 Other References

Acceptable Use Policy  
Mobile Device Policy  
Risk Management Policy  
Elected Member Code of Conduct  
Employee Code of Conduct  
AS ISO/IEC 27001:2015  
AS ISO/IEC 27002:2015  
Fair Treatment Procedures  
Managing Misconduct & Disciplinary Procedures  
Workplace Relations Policy  
Quality Working Culture Policy

# Attachment 3



ECM DSID:	4422668
First Issued / Approved:	XX November 2022
Last Reviewed:	<b>Date of last review</b>
	<b>Resolution Number</b>
Next Review:	XX November 2025
Responsible Officer:	<b>Manager, Innovation and Technology</b>
Date Placed on Webpage/ Intranet:	

## 1. PREAMBLE

Mobile devices are a common and cost-effective tool for doing business. Users are also increasingly requesting the option of connecting their own mobile devices (Bring Your Own Device – BYOD) to Council equipment and networks.

### 1.1 Background

Council is responsible for maintaining effective security of all equipment and information within its environment.

Due to the portable nature of mobile devices, higher order security is required for these devices and for any information stored or transmitted via them.

### 1.2 Purpose

This policy provides direction on the deployment, use, maintenance and disposal of mobile devices within the Council.

### 1.3 Scope

This policy applies to the use of any Council IT infrastructure and resources by all Elected Members, staff (including work experience placements and trainees), volunteers, and consultants and contractors across Council, including Alwyndor.

Where personal devices are used to access Council information or infrastructure, this policy will apply to the extent of Council-related business.

Mobile devices covered by this policy include both Council owned devices and approved non-Council owned devices of the following types:

- notebook, laptop and tablet computer equipment
- smartphone devices used for data storage, calendars, contacts and task lists
- mobile phones where mobile internet technology is used for email correspondence
- smartphone devices capable of running third-party or downloadable applications (for example, iPhone, Android, Blackberry, Windows Mobile)
- all removable media including CD/DVD, USB devices or any other type of removable media.

# COUNCIL MOBILE DEVICE POLICY

## 1.4 Definitions

**Jail break** – refers to a process of removing the limitations on Apple devices running the iOS operating system through the use of software and hardware exploits.

**Mobile Device Management (MDM)** – refers to software that provides the following functions: software distribution, policy management, inventory management, security management and service management for smartphones and media tablets.

**Rooting** – refers to a process of allowing users of smartphones, tablets, and other devices running the Android mobile operating system to attain privileged control (known as "root access") within Android's subsystem.

**Users** refers to people using IT infrastructure and resources covered by this policy, namely Elected Members, staff, volunteers, consultants and contractors.

## 1.5 Strategic Reference

The innovation focus area includes aspirations of creating conditions for early adoption and experimentation with beneficial technologies and using digital tools to create transparency and enable direct participation.

## 2. PRINCIPLES

- 2.1 Council embraces the value that IT infrastructure and resources can add to the workplace and will provide all relevant users with appropriate tools to undertake their work effectively.
- 2.2 All mobile device use must comply with the Acceptable Use Policy. Additionally, mobile devices are subject to the following:
- only mobile devices owned and operated by Council may be used to connect to Council's infrastructure or services without obtaining prior approval from the Manager IT
  - any installed management software, such as mobile device management and anti-virus software, must not be removed and must be kept up to date as directed by IT
  - Council owned mobile devices remain the property of Council, unless they are disposed of in line with asset disposal schedules
  - USB sticks from an unknown or un-trusted source are not to be connected to Council equipment
  - Council owned devices are locked Council's chosen network provider
  - users are responsible for ensuring mobile devices are not accessed by unauthorised persons
  - users may be held responsible for damage to mobile devices if they do not take due care
  - to prevent opportunistic theft, mobile devices must never be left unattended in a public place, in unsecured conditions or visible in vehicles. Where possible, devices should be securely locked away, or

## COUNCIL MOBILE DEVICE POLICY

- special cable locking devices should be used to secure the equipment to a non-removable fixture
  - mobile devices should be carried as hand luggage when travelling by aircraft
  - every reasonable effort should be made to ensure that Council information is not compromised through the use of mobile equipment in public places. Screens displaying sensitive or critical information should not be seen by unauthorised persons.
- 2.3 At the end of a mobile devices useful life, it is to be provided to IT who will ensure it is disposed of in a manner that maximises the potential for reuse or recycling with minimal associated environmental impact.
- 2.4 In some circumstances, users may be permitted to connect non-Council owned mobile devices to Council systems and infrastructure for the purpose of multi factor authentication, receiving email, contact and calendar information and remote desktop access. Permission must be granted by the Manager IT.
- 2.5 Where a non-Council owned mobile device is connected to Council systems, users accept the following conditions:
- installation of the City of Holdfast Bay mobile device management (MDM) on the device, which will enforce:
    - a timer lock with a mandatory, unique and instantly changeable 6 digit passcode
    - after 6 failed login attempts, all Council data and settings will be automatically deleted
    - limits to the number of days of corporate mail and calendar items stored on the device
    - enables remote selective wipe of all Council data.
  - users will notify IT immediately upon loss, theft or suspected loss/theft of the device to enable data to be remotely erased and services disabled
  - users agree to protect Council information from unauthorised use
  - non-Council owned devices will not be supported by IT with the exception of connectivity to Council services
  - Council is not responsible for the functionality, serviceability or performance associated with non Council-owned devices, and accepts no responsibility for communication charges incurred while performing Council business
  - Council accepts no responsibility for loss of data from non-Council owned devices, or any loss or damage of the device
  - device operating systems must be kept up to date and users agree to not jail break or perform rooting of their device.

### 3. REFERENCES

#### 3.1 Legislation

*Local Government Act 1999*  
*State Records Act 1997*

### 3.2 Other References

Information Security Policy  
Social Media Policy  
Acceptable Use Policy  
Elected Member Code of Conduct  
Employee Code of Conduct  
AS ISO/IEC 27001:2015  
AS ISO/IEC 27002:2015  
Fair Treatment Procedures  
Managing Misconduct & Disciplinary Procedures  
Workplace Relations Policy  
Quality Working Culture Policy

# Attachment 4



ECM DSID:	4422674
First Issued / Approved:	XX November 2022
Last Reviewed:	
	<b>Resolution Number</b>
Next Review:	XX November 2025
Responsible Officer:	<b>Manager Innovation and Technology</b>

## 1. PREAMBLE

### 1.1 Background

Web-based and mobile technologies such as social media can transform communication into an interactive dialogue. Social media tools provide an opportunity to enhance the level of two-way conversation with our communities, build more meaningful relationships with our key stakeholders and inform them about activities, initiatives and projects being considered and undertaken by Council.

Social Media can also assist Council in understanding, responding to and attracting audiences.

### 1.2 Purpose

The intent of this policy is to provide a culture of openness, honesty and respect relating to social media use and to encourage employees to be mindful of both their own and Council's reputation when using social media.

This policy defines Council's commitment to the use of social media and to creating a positive social media presence for Council. It also provides guidance regarding the use of social media for private versus professional use.

### 1.3 Scope

This policy applies to the use of any forms of social media by all Elected Members, staff (including work experience placements and trainees), volunteers, and consultants and contractors across Council, including Alwyndor.

### 1.4 Definitions

**Social media** refers to the various web based technology tools that enable individuals and organisations to connect, socialise and participate in communities online. It may include social network sites (such as Facebook, LinkedIn, Yammer, Google+), video, photo and file sharing websites (such as Instagram, TikTok, YouTube, Flickr), blogs and micro-blogs (such as Twitter), wikis, forums, discussion boards and groups, podcasting and webcasting, instant messaging and push marketing, geo-tagging (such as Foursquare, Gowalla) and other similar technologies that may be developed in the future.

## COUNCIL SOCIAL MEDIA POLICY

**Public forum or discussion** refers to participation in social media that is known to be open to, or could be made open to, a public or broad-scale audience.

**Users** refers to people using social media covered by this policy, namely Elected Members, staff, volunteers, consultants and contractors.

### 1.5 Strategic Reference

Wellbeing objective: increase participation rates in community engagements across all age groups, particularly under-represented demographics such as children and young people by using methods that are appealing and appropriate.

## 2. PRINCIPLES

### 2.1 Professional Use of Social Media

- 2.1.1 Council embraces social media as a useful engagement tool and recognises that it provides a valuable and cost-effective method for Council to connect, engage and involve our community.
- 2.1.2 Council will establish and operate a variety of social media channels as part of its on-going commitment to engagement with the broader community.
- 2.1.3 The use of social media will complement other relevant processes and strategies to support engagement, communications, marketing and promotional initiatives.
- 2.1.4 Council has both a duty of care and an obligation to provide a safe environment for people to participate, converse and exchange ideas. To meet this obligation, nominated Council staff will regularly monitor relevant social media platforms and provide moderation to ensure discussions stay on topic and are respectful. Any comment considered offensive, including defamatory remarks, name calling, racist, sexist and any other derogatory comments, threatening, abusive or offensive language, heated arguments which become personal or off topic and links to other websites or promotion, and/or not aligned with Council's values, Code of Conduct or policies will be removed. Moderation and comments on behalf of Council are managed by nominated Council staff, with comments published through the City of Holdfast Bay social media account.
- 2.1.5 Staff are permitted to use social media for professional and work related purposes including research and analysis, industry networking and participating in professional forums and discussions pertinent to their work. However, where they are participating in a public forum or discussion, the employee must not present their views as being representative of Council. Where relevant, a disclaimer along the lines of "these views are not representative of the City of Holdfast Bay" may be appropriate to include on comments made in a public forum or

## COUNCIL SOCIAL MEDIA POLICY

discussion. Any engagement undertaken in a professional capacity should align with Council's values, Code of Conduct and relevant policies.

- 2.1.6 Elected Members may use social media for professional purposes including research and analysis, industry networking and participating in public forums and discussions pertinent to their roles. In line with the Code of Conduct and relevant policies, Elected Members must make it clear if they are participating in an official or personal capacity.
- 2.1.7 Volunteers are not permitted to represent Council on social media, or present themselves in a public forum or discussion as operating in a professional capacity for Council.
- 2.1.8 Contractors, consultants and similar third parties must not use Council owned or Council related information on their social media without prior approval.
- 2.1.9 Social Media forms part of official records as defined by the *State Records Act 1997*, and as such all employees responsible for social media channels must ensure that appropriate records are kept.

### 2.2 Personal Use of Social Media

- 2.2.1 Council recognises that people use social media in their personal time and this policy does not intend to discourage nor unduly limit personal expression or online activities. However, users must be cognisant of potential reputational impacts (either direct or indirect) on Council in circumstances where they can be clearly associated with Council and act to minimise such risks. Matters that may cause damage to Council or bring it into disrepute may include (but are not limited to) material or comments that are offensive, obscene, defamatory, threatening, harassing, bullying, discriminatory, hateful, racist, sexist, infringes copyright, constitutes a contempt of court, breaches a court order or is otherwise unlawful.
- 2.2.2 Where social media is being used in a personal or private capacity, users must not imply either directly or through omission, that are authorised to speak as a representative of Council or that the views expressed are in any way the views of Council. Items such as Council email addresses, logos or other information or material belonging to Council should not be used when engaging on social media for personal or private use. For clarity, this does not apply to:
  - sharing employment opportunities
  - sharing council event information or networking opportunities, or similar.
- 2.2.3 For staff, limited personal use of social media during work hours is permitted, but must be undertaken in a manner that does not interfere with their work program.



### 3. REFERENCES

#### 3.1 Legislation

*Local Government Act 1999*

*State Records Act 1997*

#### 3.2 Other References

Mobile Device Policy

Elected Member Code of Conduct

Employee Code of Conduct

Item No: 15.5

Subject: **PARLIAMENTARY INQUIRY INTO THE URBAN FOREST**

Date: 14 February 2023

Written By: Team Leader, Environment and Coast

General Manager: Assets and Delivery, M de Heus

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## **SUMMARY**

The Environment, Resources and Development Committee (ERDC) are undertaking a Parliamentary Inquiry into Adelaide's urban forest. Administration has developed a submission to the inquiry and this is presented for Council's endorsement. Submissions close 24 February 2023.

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## **RECOMMENDATION**

**That Council endorse the submission to the Environment, Resources and Development Committee Parliamentary Inquiry into the urban forest.**

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## **STRATEGIC PLAN**

Environment Strategy 2020 – 2025: target to increase tree canopy by 10% by 2030

## **COUNCIL POLICY**

Tree Management Policy

## **STATUTORY PROVISIONS**

*Electricity (Principles of Vegetation Clearance) Regulations 2021*

*Landscape South Australia Act 2019*

*Local Government Act 1999*

*Planning, Development and Infrastructure Act 2016*

*Water Industry Act 2012*

## **BACKGROUND**

In December 2022 the Environment, Resources and Development Committee (ERDC) announced a Parliamentary Inquiry into the urban forest in Adelaide. In the ERDC fact sheet about the inquiry, they state that the two main areas of the inquiry are:

- Best practice and innovative measures to assist in the selection and maintenance of site-appropriate tree species to improve the resilience of the urban forest, with a focus on trees for urban infill developments.

- Legislative and regulatory options to improve the resilience and longevity of trees comprising the urban forest.

*Refer Attachment 1*

With an allowance for 'any other related matters'.

## **REPORT**

The urban forest includes all trees in an urban area, including trees on private land (including commercial), trees on Local, State and Federal Government land, on public and private school land and in parks, reserves and streets. Adelaide's urban forest is declining significantly in many suburbs, losing approximately 75,000 trees every year across the metropolitan area.

Trees are widely recognised as one of the most effective ways to both combat urban heat through shading and cooling, and provide numerous health benefits to the community. The loss of these services has substantial implications for the liveability of urban areas as climate-induced temperatures rise, and combine with more extreme droughts and longer heatwaves.

Across the Adelaide metropolitan region, Local Governments control 11% of the urban forest but in the City of Holdfast Bay, Council controls 36% of its urban forest and of the remaining 64% almost half is under the control of private landowners. In reaching our canopy target and other greening aspirations there are many changes to the current legislation that would be of significant benefit. In addition, collaboration between councils, the utilities sector and State Government would be of major benefit to coordination and management of the urban forest.

Administration has developed a submission to the inquiry that includes a number of opportunities and recommendations and, if implemented, would bring about significant support for both the City of Holdfast Bay urban forest, and for Adelaide's broader metropolitan urban forest.

*Refer Attachment 2*

There is significant overlap between this inquiry and the recent Planning System Implementation Review to which Council endorsed a submission in January 2023. Due to this we have included the Appendix of our planning system submission, which contains detailed recommendations around trees, as an Appendix to this submission.

A summary of key recommendations is provided below, and the full list of recommendations can be found in the attached submission. Key recommendations include:

- The ERDC should ensure that the final report from this inquiry includes recommendations that link to Adelaide's Urban Greening Strategy (being developed by Green Adelaide) and that Green Adelaide be formally tasked with taking the lead in coordinating matters related to the urban forest.
- The State Government needs to undertake an audit of trees on State and Federal government land that contributes to and allows for the establishment of a comprehensive benchmarking model of Adelaide's urban forest and can be used for monitoring.

- The State Government to fund ongoing tree canopy mapping of Adelaide's urban forest with a focus on monitoring trees on private land, including the ability to monitor illegal tree removals, with the next round of data collection to include an analysis of species diversity.
- The State Government works with councils and other stakeholders to identify mechanisms to improve the species diversity of the Adelaide urban forest to bolster its resilience to climate impacts, and reduce the overall impact should one or more species be disproportionately impacted.
- The State Government contributes to and works with councils, local tree nurseries and research institutions (e.g. TreeNet, Waite Arboretum) on a Climate Resilient Trees Guideline for Adelaide.
- The State Government works with councils and the Local Government Association to investigate the development of a private tree maintenance fund for high value trees.
- The State Government brings together the Office of the Technical Regulator, Green Adelaide, the Local Government Association, and utility providers to undertake a comprehensive review of the regulation of trees on public land and increase opportunities to plant trees in the urban area.
- The State Government reviews the PLEC funding model and strategic prioritisation process to better incorporate the benefits of urban greening.
- There should be no exemption allowing for the removal of Regulated trees within proximity to buildings or other structures unless it can be demonstrated by the proponent that the tree is actually damaging that structure or posing a significant risk.
- Update the measures used for tree size protection regulations (in the PDI Act) to include more than one measure, and change the specific sizes in accordance with our recommendations in our submission to the Planning System Implementation Review.
- Remove the exemptions for State Government departments from tree protection regulations (notably the Department of Infrastructure and Transport and Department for Education).
- The State Government delivers a major community campaign on the benefits of trees through Green Adelaide and the Adelaide National Park City program. The campaign should utilise the expertise of social scientists and focus on promoting the benefits of trees and addressing myths around trees.
- The State Government works with arboriculture professional bodies and industry leaders on a review of the arboriculture industry including professional training standards, accreditation and support for local industry development and workforce planning.

**BUDGET**

Not applicable

**LIFE CYCLE COSTS**

Not applicable

# Attachment 1



December 2022

## Parliamentary Inquiry into the Urban Forest Fact sheet 1

The Environment, Resources and Development Committee has begun an inquiry into the urban forest, with a focus on tree species selection and other measures to preserve and improve the tree canopy in metropolitan Adelaide and a focus on trees for urban infill developments.

### Preamble

An urban forest encompasses all the trees in an urban area, including trees on private land such as gardens and businesses, trees on state government land such as public schools, state parks and reserves, and trees on local government land such as local parks, reserves and streets.

Tree canopy in the Adelaide metropolitan area is declining significantly in many suburbs as subdivisions and urban infill replaces gardens, trees, and brownfield sites with hard surfaces such as buildings, paving, driveways, and roads to support higher density living. A recent [report](#) from the Conservation Council of SA estimates that Adelaide is losing 75,000 trees a year. According to a recent [Nearmap](#) study (March 2022), 131 Adelaide suburbs (representing 47% of suburbs overall) experienced a relative residential tree canopy loss exceeding 10% between 2011 and 2021. A recent [Aerometrex](#) study into tree canopy coverage for the whole of Adelaide based on 2018 data estimates that 23.37% of the metro area had tree canopy coverage, with 51.9% of tree canopy cover on private land, 25.9% on state government land, and 10.9% on local government land. This [study](#) identified at risk and code red suburbs (mostly to the immediate west, east, and south of the CBD) recommending targeted greening initiatives.



It is widely recognised ([Aerometrex](#), [Hill](#)) that reductions in tree canopy which provides shading and cooling through evapotranspiration results in increased temperatures locally through [urban heat island effect](#) due to hard surfaces absorbing and re-radiating more heat than vegetation. This has implications for the [liveability](#) of urban areas as climate induced temperature rises combine with greater urban heat island effect to render some locations [inhospitable](#).

As the climate changes, urban areas need to prepare for more extreme drought and heat and the impact such extremes will have on urban trees and plants ([Hill](#)). Many of the current species of trees that comprise the urban forest (*trees on private land, street trees and park and reserve trees*) may be unable to thrive in a hotter, drier climate and will need to be progressively replaced with more resilient species and fitted with water sensitive urban design [infrastructure](#) to assist with tree health and survival. Tree management practices such as pruning/removal for powerline clearances also have potential for [modification](#) to benefit canopy and tree health overall.

### Terms of Reference

The Inquiry will examine:

1. Best practice and innovative measures to assist in the selection and maintenance of site appropriate tree species to improve the resilience of the urban forest, with a focus on trees for urban infill developments;
2. Legislative and regulatory options to improve the resilience and longevity of trees comprising the urban forest; and
3. Any other related matters.

### How can I get involved?

The Committee is keen to hear from individuals and organisations with an interest in the inquiry topic. The Committee is now accepting written submissions addressing the inquiry's terms of reference. Submissions should be addressed to the Parliamentary Officer, Environment, Resources and Development Committee, and emailed to [erdc.assembly@parliament.sa.gov.au](mailto:erdc.assembly@parliament.sa.gov.au) or posted to GPO Box 572, ADELAIDE SA 5001. Submissions close **Friday 24 February 2023**.

Public hearings may be held at a later date. You can stay up to date with the Committee's activities by checking the Parliament website ([www.parliament.sa.gov.au/en/Committees/Committees-Detail](http://www.parliament.sa.gov.au/en/Committees/Committees-Detail)) or by following the Parliament of South Australia on Facebook, Twitter or Instagram.

### Further Questions?

**Contact:** The Parliamentary Officer  
**Telephone:** 08 8237 9284  
**Email:** [erdc.assembly@parliament.sa.gov.au](mailto:erdc.assembly@parliament.sa.gov.au)  
**Website:** [www.parliament.sa.gov.au](http://www.parliament.sa.gov.au)

# Attachment 2





[holdfast.sa.gov.au](http://holdfast.sa.gov.au)

Brighton Civic Centre 24 Jetty Road, Brighton SA 5048

PO Box 19 Brighton SA 5048

P 08 8229 9999 F 08 8298 4561

Glenelg Customer Service Centre and Library

2 Colley Terrace, Glenelg SA 5045

Date in full

Parliamentary Officer  
Environment, Resources and Development Committee  
GPO Box 572  
Adelaide SA 5001

To the Parliamentary Officer

**City of Holdfast Bay Submission: Parliamentary Inquiry into the Urban Forest**

Thank you for the opportunity to make a submission to the Parliamentary Inquiry into the Urban Forest. This submission was prepared by the City of Holdfast Bay for consideration by the Environment, Resources and Development Committee and was endorsed by the Council on 14 February 2023.

For further information, please contact Alex Gaut, Team Leader Environment and Coast:

[agaut@holdfast.sa.gov.au](mailto:agaut@holdfast.sa.gov.au)

Yours faithfully

Michael de Heus  
General Manager, Assets and Delivery



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### **Inquiry into the Urban Forest**

Submission to the Parliament of South Australia,  
Environment, Resources & Development Committee, February 2023

## Executive Summary

This submission from the City of Holdfast Bay addresses the Inquiry into the Urban Forest (the inquiry) by the Environment, Resources and Development Committee of the Parliament of South Australia (ERDC).

A summary of our recommendations is included in the next section.

The City of Holdfast Bay is a small council in the south-west of Adelaide with a population of approximately 37,800 people. We currently manage approximately 20,000 trees on public land, including streets, parks and reserves. We value our trees highly and attempt to defend them strongly.

Based on the 2018 assessment of Adelaide's tree canopy we are aware that we have a lower-than-average total tree canopy cover. We are also aware that we only control around one third of this canopy, with the majority of tree canopy on private residential land. The City of Holdfast Bay public land has many narrow verges and roads and significant underground and overhead utilities, leading to major challenges for future planting in urban areas that need shade for cooling in an increasingly warming climate. The conflict between trees and utilities is also shaped by several utilities regulations that treat trees as only a risk and do not account for the many numerous benefits that trees bring to the community. We have made recommendations about changes in this space.

Our community has shown consistent concerns around the loss of trees in our city with themes around environmental sustainability and trees featuring strongly during community engagement activities undertaken during the development of our Environment Strategy 2020-2025. However, conflicting community values make trees a controversial topic and a public campaign espousing the benefits of trees led by the state government, supported by social scientists, would be of significant benefit.

This strategy includes a Council endorsed target to increase our tree canopy by 10% by 2030. This year we are working on the development of our first Urban Forest Strategy to drive funding and actions towards this target. However, we are aware that no matter how many trees we are able to put on public land, they cannot compensate for the high rate of tree loss on private land due largely to infill development. Therefore, part of our strategy development is a significant effort researching and developing innovative ways to encourage and incentivise the retention and planting of trees on private land.

In order to make the urban forest more resilient, it is vital that we diversify the tree species that are able to be used for street trees. Many of the commonly planted trees in Adelaide will soon be reaching the edge of their climate tolerance, so more drought-tolerant and semi-arid climate species will be required in the near future. The changing climate will also make many species more vulnerable to pests and diseases and with Adelaide's low diversity urban forest this does not bode well for the future health of the urban forest.



### **Inquiry into the Urban Forest**

Submission to the Parliament of South Australia,  
Environment, Resources & Development Committee, February 2023

As trees are community assets, we are also working towards managing trees using asset management principles and cycles, as we would for other more traditional assets such as roads.

Many of the opportunities identified in this submission have significant ramifications as they call for major changes to the regulatory frameworks that currently shape Adelaide's urban forest. In particular, changes to the Planning, Development and Infrastructure Act 2016 are critical for the protection, retention and expansion of Adelaide's urban forest, especially on private land.

Given the significant overlap between this inquiry and the Planning System Implementation Review, we have attached our tree-specific recommendations from our submission to that review, as an Appendix to this inquiry. We also strongly recommend that the outcomes of this inquiry and the outcomes of the Planning System Implementation Review be provided to each other.

The City of Holdfast Bay also works regionally, with the Cities of Marion, Mitcham and Onkaparinga and the State Government, as part of the in the Resilient South climate partnership. The Resilient South partners pursue opportunities to mitigate and adapt to the impacts of climate change in our region. Effective urban forest management is a priority area for Resilient South because it provides benefits through both climate adaptation and mitigation while also improving public amenity.

Resilient South initiatives and partnerships that relate to the urban forests include:

- **Future Trees Project.** This initiative led by the University of Adelaide and supported by local government, Green Adelaide, Wellbeing SA, and SA Power Networks, is currently analysing the current available data on council trees and will identify priorities for the development of a climate resilient urban forest in the future. Future stages will focus on trials to broaden the palette of street trees and the local development of new cultivars.
- **Resilient South Regional Climate Action Plan (ReCAP).** This is a major planning initiative that will identify key priorities in responding to climate change in our region over the next 5 years. Initial consultation with project partners has indicated that trees, greening and urban cooling are a major priority for councils and residents in the region.
- **Resilient Asset Management Project (RAMP).** This ~\$1M initiative aims to identify climate risks to council assets and develop a consistent approach in addressing climate risks across the \$5 billion worth of assets managed by partner councils. The RAMP has received contributions from partner councils, CSIRO, the LGA SA Research and Development Scheme and the National Disaster Risk Reduction Fund.



### **Inquiry into the Urban Forest**

Submission to the Parliament of South Australia,  
Environment, Resources & Development Committee, February 2023

## Summary of Recommendations

**RECOMMENDATION 1:** The ERDC should ensure that the final report from this inquiry includes recommendations that link to Adelaide's Urban Greening Strategy (being developed by Green Adelaide) and that Green Adelaide be formally tasked with taking the lead in coordinating matters related to the urban forest.

**RECOMMENDATION 2:** The State Government needs to undertake an audit of trees on State and Federal government land that contributes to and allows for the establishment of a comprehensive benchmarking model of Adelaide's urban forest and can be used for monitoring.

**RECOMMENDATION 3:** The State Government to fund ongoing tree canopy mapping of Adelaide's urban forest with a focus on monitoring trees on private land, including the ability to monitor illegal tree removals, with the next round of data collection to include an analysis of species diversity.

**RECOMMENDATION 4:** The State Government works with councils and other stakeholders to identify mechanisms to improve the species diversity of the Adelaide urban forest to bolster its resilience to climate impacts, and reduce the overall impact should one or more species be disproportionately impacted.

**RECOMMENDATION 5:** The State Government contributes to and works with councils, local tree nurseries and research institutions (e.g. TreeNet, Waite Arboretum) on a Climate Resilient Trees Guideline for Adelaide.

**RECOMMENDATION 6:** The State Government works with councils and the Local Government Association to investigate the development of a private tree maintenance fund for high value trees.

**RECOMMENDATION 7:** The State Government brings together the Office of the Technical Regulator, Green Adelaide, the Local Government Association, and utility providers to undertake a comprehensive review of the regulation of trees on public land and increase opportunities to plant trees in the urban area.

**RECOMMENDATION 8:** The State Government reviews the PLEC funding model and strategic prioritisation process to better incorporate the benefits of urban greening.

**RECOMMENDATION 9:** The State Government reviews the list of declared weeds in the Landscape South Australia Act 2019 and considers including exemptions for species that may have a low threat in urban areas.

**RECOMMENDATION 10:** There should be no exemption allowing for the removal of Regulated trees within proximity to buildings or other structures unless it can be demonstrated by the proponent that the tree is actually damaging that structure or presenting significant risk to that structure.



### **Inquiry into the Urban Forest**

Submission to the Parliament of South Australia,  
Environment, Resources & Development Committee, February 2023

RECOMMENDATION 11: Update the measures used for tree size protection regulations (in the PDI Act) to include more than one measure, and change the specific sizes in accordance with our recommendations in our submission to the Planning System Implementation Review (in the Appendix).

RECOMMENDATION 12: Remove the exemptions in the PDI Act for State Government departments from tree protection regulations (notably the Department for Infrastructure and Transport and Department for Education).

RECOMMENDATION 13: The recommendations of this inquiry are provided to the Minister for Planning and are incorporated into the final recommendations of the Planning System Implementation Review.

RECOMMENDATION 14: The State Government works with local government and industry leaders to standardise a tree valuation methodology in South Australia and ensure this valuation is linked to tree protection laws in the state planning system.

RECOMMENDATION 15: The State Government delivers a major community campaign on the benefits of trees through Green Adelaide and the Adelaide National Park City program. The campaign should utilise the expertise of social scientists and focus on promoting the benefits of trees and addressing the myths around trees.

RECOMMENDATION 16: State Government support further research and collection of evidence around the relationship between trees, bushfire risk and protection of biodiversity.

RECOMMENDATION 17: The State Government works with arboriculture professional bodies and industry leaders on a review of the arboriculture industry including professional training standards, accreditation and support for local industry development and workforce planning.



**Inquiry into the Urban Forest**

Submission to the Parliament of South Australia,  
Environment, Resources & Development Committee, February 2023

Inquiry Area 1- Best practice and innovative measures to assist in the selection and maintenance of site-appropriate tree species to improve the resilience of the urban forest, with a focus on trees for urban infill developments.

### Strategic coordination of the urban forest

The urban forest includes trees that are planted on both public and private land. The major pressures that are limiting efforts to maintain and grow our combined urban forest and canopy are:

- The removal of existing trees on private land due to infill development, and reduced opportunity to plant larger trees
- Limitations in planting opportunities on public land due to limited space and heavy encumbrances from utilities (overhead power lines and buried pipes and cables)
- Climate impacts reducing the suitability of commonly planted tree varieties due to long-term drying, warming and extreme weather events
- Increased and conflicting expectations, values and complaints from the community around trees
- Available verge widths for trees are getting smaller due to footpaths and utility services resulting in reduced rainwater availability (due to higher amounts of impermeable surfaces) and increased stress on street trees, often leading to undesirable impacts such as excessive nut drop; smaller verges also lead to planting smaller trees, which generally produce smaller canopy
- The need to over-prune trees around services or to provide adequate horizontal and vertical clearances to roads and footpaths

Other challenges in the City of Holdfast Bay include:

- Narrow verges
- High density development leading to reduced open space
- Land values and land sizes increase opportunities for redevelopment
- New driveways both reduce parking and reduce opportunities for street tree planting
- Flat grades leads to minor kerb lifts from tree roots
- Smaller verges that limit tree growth also lead to increased complaints about trees displacing kerbs and footpaths, and lower branches over paths and roads
- Aging population and increasing expectations are both challenges for the future

In Adelaide, there is currently no single agency or authority coordinating the strategic management of the urban forest. The Adelaide Urban Greening Strategy, currently being developed by Green Adelaide, addresses a range of issues related to urban forests.



### Inquiry into the Urban Forest

Submission to the Parliament of South Australia,  
Environment, Resources & Development Committee, February 2023

*RECOMMENDATION 1: The ERDC should ensure that the final report from this inquiry includes recommendations that link to Adelaide's Urban Greening Strategy (being developed by Green Adelaide) and that Green Adelaide be formally tasked with taking the lead in coordinating matters related to the urban forest.*

## Climate change and the urban forest

Climate change presents a variety of risks and threats to the urban forest. Adelaide's climate is shifting from a Mediterranean climate (characterised by hot, dry summers and cool, wet winters) to a semi-arid climate (characterised by very hot, dry summers and warm winters with limited rainfall). In addition to a general warming and drying trend, climate projections for Adelaide indicate increasingly less predictable rainfall and an increase in the frequency and intensity of extreme weather events (droughts, heatwaves and storms).

Adelaide's shifting climate means that several popular tree varieties, including some native and iconic species, are moving outside of their climatic envelope and are becoming more difficult to establish and maintain. For example, Callery Pears, Jacarandas and Norfolk Island Pines are all native to humid subtropical areas. While moderately drought tolerant, these species (and many other heavily planted exotics) are on the edge of their climatic range in Adelaide.

As Adelaide's climate becomes increasingly semi-arid, with increasing drought periods and heatwaves, common species are likely to have reduced health, shortened life expectancy and lower success in establishment. Eventually, widespread cultivation of some currently common species in Adelaide will not be possible.

In the City of Holdfast Bay, our Norfolk Island Pines are iconic and it may be that an alternative approach to supporting their survival in an increasingly dry and warm climate, is to look at their genetic diversity in order to ensure resilience in the stock. This could extend to researching strains that are more drought tolerant but this kind of research requires coordinated funding and technical support through universities and state government agencies.

## Urban forest diversity and resilience

Increasing tree diversity is one of the best ways to strengthen the resilience of the urban forest against climate change impacts and threats (e.g. diseases). Ecological communities with low diversity are generally regarded as more vulnerable to threats because a small disturbance (e.g. a slight climatic change or introduction of a pest or disease) has the potential to negatively impact much of that community. Whereas high diversity gives ecological communities stronger resilience against impacts.

Increasing diversity needs to include: genetic diversity with species; planting a larger variety of species; increasing functional diversity through more diversity of both size and form; and, age diversity is crucial to ensure that not all trees mature and senesce at the same time.



### **Inquiry into the Urban Forest**

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However, Adelaide's metropolitan urban forest unfortunately shows very low diversity. The trees most commonly planted by councils are Callery Pears (*Pyrus calleryana*) and Jacarandas (*Jacaranda mimosifolia*), together providing more than 20% of Adelaide's public urban forest. Other commonly planted trees in the Adelaide metro area include Queensland Brush Box (*Lophostemon confertus*), Golden Rain Trees (*Koelreuteria paniculata*) and Claret Ash (*Fraxinus oxycarpa* 'Raywood'). In the City of Holdfast Bay our most common trees are bottlebrushes (*Callistemon* species), Queensland Brush Box, eucalypts, Norfolk Island Pines, *Pyrus* species and Jacarandas.

These trees are also heavily planted on private property because they are proven performers with relatively few major pest issues, are well-known to developers and gardeners, are readily available and have well-developed propagation techniques, allowing them to be easily grown at scale and at low cost. In some areas they have become popular because of their association with heritage.

In addition, the heavy use of tissue culture (growing trees from cuttings rather than seed) means that the majority, if not all, the trees of some tree varieties are clones with little genetic diversity, which can lead to reduced resilience to pests and diseases.

Many heavily planted tree species are closely related because they are in the same family and therefore, susceptible to the same threats. For example, nearly half (45.3%) of the audited council trees in metropolitan Adelaide are in the Myrtaceae family, which includes eucalypts, bottlebrushes, paperbarks, etc. These are all vulnerable to both climatic changes and climate-mediated pests and diseases such as *Phytophthora* and myrtle rust (both of which affect Myrtaceae species), the transmissibility of which may be increased in some areas due to climate impacts. The combination of reduced tree health and increased transmission of pests and diseases might also lead to increased virulence of pests and pathogens, with trees previously able to suppress infection no longer able to do so, leading to tree decline and death.

A principle that has been adopted by several cities globally, including the City of Melbourne, is to aim for an urban forest that comprises:

- No more than 5% of any one species (e.g. River Red Gum; *Eucalyptus camaldulensis*);
- No more than 10% of any one genus (e.g. *Eucalyptus*); and
- No more than 25% of any one family (e.g. Myrtaceae, including *Eucalyptus*, *Corymbia*, *Angophora*, *Melaleuca*, *Agonis*, *Lophostemon*, etc.)

### Industry change for more tree diversity

Achieving a highly diverse urban forest requires a rapid shift away from currently popular exotic trees such as Jacarandas, Callery Pears and Queensland Brush Box and some native species such as the South Australian Blue Gum (*Eucalyptus leucoxylon*). Given that there will be a community expectation to retain characteristic and heritage plantings in some areas, diversified plantings should be prioritised whenever feasible, including a move away from single-variety avenue plantings on some residential streets.



### Inquiry into the Urban Forest

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Determining which varieties to plant in place of currently popular tree varieties that are overrepresented in the urban forest is not easy and will require coordination between local governments, state government and the nursery industry, to ensure diverse stock (species and genetic) are available for purchase by urban forest managers.

The impacts of these changes will affect:

- planning for maintenance of character and heritage in established sites;
- selection of new species by landscape architects and developers in new sites;
- supply of new species by the nursery industry; and
- schedules for establishment and maintenance of trees in council operations.

### Data for improved planning and monitoring

Understanding the diversity and demographics of Adelaide's trees is a vital first step in improving the management of our urban forest. A benchmark model would identify levels of diversity in the urban forest, as well as the vulnerabilities that climate change impacting sensitive species is likely to have on our canopy.

Phase 1 of the Future Trees Project, led by the University of Adelaide and supported by local governments, Green Adelaide, Wellbeing SA and SA Power Networks, has collated data from all local governments in greater Adelaide to develop a model across all councils that can be used for planning purposes. Establishment of consistent data collection methods and a centralized tree database should be mainstreamed as part of the Green Adelaide Urban Greening Strategy to ensure the process is ongoing and improved over time.

Current limitations around collection and analysis of tree data are:

- Approximately half of Adelaide's councils do not have specialist tree management databases or software and/or have limited census data of their urban trees. The urban forest changes on a daily basis with removals, storms and planting, and these changes need to be reflected in real time in appropriate databases and/or software. Coordinating the development of common data standards and a shared platform from which all parties can contribute and analyse their data would significantly improve urban forest management.
- It is unclear whether trees on State and Commonwealth-owned estates (e.g. Adelaide and Parafield Airports; schools, TAFE, university campuses, etc) have been audited and captured in a database. Ensuring these trees have been mapped and that their data can be included in urban forest modelling, would fill large spatial gaps.
- Providing shared subscription opportunities between councils may reduce costs and provide incentives for councils to sign up to a common platform that would facilitate data sharing and coordination across greater Adelaide. Councils that have invested in specialist systems are able to plan their planting programs several years in advance, providing opportunities to identify where uncommonly planted tree varieties could be planted, to collaborate across council boundaries and improve the long-term strategy behind plantings.



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- There is currently no audit of trees on private land.

Many of these gaps could be addressed in the Green Adelaide Urban Greening Strategy and ongoing coordination of greening activities by Green Adelaide (noting that some greater Adelaide councils sit outside the Green Adelaide boundary), particularly coordinating the development of data and survey standards for urban forest management and a common data platform.

The Department for Environment and Water and Green Adelaide have partnered with the Adelaide metropolitan councils to undertake an airborne data capture of all trees in the greater Adelaide area using LiDAR (a remote sensing technique). These data will be used to measure the canopy extent across individual suburbs over time and target areas for greening. It is intended that regular recapture of these data will be used to track canopy extent and change over the coming years.

These data could also be used for the monitoring of illegal tree removal activities. While tree removals can be monitored via these data, in future individual councils may wish to identify legal and illegal tree removals. However, in the current legal framework it would be up to the State Government to issue and pursue any expiations. It would be ideal to give Councils more power with regard to illegal tree removals in order to enforce local tree policies and protections.

*RECOMMENDATION 2: The State Government needs to undertake an audit of trees on State and Federal government land that contributes to and allows for the establishment of a comprehensive benchmarking model of Adelaide's urban forest and can be used for monitoring.*

*RECOMMENDATION 3: The State Government to fund ongoing tree canopy mapping of Adelaide's urban forest with a focus on monitoring trees on private land, including the ability to monitor illegal tree removals, with the next round of data collection to include an analysis of species diversity.*

### New climate-resilient tree cultivars

To achieve a diverse urban forest and reduce vulnerability to climate impacts, we will need to identify tree species that are not commonly planted at present and shift ongoing planting programs to favour those varieties. This objective is the focus of the Future Trees Project, being led by the University of Adelaide in partnership with several other agencies.

Ideally, future candidate species should be from dry Mediterranean or semi-arid climate zones and not from the Myrtaceae, Rosaceae, Sapindaceae, Bignoniaceae or Oleaceae plant families, which are already heavily represented in Adelaide. Once candidate species have been identified, well-designed street tree trials should be undertaken to test tree performance. Trials should be underpinned by a strong experimental design that incorporates broad growing conditions (plains, coastal, hills, etc.) and replicates typical street tree establishment.

There has been little local development of tree varieties to suit our conditions, with the vast majority of tree stock imported from interstate. South Australia has good facilities for tree breeding and propagation, including the plant breeding and improvement facilities at the Waite Campus of the



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University of Adelaide (currently used almost exclusively for cereal crops and grape vine research), the State Flora nursery at Murray Bridge and various commercial facilities.

The semi-arid Australian native flora also remains underexploited for horticultural development, with several native species that would be attractive for plant breeding and commercial opportunities. Investment for this work to be done in Adelaide would create opportunities to improve the diversity and quality of tree stock for planting in our cities, as well as providing new market opportunities for local producers and reducing the biodiversity risk posed from importing plants from interstate.

With the introduction of new and potentially unfamiliar species, there will need to be development of standards and guidelines for the planning management of these species, including:

- Character descriptions and services offered by the species
- Technical design information relevant for use by landscape architects and planners
- Propagation notes for nurseries
- Establishment and maintenance notes for use operational maintenance.

*RECOMMENDATION 4: The State Government works with councils and other stakeholders to identify mechanisms to improve the species diversity of the Adelaide urban forest to bolster its resilience to climate impacts, and reduce the overall impact should one or more species be disproportionately impacted.*

*RECOMMENDATION 5: The State Government works with councils, local tree nurseries and research institutions (e.g. TreeNet, Waite Arboretum) on a Climate Resilient Trees Guideline for Adelaide.*

## Trees on private land

Trees on private land provide broader benefits than just to the landowner, however the landowner owns the tree and has control over its future and in most cases is solely responsible for their maintenance.

Residents are increasingly requesting that Councils help maintain trees on private land, particularly large (often Regulated or Significant) trees that require maintenance and ongoing work to clear gutters, reduce risk, etc. Such trees may also be regarded, possibly correctly, as posing a public risk if they are not regularly inspected and maintained by an arborist.

It is beyond the scope of councils to undertake works on private land, but some councils have instituted urban tree funds that provide limited funds to support the retention and maintenance of high value trees on private land. These funding models still require an upfront payment by the resident to an arborist for the work. This means that the landowner is required to engage an arborist to inspect the tree, write a report, undertake any works and pay in full; then seek a partial reimbursement from council. Many landowners cannot afford to make these payments upfront.



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A more cost-effective model could be a state government subsidised tree maintenance program. This would enable more cost-efficient coordinated procurement of arboriculture services and a more consistent approach to maintenance activities.

Another impediment to maintaining the urban forest on private land is disadvantaged groups who may wish to retain a tree but who cannot physically or financially undertake work such as clearing their gutters, or pruning their tree, and therefore, despite their desire to retain the tree, instead feel they have to remove it to reduce the maintenance burden. State government financial support for disadvantaged groups such as the elderly, the disabled and low socio-economic groups for tree maintenance work would significantly contribute to the retention of trees and their canopy on private land.

Large housing developments provide better opportunities for tree selection because all the trees can be specified at one time to maximise diversity, as well as taking the opportunity to underground powerlines and use common trench infrastructure to allow underground space for larger tree species. This opportunity is not always appreciated or exploited by councils, who may accept low-diversity plantings and/or smaller trees that do not provide substantial shade, despite the lack of encumbrance from overhead powerlines.

*RECOMMENDATION 6: The State Government works with councils and the Local Government Association to investigate the development of a private tree maintenance fund for high value trees.*

## Maintenance of the urban forest

Councils have been charged with achieving ambitious canopy targets under the 30-Year Plan for Greater Adelaide but resourcing the maintenance of an ever-growing urban forest in the face of climate pressures is challenging. Councils require additional water and water trucks, pruning crews, tools, and general arboriculture staff to plan, plant and maintain trees, ensure required clearances to roadways, etc. are maintained, and respond to the high volume of incoming public queries regarding trees.

In addition to the additional cost pressures, several councils are encountering difficulty attracting and retaining skilled staff, particularly Practising (Certificate III qualified) and Consulting (Diploma qualified) arborists.



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In order to take advantage of stormwater runoff as an additional water source, the City of Holdfast Bay invests in installing water-sensitive urban design features such as tree inlets and permeable paving to redirect stormwater to tree roots, which helps tree growth and reduces infrastructure problems due to tree roots. In our experience even mature trees benefit from the additional stormwater directed to their roots, as has been seen by visual assessment of the canopy becoming visibly denser with more foliage, which contributes to more cooling in the urban environment. These features also have the advantage of reducing stormwater runoff to Gulf St Vincent, thus reducing the pollution and additional nutrient load entering the gulf, which helps to maintain our seagrass meadows.



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## Inquiry Area 2 - Legislative and regulatory options to improve the resilience and longevity of trees comprising the urban forest

### Conflict between trees and utilities

There are several state-government laws, regulations or policy documents that restrict the trees that can be planted on public land. These include:

- *Electricity (Principles of Vegetation Clearance) Regulations 2021*; including the Approved and Permitted Species lists maintained by the Office of the Technical Regulator that mandate which species may be planted under power lines;
- *Water Industry Act 2012*, including the SA Water Tree Planting Guide which mandates which species may be planted in the vicinity of water and wastewater infrastructure; and
- Operational Instruction 19.8: Trees in Medians and Roadsides in the Urban Environment, which mandates vegetation clearances from road corridors.

These documents treat trees only as a risk to critical infrastructure or life, including as a potential ignition source for bushfire, rather than as green infrastructure with the same value as grey infrastructure. While trees can pose a risk to infrastructure, these documents ignore the numerous benefits that trees provide to the community.

As infrastructure proliferates with urban sprawl and infill, regulations that allow trees to be removed and limits any replacement plantings, make it impossible for councils to achieve canopy targets on public land alone.

A holistic review of these key documents to incorporate a more sophisticated understanding of trees as community assets and an important mitigator of climate risk, rather than simply as a threat to infrastructure, is critical.

A review should focus on harmonisation of all tree-relevant legislation and regulation to ensure this balanced and wholistic view of trees is promulgated across all state government policies, aligning infrastructure and development regulation with the principles of the 30-Year Plan for Greater Adelaide and government commitments to greening and increasing canopy.

The Office of the Technical Regulator is a small government agency that *“monitors and regulates the safety and technical standards for electrical, gas and plumbing installations, as well as electricity, gas, water and sewerage network infrastructure”* in South Australia. The OTR is correctly focused on ensuring the safe and reliable operation of the state’s utilities infrastructure.

However, the OTR does not have any broader responsibility for maintaining the positive benefits of trees and green spaces in the community, nor does it maintain expertise in these areas. This narrow focus has led to a lack of prioritisation of maintaining trees and green spaces and little consultation with other state or local government entities to achieve this.



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The OTR maintains lists of Approved Vegetation (for bushfire areas) and Permitted Vegetation (for non-bushfire areas) which were embedded in previous iterations of the *Electricity (Principles of Vegetation Clearance) Regulations 2021*. The Regulations limit the planting of vegetation to species on these lists with the purpose of limiting the incidence of vegetation growing to a height where they may interfere with power lines, increasing public safety and limiting the cost pressure on SA Power Networks (SAPN), which has a legislative responsibility to ensure safe clearances around its infrastructure.

Much of Adelaide's urban forest dates from before these lists were instituted, meaning that many council plantings are non-compliant. SAPN has historically offered some latitude to councils by accepting responsibility for pruning newer plantings and ensuring power line clearance, but have now adopted a zero-tolerance approach to any trees planted since 2017. SAPN have issued non-compliance notices to several Adelaide councils, including the City of Holdfast Bay, to request the removal of common street trees including jacarandas (*Jacaranda mimosifolia*), Queensland Brush Box (*Lophostemon confertus*) and Coral Gums (*Eucalyptus torquata*) planted since 2017 because these are not on the Allowed or Permitted Vegetation lists.

Councils are continuing to work with SAPN to find a way to maintain existing plantings, but overhead power lines and the Allowed and Permitted Species lists are major impediments to councils with ambitious greening and canopy targets consistent with the 30 Year Plan for Greater Adelaide.

The Permitted list contains 272 tree varieties, however several are synonyms of other species or have obsolete taxonomy, making it unclear which species they are referring to. A list of errors with recommended amendments was provided to the OTR in June 2022 but there have been no amendments to date.

When compared with the SA Water Tree Planting Guide, which contains 219 tree species that can be planted in the vicinity of water or wastewater infrastructure, there are only 62 tree species in common. Many of the tree species common to both lists grow to less than three metres high, provide limited public amenity and may not meet many of the criteria required for street trees (e.g. consistency of form, lack of spiky or poisonous parts, lack of extensive litter, climate and soil suitability, nursery availability, etc).

We recommend that efforts be made to expand the Allowed Vegetation and Permitted Vegetation lists and SA Water Tree Planting Guide to identify new species and cultivars suitable for planting in the vicinity of infrastructure. Key areas for review include:

1. Ensuring policies and legislation relevant to the electricity, gas, plumbing and water industry link with the priorities of Adelaide's Urban Greening Strategy;
2. Reviewing non-compliance notices that have been sent to councils, and
3. Establishing clearer guidelines and permitted vegetation lists to meet community priorities.



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*RECOMMENDATION 7: The State Government brings together the Office of the Technical Regulator, Green Adelaide, the Local Government Association, and utility providers to undertake a comprehensive review of the regulation of trees on public land and increase opportunities to plant trees in the urban area.*

### Undergrounding and aerial bundling of power lines to avoid conflict

Independent of legislative and regulatory reform to the utilities sector, one of the simplest initiatives the state government could invest in to improve urban forest extent and performance is to underground power lines, including in common services trenches under roadways and in new land divisions, which combine electricity, gas, water and communications services in a single trench. The placement of a common trench in the middle of a roadway increases the amount of above- and below-ground space for planting on the verge, increasing the number and size of trees that can be planted on roadsides.

Alternatively, the bundling of cables together (called ‘aerial bundle cabling’) overhead is also a cost-effective approach to existing suburbs with a similar outcome, making space for tree canopy and reducing the need for large pruning clearances. Both of these approaches also increase the stability of the electricity grid due to reduced damage in storms and fires.

Undergrounding powerlines is expensive (ca. \$3,000 per metre). The Power Line Environment Committee (PLEC) is a committee assisting the Minister responsible for the *Electricity Act 1996* in assessing and recommending the undergrounding of overhead power lines. PLEC has annual funding in the order of \$10M, and operates in a co-funding model, whereby councils are invited to apply for funds to support undergrounding in specific areas.

Councils are generally expected to contribute at least one third of the costs of undergrounding (ca. \$1,000 per metre), and are expected to also commit to all of the costs of aesthetic improvement of the space after the undergrounding has happened.

This high requirement for council funds and limited co-funding available through PLEC means that undergrounding of existing overhead cables remains rare. In addition, in the current selection criteria of the PLEC funding program, tree canopy is not considered as part of the decision-making about locations to receive funding, therefore locations that could potentially provide important additional canopy are ignored.

Providing additional funding to PLEC, reducing the level of co-funding required by councils, and including expansion of urban tree canopy in the funding criteria, would allow the removal of more overhead powerlines, thereby improve safety and public amenity, and increasing opportunity for greening. Undertaking more undergrounding would possibly also reduce the net cost per metre due to efficiencies of scale.

A review of the PLEC funding model and prioritisation process should:

- strategically prioritise distribution of funding to areas of Adelaide where increased tree canopy is a high priority.



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- reduce the requirement for co-contributions from councils.
- increase the total annual funding pool to support a more rapid establishment of trees in priority locations.

Alternatively, the state government could identify high priority targets for undergrounding (e.g. specific major transport corridors) to target for power line undergrounding and greening, providing majority funding as a Major Project. Such projects could effectively transform a barren transport corridor with minimal greening into shaded boulevards with high public amenity and increased appeal for active transport users.

*RECOMMENDATION 8: The State Government reviews the PLEC funding model and strategic prioritisation process to better incorporate the benefits of urban greening.*

### Landscape South Australia Act 2019

The *Landscape South Australia Act 2019* prevents the planting of species declared as weeds including common trees such as Aleppo pine (*Pinus halepensis*), box elder (*Acer negundo*) and desert ash (*Fraxinus angustifolia*). These species are prohibited because they have the potential to pose a serious risk to South Australia's environment and primary industries.

Prohibiting the planting of these species in regional and peri-urban areas has sound logic. However, the traits that allow them to grow and proliferate also make some of them effective urban trees. For example, the desert ash has been planted extensively as a street tree and is popular in gardens because it is shady and performs well. The major risk this species poses is its ability to colonise and spread along streams, which may not be an issue in some urban contexts.

*RECOMMENDATION 9: The State Government reviews the list of declared weeds in the Landscape South Australia Act 2019 and considers including exemptions for species that may have a low threat in urban areas.*

### Planning, Infrastructure and Development Act 2016

The *Planning, Development and Infrastructure Act 2016* (PDI Act) is the primary mechanism for protecting trees on private land in the overlay region (i.e. greater Adelaide area). The City of Holdfast Bay has provided extensive feedback on the tree protection mechanisms and exemptions within the PDI Act as part of the Planning System Implementation Review (see the Appendix for our specific recommendations to the review). The Act and its regulations require significant improvements in order to retain more private trees.

If Adelaide is to reach its canopy target as set out in the 30 Year Plan for Greater Adelaide it needs mechanisms to retain, protect and increase tree canopy on private land. This is because the majority of the urban forest is on private land but this is where the majority of tree loss happens. In the City of Holdfast Bay, the council controls only 36% of the tree canopy but 52% is controlled by private land owners (including commercial land). This makes it imperative to significantly improve mechanisms for the retention, protection and increase in the trees on private land. Due to significant



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changes in the planning system between the previous Development Act and the current PDI Act, Councils now have no control over trees on private land, therefore the City of Holdfast Bay is currently putting a lot of effort into researching and developing creative ways in which we can encourage and incentivise retention and planting of private trees.

Infill development increases the number of access points to a road that significantly reduces space for trees. More acceptance of combined driveways or stronger clearance zones around existing trees is required.

One of the most important changes that needs to be made to the PDI Act is to remove the ability to remove any tree (other than *Eucalyptus* or *Agonis flexuosa*) that is within 10 metres of a dwelling or in-ground swimming pool, which effectively means that most 'protected' trees in urban areas are exempt from protection. A recent case where an abandoned, filled-in pool was used to remove a Regulated Tree and a recent ERD court decision whereby a Norfolk Island Pine that had a stem >10m away from any structure was removed on the basis that a basal root was within 10m of a building, demonstrate that this section is problematic and requires reform, including additional instruction to judges to ensure court decisions are consistent with community expectation and the objectives of the Act. Reducing or removing this distance will significantly enhance protection for existing trees and bring SA into line with other states where the majority of councils do not have a distance provision.

The tree protections currently in place in the PDI Act are defined by the size of the circumference of a tree trunk. This is inadequate both in terms of the specific sizes that are used (2 m or more for regulated trees; 3 m or more for significant trees), and because only one measure is used. In the benchmarking study *Urban tree protection in Australia: Review of regulatory matters* produced by the University of Adelaide, commissioned as part of the Planning System Implementation Review, it was shown that the majority of the 101 councils included in the study used at least two measures of tree size. These include tree trunk circumference, canopy spread and tree height. It is considered best practice to use at least two of these measures for specific tree protection regulations. The City of Holdfast Bay has made specific recommendations about the sizes of these measures in our submission to the Planning System Implementation Review, and these can be found in the Appendix to this submission.

Trees are often removed by the state government on state government land without independent consideration of the value of the trees against the reasons for their removal. This often occurs along roads and at public school sites because both the state Department of Infrastructure and Transport, and the Department for Education have exemptions under the PDI Act. However, these types of locations have particularly high risks associated with increased urban heat. The Federal Government (e.g. Department of Defence) also has an exemption from these State laws and therefore has little responsibility to maintain or protect trees on its land (e.g. significant trees at Warradale Army Barracks).

The University of Adelaide review confirmed that South Australia's tree protections were markedly less stringent than those in other Australian capital cities and that the exemptions to protection in South Australia were so broad that few trees in Adelaide's urban setting are actually protected



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against removal for development. The University of Adelaide report provides several recommendations on reforms that would improve canopy retention on private land.

The Expert Panel that is undertaking the Planning System Implementation Review has noted widespread feedback that tree protections in the Act are insufficient, and exemptions too broad, to effectively protect urban trees in many circumstances. Despite the importance of this issue, in their October 2022 Discussion Paper, the Expert Panel stated:

*“Notwithstanding the findings in the Research Report, for the avoidance of doubt, the Panel does not intend to make any specific recommendations as to what the revised minimum tree circumference should be (or if it should be amended), or what any minimum height or minimum canopy spread protections ought to be introduced (if it is inclined to recommend any of the same). This is because the Panel acknowledges the need for significant economic analysis to be undertaken before such figures could be arrived at.”*

and

*“...the Panel considers that this [the exemption of protections for most trees within 10 metres of a building or in-ground swimming pool] provision is too generous, and that consideration needs to be given to reducing the same. The Panel also considers there is scope for reducing, or otherwise further refining, the circumstances that are deemed suitable triggers for removing a protected tree based on its proximity. This could potentially include a requirement for the tree to be posing a significant threat to safety or infrastructure but could also be refined to only permit removal to occur if the tree is within a certain distance to a substantial building or infrastructure... ...the Panel is unlikely to make specific numeric recommendations for revision of these regulations in the absence of further economic analysis”.*

The Expert Panel’s decision to avoid making specific recommendations regarding tree protections is disappointing and raises questions as to what state government process is necessary to achieve reform that will arrest current canopy decline and bring about best practice tree protections. Undertaking economic analysis and broad consultation is certainly desirable, but the importance of growing canopy to ameliorate the impacts of climate change on the community, particularly in lower socioeconomic areas, coupled with the alarming decline in canopy in many areas, suggests that extended analysis and consultation may be a luxury that the community cannot afford.

It is notable that other jurisdictions in Australia and overseas are acting quickly to protect urban trees because it is a simple and cost-effective means of bolstering community resilience to climate impacts. For example, in the last year, the United Kingdom amended its *Forestry Act 1967* to remove the £2,500 penalty ceiling for unauthorised tree removal, replacing it with a fine up to twice the value of the removed trees. Penalties for non-compliance include further unlimited fines or imprisonment. Restocking (revegetation) and enforcement notices will be listed on the Local Land Charges Register, making them visible to prospective buyers of the land and potentially impacting the land’s value. The intention of this reform is to discourage developers who have previously been prepared to accept penalties for unauthorised clearing for commercial reasons. This type of reform is aimed at quickly arresting urban forest decline and represents the type of commitment that is likely to achieve this in South Australia.



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*RECOMMENDATION 10: There should be no exemption allowing for the removal of Regulated trees within proximity to buildings or other structures unless it can be demonstrated that the tree is actually damaging that structure, and there should be a requirement for the proponent to demonstrate that the value of the structure outweighs the value of the tree.*

*RECOMMENDATION 11: Update the measures used for tree size protection regulations (in the PDI Act) to include more than one measure, and change the specific sizes in accordance with our recommendations in the Appendix.*

*RECOMMENDATION 12: Remove the exemptions in the PDI Act for State Government departments from tree protection regulations (notably the Department of Infrastructure and Transport and Department for Education).*

*RECOMMENDATION 13: The recommendations of this inquiry are provided to the Minister for Planning and are incorporated into the final recommendations of the Planning System Implementation Review.*

## **New developments**

Developers are often heavily criticised for perceived failings in the building, environmental or social amenity created by their developments, particularly when large trees are removed to facilitate building.

Linking tree retention and other public good outcomes to economic incentives (e.g. charging developers the full assessed value of a tree before approving its removal) would ensure that commercial and public good incentives are better aligned. Another proposed financial incentive method is the use of tree bonds, especially for regulated and significant trees. The bond value would be derived using an agreed methodology embedded in the PDI Act, would be charged prior to development approval, and only refunded in part or in full depending on the extent of any damage suffered by the tree, as assessed by a qualified consulting arborist. For further details on this proposal, see the Appendix.

Large trees valued by industry-accepted methodologies often exceed \$100,000, therefore funds accumulated through these processes would be significant enough to support major greening projects, including the purchase of land for pocket parks or other greening opportunities. Such an approach would lead to more certainty for developers and development that is in line with public expectations.

*RECOMMENDATION 14: The State Government works with local government and industry leaders to standardise a tree valuation methodology in South Australia and ensure this valuation is linked to tree protection laws in the state planning system.*



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## Inquiry Area 3 – Any other related matters

### Community attitudes to urban trees

There are a number of community attitudes, values and perceptions that persist and can discourage residents from planting or maintaining trees on their own land. The myths that need busting include:

- Maintaining trees is risky and sometimes not easily completed by the landowner.
- Maintaining trees can be expensive, through maintenance and watering
- Having trees in proximity to a house increases fire risk
- Having trees in proximity to a house will damage the structure
- ‘Sudden limb drop’ is common, particularly in eucalypts, and property and safety is at risk
- It is unreasonable to tolerate nuisance or minor property damage from trees, e.g. leaf litter in gutters or swimming pools; sap, pollen, fruit or bird faeces on cars; or lifting of pavement or fencing due to tree roots
- Trees shading solar panels leads to lost revenue
- Building or renovating on a property with trees is too expensive, so all trees should be removed prior to any building work
- That the tree will grow well and will not be allowed to be removed in the future
- Complaints by neighbours leading to disputes

There may be some truth in some of these concerns, but it is likely that the negative impacts of trees are overestimated, and the benefit of urban trees will almost always outweigh any drawbacks. Deaths due to trees are relatively low compared to other activities where risks are commonly accepted (e.g., driving in a vehicle). On average there are approximately 5 deaths per year in Australia due to accidents involving trees, which is lower than many other unlikely causes of death, including falling from a cliff or drowning in a bathtub. A creative commons licensed *Database of Australian Fatalities associated with Tree Failures* is shared by Arboriculture Australia. An analysis of this database identified the risk of tree related death to be 1 in 5,000,000. Given the extent of tree canopy and the amount of time that people spend under tree canopies, the risk of sudden limb drop from a tree resulting in death or injury is extremely low.

Undertaking a public relations campaign that addresses negative perceptions, promotes positive values about urban trees, demonstrates social norms around public urban trees and educates the public on the benefit that urban trees provide, including reducing the need for air conditioning, health benefits for residents and improving property values, would reduce public concern and improve tree retention. Developing social norms and increasing positive values around urban trees are as important, or perhaps more important than ‘educating the public’ on its own, and this kind of work would benefit from the input of a social scientist. Such a campaign could be led as part of the National Park City, Wellbeing SA or Healthy Parks Healthy People campaigns.

The City of Holdfast Bay has begun to address this in two ways:

- Implemented an ‘Adopt-a-Tree’ program. This is not unique to the City of Holdfast Bay and promotes a relationship between a resident and a tree that they have requested to be



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planted in their verge. There is a quid pro quo in this program in that Council plants, mulches and prunes the tree, and in return the resident agrees to water the tree every summer for the first 3 years of its life. Watering the tree is an activity visible to other residents, so it helps to create a visible social norm around caring for street trees.

- **Tree of the Month:** this is a simple social media campaign. We ask residents to nominate a public tree that they love. We give the tree a sash, and we capture the story of what the resident loves about the tree then promote it on social media. This is a peer-to-peer campaign of social norms around valuing public trees, and has proven to be very popular.

*RECOMMENDATION 15: The State Government delivers a major community campaign on the benefits of trees through Green Adelaide and the Adelaide National Park City program. The campaign should utilise the expertise of social scientists and focus on promoting the benefits of trees and addressing the myths around trees..*

## Natural hazards

Heatwaves, drought and bushfires are the major natural hazards in South Australia and are closely linked. Southern Adelaide suburbs represent some of the most at-risk of bushfires nationally and many residents remain inadequately prepared to deal with these predictable hazards. Also concerning, southern Adelaide has experienced marked biodiversity loss in recent years, such as a 75% decline in woodland birds. The links between climate, vegetation, fire and biodiversity are complex and none can be effectively managed in isolation. Investing in better understanding of the links and feedbacks between these systems and bolstering the management of our biodiversity and emergency planning is likely to improve both biodiversity and hazard management outcomes.

*RECOMMENDATION 16: State Government support further research and collection of evidence around the relationship between trees, bushfire risk and protection of biodiversity.*

## Trees and biodiversity

Trees provide habitat and food for birds, other animals (e.g. possums), and insects (e.g. native bees and butterflies). It is important to ensure a wide variety of native tree and shrub species are available to maintain native wildlife in urban areas.

However, in urban areas a proliferation of pigeons and noisy minor (*Manorina melanocephala*) birds has occurred as they have adapted to the urban built environment and are now causing nuisance and health issues. Noisy minors are a native Australian bird that have a habitat preference for the kind of open spaces that humans have created in our parks and private gardens. Due to their native status they are protected. To prevent their further proliferation, consideration needs to be given to the kind of habitat that is created through planting densities and height variety, which can deter noisy minors if designed correctly.



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## Strengthening the arboriculture industry

Arboriculture is a specialist field requiring in-depth understanding of trees and tree management. Core skills include: an ability to identify different species and cultivars; recognise and treat pests and diseases; understand soil physical and chemical properties and the impacts these have on plant growth; the capacity to prescribe and undertake pruning of both young and mature trees; the ability to specify trees suitable for planting in specific conditions; and, an understanding of the legislation and regulations relating to trees. In addition to these core skills, arborists in councils also need a high level of interpersonal skills to deal directly with residents. These skills are not quickly acquired and require extensive on-ground training and mentoring in addition to the core qualifications (Certificate III or Diploma in Arboriculture). Arborists also develop a range of ancillary skills (e.g. tree climbing, aerial pruning, habitat pruning, tree valuation, etc.) and consultant arborists require a range of insurances in order to operate safely.

Despite the extensive skills and training required, the Australian arboricultural industry is currently largely unregulated and there is no barrier to an unqualified person promoting themselves as an arborist. In addition to the obvious safety and public liability issues created by untrained operators pruning and removing trees, there have been instances of unscrupulous and unethical operators paying unsolicited visits to homeowners and falsely claiming that their trees are unhealthy or unsafe and require immediate and expensive treatment or removal. This can lead to the unnecessary and unwanted removal of healthy trees and further decline in urban forest diversity and canopy cover.

Unprofessional behaviour by such operators, as well as some professional arborists, undermines public regard for arboriculture as a specialist field and encourages the public to engage untrained, but probably less expensive “tree loppers” to undertake tree management services rather than trained arborists.

‘Arborist’ is listed on the 2022 Skills Priority List but South Australia trains relatively few arborists domestically, with only two SA-based Registered Training Providers able to deliver the Diploma in Arboriculture. Of these, TAFE SA is the primary provider, but requires applicants to already be employed in a relevant industry, creating an impediment to recruiting new trainees. There is also very little opportunity for further formal education to achieve the advanced skills required for higher level arboricultural or urban forestry roles. According to the training.gov.au website, there are no training providers currently able to deliver an AQF level 6 (Advanced Diploma) qualification in arboriculture nationally. The only AQF level 8 (Graduate Certificate or Graduate Diploma) course is available through the University of Melbourne. Unlike many overseas jurisdictions, there are no university-level arboriculture courses offered by South Australian universities.

Australia has traditionally imported many of its arborists, primarily from the United Kingdom. The COVID pandemic caused an interruption to immigration, disrupting the inflow of trained personnel. Reliance on overseas-trained arborists has been shown to be prone to disruption, but also requires immigrating arborists to learn new industry skills on their arrival. For example, UK arborists are largely trained with deciduous trees and conifers, which have very different growth, architecture, biology and management requirements to dominant Australian trees such as eucalypts and acacias.



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Australian trees are also less susceptible to fungi due to the drier conditions, but are vulnerable to a different suite of pests and pathogens (e.g. *Phytophthora* and myrtle rust) with which overseas arborists are less likely to be familiar.

Increasingly, arborists employed in local government are required to possess or develop additional skills that are not taught as part of traditional arboricultural courses, including ecology, town planning, asset management, urban forestry and related skills. Arborists are currently learning these skills on the job, but this process is haphazard and inconsistent across councils. Providing professional development opportunities to learn new industry skills would improve the capacity of the sector to better respond to emerging tree issues.

The entire industry is about to face a significant shortage of trained workers and would benefit from significant support for workforce planning to ensure that the greening targets currently being set by councils and the state government can be properly supported by highly trained and skilled arborists.

We make the following recommendations in relation to the arboriculture industry:

#### Industry regulation:

1. Instituting a state register of Practising (AQF Level 3 qualified) and Consulting (AQF Level 5 qualified) arborists and a legal requirement for professionals to meet minimum training levels to use the title “arborist” would improve professional standards and the regard the public has for arborists.
2. Adding specific ratings (e.g. tree risk assessment; native vegetation assessment; tree valuation; ground-based pruning; aerial pruning, etc.) to arborist registration in partnership with a peak industry body (e.g. Arboriculture Australia) would provide confidence in arborists’ capacity to undertake specialist services and provide ongoing professional development avenues for arborists
3. Instituting a requirement for arborists to undertake ongoing professional development to ensure they remain up to date with current practices would improve the performance of the industry and provide a mechanism to weed out under-trained or poorly performing operators

#### Training opportunities:

1. Providing additional TAFE SA training places and pathways to undertake the foundation Certificate III and Diploma of Arboriculture that do not require experience, would alleviate the current skills shortage and provide new career opportunities to local workers.
2. Offering an AQF Level 6 (Advanced Diploma) or 8 (Graduate Certificate/Diploma) at a local training organisation would provide ongoing professional development opportunities for local arborists and position Adelaide as a national training hub for interstate workers. Such a course could leverage the existing expertise and resources in South Australia, including the Waite Arboretum and specialist plant breeding and pathology facilities at the Waite Campus of the University of Adelaide.
3. Current training courses are limited in their delivery and do not necessarily integrate the latest teaching and external expertise available in Adelaide. The South Australian



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government could provide additional expertise to TAFE SA and other training providers to train new arborists to tackle emerging issues. For example, providing PIRSA staff to train students to recognise plant pathogens such as *Xylella* that are likely to arrive in South Australia and have the capacity to negatively impact our urban forest.

4. Providing professional development opportunities for arborists to undertake training in town planning, asset management and advanced urban forestry skills that are associated with the management of urban trees in a complex and rapidly-changing environment would improve the capacity of arborists to meet emerging requirements of their industry as well as improve industry retention of high performing arborists.

*RECOMMENDATION 17: The State Government works with arboriculture professional bodies and industry leaders on a review of the arboriculture industry including professional training standards, accreditation and support for local industry development and workforce planning.*



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## Appendix: Appendix to the City of Holdfast Bay submission to the Planning System Implementation Review

### Appendix: Expanded Commentary Specific to Regulated Trees and Urban Tree Canopy

Topic	Summary of Issue	Possible resolution / Proposed amendment
<b>Tree protections</b>	A high proportion of tree canopy cover is the most effective and cost-effective method for the provision of cooling increasingly warm urban areas, especially around urban heat islands that are created by large areas of hard surfaces and no shade. Protection and retention of existing canopy is as important as growing new canopy. There is a significant canopy increase target in the 30-year plan and many councils are now introducing their own canopy increase targets. Canopy is a highly valued resource and needs protection.	<p>Remove the ability to prune up to 30% of regulated and significant trees without requiring council approval. The 30% rule is difficult to enforce and is often flouted. There is also no time caveat that the 30% applies to, i.e. it could be 30% within one year, or within one week. This allows continual abuse of this regulation. It is also recommended that the ability to prune without approval be reduced to 10% within one year. In addition, fence-lining (boundary pruning) of public and regulated trees must not be allowed.</p> <p>The City of Holdfast Bay recommends implementing a system for the pruning of regulated and significant trees that requires the mandatory use of Australian Standard 4373: Pruning of amenity trees. In addition, there needs to be a requirement that pruning of regulated trees is undertaken by a Level V arborist. This will significantly protect existing tree canopy as well as ensuring the best pruning techniques to ensure tree health and structure, and for public safety. This will significantly protect existing tree canopy.</p>
		The City of Holdfast Bay recommends that the definition of a regulated tree includes that it meet one of the criteria of either: minimum trunk circumference, OR minimum height, OR minimum canopy spread at the sizes recommended below. Preferably two or more of these criteria would be used together.
	There are benefits in reducing the minimum circumference for regulated and significant tree protections.	Many more trees would be protected. This action would bring South Australian tree protection standards up to a

Topic	Summary of Issue	Possible resolution / Proposed amendment
		minimum level of best practice, depending on the size that is recommended. The City of Holdfast Bay therefore recommends reducing the minimum circumference for regulated (protected) trees to approximately 0.5 m as a baseline and also giving councils the power to institute further protections based on their own contexts.
	There are benefits in introducing a height protection threshold, to assist in meeting canopy targets.	This would protect many more existing trees and their canopy. The City of Holdfast Bay recommends that a tree with a height of 6 metres or more be defined as regulated (protected). Height is easy to measure.
	There are benefits in introducing a crown spread protection, to assist in meeting canopy targets.	This would protect more existing trees and their canopy. The City of Holdfast Bay recommends that a tree with a canopy spread of more than 9 m <sup>2</sup> be defined as regulated (protected). The methodology for measurement of this must be defined in the regulations to ensure consistent application across multiple jurisdictions.
	There are benefits in introducing species-based tree protections.	The City of Holdfast Bay strongly recommends removing the exempt species list in section 3(F) and instead the regulations must refer to the Declared Plant species list in the <i>Landscape SA Act 2019</i> . This makes interpretation of the legislation much easier, reduces confusion and will reduce administrative burden. The use of species-based protections will increase administrative burden, increase confusion and have potentially adverse effects by protecting the wrong trees. The use of size only criteria for protection through classification as regulated (or similar wording) is much easier to administer, interpret and apply.
	Privately Certified developments: These cause lots of issues, with inaccurate/misleading plans submitted to Council which often do not reflect Council trees in the plan. In addition, many of these certifiers are interstate, and never attend	Councils should be able to refuse a development if the plans are inaccurate/misleading, and force private certifiers to ensure all lodged documents are accurate and reflect Council vegetation. Plans should show

Topic	Summary of Issue	Possible resolution / Proposed amendment
	the site in person to examine its context, or proximity to trees. Instead they use inaccurate satellite or aerial imagery. This frequently results in buildings with roofs that extend into and interfere with pre-existing public tree canopy, which subsequently has to have high pruning requirements, increasing the maintenance burden of already under-resourced councils, and reducing potential additional canopy.	the crown of public trees that encroach onto the subject site. There is no wording in the Act that empowers Councils to do this at the moment. In addition, it should be mandatory that private certifiers and relevant authorities (e.g. surveyors) visit every site in person as part of the design process to ensure that pre-existing public tree canopy is protected and the building design accounts for this.
	Trees are often removed by state government on state government land without independent consideration of the value of the trees against the reasons for their removal. This often occurs along major roads and at public school sites. These types of locations have particularly high risks associated with increased urban heat.	The City of Holdfast Bay recommends that current exemptions from tree protection regulations for some state government agencies (notably the Department of Infrastructure and Transport, and Department for Education) be removed; as well as advocacy to exempt Commonwealth agencies (e.g. the Department of Defence) to promote the protection of trees on public land – particularly given the increased urban heat risk exposure of these publicly managed areas.
<b>Distance from structures</b>	Currently a protected tree (excluding <i>Agonis flexuosa</i> or <i>Eucalyptus</i> ) can be removed or damaged if it is within 10 m of a dwelling or swimming pool. As this section of the Act is currently written it can easily cause problems and be abused, as was demonstrated recently when an old, abandoned, filled-in pool was used to remove a regulated tree. Another case went to the ERD court and allowed the removal of a Norfolk Island pine that had a stem >10 metres away from any structure, on the basis that a basal root was within 10 metres of a building.	<p>Reducing or removing this distance will significantly enhance protection for existing trees and bring SA into line with other states where the majority of councils in the University of Adelaide report do not have a distance provision.</p> <p>The City of Holdfast Bay therefore recommends:</p> <ol style="list-style-type: none"> <li>1. Replacing the current 10 metre distance provision with a requirement for a proponent to demonstrate that a protected tree is interfering with a substantial structure (e.g. through an engineer's report) and the value of that structure be weighed up against the value of the tree; or in lieu of Recommendation 1</li> <li>2. Include <i>araucaria heterophylla</i> (Norfolk Island Pine) on the list of</li> </ol>

Topic	Summary of Issue	Possible resolution / Proposed amendment
		species that are excluded from entitlement to removal or damage on the basis of being located within 10 metres of a private dwelling or swimming pool, and as a tree on public streets and reserves.
	There are benefits in revising the circumstances when it would be permissible to permit a protected tree to be removed to better manage problematic tree species (i.e. not only when it is within the proximity of a major structure, and/or poses a threat to safety and/or infrastructure)?	Regulated (protected) trees should be allowed to be removed in the following circumstances: <ul style="list-style-type: none"> <li>- If listed in the Declared Plant species list in the <i>Landscape Act SA 2019</i></li> <li>- When it poses a significant threat to safety, as assessed by a Level V arborist. The risk assessment methodology must be industry standard and specified in the <i>PDI Act</i> to ensure consistent application.</li> </ul>
<b>Urban tree canopy offset scheme</b>	There are real benefits in increasing the fee for payment into the offset scheme.	At the moment the fee is too low, which means it is too easy and affordable for the majority of households to pay, rather than plant a tree. The fee needs to be high enough to incentivise tree planting rather than paying a high fee.
	There are benefits in aligning the fee for tree removal with the actual cost to a council of delivering (and maintaining) a tree, noting that this would result in differing costs in different locations.	Whilst the City of Holdfast Bay recognises that costs are different in different areas, Council would argue that an average tree installation and maintenance cost could be derived for the Adelaide metropolitan area. This cost should be enough to cover a minimum of 3 years formative care and watering, and deriving this average should be undertaken as part of the review process.
	There are benefits in increasing the offset fees for the removal or regulated or significant trees?	Unless the fees are significantly high they will not act as a deterrent for the removal of protected trees. The fee in this circumstance should include up to 100% of the value of the tree (to be calculated using stipulated methodology) and replacement cost. In addition, the development application lodgement and assessment fees should be increased significantly.

Topic	Summary of Issue	Possible resolution / Proposed amendment
		The City of Holdfast Bay recommends removing sections 119(7) and (8) of the PDI Act, the result of which would be to give Councils the ability to request additional information, such as an arborist's report, as part of the process in assessing a request to remove a regulated tree. If trees are defined as protected/regulated, etc. consideration should be given to not allowing their removal at all, unless they are a Declared Plant in the <i>Landscape SA Act</i> or pose a significant safety risk.
	The offsetting of lost open space through payment into the Planning and Development Fund could have an increased allocation of funding to urban greening priorities. The current fund favours large-scale projects and does not have a clear method for prioritising projects based on urban greening or climate resilience needs.	The Planning and Development Fund should be aligned with the priorities emerging from the Adelaide Urban Greening Strategy (in development by Green Adelaide), along with the evidence-base being collected through the state government urban heat and tree canopy mapping. Options for funding of smaller projects and biodiversity projects to also be considered.
<b>Public realm tree planting</b>	There are benefits in amending the criteria within the Planning and Development Fund application assessment process to give greater weighting to the provision of increased tree canopy.	The City of Holdfast Bay recommends stronger priorities and criteria weighting needs to be given to urban greening, including increasing tree canopy and biodiversity projects.
<b>Climate resilience</b>	Most developments being approved today will still be here in 2050, which means these developments MUST factor in climate change and resilience now. As natural hazards intensify, living expenses like energy bills, mortgages and insurance will get more expensive for climate vulnerable homes – that is, homes that are in high-risk areas and have not been built to mitigate those risks. The current Code does not have clear policy outcomes that promote more energy efficient and carbon neutral buildings apart from minimal standards of insulation and shading and tree planting. Land use planning can play an important role in climate change mitigation and adaptation. The <i>Planning Development and Infrastructure Act 2016</i> requires the Minister for Planning to prepare a specific state planning policy relating to climate change. The Policy identifies the specific policies	Land-use planning needs to be updated to respond to a changing climate. This means providing the tools needed to plan for risk and uncertainty. Examples include scenario planning, carbon assessments of developments, water-sensitive urban design and factoring in the latest climate science into everyday decisions on land use. It must be mandatory to consider natural disaster and climate risks in all land-use planning decisions for new development and redevelopment.  The City of Holdfast Bay recommends detailed and early planning occur for the cumulative impacts of climate change on communities and urban areas, and their consequences.

Topic	Summary of Issue	Possible resolution / Proposed amendment
	<p>and principles that should be applied to minimise adverse effects of decisions made under the Act on the climate and promoting development that is resilient to climate change. A key action for the state government is to strengthen these policies for climate-smart development through the planning system.</p>	<p>Upcoming amendments to the National Construction Code will see a requirement for new constructions to increase from a 6 star to 7 star rating and the Planning and Design Code should also be amended to reflect this by promoting more energy efficient and carbon neutral buildings.</p>
<b>Climate hazard mapping</b>	<p>Climate-related hazards have the potential to change over time and need to include some flexibility in planning responses on a regular basis as new information is collected. This is particularly important for:</p> <ul style="list-style-type: none"> <li>• Bushfire</li> <li>• Urban heat</li> <li>• Coastal erosion</li> <li>• Flooding (including seawater inundation).</li> </ul>	<p>State government to coordinate regional climate hazard mapping on a regular basis and include hazard overlays in the SA Property and Planning Atlas. The SA Property and Planning Atlas should be a central location for climate hazard mapping. Hazard overlays are therefore required to direct permitted types of development, housing design and planning requirements for community emergency responses. Climate risks must also be overlaid on both existing and future urban zones to identify hazard 'hot spots'.</p>
<b>Water sensitive urban design (WSUD)</b>	<p>There is currently no guidance to achieve Water sensitive urban design (WSUD) outcomes (e.g. 'green' stormwater management systems, swales, permeable pavers, rain gardens, tree inlets, etc).</p>	<p>Water sensitive urban design techniques should be incorporated into developments and include evidence of bio-filtration systems, grassed or landscaped swales, slotted kerbs, permeable pavements, and retention systems, consistent with the examples provided in the "Water Sensitive Urban Design Technical Manuals for the Greater Adelaide Region".</p>

## Open Space and Trees Project

Summary of Issue	Comments
<p>The City of Holdfast Bay notes that the State Planning Commission's 'Open Space and Trees Project' and provide general support for Part 1 and Part 2 of the project and that these should be reviewed by the Expert Panel as part of the Planning System Implementation Review.</p> <p>The <i>Open Space and Trees Project – Part 1A (Arborist Review)</i> has been reviewed by the City of Holdfast Bay arborist, together with key staff involved in regional collaboration on urban greening priorities in the Resilient South regional climate partnership (<a href="http://www.resilientsouth.com">www.resilientsouth.com</a>). The City of Holdfast Bay would appreciate the following key points being noted:</p> <ul style="list-style-type: none"> <li>• Dr Dean Nicolle does not appear to hold arboricultural qualifications, nor is he a member of, or endorsed by, a relevant professional association (e.g. the International Society of Arborists or Arboriculture Australia).</li> <li>• The methodology that Dr Nicolle has used to value and rank species appear to be based on his opinion and professional experience and is not recognised externally. These valuations should be evaluated by a group of industry professionals before being accepted by the state government.</li> <li>• The majority of Dr Nicolle's report is concerned with the inclusion of various species on exemption lists under Regulation 3F of the <i>Planning, Development and Infrastructure Act 2016</i>. The presence of such lists complicates the implementation of the Act in that a proponent needs to identify a tree to evaluate if it can be modified/removed.</li> </ul>	<p>Specific detailed responses are provided in Tables 1 and 2 below. It is noted in particular that many of the recommendations will have resourcing and financial implications for councils. The comments in the table represent views of technical staff and not a formal position for the City of Holdfast Bay.</p> <ul style="list-style-type: none"> <li>• <b>TABLE 1.</b> Summary of Recommendations from the Report <i>Open Space and Trees Project – Part 1A (Arborist Review)</i> with City of Holdfast Bay responses.</li> <li>• <b>TABLE 2.</b> Summary of Recommendations from the Report <i>Urban tree protection in Australia: Review of regulatory matters</i> (by The University of Adelaide) with Resilient South council responses.</li> </ul> <p>With regard to Regulation 3F (exempt species), it is suggested it would be preferable to remove this section. Then, proponents wishing to remove/modify <b>ANY TREE</b> above a specific size threshold, would need to apply for a council permit to do so.</p> <p>While several of the recommendations from the reports are supported, the City of Holdfast Bay is concerned that increased protection of trees will increase the regulatory burden on local governments. It is therefore recommended that any increase in regulation be accompanied by a mechanism to resource local governments for this, e.g. through leveraging fees or state government provision of funds.</p>

**Table 1.** Summary of Recommendations from the *Open Space and Trees Project – Part 1A (Arborist Review)* Report with City of Holdfast Bay responses.

<b>Section 2.4.1 – Currently generically excluded species under Regulation 3F (4) (b)</b>	
<b>Recommendation</b>	<b>Response</b>
<b>Retain</b> <i>Acer negundo</i> (box elder) on the list of species under Regulation 3F (4) (b).	Not supported.
<b>Remove</b> <i>Acer saccharinum</i> (silver maple) from the list of species under Regulation 3F (4) (b).	Supported.
<b>Retain</b> <i>Ailanthus altissima</i> (tree of heaven) on the list of species under Regulation 3F (4) (b).	Not supported.
<b>Remove</b> <i>Alnus acuminata</i> subsp. <i>glabrata</i> (evergreen alder) from the list of species under Regulation 3F (4) (b).	Supported.
<b>Remove</b> <i>Celtis australis</i> (European hackberry) from the list of species under Regulation 3F (4) (b).	Supported.
<b>Remove</b> <i>Celtis sinuensis</i> (Chinese hackberry) from the list of species under Regulation 3F (4) (b).	Supported.
<b>Remove</b> <i>Cinammomum camphora</i> (camphor laurel) from the list of species under Regulation 3F (4) (b).	Supported.
<b>Retain</b> <i>Cupressus macrocarpa</i> (Monterey cypress) on the list of species under Regulation 3F (4) (b).	Not supported.
<b>Remove</b> <i>Ficus</i> species (figs) from the list of species under Regulation 3F (4) (b)	Supported.
<b>Remove</b> <i>Ficus macrophylla</i> (Moreton Bay fig) from the list of species under Regulation 3F (4) (b) except where <15m from dwelling.	Supported. Suggest removal of this species from the list entirely as it is captured within the genus <i>Ficus</i> covered by the previous recommendation.
<b>Retain</b> <i>Fraxinus angustifolia</i> (desert ash) on the list of species under Regulation 3F (4) (b) except for the grafted cultivar ‘Raywood’ (claret ash).	Supported to remain consistent with Declared Plants of SA
<b>Remove</b> <i>Fraxinus angustifolia</i> ‘Raywood’ (claret ash; listed as <i>F. angustifolia</i> ) from the list of species excluded from Regulation 3F (4) (b).	Supported
<b>Retain</b> <i>Lagunaria patersonia</i> (Norfolk Island hibiscus) as exempt from tree-damaging activity under Schedule 4 (18).	Supported
<b>Remove</b> <i>Melaleuca styphelioides</i> (prickly-leaved paperbark) from the list of species excluded from Regulation 3F (4) (b).	Supported.
<b>Retain</b> <i>Pinus radiata</i> (Radiata pine) on the list of species excluded from Regulation 3F (4) (b).	Not supported.
<b>Remove</b> <i>Platanus x acerifolia</i> (London plane) from the list of species excluded from Regulation 3F (4) (b).	Supported.

<b>Retain</b> <i>Populus alba</i> (white poplar) on the list of species excluded from Regulation 3F (4) (b).	Not supported.
<b>Retain</b> <i>Populus nigra</i> 'Italica' (Lombardy poplar) on the list of species excluded from Regulation 3F (4) (b).	Not supported.
<b>Retain</b> <i>Robinia pseudoacacia</i> (black locust) on the list of species excluded from Regulation 3F (4) (b).	Not supported.
<b>Retain</b> <i>Salix babylonica</i> (weeping willow) on the list of species excluded from Regulation 3F (4) (b).	Not supported.
<b>Retain</b> <i>Salix chilensis</i> 'Fastigiata' (Chilean pencil willow) on the list of species excluded from Regulation 3F (4) (b).	Not supported.
<b>Retain</b> <i>Salix fragilis</i> (crack willow) on the list of species excluded from Regulation 3F (4) (b).	Not supported.
<b>Retain</b> <i>Salix x rubens</i> (hybrid crack willow) on the list of species excluded from Regulation 3F (4) (b).	Not supported.
<b>Retain</b> <i>Salix x sepulcralis</i> var. <i>chrysocoma</i> (golden weeping willow) on the list of species excluded from Regulation 3F (4) (b).	Not supported.
<b>Remove</b> <i>Schinus molle</i> (peppercorn) from the list of species excluded from Regulation 3F (4) (b).	Supported.
<b>Section 2.4.2 – Other species recommended as generically excluded species</b>	
<b>Recommendation</b>	<b>Response</b>
<b>Add</b> <i>Eucalyptus globulus</i> (Tasmanian blue gum) to the list of species excluded from Regulation 3F (4) (b).	<p>Only support the addition of Declared Plants (<i>Olea europa</i>, <i>Tamarix aphylla</i>, <i>Pinus halepensis</i>) listed in the <i>Landscape SA Act 2019</i>.</p> <p><i>Phoenix canariensis</i> and all palms are to be excluded on the basis of them being botanically classified as a grass.</p>
<b>Add</b> <i>Eucalyptus grandis</i> (flooded gum) to the list of species excluded from Regulation 3F (4) (b).	
<b>Add</b> <i>Eucalyptus saligna</i> (Sydney blue gum) to the list of species excluded from Regulation 3F (4) (b).	
<b>Add</b> <i>Melaleuca armillaris</i> (bracelet honey-myrtle) to the list of species excluded from Regulation 3F (4) (b).	
<b>Add</b> <i>Olea europa</i> (olive) to the list of species excluded from Regulation 3F (4) (b), excepting non-fruited cultivars and individuals.	
<b>Add</b> <i>Phoenix canariensis</i> (Canary Island date palm) to the list of species excluded from Regulation 3F (4) (b).	
<b>Add</b> <i>Pinus halepensis</i> (Aleppo pine) to the list of species excluded from Regulation 3F (4) (b).	
<b>Add</b> <i>Pittosporum undulatum</i> (sweet pittosporum) to the list of species excluded from Regulation 3F (4) (b).	
<b>Add</b> <i>Populus</i> species (all poplar species) to the list of species excluded from Regulation 3F (4) (b).	

<b>Add <i>Prunus</i> species (all stone fruit species) to the list of species excluded from Regulation 3F (4) (b).</b>	
<b>Add <i>Pyrus</i> species (all pear species) to the list of species excluded from Regulation 3F (4) (b).</b>	
<b>Add <i>Salix</i> species (all willow species) to the list of species excluded from Regulation 3F (4) (b).</b>	
<b>Add <i>Tamarix aphylla</i> (Athel pine) to the list of species excluded from Regulation 3F (4) (b).</b>	
<b>Add <i>Ulmus minor</i> (English elm) and <i>Ulmus x hollandica</i> (Dutch elm) to the list of species excluded from Regulation 3F (4) (b).</b>	
<b>Section 2.4.3 – Species currently not excluded even when &lt;10m from a dwelling/pool.</b>	
<b>Recommendation</b>	<b>Response</b>
Regulation 3F (4)(a) be abolished, and replaced with a list of species to be excluded from the definition of a ‘regulated tree’ and ‘significant tree’ under the <i>PDI Act 2016</i> when located <10 m from a dwelling or pool.	Not supported. The ability to remove a tree in proximity to a structure without any evidence that the structure is of value or being negatively impacted by the tree, makes this provision open to abuse.
<i>Agonis flexuosa</i> (willow myrtle) not be excluded, even when <10m from a dwelling or pool.	The meaning of this recommendation is unclear. The City of Holdfast Bay recommends that trees not be exempt from protections based on proximity to a structure alone.
<i>Eucalyptus</i> species (gums) not be excluded, even when <10m from a dwelling or pool.	The meaning of this recommendation is unclear. The City of Holdfast Bay recommends that trees not be exempt from protections based on proximity to a structure alone.
<b>Section 2.4.4 – Species recommended for exclusion when &lt;10m from a dwelling/pool</b>	
<b>Recommendation</b>	<b>Response</b>
<i>Casuarina</i> species (all species and excluding the genus <i>Allocasuarina</i> ) be <b>excluded</b> from the definition of a ‘regulated’ or ‘significant’ tree when <10m from a dwelling or pool.	Not supported.
<i>Cupressus</i> species (all species except <i>C. macrocarpa</i> ) be <b>excluded</b> from the definition of a ‘regulated’ or ‘significant’ tree when <10m from a dwelling or pool.	Not supported.
<i>Ficus</i> species (all species) be <b>excluded</b> from the definition of a ‘regulated’ or ‘significant’ tree when <10m from a dwelling or pool.	Not supported.
<b>Section 2.4.5 – Trunk size triggers</b>	
<b>Recommendation</b>	<b>Response</b>
For multi-trunked individuals, only trunks that are 1 metre or greater in circumference be included in the	The City of Holdfast Bay agrees that there is value in instituting a minimum threshold for

total trunk circumference, with no average trunk circumference required.	trunks when calculating the trunk circumference of multi-stemmed trees. However, the City of Holdfast Bay regards the current 2m circumference threshold for a tree to reach 'regulated' status as too large. The City of Holdfast Bay therefore supports this suggestion but suggest an individual trunk circumference threshold lower than 1 metre. Any change in the way multi-trunked trees are assessed should ensure typical mature grey box ( <i>Eucalyptus microcarpa</i> ) meet the definition of a Regulated/Significant tree.
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#### Section 2.4.6 Consistency with the *Landscape South Australia Act 2019*

Recommendation	Response
All tree species of Declared Plants in the <i>Landscape South Australia Act 2019</i> also be listed as generically excluded species in the PDI Act 2016. Regulation 3F (4)(c) of the <i>PDI Act 2016</i> could then be removed from the regulations, as it would become redundant. This option will result in a longer list of generically excluded species under Regulation 3F (4)(b) of the PDI Act 2016, but would mean that all generically excluded species are listed together in the <i>PDI Act 2016</i> , without the need to cross-reference the <i>Landscape South Australia Act 2019</i> .	Not supported. The <i>Landscape South Australia Act</i> is primarily focused on the management of productive landscapes and open areas and some species that are identified as weeds in a general sense may be suitable for cultivation under some conditions in an urban environment. However, Councils should be empowered to designate zones around urban sites of high biodiversity, in which street trees are planted that are not declared plants in the <i>Landscape SA Act</i> , so that they do not spread into these high value sites.
No species of Declared Plants in the <i>Landscape South Australia Act 2019</i> be listed as generically excluded species in the PDI Act 2016, and Regulation 3F (4)(c) of the <i>PDI Act 2016</i> is retained (effectively excluding all Declared Plant species). While this option would result in a much shorter list of generically excluded species under Regulation 3F (4)(b) of the <i>PDI Act 2016</i> , it is less user-friendly, as it would require anyone enquiring about which species are exempt to consider both Regulation 3F (4)(b) of the PDI Act 2016 and the numerous classes of Declared Plants in the <i>Landscape South Australia Act 2019</i> .	Supported, noting that consideration should be given to including any Declared Plant in the PDI Act also. Both of these recommendations overly complicate what should be a simple system whereby all trees are protected unless they are on the list of Declared Plants in the <i>Landscape South Australia Act 2019</i> .

#### Section 2.4.7 Species identification concerns

Recommendation	Response
It is recommended that the identification concerns regarding certain species that are recommended for exclusion be further investigated. Such an investigation is beyond the scope of this report. Potential mechanisms to address species identification concerns could include a clause in the	Not supported. While the City of Holdfast Bay agrees that incorrect identification remains a problem with the protection of trees, the City of Holdfast Bay does not regard mandating identification by the Botanic Gardens and State Herbarium or

<p>Regulations requiring for the professional identification of a tree prior to approval of its removal/damage/pruning. Professional identification could be undertaken by agreement with the Botanical Gardens and State Herbarium of South Australia (likely requiring some additional resources by this organisation to undertake the identifications), or by an appropriately qualified and/or experienced consultant (e.g. a botanist) at a financial cost to either the applicant or the approving body.</p>	<p>other experts as necessary. Rather, the City of Holdfast Bay recommends increased enforcement of and penalties for arborists who incorrectly identify protected trees leading to their damage or removal to encourage greater upskilling of the industry, and the use of external consultants for identification when required.</p> <p>Planning overlays could be used to identify areas where expert identification might be warranted, e.g. in native conservation areas where superficially similar weeds may grow alongside native relatives (e.g. <i>Casuarina glauca</i> and <i>Allocasuarina verticillata</i>).</p>
<p><b>Section 3 – Should Regulation 3F(4)(a) be extended to include genera <i>Corymbia</i> and <i>Angophora</i>?</b></p>	
Recommendation	Response
<p>It is recommended that all species (and therefore all genera) be included in the definition of ‘regulated tree’ and ‘significant tree’ under the PDI Act 2016, even when &lt;10 metres from a residential dwelling or swimming pool, excluding generically excluded species (listed in Section 4.1) and excluded species when &lt;10 m from a dwelling or pool (listed in Section 4.2). This makes redundant the question of whether the genus <i>Eucalyptus</i> as referred to in Regulation 3F(4)(a) should be extended to also include the genera <i>Corymbia</i> and <i>Angophora</i>.</p>	<p>Supported, noting earlier comments around exemptions close to a dwelling or swimming pool.</p>
<p>In the case that the alternative and non-preferred recommendation is adopted, that all species be excluded from the definition of ‘regulated tree’ and ‘significant tree’ under the PDI Act 2016 when &lt;10 metres from a residential dwelling or swimming pool, excepting for <i>Agonis flexuosa</i> and <i>Eucalyptus</i> species (i.e. the current regulations), then the following is recommended:</p> <ul style="list-style-type: none"> <li>- <i>Eucalyptus</i> (all species) be maintained as an exception to the exclusion from the definition of ‘regulated tree’ and ‘significant tree’ under the <i>PDI Act 2016</i> when &lt;10 metres from a residential dwelling or swimming pool</li> <li>- <i>Angophora</i> (all species) and <i>Corymbia</i> (all species) be added as exceptions to the exclusion from the definition of</li> </ul>	<p>Supported, noting earlier comments around exemptions close to a dwelling or swimming pool.</p>

<p>'regulated tree' and 'significant tree' under the <i>PDI Act 2016</i> when &lt;10 metres from a residential dwelling or swimming pool.</p> <p>- <i>Agonis flexuosa</i> (Willow Myrtle) be removed from the exception to the exclusion from the definition of 'regulated tree' and 'significant tree' under the <i>PDI Act 2016</i> when &lt;10 metres from a residential dwelling or swimming pool.</p>	
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**TABLE 2.** Summary of recommendations from the report *Urban tree protection in Australia: Review of regulatory matters* (by The University of Adelaide) with City of Holdfast Bay responses.

Section 6.1 Recommendations drawn from regulatory review data	
Recommendation	Response
Reduce circumference protection threshold from two metres to approximately 50cm.	Supportive of reducing circumference protection in PDI Act as a baseline and then giving councils power to institute further protections based on their own contexts.
Institute an independent height protection threshold of less than six metres.	Not supported. It is instead recommended that a tree with a height of 6 metres or more be defined as 'regulated'.
Institute an independent crown spread protection threshold of ≤6m.	Not supported. It is instead recommended that a tree with a canopy spread of more than 9 m <sup>2</sup> be defined as 'regulated'. The measurement of this must be defined in the regulations to ensure consistent application across multiple jurisdictions.
Institute location-based protections for trees.	Supported. Councils should be able to develop their own zoning/planning overlays to protect particular tree types in different areas of their councils.
Designate one or more tree registers to which nominations can be made, the entries on which should be extended full protections.	Supported, particularly if exemptions (e.g. due to species or proximity to a structure) remain. Protections from a tree register should override any exemptions. The process for nominating and reviewing a listing also need to be elucidated. Also need to consider the maintenance requirements for a Registered Tree to prevent them being neglected. This register should also be available as a spatial overlay in the SA Property and Planning Atlas.
Reduce proximity-based exemptions to existing tree protections to three metres of a substantial structure (house or other major building).	Not supported. It is instead recommended that the removal of a distance exemption, as it is less important than impact assessment balanced against tree value. In lieu of this, that <i>araucaria heterophylla</i> (Norfolk Island Pine) is placed on the list of species

	that are excluded from entitlement to removal or damage on the basis of being located within 10 metres of a private dwelling or swimming pool, and as a tree on public streets and reserves.
Ensure that any assessments or works on significant trees are undertaken by a suitably qualified arborist.	Supported with modification. Suggest amendment to “significant or <u>regulated</u> trees”. The requirement for an expert assessor under the Native Vegetation Act may provide a useful parallel here.
Provide a tree protection mechanism to promote the biodiversity of the urban forest through the protection of rare or unusual species.	Supported. It is also suggested to using Santamour’s diversity guideline as a mechanism to support urban forest species diversity. This guidelines suggests that an urban tree population should include no more than 10% of any one species, 20% of any one genus, or 30% of any family.
Institute limits on the pruning that may be undertaken on protected trees without arboricultural advice.	Supported.
Stipulate all pruning of protected trees, including clearance from public utilities, must be undertaken in accordance with AS4373: Pruning of Amenity Trees.	Supported.
Provide a mechanism for local governments to charge a fee for assessment of tree works applications.	Supported.
Provide a mechanism for local governments to erect structures where protected trees have been vandalised or illegally removed.	Supported only on the condition that the replacement ‘structure’ is able to contribute to increasing tree canopy (e.g. to be covered by a climbing plant), and does contribute to increasing urban heat problems.
Provide a mechanism for local governments to require bonds be paid to protect Regulated and Significant trees on development sites.	Supported. Funds need to be directed to tree management in local government.
Review the penalties available for local governments to police protected tree provisions.	Supported. Funds need to be directed to tree management in local government.
<b>Section 6.2 Recommendations based on expertise</b>	
<b>Recommendation</b>	<b>Response</b>
A fee and bond be instituted to apply for any works with the potential to impact a Regulated, or Significant tree.	Supported. Funds need to be directed to tree management in local government.
For protected trees on private land, the bond mentioned above is to have a floor value of \$1,000 (indexed) per tree, plus up to 100% of the value of the tree (calculated using stipulated methodology) plus replacement cost (cost to remove existing tree, purchase, plant and establish a similar tree, i.e. cost within first three years). “Similar tree” to be defined by a government authority in line with	Supported. Funds need to be directed to tree management in local government.

a council or State Urban Forest Strategy and may represent a tree of a similar age/size and the same or a different species.	
For protected trees on private land, bond to have a floor value of \$1,000 per tree (calculated using stipulated methodology), plus up to 100% of the value of the tree and land area (within crown extent). Land value to be calculated using council rates and after any rezoning or subdivision.	Supported. Funds need to be directed to tree management in local government.
Value of tree to be calculated using a methodology that has been developed or optimised for Adelaide conditions and tree species (suggest upcoming Minimum Industry Standard MIS506: Industry guidance on tree valuation methodologies, practices and standards to be used as a starting point) and used across greater Adelaide area. Methodology to be developed or endorsed by the South Australian government.	Supported. State government should provide direction on which methodology to use (or use in specific circumstances) to avoid wildly different valuations.
Tree valuations to be undertaken by a Level V arborist who has undertaken a training course in the state-endorsed valuation methodology indicated above. Register of qualified valuers to be maintained by appropriate industry body or SA govt.	Supported. This would be analogous to the system used for Accredited Native Vegetation Consultants.
Tree valuations can be disputed by a proponent or council by commissioning a second appropriately qualified valuer. Final decision to be made by a relevant authority, who may commission a third independent valuer if required.	Supported.
Level V arborist to inspect bonded trees for damage, and if necessary, undertake a new valuation using the valuation accepted in the development application as a benchmark. Any damage reducing the value of the tree will be penalised through the forfeiture of that amount. The inspecting arborist may recommend deferral of inspection by up to a year if they suspect impacts are not yet detectable.	Supported, however the council/inspecting arborist should have the ability to defer inspection by up to three years if warranted.
In the case of works impacting the structural root zone or >25% of the tree protection zone, including soil compaction, grade change or interference with roots, proponent remains liable for tree damage for a period of one year following work completion. Tree to be inspected by council arborist one year after works completed, if tree appears to be in	Supported.

decline, clock extended for a maximum of three years.	
Fees and forfeited bonds are to be collected by a relevant authority and held in a dedicated fund to be used for the development of urban canopy within the local area, including to fund the purchase of land for tree planting.	Supported. Funds should be collected in a Council fund for use in the relevant local government area.

Item No: 15.6

Subject: **SEA TO SHORE: GLENELG SEAFOOD FESTIVAL**

Date: 14 February 2023

Written By: Manager, City Activation

General Manager: Community and Business, Ms M Lock

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## **SUMMARY**

The inaugural Sea to Shore: Glenelg Seafood Festival, a curated food and beverage experience showcasing the best of South Australian seafood, was held on the Glenelg Foreshore and Jetty Road, Glenelg on 29 October 2022. It attracted around 25,000 patrons over the course of the event.

Subject to Council endorsement, it is proposed for Sea to Shore to become an annual event, with the event design to be evolved and refined in response to feedback received this year.

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## **RECOMMENDATION**

### **That Council:**

1. notes this report; and
  2. endorses the Sea to Shore: Glenelg Seafood Festival to become an annual event subject to endorsement of the 2023/24 Annual Business Plan and budget.
- 

## **STRATEGIC PLAN**

Innovation: economic and social vibrancy and a thriving environment

## **COUNCIL POLICY**

*City of Holdfast Bay Events Strategy 2021-2025*

## **STATUTORY PROVISIONS**

Not applicable

## **BACKGROUND**

Funding for the Glenelg Seafood Festival was initially endorsed by Council on 25 January 2022 (Motion C250122/2525) as part of a reinvestment of funds diverted from events that were cancelled due to COVID-19. It was originally slated to proceed in May 2022 but was deferred to October 2022 with the budget allocation of \$50,000 carried forward. The Jetty Road Mainstreet Committee (JRMCC) elected to co-fund the event, contributing an additional \$50,000 from the 2022/23 budget.

The strategic intent was to create a significant event to mark the beginning of the spring events season and to position Glenelg as the destination in Adelaide for high quality, seafood-based culinary experiences. The longer-term aspiration is to develop a regular, high quality event experience that is supported by a strong brand identity. This can be built upon in years to come to become a signature event on the City of Holdfast Bay's annual calendar.

## **REPORT**

On 29 October 2022, the inaugural Sea to Shore event showcased some of Australia's finest seafood, brought fresh to visitors from top South Australian producers and chefs. Administration engaged chef Simon Bryant as a consultant to help design the offering. From 11am the Glenelg foreshore came alive with seafood stalls selling carefully curated dishes, accompanied by a bar selling South Australian wine, beers, spritzers and gin. The favourable weather brought a pleasant atmosphere and with many dishes selling out, the event was incredibly popular. In the afternoon restaurants and businesses took over Jetty Road, Glenelg with the street closed to create a piazza-style activation running into the evening. It is estimated a total of 25,000 people experienced Sea to Shore on both the Foreshore and on Jetty Road.

Promotion of the event was formally launched on 26 September 2022 through a comprehensive marketing and public relations campaign which garnered significant interest. A distinctive visual identity was commissioned for the event; this was designed to be adapted across various media including signage, online campaigns and for use by participating businesses.

Administration engaged an external PR agency to coordinate a media campaign that achieved a total reach value of \$58,000 from an investment of \$3k. This included features and interviews in Glam Adelaide, The Advertiser Sunday Mail, SA Life, Coast FM and 5AA.

Research conducted on the day by McGregor Tan showed a high intention to return (73%) and an even higher intention to recommend to others (93%). The average spend per person was reported as \$101.

## **Future Considerations**

Subject to Council endorsement, it is proposed for Sea to Shore to become an annual event, with the event design to be evolved and refined in response to feedback received this year.

As part of the review process conducted at the conclusion of each event, the following areas have been identified for improvement for future events:

- Create greater connectivity between the activation on the Foreshore and the Jetty Road piazza by making better use of Moseley Square and modifying the timing and flow of activities from morning to afternoon and into the evening.
- Given this was a new event, suppliers were understandably conservative in their estimates of how much fresh product would be required. Thus, while the overall quality of food was excellent, the quantity was insufficient to meet the demand on the day. On the foreshore, dishes started to sell out by about 1pm and almost all food sold out by 3-4pm, which negatively impacted the visitor experience. Now that the event is established, it will be easier for suppliers to estimate demand more accurately.
- The event, now having a precedent, will also improve engagement with traders on Jetty Road, Glenelg. Some traders were uncertain how to engage with the piazza concept as it had not been done before, however there were also good examples of traders successfully utilising Jetty Road being fully licensed. Other traders now have a model they can emulate in future years.
- Although beyond the control of Administration, it is also worth noting that the staffing shortages affecting the whole hospitality sector meant that some traders had to withdraw at short notice, impacting the overall vibrancy and flow of the piazza activation.

## **BUDGET**

The total cost to Council was \$50,000 via a carry forward from the 2021/2022 budget. The Jetty Road Mainstreet Committee elected to co-fund the event, contributing an additional \$50,000 from the 2022/23 budget.

The net event cost was approximately \$103,000, with some costs recovered through site hire fees and related cost recovery from stall holders. There is opportunity to grow and expand the event with additional sponsorship support.

## **LIFE CYCLE COSTS**

Costs for delivery of future events will be included as part of the budget build process for events.

Item No: 15.7

Subject: **CALL FOR NOMINATIONS – DOG AND CAT MANAGEMENT BOARD**

Date: 14 February 2023

Written By: Executive Support Officer

Chief Executive Officer: Mr R Bria

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## **SUMMARY**

The Local Government Association of South Australia (LGA) is seeking nominations for two Local Government representatives on the Dog and Cat Management Board.

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## **RECOMMENDATION**

**That Council:**

**1. notes the report.**

**OR**

**2. nominates \_\_\_\_\_ and \_\_\_\_\_ for consideration by the Local Government Association of South Australia to be nominated for the Dog and Cat Management Board.**

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## **STRATEGIC PLAN**

Statutory compliance

## **COUNCIL POLICY**

Not applicable

## **STATUTORY PROVISIONS**

*Dog and Cat Management Act 1995*

## **BACKGROUND**

The Dog and Cat Management Board is established under the *Dog and Cat Management Act 1995*. The role of the Dog and Cat Management Board is to act as the public face for the management of companion dogs and cats in South Australia. It also provides policy leadership to councils and acts as an advocate working with vets, breeders, pedigree organisations, animal rescue and

shelter organisations, as well as assistance dog organisations to ensure that South Australia's dog and cat laws meet the objectives of the *Dog and Cat Management Act 1995* (the DCM Act).

## **REPORT**

The LGA is seeking nominations to fill two LGA-nominated positions on the Dog and Cat Management Board. The previous members are not eligible for reappointment.

To be eligible to nominate you must have practical knowledge and experience in Local Government including processes, community consultation and the law. You must have experience in the administration of legislation, financial management and education and training. You must be a currently serving council member or employee of a council or other Local Government entity. Only nominations submitted by council and following a resolution of council will be considered.

Appointments to the Dog and Cat Management Board are for a period of up to three (3) years and meetings are held 11 times per year. The sitting fees are \$206 per meeting.

The Call for Nominations Information Sheet is provided for Members' information. It provides further information about the role and a selection criterion to be addressed by the nominee. A current curriculum vitae must also be supplied by the nominee.

*Refer Attachment 1*

Council is required to complete the nomination form and forward to the Nominations Coordinator by **5.00pm Friday 31 March 2023**.

*Refer Attachment 2*

## **BUDGET**

There are no budget implications for Council.

## **LIFE CYCLE COSTS**

Not applicable

# Attachment 1



**PART A**

## LGA Appointments and Nominations to Outside Bodies — Call for Nominations

Dog and Cat Management Board	
<b>Governing Statute (if applicable)</b>	Section 12(1)(a) Dog and Cat Management Act
<b>Purpose/Objective</b>	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.
<b>Administrative Details</b>	11 meetings per year with a fee of \$206/session
<b>Selection Criteria (to be addressed by applicant)</b>	<ul style="list-style-type: none"> <li>• Local government knowledge and experience</li> <li>• practical knowledge of and experience in local government, including local government processes, community consultation and the law as it applies to local government</li> <li>• experience in the administration of legislation</li> <li>• experience in financial management</li> <li>• experience in education and training.</li> </ul>
<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><b>Liability and indemnity cover</b></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><b>For more information contact:</b> LGA Nominations Coordinator at <a href="mailto:nominationscoordinator@lga.sa.gov.au">nominationscoordinator@lga.sa.gov.au</a> or 8224 2000</p>	

# Attachment 2



## PART B

# 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](mailto: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	<b>Name:</b> <b>Position:</b> <b>Email:</b> <b>Phone:</b>
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>	

**PART B**

## 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"/>		
<b>Response to selection criteria (if applicable)</b>  <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"/>		
<b>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?</b>  Yes <input type="checkbox"/> OR No <input type="checkbox"/>  If Yes, please list any fields of interest or Outside Bodies of interest:  • _____			
<b>Undertaking:</b>  <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: 15.8

Subject: **CALL FOR NOMINATIONS – SA COUNTRY ARTS TRUST**

Date: 14 February 2023

Written By: Executive Support Officer

Chief Executive Officer: Mr R Bria

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## **SUMMARY**

The Local Government Association of South Australia (LGA) is seeking nominations for one Local Government representative on the SA Country Arts Trust.

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## **RECOMMENDATION**

**That Council:**

**1. notes the report;**

**OR**

**2. nominates \_\_\_\_\_ for consideration by the Local Government Association of South Australia to be nominated for the SA Country Arts Trust.**

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## **STRATEGIC PLAN**

Statutory compliance

## **COUNCIL POLICY**

Not applicable

## **STATUTORY PROVISIONS**

*South Australian Country Arts Trust Act 1992*

## **BACKGROUND**

The SA Country Arts Trust is a state-level committee established under the *South Australian Country Arts Trust Act 1992*. It comprises of representatives from arts, business, wine-making and other sectors including Local Government.

The role of the organisation is managing the Trust of Country Arts SA. Country Arts SA is an organisation providing arts and services across regional South Australia through a range of programs and initiatives, management of performance and visual arts venues and by providing funding which supports creative endeavours of communities and individuals.

## **REPORT**

The LGA is seeking a representative on the SA Country Arts Trust. Current members are eligible for reappointment at the end of their term however, a person cannot serve as a member for more than nine (9) years in a row.

To be eligible for nomination, you must have Local Government knowledge and experience and demonstrated experience in Arts administration or decision making at a senior level.

The LGA Board of Directors has indicated a preference to appoint a regional council member or employee, however all nominations will be considered. Only nominations submitted by a council, following a resolution of council, will be considered.

Meets are held six times a year and five out of six meetings are held in different regional locations. Meetings can be attended in person or online. The sitting fee is \$206 per meeting plus reimbursement for travel expenses.

The Call for Nominations Information Sheet is provided for Members' information. It provides further information about the role and a selection criterion to be addressed by the nominee. A current curriculum vitae must also be supplied by the nominee.

*Refer Attachment 1*

Council is required to complete the nomination form and forward to the Nominations Coordinator by **5.00pm Friday 31 March 2023**.

*Refer Attachment 2*

## **BUDGET**

There are no budget implications for Council.

## **LIFE CYCLE COSTS**

Not applicable

# Attachment 1



**PART A**

## LGA Appointments and Nominations to Outside Bodies — Call for Nominations

SA Country Arts Trust	
<b>Governing Statute (if applicable)</b>	Section 5(1)(a) South Australian Country Arts Trust Act 1992
<b>Purpose/Objective</b>	The SA Country Arts Trust manages the trust of Country Arts SA, an art organisation providing arts and services across regional South Australia through a range of arts programs and initiatives, the management of performance and visual arts venues, and the provision of grant funding which supports the creative endeavours of communities and individuals.
<b>Administrative Details</b>	Term up to 3 years 6 meetings per year (5 in regional locations) Attendance by videoconference available Sitting fees \$206 per meeting plus reimbursement of travel expenses
<b>Selection Criteria (to be addressed by applicant)</b>	<ul style="list-style-type: none"> <li>• Local government knowledge and experience</li> <li>• Demonstrated experience in Arts administration or decision making at a senior level</li> <li>• Preference: regional member/employee</li> </ul>
<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>	
<b>Liability and indemnity cover</b> <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>	
<b>For more information contact:</b> LGA Nominations Coordinator at <a href="mailto:nominationscoordinator@lga.sa.gov.au">nominationscoordinator@lga.sa.gov.au</a> or 8224 2000	

# Attachment 2



## PART B

# 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](mailto:nominationscoordinator@lga.sa.gov.au)
- Receipt of nomination will be acknowledged by return email
- CV and response to selection criteria (if applicable) may be emailed separately by the nominee and will be treated confidentially

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

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

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

## SECTION 1: COUNCIL to complete

SA Country Arts Trust	
Council Details	
Name of Council submitting the nomination	
Contact details of council officer submitting this form	<b>Name:</b> <b>Position:</b> <b>Email:</b> <b>Phone:</b>
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>	

**PART B**

## SECTION 2: NOMINEE to complete

SA Country Arts Trust			
Nominee Details			
Name in full			Gender
Home / Postal Address			
Phone		Mobile	
Personal Email			
Why are you interested in this role?			
CV	attached <input type="checkbox"/> OR forwarding separately <input type="checkbox"/>		
<b>Response to selection criteria (if applicable)</b>  <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"/>		
<b>Do you agree for your details to be retained on the LGA Nominees Database for a period of 12 months in order to be considered for other vacancies on Outside Bodies?</b>  Yes <input type="checkbox"/> OR No <input type="checkbox"/>  If Yes, please list any fields of interest or Outside Bodies of interest:  • _____			
<b>Undertaking:</b>  <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: 15.9

Subject: **EXECUTIVE COMMITTEE TERMS OF REFERENCE**

Date: 14 February 2023

Written By: Executive Assistant, Strategy and Corporate

General Manager: Strategy and Corporate, Ms P Jackson

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## **SUMMARY**

At its meeting on 24 January 2023, the Executive Committee considered two options to satisfy the legislative requirements in relation to obtaining independent advice for the purpose of the Chief Executive Officer's performance review. The recommended option requires changes to the Executive Committee's Terms of Reference.

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## **RECOMMENDATION**

**That Council endorses the following recommendations from the Executive Committee:**

1. **an amendment to the Committee's Terms of Reference to remove the appointment of an Independent Member;**
  2. **the Expression of Interest for a Qualified Independent Person, for a contract period of two plus two years aligning with the Council term, to provide advice to the Committee on the Chief Executives Officer's Performance Review; and**
  3. **a panel comprising of the Mayor, Councillor Fleming and Councillor Lindop to undertake the procurement process and provide recommendation to the Executive Committee.**
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## **STRATEGIC PLAN**

Statutory requirement

## **COUNCIL POLICY**

Not applicable

## **STATUTORY PROVISIONS**

*Local Government Act 1999*

## BACKGROUND

Council established an Executive Committee pursuant to Section 41 of the *Local Government Act 1999* with responsibility for undertaking the annual performance appraisal of the Chief Executive Officer to:

- recommend to Council the form and process of the Chief Executive Officer's annual performance appraisal;
- undertake the annual performance appraisal; and
- provide a report and to make recommendations to Council on any matters arising from the annual performance appraisal.

The Executive Committee's authority extends to making recommendations to Council and does not have any authority to make decisions in relation to the Chief Executive Officer's employment arrangements.

In 2022, changes were made to the *Local Government Act 1999* requiring that Council must obtain and consider the advice of a qualified independent person for the purposes of the Chief Executive Officer's annual performance review. To satisfy these changes, Council appointed an Independent Member to the Executive Committee for the purpose of the 2022 review. Following the Local Government elections, it is now necessary to appoint a suitably qualified person to provide the advice.

## REPORT

At its meeting on 24 January 2023, the Executive Committee considered two options to satisfy the legislative requirements:

1. appoint an independent qualified person as a member of the Executive Committee.
2. engage an independent qualified person to attend the relevant Executive Committee meeting, without being a member, to provide independent advice.

The second option requires changes to the Terms of Reference. These changes are outlined in a marked up version provided in Attachment 1.

*Refer Attachment 1*

## BUDGET

Not applicable

## LIFE CYCLE COSTS

Not applicable

# Attachment 1





C100522/2598A

## EXECUTIVE COMMITTEE TERMS OF REFERENCE

1. The Executive Committee is a committee established under section 41 of the Local Government Act 1999.
2. The objective of the Executive Committee is to undertake the annual performance appraisal of the Chief Executive Officer.
3. The functions of the Executive Committee are:
  - a. To recommend to Council the form and process of the Chief Executive Officer's annual performance appraisal;
  - b. To undertake the annual performance appraisal;
  - c. To provide a report and to make recommendations to Council on any matters arising from the annual performance appraisal.
4. The Executive Committee's authority extends to making recommendations to Council and does not have any authority to make decisions in relation to the Chief Executive Officer's employment arrangements.
5. Membership of the Executive Committee comprises:
  - a. The Mayor;
  - b. The Deputy Mayor;
  - c. Four other Elected Members being one from each Council ward, appointed by Council; and
  - ~~d. an Independent qualified person.~~
6. **The Executive Committee must appoint a Qualified Independent Person to provide independent advice regarding the Chief Executive Officer's performance review.** The ~~Independent Member of the Executive Committee~~ Qualified Independent Person must have recent and relevant human resource management, business, industrial relations, psychology, or law qualifications and must not be an employment of the City of Holdfast Bay as required under section 102A of the Local Government Act 1999. **The Qualified Independent Person is appointed for a term not exceeding the term of Council. On expiry of their term, the Qualified Independent Person may be re-appointed by Council.**
7. Members of the Executive Committee are appointed by Council. Elected Members are appointed for the term of Council or as otherwise determined by Council. ~~The Independent Member are appointed for a term not exceeding 3 years. On expiry of their term, the Independent Member may be re-appointed by Council.~~
8. The Mayor, or in his/her absence, the Deputy Mayor is the Chairperson of the Executive Committee.



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9. Meetings are conducted in accordance with Part 3 of the *Local Government (Procedures at Meetings) Regulations 2000*.
10. Minutes of the Executive Committee meetings will be presented to Council as soon as practicable.
11. Meetings will be open to the public unless sec 90(3) of the *Local Government Act 1999* applies.
12. A quorum comprises 4 members and no business can be transacted unless a quorum is present.
13. Members shall be provided not less than 3 clear days' notice in writing of the time and place of an ordinary meeting of the Executive Committee and 4 hours' notice of the time and place of a special meeting.