

CITY OF WEST TORRENS



Notice of Council & Committee Meetings

NOTICE IS HEREBY GIVEN in accordance with Sections 83, 84, 87 and 88 of the *Local Government Act 1999*, that a meeting of the

Council

and

- **City Finance and Governance Standing Committee**

of the

CITY OF WEST TORRENS

will be held in the Council Chambers, Civic Centre
165 Sir Donald Bradman Drive, Hilton

on

**TUESDAY, 21 SEPTEMBER 2021
at 7.00pm**

Public access to the meeting will be livestreamed audio only at the following internet address: <https://www.westtorrens.sa.gov.au/livestream>

**Terry Buss PSM
Chief Executive Officer**

City of West Torrens Disclaimer

Please note that the contents of these Council and Committee Agendas have yet to be considered by Council and officer recommendations may be altered or changed by the Council in the process of making the formal Council decision.

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1 MEETING OPENED

1.1 Acknowledgement of Country

1.2 Evacuation Procedures

1.3 Electronic Platform Meeting

2 PRESENT

3 APOLOGIES

4 DISCLOSURE STATEMENTS

Elected Members are required to:

1. Consider Section 73 and 75 of the *Local Government Act 1999* and determine whether they have a conflict of interest in any matter to be considered in this Agenda; and
2. Disclose these interests in accordance with the requirements of Sections 74 and 75A of the *Local Government Act 1999*.

5 CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the meeting of the Council held on 7 September 2021 be confirmed as a true and correct record.

6 MAYORS REPORT

(Preliminary report for the agenda to be distributed Friday, 17 September 2021)

In the two weeks since the last Council Meeting of 7 September 2021 functions and meetings involving the Mayor have included:

8 September

- Met with the coordinator of the Camden Classic, Colin Rowston and Frank McHugh to discuss the 2022 Camden Classic.
- Attended the Primary Schools Music Festival 'Stars in the Arena' concert held at the Adelaide Entertainment Centre.

10 September

- Met with the Minister for Trade and Investment, the Hon. Stephen Patterson MP, at the Strand Cafe Restaurant, Glenelg.
- Met with General Manager Urban Services, Angelo Catinari and Thebarton Ward Councillor Dominic Mugavin to discuss matters relating to the Thebarton Theatre upgrade.

11 September

- Attended the United Indians of South Australia Arts & Cultural Ganesh Festival at the Adelaide 36ers Arena, Findon.
- Attended the Gold Foundation Fundraiser Dinner held at Olympic Hall, Adelaide.

13 September

- Attended a meeting of the Global Covenant of Mayors Committee held via Zoom.

14 September

- Attended the Adelaide Omonia Cobras Sponsors Night held at Weigall Oval, Plympton.

15 September

- Participated as a panel member at the St George College Business Breakfast at St George College, Mile End.
- Attended a meeting with the West Torrens Rotary Club held at the Civic Centre, along with General Manager Business and Community Services, Pauline Koritsa.

16 September

- Met with representatives from TOTEM-WiFi regarding potential visitor information zones, along with General Manager Urban Services, Angelo Catinari and Team Leader Creative Services, Nerissa Nicholson.

17 September

- Attended the official opening of the Bluff Lookout, hosted by the Mayor of the District Council of Mount Remarkable, Phillip Heaslip, in Wirrabara Forest. Special guests included the Minister for Environment and Water, the Hon. David Speirs MP, Member for Stuart, the Minister for Mining and Energy, the Hon. Dan van Holst Pellekaan MP, the Member for Frome the Hon. Geoff Brock MP and the Member for Grey, Rowan Ramsey MP.

18 September

- Attending the official opening day for the 2021/2022 Season at the Novar Gardens Bowling and Pétanque Club.
- Attending the inaugural German Club Adelaide 'Christmas Market in July' event held at their new premises in Brooklyn Park.
- Attending the Adelaide University Rotaract Club's Cultural Night 2021 held at the Latvian Hall, Wayville.

21 September

- Attending the Council and City Finance and Governance Standing Committee meeting held at the Civic Centre.

RECOMMENDATION

That the Mayor's Report be noted.

7 ELECTED MEMBERS REPORTS**8 PETITIONS**

Nil

9 DEPUTATIONS

Nil

10 ADJOURN TO STANDING COMMITTEES**RECOMMENDATION**

That the meeting be adjourned, move into Standing Committee and reconvene at the conclusion of the City Finance and Governance Standing Committee.

11 ADOPTION OF STANDING COMMITTEE RECOMMENDATIONS**11.1 City Finance and Governance Committee Meeting****RECOMMENDATION**

That the recommendations of the City Finance and Governance Committee held on 21 September 2021 be adopted.

12 ADOPTION OF GENERAL COMMITTEE RECOMMENDATIONS

Nil

13 QUESTIONS WITH NOTICE

Nil

14 QUESTIONS WITHOUT NOTICE**15 MOTIONS WITH NOTICE**

Nil

16 MOTIONS WITHOUT NOTICE

17 REPORTS OF THE CHIEF EXECUTIVE OFFICER

17.1 Appointment of Deputy Chief Executive Officer

Brief

This report seeks the concurrence of Council for the Chief Executive Officer to appoint a deputy to the Chief Executive Officer as part of the organisational structure of the Council Administration.

RECOMMENDATION(S)

It is recommended to Council that:

1. In accordance with the provisions of Section 100 (3) of the *Local Government Act 1999*, the Council provides its concurrence for the appointment of a deputy to the Chief Executive Officer within the organisational structure of the Council Administration.
2. In accordance with Section 100 (4) of the *Local Government Act 1999*, the title of the deputy to the Chief Executive Officer will be Deputy Chief Executive Officer.

Introduction

Section 100 of the *Local Government Act 1999* allows for the Chief Executive Officer to determine whether to have a deputy as part of the organisational structure of the Council Administration.

Section 100 states:

100—Council may have a deputy chief executive officer

- (1) The chief executive officer must, in determining the organisational structure for the council, in consultation with the council, decide whether to have a deputy to the chief executive officer.
- (2) The chief executive officer is responsible for appointing a person to an office created under subsection (1).
- (3) However, the chief executive officer must obtain the concurrence of the council before the chief executive officer makes an appointment to, or removes a person from, the position of deputy.
- (4) The title of the office under subsection (1) is at the discretion of the chief executive officer after consultation with the council.

Discussion

The Chief Executive Officer (CEO) has reviewed the organisational structure and determined the need to have a deputy. Before proceeding to appoint a person to the position, the *Local Government Act 1999* (Act) requires the CEO to obtain the concurrence of the Council before making such an appointment.

The primary advantages of having a deputy to the CEO are:

1. Allowing for an easy transition during periods of leave or absence of the CEO noting that the Act provides that the Deputy "must act" in the absence of the CEO, and
2. To facilitate and enable succession planning.

The appointment of a Deputy CEO will not increase the head-count (FTE) of the Council Administration as the appointment will be made from one of the existing General Managers.

The General Manager so appointed will also retain responsibility for their existing divisional portfolio functions although there may be some changes in the future of divisional responsibility functions given that a new General Manager has recently joined the Executive Management Team following the retirement of a long serving General Manager at the end of 2020.

Climate Impact Considerations

(Assessment of likely positive or negative implications of this decision will assist Council and the West Torrens Community to build resilience and adapt to the challenges created by a changing climate.)

There is no direct climate impact in relation to this report.

Conclusion

Having determined the need to have a deputy to the CEO, Council concurrence is sought to allow the CEO to make such an appointment.

Attachments

Nil

17.2 Black Spot Program Nominations for 2022 - 2023

Brief

To provide Council with a report on the analysis of the latest injury crash data from the Department for Infrastructure and Transport and nominations for Black Spot funding for 2022 - 2023.

RECOMMENDATION(S)

It is recommended to Council that:

1. The report on the analysis of the latest injury crash data provided by DIT be received.
2. Council notes that the local road network (intersections and mid-block) that meets the Black Spot crash criteria have been assessed but eligible sites are not available for nominations mainly because the Benefit Cost Ratio assessment criteria is not met. Some sites have been upgraded or require on-going monitoring, as a course of action.
3. The Administration write to DIT to provide an assessment of the crash data relating to local street junction or intersection with main roads and, where appropriate, seek DIT action to prioritise amelioration measures as soon as possible.

Introduction

Each year, the Department for Infrastructure and Transport (DIT) provides Council with crash maps (personal injury and fatal crashes) showing the city wide crash locations which meets the crash criteria for Black Spot funding. The latest DIT data for the 5-year period 2016 to 2020 (inclusive) has been provided to Council recently, with an invitation to Council to submit nominations for Black Spot funding projects for 2022 - 2023 (**Attachment 1**). The closing date for nominations is Friday 15 October 2021.

Discussion

In order to nominate a Black Spot project for funding, the project must meet two sets of key criteria, specifically crash criteria and Benefit Cost Ratio (BCR) criteria. Minimum project cost must be \$20,000.

The minimum crash criteria for black spot nominations for discrete sites (e.g. junctions, intersections or short road section) is at least three (3) casualty crashes over a 5-year period. There is also an eligibility criteria for roads greater than 3km in length, which generally does not apply to the City of West Torrens.

The latest DIT maps provided show:

1. the overall injury and fatal crashes (all crashes); and
2. a specific Black Spot location map which identifies discrete sites that meet the criteria as a Black Spot.

In terms of the process, using the DIT data provided, Council would then investigate each of the discrete sites identified and consider amelioration measures that may address the crash issue. The amelioration measures are then assessed and evaluated using the spreadsheet for BCR analysis provided by DIT. The spreadsheet provides factors in the formula, such as a matrix for treatment reduction percentages, cost of crashes (based on severity) etc. The eligibility criteria is a minimum BCR of 2.0 for amelioration measures nominated.

DIT would then consider the list of projects submitted by all councils and then use the BCR to rank and prioritise projects, in terms of their safety benefit to the community as a whole. The success or otherwise of obtaining funding depends on how Council's nominated projects measure against projects nominated by other councils in South Australia for that particular year.

The City of West Torrens has been reasonably successful in obtaining Black Spot funding in recent years, for example for the construction of the roundabout at George Street/Dew Street, Thebarton (completed in 2018) and the raised threshold intersection upgrade at George Street/Albert Street, Thebarton (completed in 2019). The Commonwealth Government has recently advised Council that it was successful in gaining full funding to install a raised intersection platform with paving through the annual Black Spot Program in October 2020.

If successful with the Black Spot funding, Council would then proceed with detailed design for the project, with the construction generally to be completed in the proceeding financial year.

Due to the typical random nature of crashes, a location which meets the criteria this year may not meet the criteria in the following year. It should also be noted that some discrete sites will still appear in the latest DIT data, even though they have been upgraded with funding from previous Black Spot Programs. This is due to the rolling nature of 5-year crash data, where some of the crashes from previous years, prior to the upgrade occurring, will still be included. Eventually, these upgraded sites should drop off from the list.

There are also some discrete sites which appear as Black Spot locations but which may not warrant further treatment, for example, if roundabout controls or traffic signals are already present. For these sites, regular monitoring is normally undertaken or some further minor signage or line marking may be implemented or SAPOL monitoring may be requested.

Council Roads

The latest DIT crash data identifies the following sites as meeting the Black Spot crash criteria (a minimum of three (3) casualty crashes over the 5-year period 2016 to 2020):

Intersections:

George Street/Albert Street, Thebarton

Four (4) casualty crashes were recorded between April 2016 and June 2019. The intersection was upgraded as a Black Spot funded project in July 2019.

George Street/Dew Street, Thebarton

One (1) casualty crash was recorded in 2017 before a Black Spot funded roundabout upgrade at this intersection in September 2018. Updated crash records show that this intersection is no longer a Black Spot site, compared to data from last year.

West Street/North Parade, Torrensville

Six (6) casualty crashes were recorded between July 2017 and July 2020. This location was nominated for Black Spot funding for 2021-2022. The submission was successful and full funding was granted for the installation of raised platform in the 2021/-2022 financial year.

Galway Avenue/Grove Avenue, Marleston

Four (4) casualty crashes were recorded between November 2016 and May 2020. The Administration will continue to monitor safety at the roundabout.

Mooringe Avenue/Deeds Road, North Plympton

Three (3) casualty crashes were recorded between December 2016 and November 2019. Two of the three crashes were rear end crashes on Mooringe Avenue.

The Administration has reviewed the options to address the crash issues and the associated high costs are unable to meet the BCR criteria.

Stonehouse Avenue/Morphett Road, Novar Gardens

Six (6) casualty crashes were recorded between March 2017 and November 2020. The roundabout construction was completed in late 2018. Given the high traffic flows on both roads, there may be a settling in period before users become more familiar with this roundabout control. Two (2) crashes were caused by driving under influence of drugs/alcohol. One (1) crash was recorded prior to the roundabout installation.

The Administration has investigated the site and will install additional give way signs on the northern and eastern legs of the roundabout where the crashes occurred.

Carlton Parade/Wainhouse Street, Torrensvile

Three (3) casualty crashes were recorded between July 2018 and September 2019 and all involved a cyclist being hit by a car at the roundabout.

The Administration will investigate the use of additional bicycle awareness signs on all approaches of the roundabout as part of Council' traffic management works.

City-Wide Road Section (Mid-block section)

Road mid-block section refers to a road section between junctions/intersection under the care and control of Council. The new casualty crash statistics from 2016 - 2020 identified that the mid-block road sections within the City of West Torrens Area do not meet the Black Spot Program crash criteria and therefore not eligible for nominations.

In summary, the local road network that meets the Black Spot crash criteria have been assessed but eligible sites are not available for nominations because the BCR criteria is not met. Some sites have not been assessed because they have been upgraded, or in the process of undergoing safety improvements, such as the intersection of West Street/North Parade, Torrensvile.

DIT Main Road Intersections

The DIT data also identifies locations where three (3) or more injury crashes have been recorded over the 5-year period (Black Spots) which involve local Council roads where they intersect with DIT roads. Usually, these locations are left to DIT to review and analyse, given that they involve main roads controlled by DIT. However, a brief review of these intersections has been undertaken (ignoring those which are traffic signalised) and the following comments are provided:

Smith Street/Port Road, Thebarton

Four (4) casualty crashes were recorded. Two (2) crashes were between vehicles on the main road. The other two (2) crashes involved vehicles exiting Smith Street and failing to give way to a pedestrian and a cyclist. A request could be submitted to DIT to request the installation of a Give Way sign on Smith Street (since the use of a Give Way sign for a T-junction is outside of the requirements of the Code).

Kintore Street/James Congdon Drive, Thebarton

Four (4) casualty crashes were recorded between October 2017 and September 2020. Two (2) crashes involved motorists turning right from Kintore Street and vehicles from the main road. One (1) crash involved motorist turning left on Kintore Street and a vehicle from the main road. Another crash was between vehicles on the main road (side swipe).

A request could be submitted to DIT to request the installation of a Give Way sign on Smith Street (since the use of a Give Way sign for a T-junction is outside of the requirements of the Code).

Rose Street/James Congdon Drive, Mile End

Seven (7) casualty crashes were recorded at this T-junction. Five (5) crashes were rear end crashes on the main road where both vehicles are travelling in the southern direction. One (1) crash involved a vehicle turning right out from Rose Street. Another crash was between vehicles on the main road.

DIT could be requested to investigate the viability of a right turn lane provision at this T-junction to minimise the potential of right turn crashes.

DIT could also be requested to implement the installation of a Give Way sign on Smith Street (since the use of a Give Way sign for a T-junction is outside of the requirements of the Code).

Rose Street/South Road, Mile End

Two (2) casualty crashes were recorded. Updated crash records show that this intersection is no longer a Black Spot site, compared to data from last year.

Huntriss Street/Henley Beach Road, Torrensville

Three (3) casualty crashes were recorded. One (1) crash involved a motor cyclist allegedly hitting the kerb or median along the main road. Two (2) crashes involved drivers turning left out from Huntriss Street failing to give way to the cyclist on the main road.

DIT could be requested to use green coloured pavement for the section of bicycle lane across the side street junction (as is quite commonly done in recent times) to address the cyclist awareness issue.

East Street/Henley Beach Road, Torrensville

Four (4) casualty crashes were recorded. One (1) crash involved a pedestrian on the main road (inattention by the pedestrian), one (1) crash involved vehicles turning right turn out from East Street, one (1) involved a right turn on the main road and the other was due to a driver turning left out of East Street failing to give way to a cyclist on the main road. DIT has recently reduced the speed limit on Henley Beach Road to 50km/hr. The impact of this speed limit change over the next few years should be monitored to assess its impact on injury crashes.

DIT could also be requested to use green coloured pavement for the section of bicycle lane across the side street junction to address the cyclist awareness issue.

Bagot Avenue/Henley Beach Road, Mile End

Four (4) casualty crashes were recorded. One (1) crash involved a driver turning in from the main road and failing to give way to a pedestrian. The other three (3) crashes involved vehicles turning right out from Bagot Avenue onto the main road. DIT has recently reduced the speed limit on Henley Beach Road to 50km/hr. The impact of this speed limit change over the next few years should be monitored to assess its impact on injury crashes.

DIT could also be requested to use green coloured pavement for the section of bicycle lane across the side street junction to address the cyclist awareness issue.

Hardys Road/Henley Beach Road, Underdale

Three (3) casualty crashes were recorded. One (1) crash was between vehicles on the main road. The other two (2) crashes involved vehicles turning right out from Hardys Road onto the main road (failing to give way). Next year's crash data will be further reviewed to see if the exit from Hardys Road remains an issue.

For consistency, DIT could be requested to use green coloured pavement for the section of bicycle lane across the side street junction to address the cyclist awareness issue.

Lysle Street/Henley Beach Road, Brooklyn Park

Three (3) casualty crashes were recorded and two (2) crashes involved vehicles turning right out from Lysle Street to the main road. One (1) crash was a rear end crash between vehicles on the main road.

Fulham Park Drive/Henley Beach Road, Lockleys

Four (4) casualty crashes were recorded and all involved vehicles turning right out from Fulham Park Drive to the main road. Out of the four (4) crashes, one (1) fatality crash was recently recorded in 2020.

Council will engage with DIT to ban the right turn out movement, in consultation with the community as a matter of priority.

May Terrace/Sir Donald Bradman Drive, Lockleys

Two (2) casualty crashes were recorded at this intersection. Updated crash record shows that this intersection is no longer a Black Spot site, compared to data from last year.

Press Road/Marion Road, Richmond

Seven (7) casualty crashes were recorded. Four (4) crashes were between vehicles on the main road. Three (3) crashes involved vehicles turning right out from Press Road into Marion Road.

Options, such as banning the right turn out, could be considered in consultation with the community as part of a LATM project, if this issue remains of concern.

Ralph Street/Craig Street/Marion Road, Richmond

Five (5) casualty crashes were recorded. One (1) crash involved a right turn out of Ralph Street. One (1) crash involved a hit pedestrian crash from vehicle turning left from Craig Street. The other three (3) crashes were between vehicles on the main road.

Harvey Avenue/Marion Road, North Plympton

Three (3) casualty crashes were recorded. One (1) crash was a rear end collision between vehicles on the main road. One (1) crash involved collision between a motorist turning right from Harvey Avenue and a vehicle from main road. One (1) crash involved a collision between a motorist turning left from Harvey Avenue and a cyclist on the main road.

DIT could be requested to use green coloured pavement for the section of bicycle lane across the side street junction to address the cyclist awareness issue.

Hawson Avenue/Laverack Road/Marion Road, North Plympton

Five (5) casualty crashes were recorded. Two (2) crashes were collisions on the main road. Two (2) crashes involved vehicles exiting Laverack Road, crashing into vehicles on the main road. One (1) crash involved a driver exiting Hawson Avenue and collision with a vehicle on the main road.

Marleston Avenue/Hare Street/South Road, Ashford

Four (4) casualty crashes were recorded. One (1) crash involved a rear end collision between vehicles on the main road. One (1) crash involved a vehicle exiting from Marleston Avenue. Two (2) crashes involved vehicles hitting cyclist while turning left into Hare Street from main road.

Marleston Avenue/Anzac Highway, Ashford

Four (4) crashes were recorded. Two (2) crashes were between vehicles on the main road. Two (2) crashes involved vehicles turning out from Marleston Avenue. Next year's crash data will be further reviewed to determine if the exit from Marleston Avenue remains a concern.

Everard Avenue/Anzac Highway, Keswick

Nine (9) casualty crashes were recorded. Four (4) crashes were right turn between vehicles on Anzac Highway. Two (2) crashes were right angled collisions, from vehicles turning right from Everard Avenue. One (1) crash was a rear end collision on Anzac Highway south east approach. One (1) crash was a rear end collision on Everard Avenue approach. One (1) crash involved a driver turning left on Everard Avenue and fail to give way to a cyclist. One (1) crash was a hit fixed object crash at main road due to the driver being sick.

DIT has recently altered the junction and banned the right turn out from Everard Avenue. Next year's crash data will be further reviewed to determine if the exit from Everard Avenue remains a concern.

Garden Terrace/Holbrooks Road, Underdale

Three (3) casualty crashes were recorded. One (1) involved a collision between vehicles on the main road. Two (2) crashes involved vehicles turning right out and exiting Garden Terrace. Next year's crash data will be further reviewed to determine if the right turn out of Garden Terrace remains a concern.

Dew Street/Henley Beach Road, Thebarton

Four (4) casualty crashes were recorded. Three (3) crashes were between vehicles on the main road and one (1) crash involved a vehicle exiting out from Dew Street.

Africaine Road/Tapleys Hill Road, West Beach

Three (3) casualty crashes were recorded. Two (2) crashes were between vehicles on the main road and one (1) crash involved a vehicle exiting out from Africaine Road.

Climate Impact Considerations

(Assessment of likely positive or negative implications of this decision will assist Council and the West Torrens Community to build resilience and adapt to the challenges created by a changing climate.)

There is no direct climate impact in relation to this report.

Conclusion

An assessment has been undertaken by the Administration of the latest available injury crash data provided by DIT in relation to nominations for the Black Spot Funding Program for 2022 - 2023.

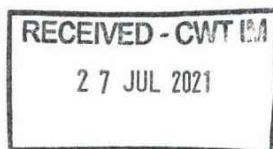
The assessment of the recent crash data identified that the local road intersections and mid-block sections under the care and control of Council are not eligible for Black Spot Program Nominations because the BCR criteria is not met. Some sites have already been upgraded, or in the process of undergoing safety improvements, such as the intersection of West Street/North Parade, Torrensville.

The Administration has also reviewed the injury crash data for local street junction and intersection with main roads. While this is normally assessed by DIT, it is recommended that Council formally write to DIT to request that DIT consider amelioration measures for the locations that are of concern to Council and for these locations to be prioritised for action as soon as possible.

The assessment also identified three (3) new Black Spot main road intersections, as outlined below:

- Africaine Road/Tapleys Hill Road, West Beach
- Harvey Avenue/Marion Road, North Plympton
- Kintore Street/James Congdon Drive, Thebarton

Attachments**1. 2022 - 2023 Australian Government Black Spot Program - Call for Nominations**



Government of South Australia

Department for Infrastructure
and Transport

*In reply please quote
Enquiries to Amit Dua*

2021/11463/01

Email: DPTI.SABlackspots@sa.gov.au

**NETWORK MANAGEMENT
SERVICES - Traffic
Services**

GPO Box 1533
Adelaide SA 5001

Telephone: 08 8343 2222
Facsimile: 08 8204 8740

ABN 92 366 288 135

Mr Terry Buss
Chief Executive Officer
City of West Torrens
165 Sir Donald Bradman Drive
Hilton SA 5033

Dear Mr Buss

**2022-23 AUSTRALIAN GOVERNMENT BLACK SPOT PROGRAM
– CALL FOR NOMINATIONS**

You are invited to submit nominations for infrastructure projects aimed at significantly reducing serious road casualties on South Australian roads for funding in 2022- 23.

The South Australian Black Spot Consultative Panel will consider all nominations for funding under the 2022-23 Australian Government Black Spot Program.

The information required for the development of nominations is available from the website <http://DIT.sa.gov.au/blackspot>. Project nominations must be developed using the resources and tools available on this website – specifically the nomination form, program guidelines and eligibility criteria, crash information and justification tools.

Councils are encouraged to use the road crash maps and reports on the website, to identify crash locations within the council area. These maps are available from the “[Council Crash Maps 2016-20](#)” link on the website. You will need to enter the username and the password to access this information (note that this is confidential and is not to be made available to the general public).

For detailed crash information, please email to DIT.SABlackspots@sa.gov.au.

Please complete all parts of the nomination form, and attach a copy of the Benefit Cost Ratio (BCR) calculation spreadsheet, supporting historical crash data or the Road Safety Audit (RSA) report, cost estimate and available concept design. RSA based nominations must clearly address audit findings and include the report.

If you wish to re-nominate a project what was not successful in a previous year, you may do so by re-submitting the project nomination, ensuring that the eligibility

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criteria are met, including use of the most recent 5-year crash information (2016-20) and an updated cost estimate.

Nominations must be submitted by **5pm, Friday 15 October 2021**. Please email the completed Nomination Forms with all supporting information to DIT.SABlackspots@sa.gov.au.

Projects nominated on roads under the care, control and maintenance of DIT require the support of the relevant DIT section such as (e.g. Traffic Services or Road Assets), and all concept plans and estimates to be developed in accordance with DIT standards and estimating manual, prior to submission of the nomination.

Late or incomplete nominations will not be considered.

If you have any further queries regarding nominations please contact the Road Safety Infrastructure team via email DIT.SABlackspots@sa.gov.au.

Yours sincerely,



Kerry Mc Connell
Unit Manager, Road Safety Infrastructure

July 19, 2021

17.3 Licence Agreement SANFL - Brickworks Chimney

Brief

This report provides Elected Members with details of the proposed Licence Agreement with the South Australian National Football League Inc. (SANFL) to facilitate the display of the Premier and Runner Up team colours from the Grand Final on the heritage listed Hoffmann Kiln chimney at the former Brickworks site.

RECOMMENDATION(S)

It is recommended to Council that:

1. A licence for a term of 5 years at a licence fee of \$10pa plus GST payable on demand, commencing on 1 October 2021 (or such other alternative commencing date as may be agreed), be granted to the South Australian National Football League Inc. to permit the display of Premier and Runner Up team colours on the Hoffmann Kiln chimney at the former Brickworks site, subject to any necessary development consents being sought and obtained.
2. The South Australian National Football League Inc. to be responsible for all necessary works and costs associated with the display and to make good:
 - any damage which may arise resulting from the display; and
 - at the expiry or sooner determination of the licence agreement.
3. The Mayor and Chief Executive Officer be authorised to sign and/or seal any documentation to give effect to the resolution.

Introduction

At its meeting of 18 May 2021 the Council received advice that Council had been approached by Lion, which sought a new location for the display of the SANFL Premier and Runner Up team colours, given the sale of the West End Brewery site.

During that meeting the Council was also advised that an approach/offer had been made by Lion regarding the Christmas Light Display on the banks of the Torrens on the northern boundary of the Brewery site.

After its deliberations the Council resolved that:

1. *The Mayor and Chief Executive Officer be authorised to enter formal negotiations with Lion in relation to Council continuing the tradition of:*
 - i) *The annual SANFL Chimney Ceremony to be relocated to the Brickworks Kiln, and*
 - ii) *The annual Riverbank Christmas Light Display at the West End Brewery Site.*
2. *Once finalised, a report be brought back to Council outlining the terms and conditions of such agreements for Council to consider.*

A follow up report was considered by Council at its meeting of 3 August 2021 which sought Council's approval for the display of the premier and runner up team colours on the Hoffmann Kiln chimney at the former Brickworks site, and for the erection of any necessary infrastructure to permit the display.

During the discussion the Council acknowledged the close and lengthy association of the chimney display within the City of West Torrens and indicated its overwhelming support for the proposed initiative.

Following its consideration of the matter the Council resolved as follows:

- 1. The Applicant be advised that Council, in its capacity of both asset owner and land owner, provides its consent for the team colours of the premiers and runners-up of the South Australian National Football League (SANFL) competition to be displayed on the Hoffmann Kiln chimney. The approval also being conditional upon all necessary development consents being sought and obtained.*

Discussion

As foreshadowed within the report of 18 May 2021 (and the subsequent Council resolution), the Administration has prepared a draft licence agreement for the SANFL's consideration.

The key elements of the draft agreement are as follows:

Licensee	South Australian National Football League Inc
Licence Term	5 (five) years from (or such other alternative commencing date as may be agreed)
Licence Fee	\$10pa plus GST payable on demand
Premises	Portion of the Hoffmann Kiln Chimney on the former Brickworks site

Under the proposed arrangements the SANFL will be responsible for all costs associated with the erection of any necessary infrastructure to permit the display of team colours, its maintenance and make good at the expiry or sooner as determined within licence. The requirement to maintain and make good also extends to any adjacent land which may be impacted during the erection / installation of any necessary infrastructure and/or when team colours are changed.

In line with Council's standard licence (and lease) terms and conditions the SANFL will also be required to hold and maintain public liability insurance and provide indemnities to Council in the event that an incident occurs which may give rise to the lodgement of a claim. It is anticipated that SANFL may pass on some of these costs and/or responsibilities to other parties, e.g. Lion, under other arrangements.

Members should also note that there is currently a development application under assessment, which is also at present on public notice. The application has been referred to the State Heritage Branch and Adelaide Airport Limited seeking the comments of those entities. The application will still be current at the time of consideration of this report.

Climate Impact Considerations

(Assessment of likely positive or negative implications of this decision will assist Council and the West Torrens Community to build resilience and adapt to the challenges created by a changing climate.)

There are no climate change impacts anticipated to arise as a result of consideration or implementation of this matter.

Conclusion

The Council is able to consider the proposed grant of a licence to the SANFL following its consent to allow the display of premiership and runner up team colours on the heritage listed Hoffmann Kiln chimney at the former Brickworks site.

Attachments

Nil

17.4 Former West End Brewery Christmas Lights Display and Brewery Gardens

Brief

This report advises Members of a proposal from Lion to hand over the future operation of the Annual Riverbank Christmas Lights Display to the City of West Torrens.

RECOMMENDATION(S)

It is recommended to Council that:

1. Council acknowledges receipt of the correspondence from Lion.
2. Lion be advised that Council in principle agrees to take on ownership and commence responsibility for the Riverbank Christmas Lights Display in 2022 for a period of 5 years subject to the resolution of the following:
 - a. A formal funding and transition agreement between Lion and Council being reached, including a contribution of \$100,000 from Lion towards future upgrades;
 - b. Lion undertake agreed upgrades and improvements to the Brewery Gardens and Christmas Lights Display to facilitate Council's ownership prior to the Christmas Lights Display in 2022;
 - c. Lion 'gift' the Brewery Gardens land and associated infrastructure to Council prior to the Christmas Lights Display in 2022 as a non-compulsory, voluntary "contribution" subject to an appropriate due diligence investigations; and
 - d. Lion engage and involve Council as a stakeholder in good faith discussions in the master planning process for the wider West End Brewery site.
3. The CEO be delegated the authority to undertake further negotiations, subject to budget approvals, to progress the project.

Introduction

In 1959 South Australian Brewing Company (SABC) established a garden at its premises on the bank of the River Torrens to create a connection between the brewery and the community. In this same year the first Christmas Lights Display was held.

Over the intervening decades the SABC (and subsequently Lion) maintained the gardens and held seasonal displays for Easter, Christmas and periodic events such as the Adelaide Festival of Arts and royal visits. In more recent years, the garden displays have been an annual Christmas Lights Display through December until early January each year.

On 15 October 2020, Lion Co announced the closure of the West End Brewery.

The 2020 Christmas Lights Display was cancelled due to COVID-19, but Lion have publicly committed to running the event again in 2021. Due to COVID-19 public health measures the 2021 event is likely to be a ticketed (free) event and will not include the 'sideshow' stalls on the northern side of the River Torrens.

At its meeting on 18 May 2021, Council resolved:

1. *The Mayor and Chief Executive Officer be authorised to enter formal negotiations with Lion in relation to Council continuing the tradition of:*
 - i) *The annual SANFL Chimney Ceremony to be relocated to the Brickworks Kiln, and*
 - ii) *The annual Riverbank Christmas Light Display at the West End Brewery Site.*
2. *Once finalised, a report be brought back to Council outlining the terms and conditions of such agreements for Council to consider.*

The Administration and Lion staff have been investigating options in an endeavour to identify opportunities to secure the ongoing future of Christmas Lights Display and Brewery Gardens. This report sets out the range of factors considered.

A letter of proposal from Lion is attached for Members' information (**Attachment 1**) and a further letter regarding potential financial contribution is attached (**Attachment 2**).

Discussion

Lion's Proposal

As indicated in the attached letters, Lion has made the following proposal to Council that:

...Lion is seeking an in-principle agreement with Council where:

- Lion commits to running the Christmas Lights display in 2021 to ensure that despite works at the Port Road site, the event will continue in this transition year (assuming COVID restrictions allow it to be held safely).*
- Council supports discussion of options to transition the ownership of the West End Christmas Riverbank Display to Council from 2022 onwards. This will include progressing agreement of a support package to upgrade existing display items and infrastructure that would streamline future setup costs and maintenance requirements. It will also include discussion of a transition support package, ongoing sponsorship and naming rights of the West End Christmas Lights Display.*
- Council commits to continuing the display and be responsible for staging the event each year, including storage of exhibits.*

Following further discussions between Council and Lion staff, Lion has proposed the following:

To assist with Council's discussions to transfer ownership of the West End Christmas Riverbank Display to Council from 2022 onwards:

- Lion will contribute \$100,000 to assist in the running of the display in 2022.*
- Lion will contribute an additional \$100,000 as part of a transition support package to upgrade existing display items and infrastructure that would streamline future Council setup costs and maintenance requirements.*
- Lion will also undertake good faith discussions about the future ownership of the Riverbank land as part of the master planning process, recognising there are strong arguments to consider gifting the land to Council.*

Strategic Context

The West End Brewery site is located in a highly strategic location in the north-eastern gateway to the City of West Torrens. The River Torrens Linear Park is located to the north and Adelaide Parklands to the east. There are key future development sites in proximity including the former Adelaide University and former Coca-Cola site both located in the Urban Corridor Zone. There are key public and private development located in the City of Charles Sturt to the north. The area is served by the Entertainment Centre Tram Line to the CBD.

Christmas Lights Display

The annual Christmas Lights Display is held in December through early January each year. The Christmas Lights Display is an iconic event in the South Australia calendar with more than 100,000 South Australians visiting each year (Source: Lion).

The Display comprises approximately 20 'ornaments', a few of which are permanently installed in the Brewery Gardens but most are kept in storage at the brewery throughout the year. The ornaments are made of a range of materials and have various histories (some sourced from the Christmas Pageant).

If the ongoing future of the Christmas Lights Display is secured by Council, prior to the 2021 installation Lion propose to undertake an upgrade project to install permanent footings for some of the ornaments and permanently install the ferris wheel ornament in the Brewery Gardens to streamline future set up/pack down in future years.

Three ornaments, namely the toy stack, snowman and whale (Moby), require a crane to be installed and removed from the gardens each year. There may be opportunity to upgrade selected ornaments in the future to better accommodate the access limitations of the site.

Lion have advised the Administration that given the significant size of the ornaments, approximately 1000m² of storage space is required to store the ornaments during the year. The current onsite storage would be not available to Council in future years and commercial storage would likely be required at a cost to Council.

Lion has proposed to hand over ownership of the Christmas Lights Display ornaments and associated infrastructure to the City of West Torrens.

Brewery Gardens

The Brewery Gardens are a formalised garden comprising lawns, mature plants, flower beds, large trees, water features (not in use), various retaining walls, concreted river edge and a pedestrian path. The gardens are currently maintained by Lion contract gardeners as part of the larger brewery site.

The site is currently a secure, private site within Lion's brewery boundaries. Given the significant slope of the land closer to the water's edge, the current layout of the garden may not be appropriate for general public access. However access via an existing pedestrian path along the higher levels of the garden may be able to be facilitated.

Financial / Budget Considerations

The costs of maintaining the Brewery Gardens and staging the Christmas Lights Display is currently borne by Lion.

The Administration have made a number of visits to the site and have been provided information on Lion's current operating costs to understand the potential future costs of maintaining the Brewery Gardens and staging the Christmas Lights Display.

In summary the following high-level costings have been identified:

Operation and setup/down of Christmas Lights Display	\$70,000 - \$100,000 per annum
Annual garden maintenance	\$100,000 per annum
Outgoings (electricity, water, security, ornament off site storage, insurance, etc.)	Up to \$100,000 per annum

Two significant costs to Council of maintaining the Brewery Gardens and staging the Christmas Lights Display would be the crane for the 3 ornaments (\$30,000) and off-site storage for ornaments throughout the year (\$90,000 at commercial rates). There may be alternatives to be explored.

At this stage budget impact analysis has not been undertaken, should Council pursue this proposal further this will then be completed. Additionally costs associated with the ongoing renewal and capital upgrade of any gifted assets (including land) taken on by Council would also need to be considered.

Lion has proposed the following financial contribution to facilitate the transition of the ownership of the Christmas Lights Display:

- Financial contribution to run the 2022 Christmas Lights Display: \$100,000
- Transitional support package including:
 - Upgrade existing display items (including permanent footings, etc.)
 - Upgrade onsite infrastructure to streamline future Council set up costs and maintenance
 - \$100,000 additional contribution to upgrades required for future displays

Given the above investment, Lion would expect Council to commit to continuing the Christmas Lights Display in the future. It is proposed that given the uncertainty of the ongoing costs and future ownership of the brewery site that it would be appropriate for Council to commit to run the display for a period of 5 years. This timeframe may then be reviewed in the future when more is known about the future of the locality and the financial implications of the event.

The Administration has yet to resolve with Lion the detailed financial costs of undertaking this event from 2022 onwards. If Council agrees to this proposal in principle, this will be subject to a further report in the future.

Sponsorship

Corporate sponsorship opportunities have not been explored at this time. It is noted that Lion seek to support a transition to Council in 2022, but do not intend to provide ongoing support or involvement past 2022.

Council may wish to pursue corporate sponsorship from local companies including the future developers of the brewery site in order to support the annual cost of running the Christmas Lights Display. It should be acknowledged that the sponsorship market is expected to be tight, in part as a result of the current COVID-19 Pandemic, and significant sponsorships may prove difficult to negotiate in the medium term.

As the beneficiaries of the Christmas Light Display are the people of South Australia and visitors to South Australia, the ideal partner would be the South Australian Government. At the time the closure of the West End Brewery was announced, Premier Marshall was quoted in an ABC news article that he "100 per cent" wanted to secure the Christmas lights, however this commitment may be diluted once Council has committed to the ongoing support of the project. The South Australian Government has not been approached for support at this time.

Should Council determine to withdraw its support for staging the Christmas Lights Display in the future Council may experience reputational risk including negative press coverage, so it is suggested a timeframe of Council's commitment to the Christmas Light Display be confirmed and announced as soon as possible.

Landownership

The Brewery Gardens is located on land owned by Lion across a number of certificate of titles which extend beyond the gardens and into the brewery proper. The current parcels also extend to the centre line of the River Torrens.

A land division approval would be required to separate the Brewery Gardens from the rest of the brewery site (this process is yet to commence). Lion have proposed that such a land division would include an easement to allow for access from Port Road to the Brewery Gardens.

Lion has proposed good faith discussions on the land ownership including 'gifting' the land to Council as part of the master planning process to be undertaken in the coming months.

A report prepared for the State Heritage Council suggests that the Brewery Gardens site was previously used as a rubbish dump. Lion are currently progressing with environmental site investigations to confirm the status of the site.

Prior to Council agreeing to the gifting of the Brewery Gardens land the following due diligence would need to be undertaken and resolved:

- Environmental site investigations
- Structures condition report for the display ornaments and retaining walls
- Electrical and security condition report

Heritage Status

In 2001, the Brewery Gardens was listed as a local heritage place by the City of West Torrens.

In 2021, the listing was elevated to a Provisional State Heritage Listing by the South Australian Heritage Council. The South Australian Heritage Council is currently seeking public submissions on the permanent elevation of the Brewery Gardens to State Heritage status.

A report will be presented to a future Council meeting for consideration of any submission Council may wish to make in this process. The South Australian Heritage Council is not expected to make a decision on the State Heritage status of the Brewery Gardens until early 2022. If the State Heritage listing is not endorsed then the Brewery Gardens would default back to its former local heritage listing status.

If listed as a State Heritage Place, future development applications would generally be required to be referred to the State Heritage Branch as part of the assessment process. The Council may also become eligible to apply for State Heritage Grants for heritage conservation work undertaken on site.

Future opportunities

As part of Lion's intention to sell the brewery site, Lion has commenced a master planning process to create a framework for the future use of the site. The master planning process will consider future land uses, development potential, pedestrian and vehicle connections, open space and interfaces at the brewery site. The Administration have expressed interest on behalf of Council in being involved in the process as a stakeholder.

Through this master planning process there may be an opportunity to secure pedestrian and/or open space connections between the Brewery Gardens and the State Heritage-listed Walkerville Brewhouse Tower and broader redevelopment site, and through to Holland Street and Port Road. This would be critical to being able to future-proof opportunities for the recasting of the Christmas Lights Display toward the south which would enable a more interactive community event on the south side of the River Torrens, such as Christmas Markets or other themed events.

Council has a shared path along a considerable length of the River Torrens Linear Park in the City of West Torrens, which is an important community open space and recreation asset. The section between Holland Street and Port Road is a missing link in this shared path recreation network. There may be a future opportunity to use the Brewery Gardens to create a shared path for part of the distance between Holland Street and Port Road.

Considerations

The Administration believes there is merit in continuing the Christmas Lights Display and maintaining the heritage listed Brewery Gardens (whether local or state listing) noting that the event has occurred for over sixty years and while attracting people from all over Metropolitan Adelaide, it is a tradition associated with western Adelaide.

However, and as intimated above, there are a number of conditions that will need to be addressed, determined and met to enable the initiative to proceed.

Should the Council determine that it wishes to proceed in accordance with Lion's proposal it is suggested that the Administration be authorised to undertake further negotiations to progress the project.

Climate Impact Considerations

(Assessment of likely positive or negative implications of this decision will assist Council and the West Torrens Community to build resilience and adapt to the challenges created by a changing climate.)

The attainment of gardens enables the ability to enhance the green space across the City and in doing so helps to cool urban heat, provides habitat and supports community health and wellbeing. The Brewery Gardens are located in a flood affected area which may be affected by increased storms in the future.

Conclusion

For over sixty years the Christmas Lights Display and the Brewery Gardens have been an iconic event and location in western Adelaide. As a result of the planned redevelopment of the former West End Brewery site Lion will no longer run the Christmas Lights Display.

Lion is keen to maintain the much loved community event and seek in principle support for Council to take over the Christmas Lights Display and the Brewery Gardens from 2022 onwards.

Attachments

- 1. Letter from Lion Co regarding Christmas Display Proposal**
- 2. Letter from Lion Co regarding financial support**



26 August 2021

Mayor Michael Coxon
City of West Torrens
165 Sir Donald Bradman Drive
Hilton SA 5033

Dear Mayor Coxon,

RE: Continuing the tradition of the West End Brewery Christmas Lights Display

Thank you for interest shown by West Torrens City Council in the continuation of the West End Brewery Christmas Lights display.

The display has operated along the banks of the River Torrens for more than 60 years and while the West End Brewery has now closed, Lion is keen to ensure the tradition will continue to be enjoyed by more than 100,000 South Australians each year.

This is in recognition of the Christmas Lights being one of the most anticipated events in Adelaide's calendar of Christmas celebrations, as well as West End's continuing strong presence in South Australia.

We have appreciated the opportunity to work with Council on the most appropriate way to ensure the event lives on at its current location.

To further progress these discussions, Lion is seeking an in-principle agreement with Council where:

- Lion commits to running the Christmas Lights display in 2021 to ensure that despite works at the Port Road site, the event will continue in this transition year (assuming COVID restrictions allow it to be held safely).
- Council supports discussion of options to transition the ownership of the West End Christmas Riverbank Display to Council from 2022 onwards. This will include progressing agreement of a support package to upgrade existing display items and infrastructure that would streamline future setup costs and maintenance requirements. It will also include discussion of a transition support package, ongoing sponsorship and naming rights of the West End Christmas Lights Display.
- Council commits to continuing the display and be responsible for staging the event each year, including storage of exhibits.

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Australia

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NSW 1225
Australia

Lion Pty Ltd
ABN 50 128 004 268



We want to do everything we can to continue this important Christmas tradition for South Australians and look forward to progressing this agreement with you as a priority.

Yours sincerely,

A handwritten signature in black ink, appearing to read "LS" or "Luke Sawyer".

Luke Sawyer
Group Engineering and Sustainable Technologies Director Lion



13 September 2021

Mayor Michael Coxon
City of West Torrens
165 Sir Donald Bradman Drive
Hilton SA 5033

Dear Mayor Coxon,

**RE: Further information on the continuation of the West End
Brewery Christmas Lights Display**

Thank you for the interest shown by West Torrens City Council in the continuation of the West End Brewery Christmas Lights display.

As requested, I am writing to provide further information about a financial package from Lion as part of seeking an in-principle agreement from Council to continue the display.

The aim of these financial contributions is to facilitate a transition of ownership of the lights display to Council following the closure of the brewery, to ensure the display can continue to be enjoyed by tens of thousands of South Australians every year.

As you are aware, Lion has committed to running the Christmas Lights display in 2021 to ensure that despite works at the Port Road site, the event will continue in this transition year. This commitment has been made assuming COVID-19 restrictions allow it to be held safely.

To assist with Council's discussions to transfer ownership of the West End Christmas Riverbank Display to Council from 2022 onwards:

- Lion will contribute \$100,000 to assist in the running of the display in 2022.
- Lion will contribute an additional \$100,000 as part of a transition support package to upgrade existing display items and infrastructure that would streamline future Council setup costs and maintenance requirements.
- Lion will also undertake good faith discussions about the future ownership of the Riverbank land as part of the master planning process, recognising there are strong arguments to consider gifting the land to Council.

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Lion-Beer, Spirits &
Wine Pty Ltd
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We look forward to continuing to work with Council so this great South Australian tradition continues, despite the closure of the brewery on Port Road.

Yours sincerely,

Luke Sawyer
Group Engineering and Sustainable Technologies Director | Lion

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17.5 Local Design Review Scheme Code Amendment

Brief

This report presents the Local Design Review Scheme Code Amendment that is currently on community consultation.

RECOMMENDATION

It is recommended to Council that, in response to the request for feedback on the Local Design Review Scheme Code Amendment, it advises PlanSA that it offers no objection to the inclusion of the proposed wording in Part 5: *Specified matters and areas identified under the Act and Regulations* of the Code.

Introduction

The *Planning, Development and Infrastructure Act 2016* (Act) places greater emphasis on high-quality design. One of the ways it seeks to do this is by creating more opportunities to provide early input into development. As such, Plan SA has released a Planning and Design Code Amendment (Code Amendment) aimed at inserting a trigger in the Planning and Design Code (code) to enact a Local Design Review Scheme. It is a facilitative Code Amendment that would enable councils to elect to participate in the Local Design Review Scheme (Scheme) via the establishment of a Council Design Panel (**Attachments 1, 2 & 3**). This is an independent evaluation process whereby a panel of built environment experts reviews the design quality of a development proposal before it is lodged for assessment. The aim of this is to improve the design quality of development.

The Local Design Review Code Amendment is on consultation from Thursday 12 August 2021 to Monday 27 September 2021, being for a period of six weeks and is open to anyone and everyone to provide a response.

Discussion

Section 121 of the Act enables the Minister for Planning and Local Government (Minister) to establish a design review scheme, whereby a person who is considering undertaking certain types of development, specified in the Code, may apply to their council's design panel (should the council provide this service) for design advice prior to lodging a development application.

Following extensive public consultation, in February 2021 the Minister approved the Local Design Review Scheme which came into effect on 1 July 2021. The Local Design Review Scheme seeks to provide a consistent state-wide approach for councils to establish their own design panels and provide design review for locally assessed development proposals.

Councils may participate in the Scheme on an 'opt-in' basis by registering in accordance with the Scheme. Any advice given by the local design panel is to be taken into account by the relevant authority (insofar as it is relevant to the development application being assessed), pursuant to s121(7) of the Act.

The proposed amendment is rather simple, it seeks to insert the following paragraph into the Code (Part 5: Specified matters and areas identified under the Act and Regulations):

- (1) *Development within the ambit of subclause (2) is specified as a class of development for the purposes of section 121(1) of the Act.*
- (2) *Development that is—*
 - (a) *within the area of a council that has determined to make design review available in its area by participating in the scheme determined by the Minister for the purposes of section 121 of the Act; and*

- (b) *a form of development that is—*
- i. *either restricted development or performance assessed development that has been selected by the council as a class of development for the purposes of this clause; and*
 - ii. *specified by the Chief Executive by a notice published on the SA planning portal for the purposes of this clause.*
- (3) *A council may from time to time vary the classes of development applying in its area under this clause by a further notice published by the Chief Executive on the SA planning portal at the request of the council*

The proposed amendment would, at a later date, enable a participating council to specify certain classes of development to be eligible for Local Design Review in their area. The process of development identification for design review would occur when that council registers its participation in the Scheme.

The establishment and the registration process is depicted below in **Image 1**. As is the case with a council, participation by a developer in the design review process will be at their discretion. It is worth noting that the scheme is not without cost to both council and the applicant i.e. registration costs and ongoing operational costs for the council and application fees for the applicant.

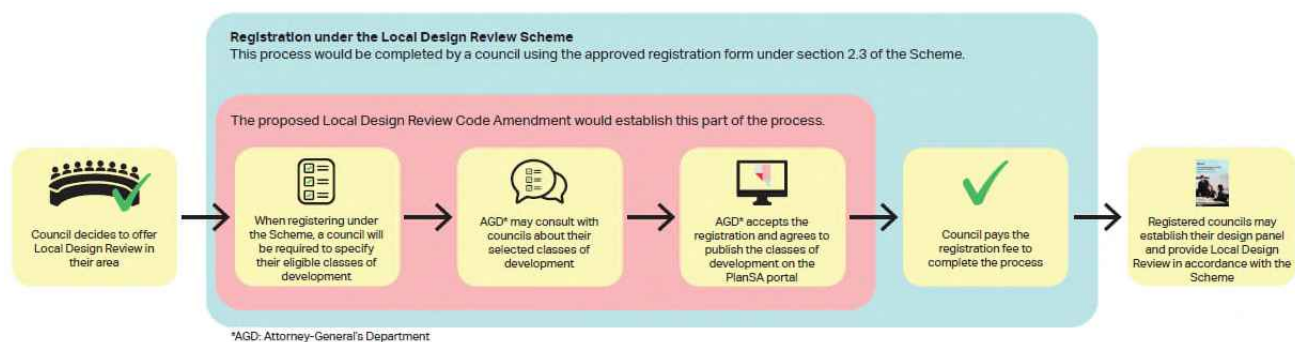


Image One: Registration under the Local Design Review Scheme

The design panel would include one or more panel members (including the panel Chair) selected by council or a group of councils for the purpose of providing design review. All panel members must have at least—

- a) A tertiary qualification in a relevant field, such as—
 - i. Architecture; or
 - ii. Landscape Architecture; or
 - iii. Urban Design; and
- b) 7 years of professional experience relating to that field

Section 121(3)(c) of the Act does provide councils the opportunity to charge applicants to participate in design review as a method of cost recovery. The fee has been set at \$100 plus reasonable costs of the design panel to provide advice on the application. The Office for Design and Architecture (ODASA) is preparing a guiding fee schedule with industry groups that will help council to negotiate competitive panel remuneration fees.

The Code Amendment is clear that the classes of development identified are for guidance only. However in responding to the consultation on the Code Amendment, it is worthwhile highlighting that the development classes identified are supported.

Specifically, those classes of development identified under *all locations* (as cited below) in addition to development using incentives in 'Significant Development Sites' policy in the Urban Corridor Zones:

- Buildings of 3 or more building levels
- Dwellings of a density exceeding medium net residential density (i.e. greater than 70 dwelling units per hectare)
- Development which exceeds the maximum density or does not meet the minimum site area specified in the relevant DTS/DPF criteria
- Development which exceeds the maximum building height in levels specified in the relevant DTS/DPF criteria
- Development which encroaches into the public realm
- Development with a development cost exceeding \$3 million
- Division of land for residential purposes creating 2 or more additional allotments
- Construction of 3 or more dwellings
- Supported accommodation
- Student accommodation

Attachment B of Attachment 2 identifies potential development classes that may be deemed suitable by the Chief Executive of the Attorney-General's Department (AGD) to be suitable for design review.

Currently, the Administration is awaiting the outcomes of those other councils that elect to register and pilot the scheme to enable it to gain insight and understand the benefits gained in development outcomes, the ease of use for both applicant and council and cost effectiveness. This assessment will be provided to Council in the future if it is deemed there is value in participating in this scheme.

Notwithstanding the process, it is recommended to Council that it supports the proposed wording given it allows flexibility in the types of development that can be subject to local design review, which will be a benefit to the organisation in the event Council elects to participate in this scheme.

Climate Impact Considerations

(Assessment of likely positive or negative implications of this decision will assist Council and the West Torrens Community to build resilience and adapt to the challenges created by a changing climate.)

The Local Design Review Scheme Code Amendment itself does not present any direct climate impact considerations in relation to this report.

Conclusion

The proposed Code Amendment appears to be an appropriate instrument to enable the enactment of the Local Design Review Scheme. As it stands, it will have little consequence for West Torrens with the Code Amendment being of a procedural nature to enable the roll out of local design review for those councils that elect to participate and offer design review for applicants.

Attachments

1. **Letter to Stakeholders Advising of Local Design Review Code Amendment**
2. **Local Design Review Code Amendment Consultation Document**
3. **Local Design Review In South Australia Information Brochure**

#17403933

12 August 2021



Level 5, 50 Flinders Street
Adelaide SA 5000

GPO Box 1815
Adelaide SA 5001

08 7109 7466
saplanningcommission@sa.gov.au

Dear Sir/Madam

Public consultation for the Local Design Review Code Amendment

I write to advise you that the State Planning Commission (the Commission) has approved the draft Local Design Review Code Amendment (the Amendment) to commence public consultation pursuant to section 73(6) of the *Planning, Infrastructure and Development Act 2016* (the Act).

This Amendment will give effect to the [Local Design Review Scheme](#) (the Scheme), which was established under section 121 of the Act and approved by the Minister for Planning and Local Government in February 2021 and came into effect on 1 July 2021. This Amendment will enable councils who register under the Scheme to identify the classes of development which are eligible for Local Design Review in their area.

In May 2021, the Commission agreed to a Proposal to Initiate this Amendment under section 73(2)(a) of the Act, which enables the Commission to propose an amendment to the Planning and Design Code (the Code).

Staff from the Planning and Land Use Services (PLUS) Division of the Attorney-General's Department have since undertaken pre-consultation engagement with local government staff and industry stakeholders to help determine the most effective outcome for this Amendment.

The Commission is now seeking feedback in relation to the draft Amendment through public consultation that will be open from Thursday 12 August to Monday 27 September 2021.

For further information please contact Anita Allen, Director, Planning and Development, Planning and Land Use Services, Attorney-General's Department on 7109 7099 or Anita.Allen@sa.gov.au.

We look forward to receiving your feedback on this Amendment.

Kind regards

A handwritten signature in black ink that reads 'Helen R. Dyer'.

Helen Dyer
Chair

saplanningcommission.sa.gov.au

Government of South Australia
Attorney-General's Department

Local Design Review Code Amendment

By the State Planning Commission (the Designated Entity)

For Consultation

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HAVE YOUR SAY

This Code Amendment is on consultation from **Thursday 12 August 2021** to **Monday 27 September 2021** (six weeks).

During this time you are welcome to lodge a written submission about the proposed Code Amendment.

You may provide a submission via:

Email

LocalDesignReview@sa.gov.au

Post

Attention: Brad McCormack
Office for Design and Architecture SA
Level 1, 28 Leigh Street
Adelaide SA 5000

PlanSA Portal

[plan.sa.gov.au/have_your_say/general_consultations/public_feedback_on_initiated_code_amendment?aid=Local Design Review Code Amendment](https://plan.sa.gov.au/have_your_say/general_consultations/public_feedback_on_initiated_code_amendment?aid=Local_Design_Review_Code_Amendment)

YourSAy

yoursay.sa.gov.au/local-design-review-code-amendment

If you would like to discuss this proposed Amendment please contact:

Office for Design and Architecture SA

P: (08) 8402 1884

E: LocalDesignReview@sa.gov.au

1. WHAT IS THE PLANNING AND DESIGN CODE?

The Planning and Design Code (the Code) sets out the rules that determine what landowners can do on their land.

For instance, if you want to build a house, the Code rules will tell you how high you can build and how far back from the front of your land your house will need to be positioned. The Code will also tell you if any additional rules apply to the area where your land is located. For example, you might be in a high bushfire risk area or an area with specific rules about protecting native vegetation.

1.1. Planning and Design Code Framework

The Code is based on a framework that contains various elements called overlays, zones, sub zones and general development policies. Together these elements provide all the rules that apply to a particular parcel of land. An outline of the Code Framework is available on the SA Planning Portal.

1.2. Overlays

Overlays contain policies and maps that show the location and extent of special land features or sensitivities, such as heritage places or areas of high bushfire risk.

They may apply across one or more zones. Overlays are intended to be applied in conjunction with the relevant zone. However, where policy in a zone conflicts with the policy in an overlay, the overlay policy trumps the zone policy.

1.3. Zones

Zones are areas that share common land uses and in which specific types of development are permitted. Zones are the main element of the Code and will be applied consistently across the state.

For example, a township zone for Andamooka can be expected to apply to similar townships like Carrieton. Each zone includes information (called classification tables) that describes the types of development that are permitted in that zone and how they will be assessed.

1.4. Subzones

Subzones enable variation to policy within a zone, which may reflect local characteristics. An example is Port Adelaide centre, which has many different characteristics to typical shopping centres due to its maritime activities and uses.

1.5. General Development Policies

General development policies outline functional requirements for development, such as the need for car parking or wastewater management. While zones determine what development can occur in an area, general development policies provide guidance on how development should occur.

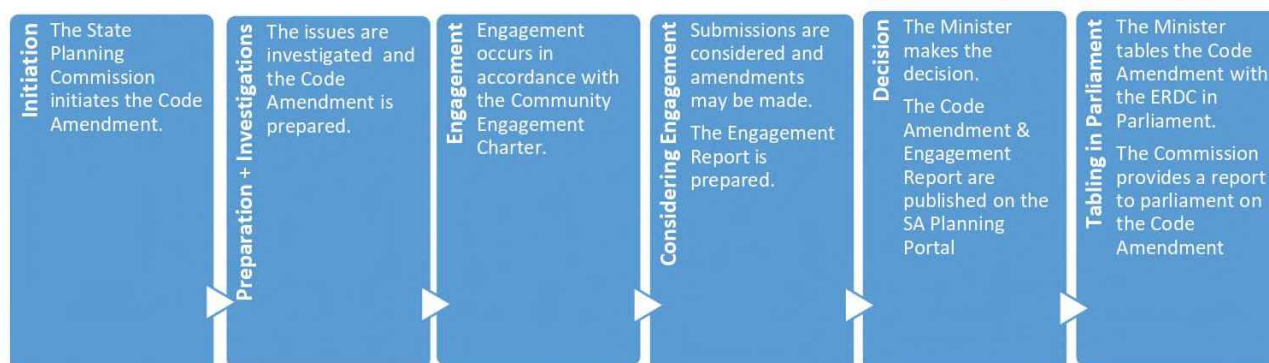
1.6. Amending the Planning and Design Code

The Planning, Development and Infrastructure Act 2016 (the Act) provides the legislative framework for undertaking amendments to the Code. The State Planning Commission (the Commission) may initiate an amendment to the Code and undertake a Code Amendment (the Amendment).

A Proposal to Initiate will define the scope of the Amendment and prescribe the investigations which must occur to enable an assessment of whether the Amendment should take place and in what form.

The Commission is responsible under the Act for ensuring the Code is maintained, reflects contemporary values relevant to planning, and readily responds to emerging trends and issues.

As designated entity for this Amendment, the Commission has undertaken investigations and will run the engagement process. The Commission will also provide a report on this Amendment (including compliance with the Community Engagement Charter) at the final stage of the Amendment process.



2. WHAT IS PROPOSED IN THIS CODE AMENDMENT?

2.1. Need for the amendment

Section 121 of the Act enables the Minister to establish a design review scheme, where a person who is considering undertaking types of development specified in the Code may apply to a design panel for design advice.

In February 2021, the Minister approved the Local Design Review Scheme for South Australia (the Scheme) to come into effect on 1 July 2021. The [approved Scheme](#) can be accessed via the PlanSA Portal:

- https://plan.sa.gov.au/data/assets/pdf_file/0006/804075/Local_Design_Review_Scheme_for_South_Australia.pdf

The purpose of this Amendment is to enable operation of the Scheme to support high-quality design for the benefit of their communities.

The Amendment proposes to include new content in the Code to specify classes of development eligible for design review. Doing so will enable proponents of the eligible development classes to apply for Local Design Review under section 121 of the Act.

This will work in conjunction with a notice published by the Chief Executive of the Attorney-General's Department to enable councils who register to participate in the Scheme to select classes of development eligible for Local Design Review in their area. This will result in the publication of a register of participating councils and their selected classes of development on the PlanSA Portal.

2.2. Affected Area

The proposal seeks to amend the Code to give effect to the Local Design Review Scheme across the State by specifying eligible classes of development under section 121(1) of the Act.

2.3. Summary of proposed policy changes

2.3.1. Current Code Policy

There is currently no policy within the Code that relates to Local Design Review or the Scheme.

2.3.2. Proposed Code Policy

The Amendment proposes to insert new content to Part 5 of the Code, 'Table 2 – Specified matters and areas identified under the *Planning, Development and Infrastructure Act 2016*' as follows:

-
- (1) Development within the ambit of subclause (2) is specified as a class of development for the purposes of section 121(1) of the Act.
 - (2) Development that is—
 - (a) within the area of a council that has determined to make design review available in its area by participating in the scheme determined by the Minister for the purposes of section 121 of the Act; and
 - (b) a form of development that is—
 - i. either restricted development or performance assessed development that has been selected by the council as a class of development for the purposes of this clause; and
 - ii. specified by the Chief Executive by a notice published on the SA planning portal for the purposes of this clause.
 - (3) A council may from time to time vary the classes of development applying in its area under this clause by a further notice published by the Chief Executive on the SA planning portal at the request of the council.
-

The proposed policy changes are shown in **Attachment A**.

It is envisaged that the process established by this Amendment to specify eligible classes of development for Local Design Review would be completed by a council when they register under the Scheme.

Section 2.3 of the Scheme details the registration process for councils to offer Local Design Review in their area. Specifically, section 2.3.4 of the Scheme requires that an application for registration be made to the Chief Executive in the approved form and include any specified information.

It is proposed that this registration form include a method for councils to specify their eligible classes of development. A guiding list of development classes that the Chief Executive may consider is provided in **Attachment B**.

3. WHAT ARE THE NEXT STEPS FOR THIS CODE AMENDMENT?

3.1. Engagement

Engagement on the Code Amendment must occur in accordance with the Community Engagement Charter principles, which required that:

- engagement is genuine
- engagement is inclusive and respectful
- engagement is fit for purpose
- engagement is informed and transparent
- engagement processes are reviewed and improved.

An Engagement Plan has been prepared for this Code Amendment to ensure that engagement will be conducted and measured against the principles of the Charter.

For more information on the Community Engagement Charter please visit the PlanSA Portal:

https://plan.sa.gov.au/our_planning_system/instruments/community_engagement_charter

Engagement for this Amendment is focussed on providing information to all relevant stakeholders and ensuring they have the opportunity to provide feedback. A summary of the engagement that is occurring for this Amendment is as follows:

- Code Amendment Portal (via the PlanSA Portal)
- YourSAy consultation website
- Letters to all South Australian councils
- Letters to industry stakeholders
- Social media campaign
- Newsletter articles

Staff from the Office for Design and Architecture SA (ODASA) are also available to discuss this Amendment and answer any questions.

3.2. Engagement Already Undertaken

ODASA prepared the draft Scheme on behalf of the Minister in collaboration with the Commission, council staff from across the State, representatives from peak industry bodies and interstate government agencies with experience in Local Design Review.

Between December 2019 and February 2020, the ODASA team met with over 50 staff from 24 councils across the state and representatives from the local divisions of peak industry bodies to understand the needs and expectations in relation to Local Design Review. This early feedback guided the development of the draft Scheme.

The draft Local Design Review Scheme was available for public comment for eight weeks from 26 June to 21 August 2020. The opportunity to provide feedback was

open to everyone, with a particular focus on councils and the design, planning and development industries as future users of the Scheme.

ODASA received 39 submissions in response to the draft Scheme from councils, industry groups and community members. This feedback was used to refine and update the Scheme.

In early 2021, ODASA requested additional feedback on the updated Scheme through a targeted engagement process with staff from eight councils and representatives from six peak industry bodies.

ODASA prepared and released the [Local Design Review Scheme Engagement Summary Report](#) to document the collaborative process to develop and consult on the Scheme.

In May 2021, the Commission endorsed ODASA to undertake pre-engagement meetings with council staff and industry groups to help inform this Amendment. Two workshops were held, which highlighted:

- suggestions for various classes of development for which Local Design Review could be used across the State
- a desire for the process established by this Amendment to allow for flexibility between council areas and their various planning contexts
- the importance of ensuring the design review process can be successfully resourced by providing a focussed rather than extensive list of development eligible for design review
- the need for design review to focus on developments of concern to the community (e.g. infill development)
- a desire for the process established by this Amendment to be timely, simple and efficient for users to manage and adapt over time.

3.3. How can I have my say on the Code Amendment?

You may provide a submission about this Amendment via:

Email

LocalDesignReview@sa.gov.au

Post

Attention: Brad McCormack
Office for Design and Architecture SA
Level 1, 28 Leigh Street
Adelaide SA 5000

PlanSA Portal

[plan.sa.gov.au/have_your_say/general_consultations/public_feedback_on_initiated_code_amendment?aid=Local Design Review Code Amendment](https://plan.sa.gov.au/have_your_say/general_consultations/public_feedback_on_initiated_code_amendment?aid=Local_Design_Review_Code_Amendment)

YourSAy

yoursay.sa.gov.au/local-design-review-code-amendment

If you would like to discuss this proposed Amendment please contact:

Office for Design and Architecture SA

P: (08) 8402 1884

E: LocalDesignReview@sa.gov.au

3.4. What changes to the Code Amendment can my feedback influence?

Your feedback can influence the classes of development specified in the Code in order to be eligible for design review through the Local Design Review Scheme.

Feedback cannot influence instruments which are separate to the Code, such as the Act, regulations and the Local Design Review Scheme. This means that feedback cannot influence:

- How the Local Design Review Scheme operates
- The fact that design review is a voluntary process, as the Act establishes that design review is a voluntary process available to applicants prior to lodgement of a development application.

3.5. What will happen with my feedback?

The Commission is committed to undertaking consultation in accordance with the principles of the Community Engagement Charter and is genuinely open to considering the issues raised by people in the community.

All formal submissions will be considered by the Commission when determining whether the proposed Amendment is suitable and whether any changes should be made.

Each submission will be entered into a register and you will receive an email acknowledging receipt of your submission. Your submission will be published on the PlanSA Portal. Personal addresses, email and phone numbers will not be published, however company details will be.

The Commission will consider the feedback received when finalising the Amendment and will prepare an Engagement Report that will outline what was heard during consultation and how the proposed Amendment was changed in response to submissions.

The Engagement Report will be forwarded to the Minister, and then published on the PlanSA Portal.

3.6. Decision on the Code Amendment

Once the Engagement Report is provided to the Minister, the Commission may provide further advice to the Minister at the Minister's request, if the Code Amendment is considered significant.

The Minister will then either adopt the Code Amendment (with or without changes) or determine that the Code Amendment should not proceed. The Minister's decision will then be published on the PlanSA Portal.

If adopted, the Code Amendment will be referred to the Environment Resources and Development Committee of Parliament (ERDC) for their review. The Commission will also provide the Committee with a report on the Code Amendment, including the engagement undertaken on the Code Amendment and its compliance with the Community Engagement Charter.

4. ANALYSIS

4.1. Strategic Planning Outcomes

4.1.1. Consistency with the State Planning Policies

State Planning Policies define South Australia's planning priorities, goals and interests. They are the overarching umbrella policies that define the state's interests in land use. There are 16 State Planning Policies and six special legislative State Planning Policies.

These policies are given effect through the Code, with referral powers assigned to relevant Government Agencies (for example, the Environmental Protection Agency for contaminated land). The Code (including any Code Amendments) must comply with any principle prescribed by a State Planning Policy.

This Code Amendment is considered to be consistent with the State Planning Policies as shown in **Attachment C**.

4.1.2. Consistency with the Regional Plan

The directions set out in Regional Plans provide the long term vision and set the spatial patterns for future development within a region. This can include land use integration, transport infrastructure and the public realm.

The Commission has identified that the existing volumes of the South Australian Planning Strategy, prepared under the *Development Act 1993*, will apply until such time as the new Regional Plans are prepared and adopted. Refer to the SA Planning Portal for more information on the Commission's program for implementing Regional Plans throughout South Australia.

Where there is conflict between a Regional Plan and the State Planning Policies, the State Planning Policies will prevail.

This Code Amendment is considered to be consistent with the Regional Plan as shown in **Attachment C**.

4.1.3. Consistency with other key strategic policy documents

This Amendment aligns with and gives effect to the Local Design Review Scheme, as required by section 121(1) of the Act.

ATTACHMENT A – PROPOSED CODE POLICY

This Amendment proposes the following changes be inserted into Part 5 of the Code, 'Table 2 – Specified matters and areas identified under the *Planning, Development and Infrastructure Act 2016*':

- (1) Development within the ambit of subclause (2) is specified as a class of development for the purposes of section 121(1) of the Act.
- (2) Development that is—
 - (a) within the area of a council that has determined to make design review available in its area by participating in the scheme determined by the Minister for the purposes of section 121 of the Act; and
 - (b) a form of development that is—
 - i. either restricted development or performance assessed development that has been selected by the council as a class of development for the purposes of this clause; and
 - ii. specified by the Chief Executive by a notice published on the SA planning portal for the purposes of this clause.
- (3) A council may from time to time vary the classes of development applying in its area under this clause by a further notice published by the Chief Executive on the SA planning portal at the request of the council.

ATTACHMENT B – CLASSES OF DEVELOPMENT WHICH MAY BE ELIGIBLE FOR DESIGN REVIEW

The following classes of development may be considered by the Chief Executive as suitable for Local Design Review, subject to the context of an area where a design panel is established and the anticipated resourcing available to service the design panel.

This list is for guidance only and was informed through consultation with council staff and industry representatives.

Location Aligned with spatial layers within the Code	Class of Development
All	<ul style="list-style-type: none"> Buildings of 3 or more building levels Dwellings of a density exceeding medium net residential density (i.e. greater than 70 dwelling units per hectare) Development which exceeds the maximum density or does not meet the minimum site area specified in the relevant DTS/DPF criteria Development which exceeds the maximum building height in levels specified in the relevant DTS/DPF criteria Development which encroaches into the public realm Development with a development cost exceeding \$3 million Division of land for residential purposes creating 2 or more additional allotments Construction of 3 or more dwellings Supported accommodation Student accommodation
Historic Area Overlay Character Area Overlay Local Heritage Place Overlay Heritage Adjacency Overlay Hills Face Zone Significant Landscape Protection Overlay	<ul style="list-style-type: none"> Any building (except an ancillary building)
Urban Corridor (Boulevard) Zone Urban Corridor (Main Street) Zone	<ul style="list-style-type: none"> Development utilising incentives in 'Significant Development Sites' policy

Urban Corridor (Living) Zone Urban Corridor (Business) Zone	
Activity Centre	<ul style="list-style-type: none"> Buildings with a gross leasable floor area exceeding 1000m²
Master Planned Neighbourhood Zone Master Planned Township Zone	<ul style="list-style-type: none"> Land division proposing more than 20 additional allotments Land division involving the creation of a public road or public open space
Suburban Main Street Zone Township Main Street Zone	<ul style="list-style-type: none"> Any building which is visible from the primary street frontage (except an ancillary building)
Affordable Housing Overlay	<ul style="list-style-type: none"> Affordable housing

ATTACHMENT C – STRATEGIC PLANNING OUTCOMES

1. State Planning Policies

The State Planning Policies (SPPs) require that the Principles of Good Planning are considered in the preparation of any designated instrument, including a Code Amendment.

SPP Key Principles

There are 16 SPPs that include Objectives, Policies and Principles for Statutory Instruments (including the Planning and Design Code). The most critical SPPs in the context of this Code Amendment are:

State Planning Policy (SPP)	Code Amendment Alignment with SPPs
SPP 2 – Design Quality 2.1 Promote best practice in the design of buildings, places and the public realm by applying the principles of Good Design. 2.4 Design advice should be obtained early in the planning process for complex developments, and utilise consistent and credible processes (such as Design Review) to ensure improved outcomes. 2.6 Maximise opportunities for the Principles of Good Design and community engagement to inform future policy creation and improve design outcomes. 2.7 Promote a culture of good design to foster creative thinking, innovation and effective design processes within the planning industry, built environment professions and general public. 2.9 Respect the characteristics and identities of different neighbourhoods, suburbs and precincts by ensuring development considers	<p>The Local Design Review Scheme provides for the practical application of a number of objectives and policies from the State Planning Policies.</p> <p>Design Review under the Scheme and the resulting design advice must be guided by South Australia's Principles of Good Design as published in the design quality policy under section 59 of the Act.</p> <p>In addition, section 1.5 of the Scheme outlines the objects of this Scheme, which are to—</p> <ol style="list-style-type: none"> 1. Support development that demonstrates high-quality design. 2. Improve access to independent and expert design advice early in the planning and design process. 3. Support consistent and informed planning decisions. 4. Facilitate collaboration between allied professionals. 5. Support South Australia's planning system to meet the objects of the Act in section 12, including to— <ol style="list-style-type: none"> a) support and enhance the State's liveability and prosperity in ways that are ecologically sustainable and meet the needs and expectations, and reflect the diversity, of the State's communities by creating an effective, efficient and enabling planning system; and b) promote certainty for people and bodies proposing to undertake development while at the same time providing scope for innovation; and

<p>existing and desired future context of a place.</p> <p>The Scheme and subsequent Amendment will also support other related SPPs, including:</p> <ul style="list-style-type: none"> • SPP3 – Adaptive Reuse • SPP5 – Climate Change • SPP7 – Cultural Heritage 	<p>c) promote high standards for the built environment through an emphasis on design quality in policies, processes and practices, including by providing for policies and principles that support or promote universal design for the benefit of people with differing needs and capabilities.</p> <p>6. Demonstrate practical application of the Principles of Good Planning identified in section 14 of the Act, particularly—</p> <ul style="list-style-type: none"> a) high-quality design; and b) activation and liveability; and c) sustainability.
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2. Regional Plans

The Regional Plan

While all future regional plans should give consideration to the value of Local Design Review, the 30-Year Plan for Greater Adelaide (2017 Update) is of particular relevance to this Amendment.

The key policies and targets that are most relevant are:

Regional Plan Identified Priorities or Targets	Code Amendment Alignment with Regional Plan
<p>Theme: Design quality</p> <p>A.12 Reinforce and expand the role of the design review process for strategic urban infill and other priority developments.</p> <p>A.15 Investigate how best to encourage and measure design quality in the new planning system.</p>	<p>As detailed in relation to alignment with the State Planning Policies, the Local Design Review Scheme (and therefore this Amendment) also provides for the practical application of actions and policies from the 30-Year Plan for Greater Adelaide (2017 Update) by bringing the design review process under section 121 of the Act into operation.</p>

Local Design Review in South Australia

Supporting good
design in your
community



OFFICE FOR
DESIGN+
ARCHITECTURE SA



Government of South Australia
Attorney-General's Department

Every new development has the potential to improve our quality of life, attract investment and reduce our impact on the environment.

Why design quality matters

Each year planners and assessment authorities across the state see high-volumes of new development proposals that all have the potential to support high-quality design and contribute positively to our built environments.

The visual appeal of a building or place is one of the most immediate factors that we respond to. While appearance is an important consideration, our response to it - positive or negative - can be subjective and not informed by overall functionality or performance.

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

There is comprehensive academic and scientific research available that explores the many benefits of well-designed places and the negative effects that poor design can have on our lives.^{1, 2, 3}

This research demonstrates that good design can support public health, wellbeing and safety, improve environmental quality and social connectedness, reduce operating and maintenance costs, and increase productivity.

As the links between design, human behaviour and health are better understood, we have a responsibility to use this evidence to inform our decision making about the shape and future of our cities, buildings and communities.

1. Office of the Victorian Government Architect, *The Case for Good Design: a guide for government*, 2019, Melbourne.
2. Commission for Architecture and the Built Environment (CABE), *The value of good design*, 2002, London.
3. Commission for Architecture and the Built Environment (CABE), *The cost of bad design*, 2006, London.

LOCAL DESIGN REVIEW IN SOUTH AUSTRALIA

Local Design Review Scheme

The Local Design Review Scheme (the Scheme) provides a consistent state-wide approach for councils to provide Design Review for locally assessed development proposals.

Design Review in South Australia is an independent evaluation process where a panel of built environment experts (such as architects, landscape architects and urban designers) review a development proposal before it is lodged for assessment. The role of the panel is not to redesign proposals, but rather to identify opportunities to encourage high-quality design. Design Review is most effective when undertaken early to effect positive change.

The Scheme aims to:

- support high-quality design
- improve access to independent and expert advice early in the planning and design process
- support consistent and informed planning decisions
- facilitate collaboration between allied professionals
- support the State's planning system to meet objects and principles in the *Planning, Development and Infrastructure Act 2016*.

Benefits of Local Design Review

Offering Design Review sends a strong public message that design quality is an important consideration in your community.

Design Review provides a respected and tested approach to support good design, respond positively to local character, assist the development of better planning policy, and helps to avoid the negative and long-lasting impacts of poor design.

Additional benefits include:

- promoting collaboration between council staff, allied professionals and developers to help build certainty and confidence in the approvals process
- supporting developers and design teams to prioritise design quality and produce buildings and places that provide lasting community benefits
- providing access to independent expertise that may not be readily available during development assessment.

Confidently and objectively supporting high-quality outcomes requires access to design expertise. The Local Design Review Scheme provides a trusted method of building this capacity.

SUPPORTING GOOD DESIGN IN YOUR COMMUNITY

Further information

The Office for Design and Architecture SA looks forward to collaborating with interested participants to ensure that Local Design Review is well established from the outset, able to meet demand and is delivered consistently across the state.

08 8402 1884
localdesignreview@sa.gov.au
odasa.sa.gov.au



Plant 4 Bowden, Ashley Haliday Architects and
Arco Architecture & Interior Design
Image by Sam Noonan

17.6 Finalisation of the Open Space Plan 2021 - 2026

Brief

This report presents the final Draft Open Space Plan for Council's consideration and approval.

RECOMMENDATION(S)

It is recommended to Council that:

1. Having taken into consideration the community feedback detailed in this report, it approves the *City of West Torrens Open Space Plan 2021 - 2026*.
2. The Chief Executive Officer be authorised to make any required changes of a minor or formatting nature prior to its public release.

Introduction

At its 6 July 2021 meeting, Council resolved to undertake public consultation on the draft *City of West Torrens Open Space Plan* (Draft Plan).

Having submitted the Draft Plan to a four week community consultation program, this report provides an overview of the consultation process, the feedback received and how that feedback has influenced finalisation of the Draft Plan.

Discussion

Community consultation commenced on 16 July 2021 and ended on 18 August 2021.

The consultation material included:

- Draft Open Space Plan
- Summary version of the Draft Open Space Plan
- Survey/Feedback form
- A dedicated 'Your Say' webpage on the City of West Torrens website to encourage people to provide comment
- Project information posters
- Information provided on Council's website and social media

The consultation material was made available to the public online as well as in hard copy format. Project information displays were set up at the Civic Centre foyer and the Hamra Centre Library foyer for the duration of the consultation. Unfortunately, COVID-19 restrictions prevented staff from conducting the planned pop-ups sessions for face-to-face consultations. However, the Administration contacted local organisations to encourage feedback, such as sporting, walking and cycling groups, as well as adjacent councils.

Feedback

There were 67 downloads of the Draft Plan and nine (9) submissions received. The feedback received is attached (**Attachment 1**).

Overall this feedback was very positive and supportive of the key goals and priorities. The feedback also highlighted the community's passion for quality open spaces and is supportive of both Council's actions to continually enhance these spaces as well as exploring additional land for open space.

The key issues and ideas raised in the submissions are summarised below:

- More open space is needed, as well as more trees and landscaping.
- Need to maintain high quality green spaces.
- Create open space along drainage corridors, such as along Keswick Creek and/or Brownhill Creek.
- Create socially engaging spaces, not just focus on active forms of recreation.
- Make the large ovals more inviting for the general public to utilise and enjoy.
- Modify roads and verges so they become spaces for people, not just cars, and add more greenery to cool urban heat.
- Expand cycling and walking path networks.
- Explore opportunities for open space and linkages as part of the redevelopment of large parcels of land and road projects.

Most of the feedback reflects the priorities already in the Draft Plan, however the Draft Plan has been adjusted to include the need to create spaces that are more socially engaging and inclusive. Such spaces will help meet the needs of more people, final Draft Plan is attached. The change is reflected in Strategy 3.1 where "create socially engaging spaces" has been added to the priorities.

Concurrent to the consultation process occurring, at its 3 August 2021 meeting, Council requested that the Administration explore opportunities to accumulate revenue to purchase open space. This has now been included in the Draft Plan as a key priority. The finalised Draft Plan is attached for Council's consideration and approval (**Attachment 2**).

As this Draft Plan is a high level, strategic documents, an internal Implementation Plan will be developed by the Administration to deliver on identified actions over the next five years. The progress of these will be reported to the City Advancement and Prosperity Committee.

Climate Impact Considerations

(Assessment of likely positive or negative implications of this decision will assist Council and the West Torrens Community to build resilience and adapt to the challenges created by a changing climate.)

The key goals and priorities contained in the Draft Plan, the focus of this report, aim to green and cool our open spaces and enhance the walkability of West Torrens which will lower carbon emissions whilst supporting a more active and healthy community. As such, it will have a positive impact on building the community's resilience and adaptation to the challenges created by a changing climate.

Conclusion

The consultation process has provided opportunities for people to comment on the Draft Plan. The feedback highlights the community's passion for quality open spaces and is supportive of Council continually enhancing these spaces and exploring additional land for open space. This feedback has been considered in finalisation of the Draft Open Space Plan.

Attachments

1. **Community Feedback**
2. **Final Open Space Plan**

Draft Open Space Plan
Community consultation - feedback

Question	Feedback	Consideration for finalising the Plan
Please provide your overall feedback on the Draft Open Space Plan	Additional green space, especially in in-fill suburbs (like Keswick and Ashford) and suburbs with high open space gaps, should be purchased, or other creative solutions - like putting linear trails over Keswick Creek and/or Brownhill Creek - will be increasingly important for community wellbeing as the infill continues. Excellent initiative and much needed. I would suggest being more positive and aim at reclaiming more open space (i.e. the green space on Sir Donald Bradman Drive, Brooklyn Park near Marion Road has a great opportunity to expand in concert with plans to upgrade that intersection next year). The area Lockleys/Brooklyn Park has lost so much in the last couple of decades and that trend, albeit difficult can be and should be reversed for the benefit of the next West Torrens generation. I would also consider stronger emphasis on greening/grassing verges (i.e. Marshall Tce has fantastic wide verges and some are nicely grassed and curated, this could be done for its entire length. I would also focus on planting inside traffic islands on major roads (i.e. Marion Road Torrensville). Over all, I believe West Torrens can be the civic leaders in this space. "It would be good to be more specific about how it is anticipated to achieve some goals - For example, it would be great to open up Thebarton Oval to the public. The document also fails to mention the concern regarding land acquisition for South Road. This is supposedly the reason why the playground at Kings Reserve hasn't been built yet, even though the existing one has been taken away. I fully support the adoption of an open space plan, and it is great that it has been done, but please make sure that it results in real outcomes. I look forward to seeing what the plan produces. "	Consideration for finalising the Plan Feedback reinforces the goals and priorities of the draft Plan. The overarching intent of the feedback for more open space and greener streets reinforces the goals and priorities of the draft Plan. Locations such as those mentioned in the submission will be explored by staff as opportunities are explored as actions are implemented over the next 5 years. Accessibility and safety for ongoing maintenance, as well as irrigation are key elements when considering opportunities for greening the public realm. Places such as traffic islands can be problematic in this regard due to their small, isolated parcels of land and close proximity to traffic. In some situations the selection of plant species that have lower maintenance requirements may be an option. The Plan tried not to focus on specific locations but rather aimed to provide an overarching set of goals and priorities to influence more than a specific park. However Council staff will explore opportunities, such as those in submissions, as the Plan is implemented over the next 5 years. In relation to Thebarton Oval, it is anticipated that this space may be able to be opened to public access when games are not in play. The Plan makes mention of the State Government's North-South Corridor Project (South Road), and also includes a priority to explore opportunities to create open space within West Torrens as part of that larger road project. Feedback reinforces the goals and priorities of the draft Plan. This issue of infill development and loss of green space on private land is relevant to all of metropolitan Adelaide. Council staff continually work with the community to encourage the retention and future planting of vegetation on allotments as part of development approval process, however Council can only enforce the requirements that are set out in the Planning and Design Code under the Planning, Development and Infrastructure Act 2016. Urban heat and tree canopy maps aim to make the community aware of the issues and encourage tree planting and cooling strategies.
	Increased open space land acquisition and tree/landscaping. "I completely agree we need to protect our open space and that there will be increased demand for it due to urban infill. However, I also think we need to protect the green space we currently have on residential blocks. I think this can be achieved even with urban infill. Just because a developer buys a block to develop into five townhouses (which we are seeing all over the City) does not mean the established trees on that block need to go. Why not put some onus on the developer to plan around the established trees? Having a large area of green space every few kilometres around the City will not help cool the streets a kilometre away that have had all the trees removed from them and now have five townhouses to each block. If we really want our City to be serious about green space, then we should also be encouraging developers to do more than the bare minimum for greening their developments. Removing established trees and replacing	

	with a few yukkas along a fence line is not good enough and is not going to green or cool the new urban heat spot they have created."		Noted.
	More walking paths and playgrounds and ball court. Greenery and places to run.		Noted. The Plan has been adjusted to include a priority to create socially engaging spaces.
	Plan has not addressed making open space accessible to all genders. Need more inclusive social spaces that women and girls feel welcome and supported in, no more basketball courts.		
Goal 1: Provide diverse open spaces close to people			
Do you think the strategies and priorities defined under Goal 1 will achieve this goal?			
Please provide your feedback on Goal 1 of the Draft Open Space Plan.			
	Yes, I think the strategies and priorities will work well.		Noted
	Richmond Oval receives significant Council support. There should be a plan to transform this facility for enhanced community access - similar to Unley Oval - open, reduce fences, plant more lawn and trees. (Reduce the number of ugly industrial fences and walls - it looks like something out of the 1920's - it is not welcoming.		The City of West Torrens is embarking on an upgrade program for Richmond Oval which addresses these issues.
	Open space needs to meet the needs of all genders		Noted, and adjustment to the Plan has been made to create socially engaging spaces.
Goal 2: Create connected open spaces			
Do you think the strategies and priorities defined under Goal 2 will achieve this goal?			
Please provide your feedback on Goal 2 of the Draft Open Space Plan.			
	Yes, I think the strategies and priorities will work well.		Noted
	"- Northcote St (North) provides a model - where verges are wide, the road is narrow - this provides an opportunity to green up streets or rear lanes in Mile End (where there are wide roads). This is a less expensive and achievable model than purchasing new "space".		Noted. Opportunities to enhance greening of streetscapes and modify roads is included in the Plan and will be explored as the Plan is implemented.
	If local community groups were engaged to adopt these new wider verges - they could be planted and maintained at a reduced cost to Council and encourage community ownership.		
	- The rear lanes in Mile End east (eg Fiaherly Lane) - should be 'greened' up		
	- In order to slow traffic and to aid with reducing the urban heat profile of our community.		
	- Council could experiment with one-way streets in suitable locations - freeing up space to narrow roads and plant out more trees and shrubs."		
	Existing bicycle paths are almost non-existent (except linear park path). West Torrens needs to increase its network of cycling and walking paths as well as enhancing the network.		CWT has numerous dedicated off road bike paths and has a program to continually improve these, such as the Westside bikeway. There are also bike direct routes. These are shown in the Plan.
	Council also needs to invest and understand where people are riding and walking, participant in national bike counts and other bike counting activities, instead of just relying on DIT data (DIT says the data it uses is from councils).		Efforts to expand these pathways and to provide more supporting infrastructure such as bike racks and drinking fountains, etc, are being explored.
Goal 3: Create vibrant and healthy places for people and nature			
Do you think the strategies and priorities defined under Goal 3 will achieve this goal?			
Please provide your feedback on Goal 3 of the Draft Open Space Plan.			
	Yes, I think the strategies and priorities will work well.		Noted.
	I believe that where the plantings are not thriving/damages in local streets and parks - they should be progressively removed and replaced with better specimens or different species.		Noted. Council strives to maintain vegetation to a high standard and will trial with species types that may be more suitable to the local conditions. The City of West Torrens has recently released its design guidelines for

			'Street trees in challenging spaces' which will help improve growing conditions for trees in confined locations, and enhance overall tree canopy cover.
		Gender has not been addressed.	Noted. The need for socially engaging spaces is now addressed in the Plan.
Goal 4: Enhance community participation			
Do you think the strategies and priorities defined under Goal 4 will achieve this goal?		Yes, I think the strategies and priorities will work well.	Noted.
Please provide your feedback on Goal 4 of the Draft Open Space Plan.		"See comments in Goal 2. In addition - replanting is needed on the eastern wall of the Horwood Bagshaw housing development. The local residents group could be engaged to clean up, replant and help maintain this sector."	Noted.
Goal 5: Ensure responsive and well-managed open space			
Do you think the strategies and priorities defined under Goal 5 will achieve this goal?		Somewhat, I think the strategies and priorities could do more.	Noted.
Please provide your feedback on Goal 5 of the Draft Open Space Plan.		I think the opportunity to purchase additional land is limited due to supply and cost constraints. Developing Richmond Oval similar to Unley Oval will make more community space/green space available.	Feedback noted. A new Master plan has been prepared for redeveloping Richmond Oval to meet the growing needs of our community and provide improved, user-friendly recreational spaces. The redevelopment aims to provide a sustainable, high-quality public open space which is user-friendly for local residents while also offering multi-user sporting and recreational activities and opportunities.
Do you have any further comments you would like to make about the Draft Open Space Plan?		"- The redevelopment of the Brewery/Coke site provides an ideal opportunity to refresh sections of the River Torrens in the precinct and to upgrade the quality and access to green space - this is a critical opportunity as it is a large parcel of land. - The greening of the Keswick Creek (sections) - removing 1950's cement, planting out and improving paths would be a great infrastructure opportunity. This would require Fed, State, Council partnerships and funding."	It is anticipated that open space will be included in redevelopment of this site and the City of West Torrens is advocating for green space linkages. Support for greening drainage corridors is noted. This feedback supports the intention of the open space plan to explore open space opportunities along drainage corridors.

Open Space Plan 2021 - 2026

September 2021



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Kaurna Acknowledgement

The City of West Torrens acknowledges that the Kaurna people and their descendants are still and will always be the first peoples of the land. The City of West Torrens commits to valuing and supporting the Kaurna people's inherent relationship to the land.



Revision	Date	Reviewed	Details
1	1/10/2020	WK (wax)	Draft for client review
2	28/05/2021	CoWT	Updated draft following CoWT review
3	01/06/2021	CoWT	Minor updates to V2
4	8/06/2021	CoWT	Minor updates to v3
5	28/06/2021	URPS	Draft approved by Council for community consultation
6	08/09/2021	CoWT	Final delivery following community engagement on draft plan and amendments by CoWT



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Message from the Mayor

Our Council's vision for our community is for West Torrens to be 'the best place to live, work and enjoy life'. As such, I am pleased to introduce our Open Space Plan 2021 - 2026, which outlines the importance our parks and streetscapes play in supporting the health and well-being of our communities and providing attractive neighbourhoods in which to live.

Infill housing and development is an issue that all Adelaide metropolitan councils face, as population numbers increase and the demand for inner-suburb living increases. As infill development increases, residential lot sizes become smaller and this puts added pressure on councils to provide spaces where our community can exercise, play, socialise and take part in sporting activities.

Open space is not just about liveability for our communities; it has an important role to play in supporting our environment by providing essential habitats for the continued existence of locally native plants and wildlife. Plants and green space also help cool temperatures in hot weather and purify air for us to breathe and it is a well-known fact that suburbs that have attractive green space often increase value in our community.

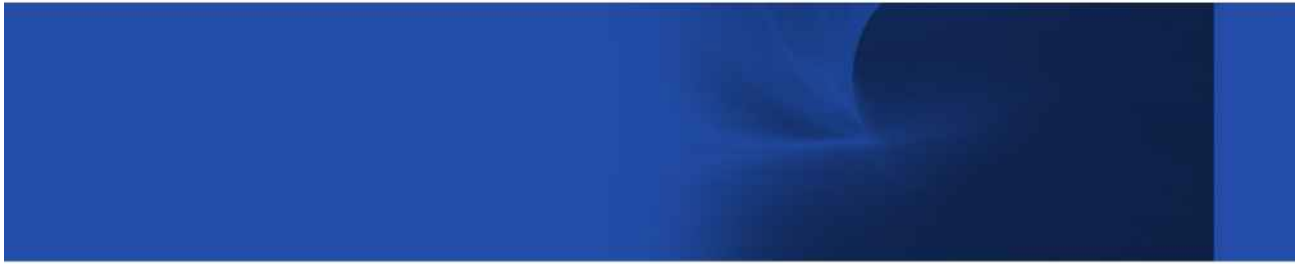
As West Torrens is only some 37 square kilometres in area and the Adelaide Airport is located on about 20 per cent of that, the provision of open space is a challenge for us. Our residential population of 61,000+ residents is steadily rising and the desire and need from our community for attractive, usable open space is increasing. As a result, providing open space that is fit for purpose in the future is very important in our thriving community.

The City of West Torrens Open Space Plan 2021 - 2026 addresses key issues and drivers that influence Council's management and provision of open space. In recent years we have made it our mission to improve the quality, and expand the usage, of many of our recreational areas in West Torrens and when you view our state-of-the-art facilities such as Apex Park, Weigall, Lockleys and Camden Ovals, it's clearly evident the importance that we place on providing functional and beautiful spaces for everyone to enjoy.

This Plan builds on where we have come from and what we have achieved and provides an important guide for us for what needs to happen in the future.

Michael S. Coxon
Mayor, City of West Torrens





1 Introduction

Quality open space is integral to achieving the City of West Torrens' vision of being *the best place to live, work and enjoy life*.

Our parks and streetscapes play an important role in supporting healthy communities and attractive neighbourhoods. It is critical that these spaces are planned, managed and maintained in a way that delivers benefits to the community, supports Council's overarching objectives, and the community's aspirations for the City for West Torrens.

Open space includes places for people to play sport, be active, relax and connect. Open space plays a key role in supporting a healthy population and opportunities to enhance health and wellbeing are key considerations for this Open Space Plan.

Open spaces provide space for trees and landscaping which enhance the amenity of streets, provide shading and cooling in hot weather, and improve biodiversity and water quality.

Open space can help us prepare for and mitigate the impacts of climate change. However, as we experience higher temperatures, drier conditions, and more extreme weather events, we will need to manage our open space differently.

This Open Space Plan addresses the key issues and drivers that influence the provision and management of open space. Land use planning policy changes allow for expanded areas of medium density development and identify areas where higher density development is envisaged. These policy changes facilitate the development of more dense residential areas which will accommodate additional population in West Torrens and consequently increase demand for open space. A number of substantial improvements have been made to the open space provision between 2017 and 2020. Approximately \$30 million has been invested into parks and major sporting and recreation hubs across the city, including:

- Major upgrades to district open space including Camden Oval, Lockleys Oval, Kings Reserve, Weigall Oval and neighbourhood open space including Apex Park and Mellor Park Reserve
- Establishment of nature play opportunities to enhance conventional playgrounds
- Works to enhance the natural landscape value and biodiversity along the River Torrens Linear Park, Apex Park, Lockleys Oval and the Westside Bikeway.
- Preparation of a Recreation and Open Space Asset Management Plan to facilitate Council's sustainable service delivery and long-term financial planning and reporting.

This Plan builds on these improvements and responds to projected changes in population, urban development, environmental conditions and community needs, to guide open space management over the next 5 years.



1.1 What is public open space?

Public open space in the City of West Torrens includes parks and reserves, sports fields, playgrounds, and linear pathways, such as the River Torrens Linear Park and bikeway corridors. It includes land with a drainage or utility purpose, some paved areas, and some landscaped road reserves. Most of the open space referred to in this plan is on land owned by Council and under its care and management, however some of the open space is on land owned by external parties with public access permitted.

1.2 Purpose of the Open Space Plan

The Open Space Plan will guide the delivery of quality public open spaces and aspires to meet the needs of the community by Council over the next 5 years.

The objectives of the Plan are to:

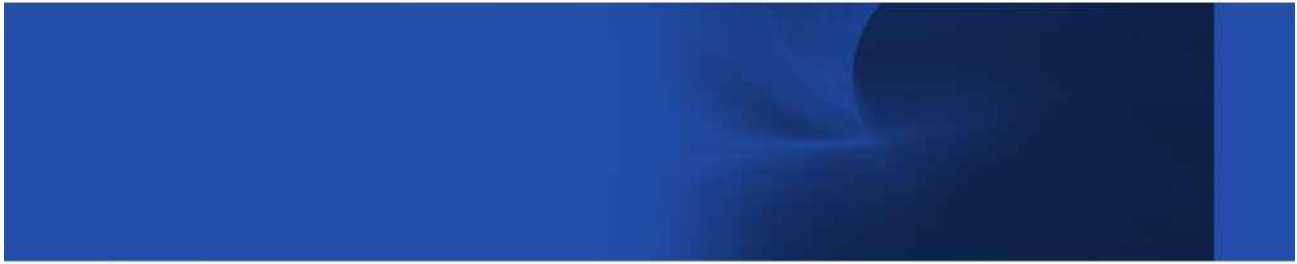
- Protect existing areas of open space.
- Deliver a diversity of open space types and experiences to suit the needs of the community.
- Provide an equitable distribution of public open space across West Torrens by responding to:
 - areas of population growth (rising demand)
 - areas in short supply of open space (gap areas) and
 - opportunities to enhance open space.
- Enhance the accessibility and safety of open spaces and strengthen linkages between open spaces and key activity nodes.
- Maximise the greening and cooling benefits of the open spaces and open space network.
- Enhance open spaces through coordinated planning, management and maintenance activities.
- Describe goals and strategies that will inform Council asset management planning and funding requirements for open space.

1.3 The benefits of open space

There is a strong link between good quality, accessible open space and the livability of our suburbs. Open space underpins many social, environmental and economic benefits that are essential to a healthy community.

Open space can:

- Provide spaces and opportunities for people to connect with nature, to socialise, to exercise, and to rest and relax which in turn provides mental and physical health benefits.
- Contribute to civic pride and social cohesion, including improving the local amenity, enhancing economic activity and property values and supporting a more livable City.
- Provide important physical and social opportunities for childhood development.
- Facilitate stormwater management, including stormwater drainage and protection from flooding.
- Provide a resource for nature education.
- Support the community to adapt to climate change through the cooling effects from trees and lawns in open spaces, which can create aesthetically pleasing and comfortable places, reducing the use of air-conditioning of buildings, ameliorate noise, improve air quality and provide a habitat for plants and animals.



2 Context

The City of West Torrens is located on the traditional country of the Kurna Meyunna (Kurna people). For thousands of years they lived sustainably in harmony with the land, managing the land, fishing, hunting and collecting food from the natural environment. The coast, river, wetlands and reedbeds provided food, fresh water and places to meet and rest. The colonisation of South Australia led to the displacement of traditional camping, food collection and hunting areas and many Kurna people were relocated far away.

The region, its plants, animals, river and coastal environment including River Torrens (*Karrawirra Pari*) and Gulf St Vincent (*Wongayerlo*) have continuing cultural and spiritual significance to Kurna people.

2.1 Physical context

The City of West Torrens comprises 37 square kilometres of Adelaide's western metropolitan area. It is bound by the Torrens River to the north; Adelaide city to the east; Gulf St Vincent to the west, with ANZAC Highway, South Road and the Glenelg tramway as its southern boundary. The council area includes approximately 1.5km of coastline.

The area played a key role in the establishment of the Colony of South Australia, originally for farming purposes and then in the 1930s and 40s for residential development, and a range of more intensive commercial and industrial land uses in the 1950s and 60s. Today the greatest percentage of land within West Torrens is dedicated to residential development, while the commercial areas comprise a range of industrial, logistic, distribution and retail establishments.

Adelaide Airport occupies a significant area of land in the centre of the City of West Torrens, taking up about 20% of the council area. Adelaide Airport is on Commonwealth land and is therefore not managed by Council, except for a few areas such as some bikeways and the West Beach Detention Basin.

2.2 Planning and policy context

The Open Space Plan sits within a broader framework of Council plans, policies and strategies as well as State Government legislation and land use planning policies. Council's *Community Plan* is the lead document in Council's suite of strategic management plans. Its purpose is to communicate the community's aspirations and to help Council evaluate and address these through its strategic planning processes and day to day operations. The Open Space Plan delivers across three of the five focus areas of the Community Plan as shown below. These are Community Life, Built Environment, and Environment and Sustainability.

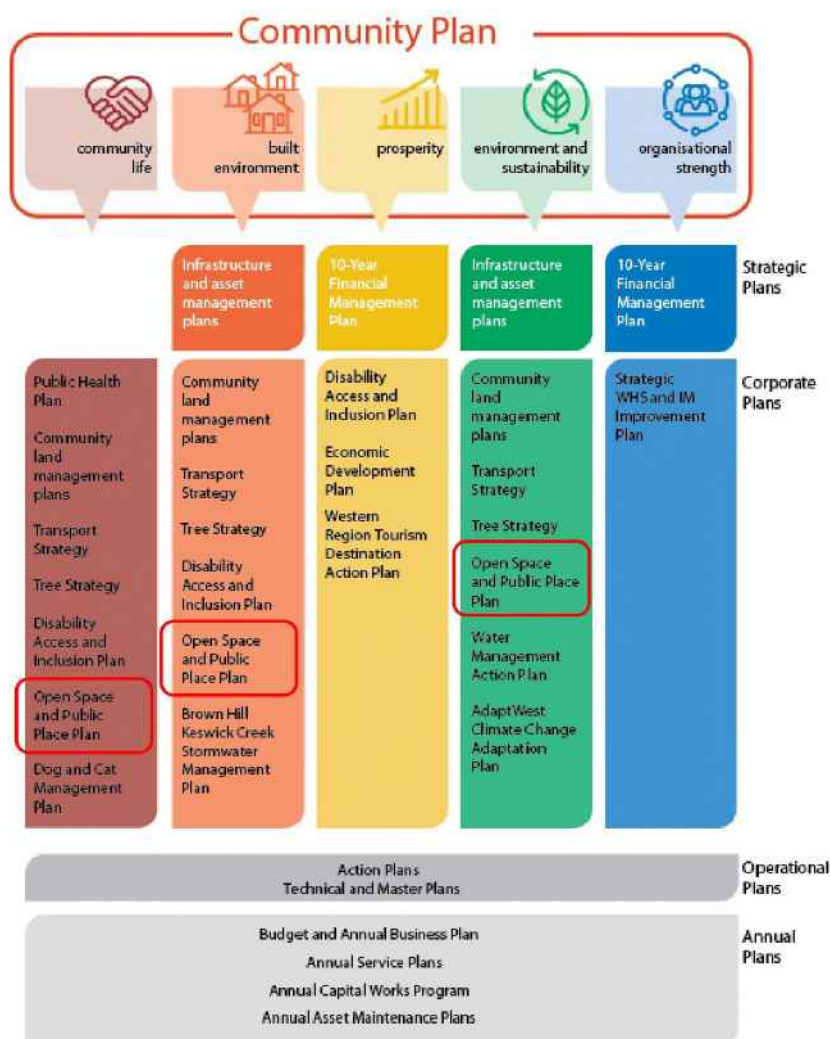
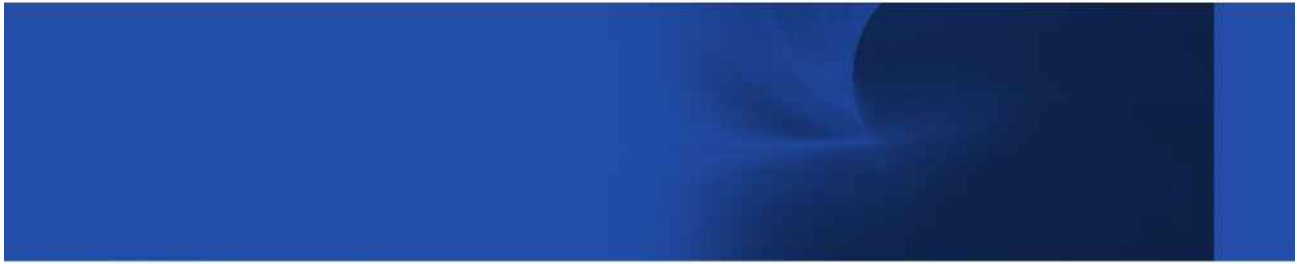


Figure 1 Council planning framework



Council's *Recreation and Open Space Asset Management Plan* describes the investment required to manage open space assets to agreed service levels. It informs how Council resources are allocated to open space management.

Council's *Community Land Management Plans* describe the land owned by Council that is set aside for public use or conservation purposes, such as reserves and recreation and sporting facilities. It aims to balance site conditions with community needs for open space.

In addition to the plans above, the preparation of this Open Space Plan has been informed by and will contribute to progressing the following Council documents:

- *Open Space for Higher Density Structure Plan*
- *AdaptWest Climate Change Adaptation Plan*
- *Disability Access and Inclusion Plan*
- *Tree Strategy*
- *Public Health Plan*
- *Transport Plan*
- *Water Management Action Plan;* and
- *Public Realm Design Manual.*

A summary of each of these documents is provided in Appendix A.

There are a number of State government plans, policies and guides that influence open space and its management. The *30-Year Plan for Greater Adelaide* (to be replaced by a Regional Plan in the future) includes targets relating to urban consolidation, greening and walkability that can be progressed through the Open Space Plan.

The State Government's plans for the North-South Corridor Project is likely to involve the purchase of land for infrastructure such as the tunnel and exit ramps. Should there be any land surplus to requirements, this may provide an opportunity for Council to incorporate this land in its open space network.

The State Government has released '*Creating Greener Places for Healthy and Sustainable Communities*' as part of its focus on improving public access to green open spaces in recognition of the health and wellbeing benefits urban greening can provide. This contains a set of principles for creating quality green open spaces, and these can help inform the delivery of open space in West Torrens, as outlined below:

Principles for Quality Green Public Space

1. Promote community health and wellbeing
2. Connect with nature
3. Build stronger communities
4. Deliver connectivity and access for all
5. Contribute to neighbourhood character
6. Support resilient neighbourhoods.

3 Emerging issues for open space

3.1 Increasing infill development

The 30 Year Plan for Greater Adelaide includes a target to increase urban densities through infill development in the inner metropolitan area of Adelaide. The Planning Reform process will see the 30 Year Plan replaced by a Regional Plan that is likely to see similar infill targets.

The Planning and Design Code Phase 3 introduced in 2021 has expanded the area in which more dense residential development is envisaged and introduced of new forms of higher density buildings such as residential flat buildings, terraces, row dwellings and group dwellings. The introduction of the Code also introduces new minimum site areas for all dwelling types within the General Neighbourhood Zone. The Urban Corridor Zones (Urban Corridor Boulevard, Business, Living and Main Street) and Housing Diversity Neighbourhood Zone have the potential to see increases in total population as well as potential to introduce a more diverse population.

These changes are anticipated to result in a growing population in West Torrens with people living at higher densities on smaller parcels of land. This is likely to result in the community being more reliant on public open space and thus will place greater demand on Council's open space network. In addition, the 12.5% open space contribution required by the Planning, Development and Infrastructure Act is unlikely to deliver new open space to infill development in the Housing Diversity Neighbourhood Zones due to the smaller allotment sizes and number.

These changes highlight the importance of protecting existing areas of open space. It will also be important to strengthen linkages to key activity nodes to enhance accessibility. In addition, opportunities for shared open space should be explored with schools, community groups and private land owners.

The Code introduces a clear intent to plant more trees on private land in conjunction with the development of new dwellings in urban residential areas. However in some zones, minimum site areas make it difficult to achieve the provision of tree planting sought by the Code. Where tree planting in conjunction with a new dwelling is not possible on the basis of being located in the Housing Diversity Neighbourhood Zone, Urban Renewal Neighbourhood Zone or an area with a 'Designated Soil Type', the developer may elect to either plant the tree or pay into the Urban Tree Canopy Off-set Scheme. The funds received are to be used to plant trees in parks, reserves and nature strips or to create new parks.

The uptake to contribute to the Urban Tree Canopy Off-set Scheme in lieu of planting a tree and subsequent funds provided to councils may increase community expectations of increased canopy cover. The Urban Tree Canopy Off-set Scheme will apply in areas that promote uplift and infill, which will also see increases in demand for limited public land, particularly street verges. Balancing demand for vehicle access, on-street car parking, bin collection and other infrastructure coupled with a need to plant trees in streetscapes to meet greening targets may lead to unmet expectations of both developers and the community.

The creation of higher density residential and mixed use areas will likely contribute more stormwater runoff and this presents challenges for the capacity of Council's stormwater infrastructure to manage future volumes. There may be a need for Council's open space network to provide space to allow for the detention of stormwater.

Urban infill may result in loss of greening, particularly on private properties as trees, landscape areas and lawns are removed to make way for more housing developments. The loss of greening and cooling benefits can exacerbate urban heat island effects. In addition, as greening is lost from private



land, the community is likely to rely more on Council's open space network for their recreational, relaxation, and health needs.

The quality of the existing open space network may be affected due to higher number of visitors, increased usage and greater wear and tear. This in turn, will require increased levels of maintenance and management.

3.2 A changing community

Understanding community characteristics can guide the City of West Torrens to develop strategies and actions that deliver high quality open space that meets the current and emerging needs of its community.

Population and demographics

The estimated population of the City of West Torrens in 2020 was 61,735 (profile.id, 2021).

Compared to the population of the Greater Adelaide area, there is a greater proportion of people aged between 20 and 39 in West Torrens. From 2011 to 2016 the population age cohort which saw the greatest growth in the City of West Torrens was 25- to 34-year-olds. An increase in the number of children aged under ten years old, along with the increase in 25- to 39-year-olds suggests there has been an increase in families living in the City of West Torrens. Continued growth in these demographic groups will increase demand for open space as well as an ongoing demand for sports hubs and playspaces as the demographic matures.

There is also a greater proportion of the population of people aged over 85 in West Torrens compared to Greater Adelaide, and this age group has been growing since 2011. There has also been growth in the 45-69 age groups. Consequently, a focus on active ageing should be reflected in the provision of open space in the City of West Torrens.

Population projections include ongoing population growth with the most significant percentage of population growth focussed in the Richmond and Plympton areas. Council has already planned for these areas with the upgrade to Weigall Oval completed in 2020 and proposed activation of Richmond Oval to be undertaken over the coming decade. Council will continue to explore opportunities to provide open space for the growing population.

Higher density areas have been shown to support a range of social, environmental and economic benefits. However to be successful, this shift in the urban form must be accompanied by associated increases in quality open space and public places. These spaces and places must support the higher concentration of residents and must also be considered in the context that there is no typical 'higher density resident' which means that open spaces need to be designed to accommodate multiple concurrent uses.

The community of West Torrens is culturally diverse, with nearly one-third of people being born overseas and the same proportion speaking a language other than English at home.

There is a similar proportion of the population living with disability in West Torrens compared to Greater Adelaide, as indicated by the proportion of people requiring assistance with core activities. Open space design should not be a barrier to people living with disability from joining opportunities for social participation and interaction. Providing accessible open spaces where people with disabilities can easily move around, use facilities and enjoy the landscape is a priority of Council's Disability Access and Inclusion Corporate Plan (DAICP).

This information suggests that an 'inclusion' approach should be applied to open space to ensure that design, planning and upgrades are multicultural, inclusive and highly accessible.



Population growth

In the next five to ten years, there is limited population growth projected across the City of West Torrens but from 2031 onwards, growth is projected to steadily increase. The largest growth is expected to occur in Richmond and Plympton areas (note not suburb). By 2036, it is expected that the Plympton area population would have increased by nearly 18%, whilst the Richmond area would have increased by nearly 16%. These growth projections offer timeframe for delivery of open space across the council. A focus of the open space strategy will be to capitalise on the timeframe in terms of the planning, delivery and management of open space.

Household and dwelling characteristics

In 2006, the average household size in the City of West Torrens was 2.2 people. Just over one third of households in the council area include children, and there are similar proportions of lone person households and multiple person no children households. There are a greater proportion of lone person households in the City of West Torrens than for Greater Adelaide however a smaller proportion of households with children. Almost two-thirds of households in the council area do not include children. The distribution of households with no children is relatively similar across the whole Council area while there are slightly more households with children in the Fulham and Lockleys areas than the other areas.

Across the council area the mixed aged groups have different demands for open space. For example, families with young children are more likely to want playgrounds near to their homes, young adults may want dedicated sports fields and events to be held in parks, while older people may want nearby spaces that are designed to be age-friendly with good public transport options or parks or playgrounds to take their grandchildren. This may require increasing open space provision close to aged care or supported residential care facilities. The increasingly active retiree cohort may also benefit from active recreation opportunities and walking and cycling trails that connect desirable destinations, sports hubs and other open space.

Opportunities for open space to host formal and informal events and celebrations are important to support community connection. Open spaces and public places provide opportunities for people of different cultural backgrounds to interact with each other in ways specific to their cultural customs/social practices.

A "successful" multicultural environment is one where various group's sense of comfort is combined with good physical design to create an atmosphere that can nurture many preferences; a place that fosters social interaction while simultaneously creating distinct "spaces" where individual cultures can be emphasised and celebrated (Knapp, 2009)¹.

¹ Knapp, C (2008) *Making multicultural places*, Project for Public Spaces, <https://www.pps.org/article/multicultural-places>



3.3 Climate change

As the climate change continues to change, South Australia will continue to experience extreme weather events with warmer and drier conditions with longer, hotter and more frequent heatwaves. In addition to the direct impacts on human health and wellbeing, heatwaves can adversely affect plant health, impacting condition, and amenity and the longer term sustainability of trees and shrubs. The open space network can play an important role in mitigating weather events, providing shading and cooling for the community and environment which may alleviate the effects of heatwaves.

West Torrens has undertaken urban heat mapping which identified areas such as roads, streets without tree canopy and unshaded playground equipment as being hotter than their surrounds. This Open Space Plan highlights the importance of urban greening the urban environment and suburbs (i.e. trees, shrubs and turf) to in providing shading and cooling, especially if these spaces are irrigated.

Average annual rainfall is projected to decline, particularly in winter and spring. However, there may be an increase in heavy rainfall events which may place pressure on drainage infrastructure, resulting in flash flooding. West Torrens has invested significantly in oval drainage for sports hubs at Weigall, Lockleys and Camden Ovals in order to better manage potential flooding or increased rainfall. There may also be opportunities for other open spaces to provide a drainage function and alleviate flood risk.

The term 'climate smart' refers to opportunities to build resilience to climate risk and reducing greenhouse gas emissions. Climate resilience means being able to survive, adapt and thrive as the climate changes and extreme weather events become more frequent and more intense. Planning for and delivering climate smart open space will help Council design open spaces to address the future climate changes, and maximise water and energy efficiencies, while minimise greenhouse gas emissions associated with construction and operation activities. For example, it may be useful to investigate the use of hybrid grass species that can cope with higher usage from increased population, can tolerate water inundation and also have lower irrigation and maintenance requirements.

Adding and maintaining greenery in urban environments is critical to provide shading and cooling benefits as the climate warms. However as annual rainfall declines and temperatures and evapotranspiration rates rise, the volume of water required for irrigation to maintain the condition of green space will increase.

Water sensitive urban design features and green infrastructure such as rain gardens, permeable pavements, green roofs and green walls and irrigation management systems can assist in keeping water in the environment, maximising the efficiency of water use and making sure soil moisture is maintained.

Species selection needs to consider the future climate for the duration of the expected life of the species, irrigation demands and water availability. Irrigation across the city needs to be optimised to deliver maximum greening with available water resources.

Facilitating ongoing use of open space during hot weather may require increased provision of trees and other shade structures to shade playgrounds and picnic areas, drink fountains and choosing materials and equipment that are more resilient to heat and are less likely to become dangerously hot to touch.



3.4 Community aspirations

The emerging issues summarised above were also highlighted as important issues by the community during recent consultation on Council's 'Community Needs Analysis' report (2020). Key community aspirations in relation to open space are listed below:

Trees, landscaping and open spaces

- Strong support for protecting existing trees and a desire for new green spaces, particularly to cater for the increased demand for open space arising from infill development
- Desire for parks, spaces and streets to be enhanced with additional planting and shading

Infill development

- Desire for supporting infrastructure associated with residential infill such as public transport, car parking and access to open spaces

Environment, sustainability and renewables

- Desire for energy efficient design, water capture and reuse, enhanced water quality, cleaner air and more tree planting so that West Torrens becomes more environmentally sustainable

Sport and recreation facilities

- A desire for children's playspaces, and spaces for older children such as skate parks, sports courts, basketball facilities and a regional swimming pool, with associated shelters and toilets
- Recognition that sporting facilities and sporting groups are very important now and into the future



4 Open space planning framework

Open spaces can be classified and managed under a hierarchy which is generally based on the intended use of the site, the area and population catchment that it caters for and the service level. The hierarchy can inform potential uses and level of investment for each site, such as its quality and the types of facilities provided.

The hierarchy approach recognises that not all open space can, or should be, developed or maintained to the same standard and the approach to development and management will vary according to the type, character, demand, budgetary resources, service levels and potential community value of the open space.

Open spaces can also be sub-defined by the 'function' that they perform, such as civic space, recreation park, sportsground, etc. The range of open space functions helps describe the diversity of spaces across the council area.

The hierarchy of open space and functions are described below.

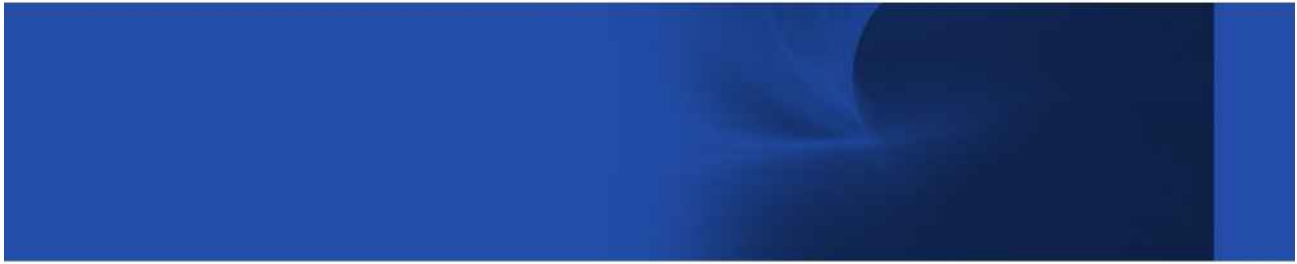
4.1 Open space hierarchy

The size of open space influences how many facilities can potentially be provided in that open space, how many people are likely to visit, and the type of activities that can be undertaken.

The hierarchy of open space used by the City of West Torrens is guided by the State Government's hierarchy definitions as well as definitions used by other metropolitan councils, and in doing so provides a level of consistency across other local government areas.

The open space hierarchy for the City of West Torrens is to be used as a guide for the planning and management of open spaces, and includes the following classifications:

- **Regional** - regional open spaces generally have the capacity to service or attract people from across and beyond the City of West Torrens due to its location, size, uniqueness, visitor appeal, quality, levels of service, play value or focus of the activity. They often have a greater complexity of facilities and activities, or may form a linear linkage across the council area. Typically regional open spaces are large, however smaller parcels of land may also be considered as having a regional status, particularly if they attract people from outside of the council area, such as for holding special events and ceremonies. Regional open spaces are often reached by car, public transport as well as walking and cycling.
- **District** - district open spaces vary in size and attract people from a wider catchment area across the Council. These spaces may provide dedicated areas for recreation, play, sports competitions and events and may cater for a more significant number of users and activities compared to the smaller open spaces. They are often reached by car, public transport as well as walking and cycling.
- **Neighbourhood** - neighbourhood open spaces would generally cater for people across a number of suburbs and be larger in size than local open spaces. These spaces may be a bit further away from homes than local parks and so it is anticipated that people may reach these spaces by walking, cycling as well as by car.



- **Local** - local open spaces are likely to be small in size and will generally cater for a local area (one or two suburbs). These spaces would be close to homes, schools and local shops, and people would generally walk or cycle to these spaces, rather than travel by vehicle. They are likely to be less developed than larger spaces, not over-complicated in design, yet still be appealing and safe. The types of activities at local open spaces would be play, walking, unstructured recreation and being connected to nature.
- **Landscaped road reserves** - landscaped road reserves generally include wide verges that have a streetscape appeal. They may also include pedestrian walkways which help provide linkages to open space, enable people to be close to nature, and also enhance amenity values. The landscaped road reserves are not anticipated to have recreational or other infrastructure provided.
- **Shared open space** - these are open spaces that are accessible to the public but are not owned by the City of West Torrens. They may be land owned by an educational facility or club sporting fields. They may also include school grounds which have an agreement in place with the Council to assist in maintenance in return for allowing the public to access after school hours. Currently the Council has an agreement in place with Cowandilla Primary School and will look to expand this in the future

The hierarchy of open space helps guide the potential range of facilities or level of service for each open space. In addition, the function of each open space, its surrounding community and Council's budgetary resources are also factors that help guide the provision, development and management of open spaces. A guide for facilities development and investment is provided below.

Table 1 Types of facilities for open spaces - a guide for investment

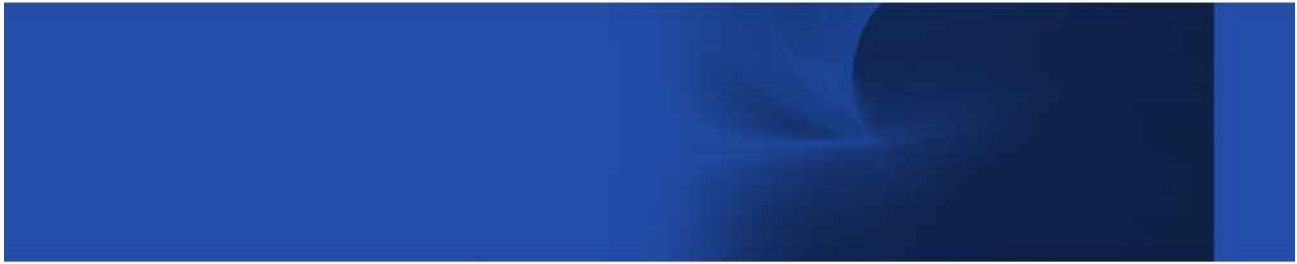
FACILITIES	OPEN SPACE HIERARCHY				
	Landscaped Road Reserve	Local	Neighbourhood	District	Regional
Trees and landscaping	✓	✓	✓	✓	✓
Park bench	✓	✓	✓	✓	✓
Paths	✓	✓	✓	✓	✓
Bin		✓	✓	✓	✓
Playground		✓	✓	✓	✓
BBQ		✓	✓	✓	✓
Lighting		✓	✓	✓	✓
Irrigation		✓	✓	✓	✓
Drink fountain		✓	✓	✓	✓
Bike rack		✓	✓	✓	✓
Shelter		✓	✓	✓	✓
Picnic setting			✓	✓	✓
Basketball hoop			✓	✓	✓
Court/ skate bowl			✓	✓	✓
Toilets				✓	✓
Sportsground (eg club)				✓	✓
Off street car parking				✓	✓

4.2 Open space function

In addition to a 'hierarchy', open spaces are classified according to their principle 'function', based on the main function of each space. The function describes the predominant type of land use, experience or facilities in the open space, such as a sportsground, a recreation park, a community garden, etc.

Identifying the range of functions of open spaces helps to describe the diversity of open spaces and experiences across West Torrens.

Providing a diversity of open spaces will serve to ensure that the diverse population will continue to have a range of recreation experience now and in the future. By classifying open space by its function type a greater diversity of spaces can be created and the Council and developers can be clearer as to what open space is required to address any deficiencies or gaps in provision.



The range of functions is described below.

- **Civic** - open space dedicated for civic events, gatherings and heritage sites. An example is the West Torrens Memorial Gardens.
- **Community Garden** - community spaces for growing food and plants. An example is Clifford Street Reserve, Torrensville.
- **Linear path** - long connection of open space which provide linkage to places and supports recreation activities, natural systems, and often associated with waterways. An example is River Torrens Linear Park and Westside Bikeway.
- **Recreation park** - open space for casual forms of recreation such as exercise, relaxation and social interaction. These spaces can include facilities such as playgrounds, exercise equipment and picnic settings. Some of the parks also have memorials. An example of a recreation park is Mellor Park.
- **Sportsgrounds** - open space dedicated to structured active sports and facilities such as playing fields, ovals and courts. Can also be accessed by the community for recreation. An example is Richmond Oval and Kesmond Reserve.
- **Streetscape** - landscaped road reserves and walkways. These areas are often planted to enhance the local amenity and accessibility for pedestrians. These spaces are not anticipated to be sites of significant investment or have recreational facilities provided. Although they may not provide constructed facilities, they help enhance the open space network through providing linkages and places for people to connect with nature. An example is a portion of landscaped road reserve along James Congdon Drive, Mile End. Another example is a walkway linking Brecon Court Reserve to Sir Donald Bradman Drive, Lockleys.
- **Utility** - areas dedicated to essential services such as drainage and supply of services (eg power and water). An example is a portion of Keswick Creek drain, and the West Beach Detention Basin.
- **Significant Tree** - Land dedicated to retaining significant trees and/or purchased specifically with the intent to plant a type of tree that meets the significant tree legislation and size requirements upon maturity, and therefore cannot be used for another purpose- although may be used in conjunction with abutting land which is used for other compatible open space purposes (there are currently no open space areas in this classification).



5 Supply of open space in West Torrens

5.1 Planning standards for open space

The provision of open space in a Council area can be defined utilising varying planning standards. The National standard of 3 ha (7 acres) per 1,000 people is widely accepted. Recently, and in response to increased urban densities as well as the social, physical and environmental benefits of open space, the demand for open space has grown. Similarly, accessibility to open space has become a crucial factor. The provision of open space within a 400m walking radius (buffer) of dwellings is the recognised standard.

Although, it is important to review the limitations of the local footpath networks, road crossings and barriers within 400m buffers.

The success of such targets depends on the existing built form of the Council area, the existing provision of open space and the opportunities to increase or upgrade open space. As housing densities increase, more people will live in a defined area and thus an increase in the provision of and access to open space is required. Having the opportunity to increase open space provision is most achievable in 'greenfield' development; however, the City of West Torrens will require innovative and responsive solutions to increase open space provision within their existing developed urban fabric.

Although planning standards such as those described above can be used as a tool to measure the supply of open space, they should not be the sole determinant of supply, and they should not be applied too strictly. Rather, it is important that the needs of the community are considered, and that the quality, useability and accessibility of open space are the critical factors in planning for open space.

For the above reasons, the guiding principles for planning and maintaining open spaces in this Plan will aim to provide reserves and parks within short walking distance to homes. Open spaces that provide quality open space provision, a variety of experiences through diverse settings, equity of access, greening, efficient resource management and preservation for future generations to enjoy.

5.2 Current provision of open space

There is currently 173ha of open space in West Torrens, which equates to 5.7% of the Council area (excluding Adelaide Airport). In addition to the open space owned and managed by Council, there is an additional 107.7ha of privately owned open space which the community can utilise. This open space has not been taken into account in calculating the provision of open space as the Council does not currently have any agreements for shared use of these facilities.

The total open space in West Torrens represents 2.84ha per 1000 people, based on an existing population of 60,842. If shared open space agreements for land not owned and managed by the Council are established, the available open space in West Torrens represents 4.65ha per 1000 people. Based on the National standard of 3ha per 1000 people, the current supply of open space is meeting this particular planning standard. However, as urban infill and population numbers increase in the future, there will be greater pressure on the current open space network to meet the community demand for quality open space.

In addition, a large proportion of people across West Torrens live within a 400m walking radius of open space.



The open space network varies across West Torrens. It includes local parks and landscaped road reserves that enhance local amenity, enable people to be 'in touch with nature', and provide opportunities for play, exercise, and meeting people. The open space network also includes several larger parks and sports grounds which provide more complex settings with high quality facilities for events and organised sports. There are also important corridors throughout West Torrens, including the River Torrens Linear path and several bikeways. These not only provide spaces in a natural setting but also encourage exercise by walking and cycling, reducing dependency on private car usage and promoting healthy lifestyles. There are some sites in the open space network that are owned by Council but are used exclusively by clubs.

West Torrens has continued to raise the quality of the open space network, such as upgrades to Camden Oval, Lockleys Oval, Kings Reserve, Weigall Oval, Apex Park, and plans are in place to upgrade Mellor Park Reserve. This is further supported by the high quality bikeways in West Torrens that provide good access and linkages to open spaces and other destinations. Notwithstanding this, opportunities to provide more open space and enhance existing spaces will continue to be explored, particularly to meet the needs of the anticipated future population growth.

Future open space provision may require a combination of land acquisition and enhancement of existing open spaces, including streetscapes and walking and cycle connections, particularly in higher density areas and to provide parks within short walking distance (5-10 minutes) from homes.

The following sections describe in more detail the types of open spaces and their distribution across West Torrens. Analysis of this information can help identify opportunities for providing more open space and in enhancing current spaces.

Comparison to other councils

The City of West Torrens currently provides 2.84ha of open space per 1000 people. Table 2 shows how this compares to neighbouring suburbs.

Table 2 Open space provision – other councils (sourced from council open space plans)

Council	Area of open space (ha)	Population 2019	Provision of open space (ha/1000 pop)
City of West Torrens	173	60,842	2.84
City of Charles Sturt	403	119,002	3.39
City of Holdfast Bay	70	37,007	1.89
City of Unley	30	39,244	0.76
City of Norwood, Payneham & St Peters	180	37,099	4.86

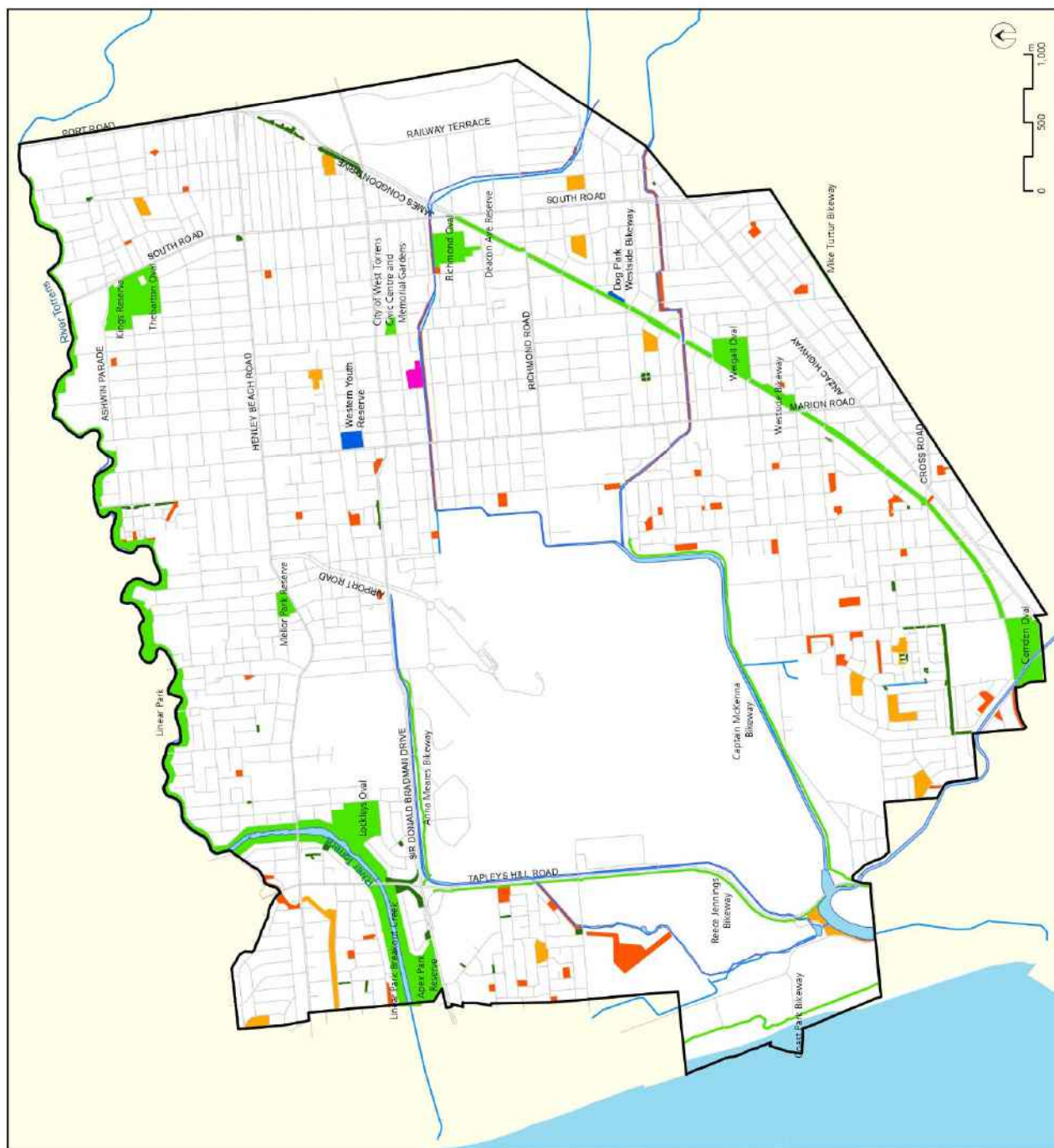
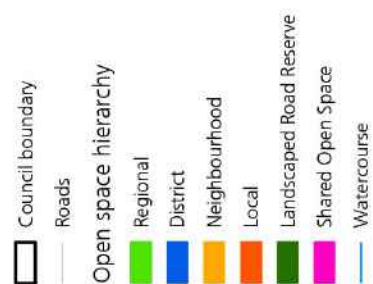
5.3 Hierarchy of Open Space

Table 3 shows how open space in the City of West Torrens is split across the categories of hierarchy. The distribution of this open space is illustrated in Figure 2

Table 3 Area of open space by hierarchy

Hierarchy	Area (ha)	% of total open space	% of council area (excluding airport)
Regional	121.2	70.2%	4.0%
District	2.0	1.2%	0.1%
Neighbourhood	17.6	10.2%	0.6%
Local	25.1	14.5%	0.8%
Landscaped Road Reserve	5.4	3.2%	0.2%
Shared Open Space	1.4	0.8%	<0.1%

Figure 2
OPEN SPACE
- HIERARCHY
City of West Torrens





5.4 Function of open space

It is important to have a diversity of open spaces in order to meet a range of community interests and needs. Diversity can be assessed by analysing the core function of each open space.

Table 3 below shows the range of functions of open spaces in West Torrens and their area. As some spaces provide multiple values this analysis provides only a high level assessment and is based on the most dominant function of the open space.

Table 3 below shows the range of functions of open spaces in West Torrens and their area. As some spaces provide multiple values this analysis provides only a high level assessment and is based on the most dominant function of the open space.

This includes all open space on Council land as well as Shared Open Space.

The distribution of open space by function is shown in Figure 2.

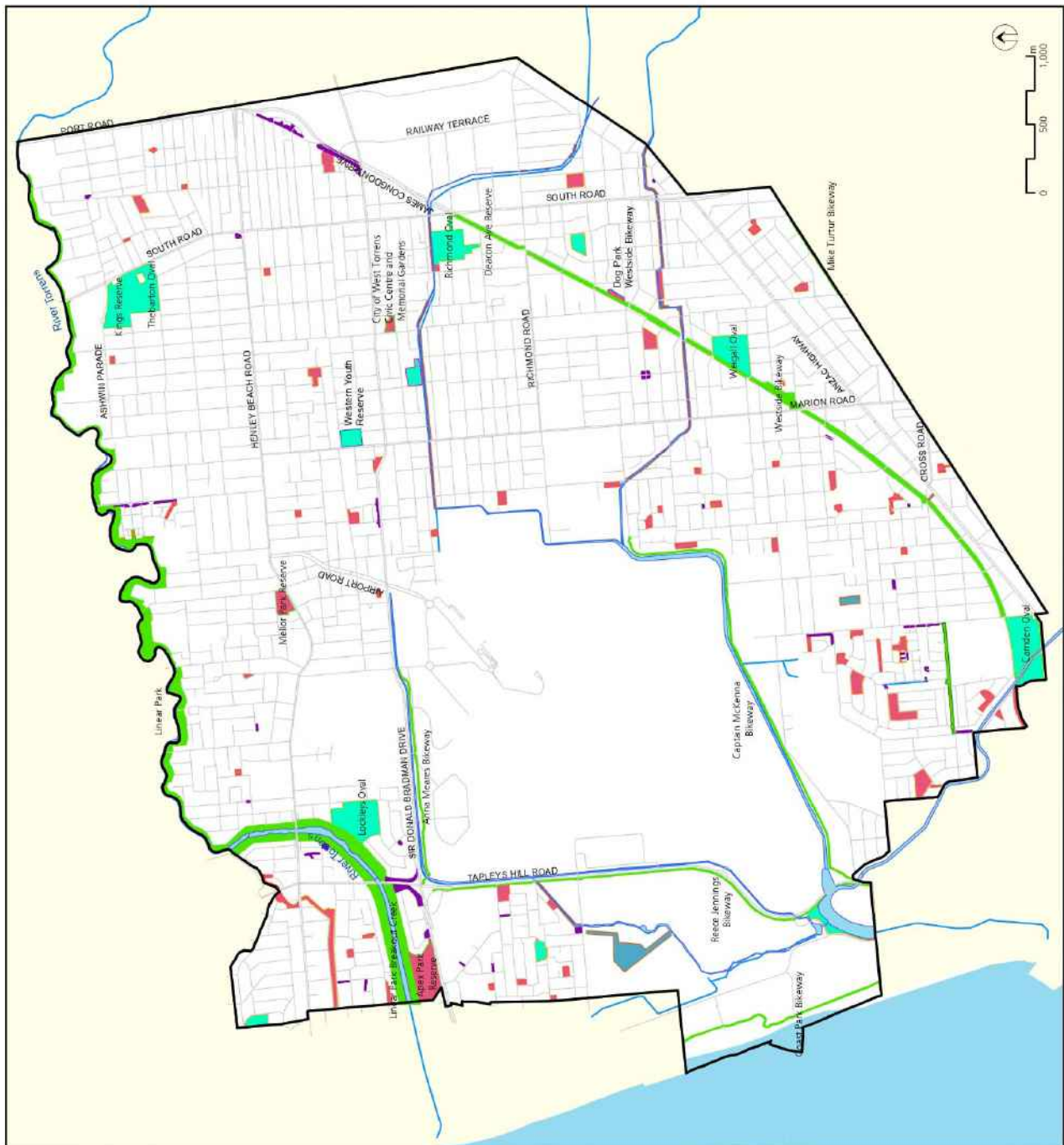
Table 4 Area of open space by function

Function	Area (ha)	% of total open space	% of council area (excluding airport)
Recreation park	35.4	20.5%	1.2%
Sports	46.4	26.8%	1.5%
Linear path	75.8	43.9%	2.5%
Community garden	0.0	0.0%	0.0%
Streetscape	4.6	2.6%	0.2%
Utility	10.7	6.2%	0.4%

Figure 3
OPEN SPACE
- FUNCTION
City of West Torrens

Open Space - Function

- Linear path
- Recreation park
- Sports
- Community garden
- Streetscape
- Utility
- Council boundary
- Roads
- Watercourse





5.5 Access to open space

There is growing evidence of the mental and physical health benefits enjoyed by people that have access to quality green open spaces. Parks and other forms of open space provide opportunities for people to be in touch with nature and gain those positive health benefits. There are also environmental and economic benefits of open space, especially when these are provided in close proximity to where people live.

As residential densities in the City of West Torrens increase, the amount of private open space and incidental green space is likely to diminish. The diversity of population in West Torrens, i.e. age cohorts, family and lone households, cultural backgrounds, and car ownership, will also influence the demand for open space.

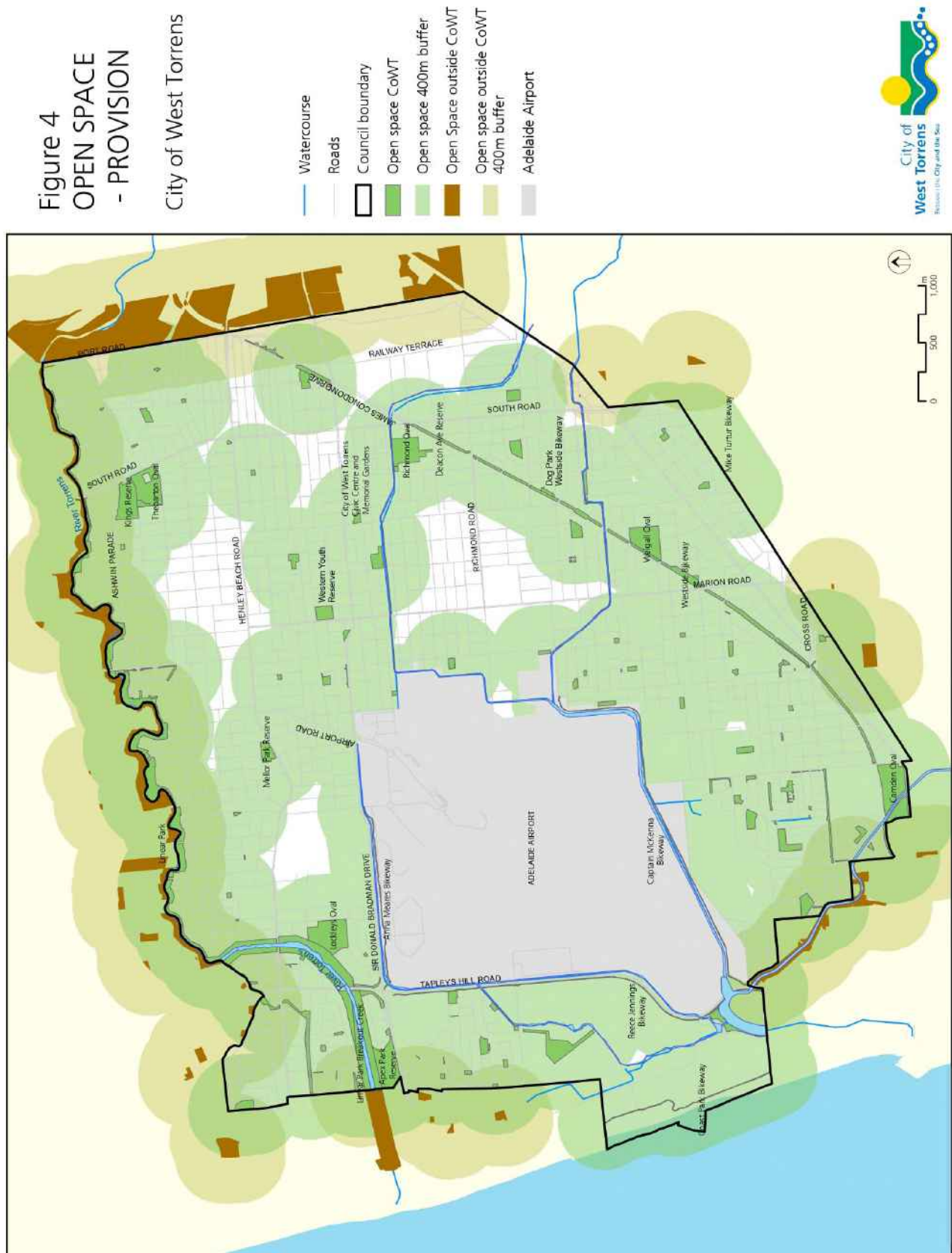
The City of Weest Torrens strives to provide access to a range of open space types, including providing open spaces within walking distance of homes, i.e. within a radius of approximately 400m.

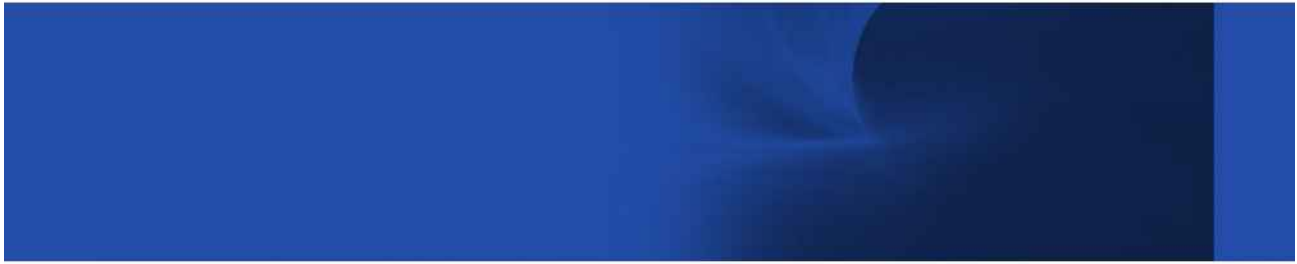
Open spaces that provide for social/family recreation and exercise close to homes not only provide a space for a range of activities, but they also provide restorative qualities that enhance wellbeing, and therefore accessibility to these spaces is important. Having strong connectivity across the council area such as providing a high quality shared path network is also important.

As it can be a challenge to provide parks close to every home in every suburb, alternative ways need to be explored to ensure people have access to quality open spaces. This may include enhancing the function, amenity and facilities of existing spaces or designing urban spaces in activity centres that are more people- centric and support community activities, such as plazas, and piazza style areas.

Figure 4 shows the location of open spaces within the City of West Torrens (dark green) and open spaces adjacent to the council area (dark brown), and their 400m catchment areas Residential areas are also shown to demonstrate how close they are to open spaces.

Figure 4
OPEN SPACE
- PROVISION
City of West Torrens





5.6 Open space gap analysis

Access to open space is an important element in providing open space for the community. As shown in Figure 4, there are many suburbs with access to a local park within a 400m radius. However, some residential areas may not be in a comfortable walking distance to open space. These areas are anticipated to receive increased levels of infill development and higher density living. Consequently, these areas should be a priority for Council to explore ways to enhance accessibility and opportunities to provide additional open space.

Given the already built up character of these areas, opportunities to provide additional open space will be challenging and so alternative opportunities will need to be explored in order to provide quality open space that meet the needs of the community. There may be opportunities to create new smaller high quality parks, road closures and open space 'shared use agreements' with schools and other private landowners to enable public access to open spaces and play facilities.

In addition to providing more open space in these priority areas, opportunities to improve accessibility and walkability may include modification to low use roads so they become more walking and cycling friendly, addition of more landscaping and trees, apply techniques to slow down traffic, and reduce the dominance of cars in such streets. This will not only enhance access to open space but also turns streets into attractive urban spaces which the community can enjoy, as well as providing environmental benefits.

Appendix C – Open space by suburb describes current and potential future open space provision for each suburb within the City of West Torrens. By 2030, and based on population prediction, several suburbs within the City of West Torrens will have a lack of open space with some areas achieving less than one hectare per 1000 people which sits well below the benchmark of three hectares per 1000 people.

In addition, the distribution of open space in some suburbs limits access for many residents with walking distances exceeding the acceptable 400m radius.

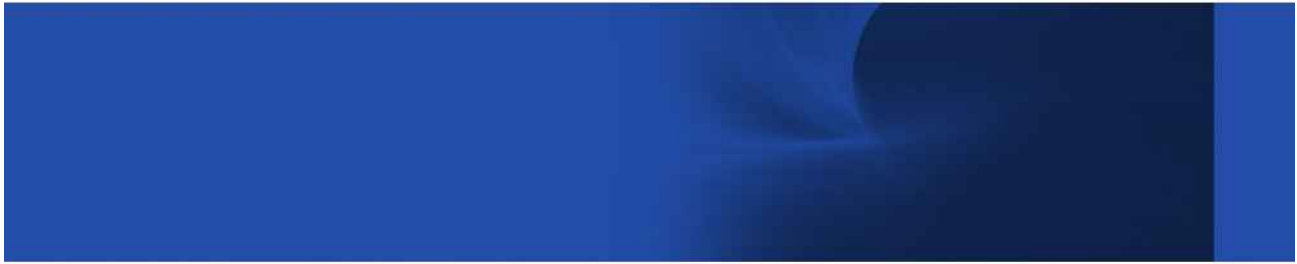
Due to projected population increase and current availability the following suburbs are identified as high priority 'gap'. Due to low provision and poor distribution of open space, greater provision should be made available in these areas:

- Underdale/Torrensville
- Richmond/Marleston
- Hilton/ western Mile End

The following nine suburbs are identified as medium priority gap areas as they currently contain open space provision below the national benchmark:

- Ashford
- Brooklyn Park
- Camden Park
- Glandore
- Kurralta Park
- Mile End
- Netley
- West Richmond

The remaining suburbs within the City of West Torrens are close to achieving the open space



benchmark or are currently exceeding this and will be assessed on a case by case basis in regards to open space upgrades and creation.

5.7 Connections and links

The City of West Torrens continues to improve linkages between destinations and facilities in line with policies and plans including the *30-Year Plan for Greater Adelaide* and Council's Community Plan, Transport Strategy, and the principles of *Creating Greener Places for Healthy and Sustainable Communities*.

Priority destinations and facilities to be linked with open space include community centres, schools, shops/cafes, retirement and aged care precincts. Figure 5 shows these locations in the City of West Torrens.

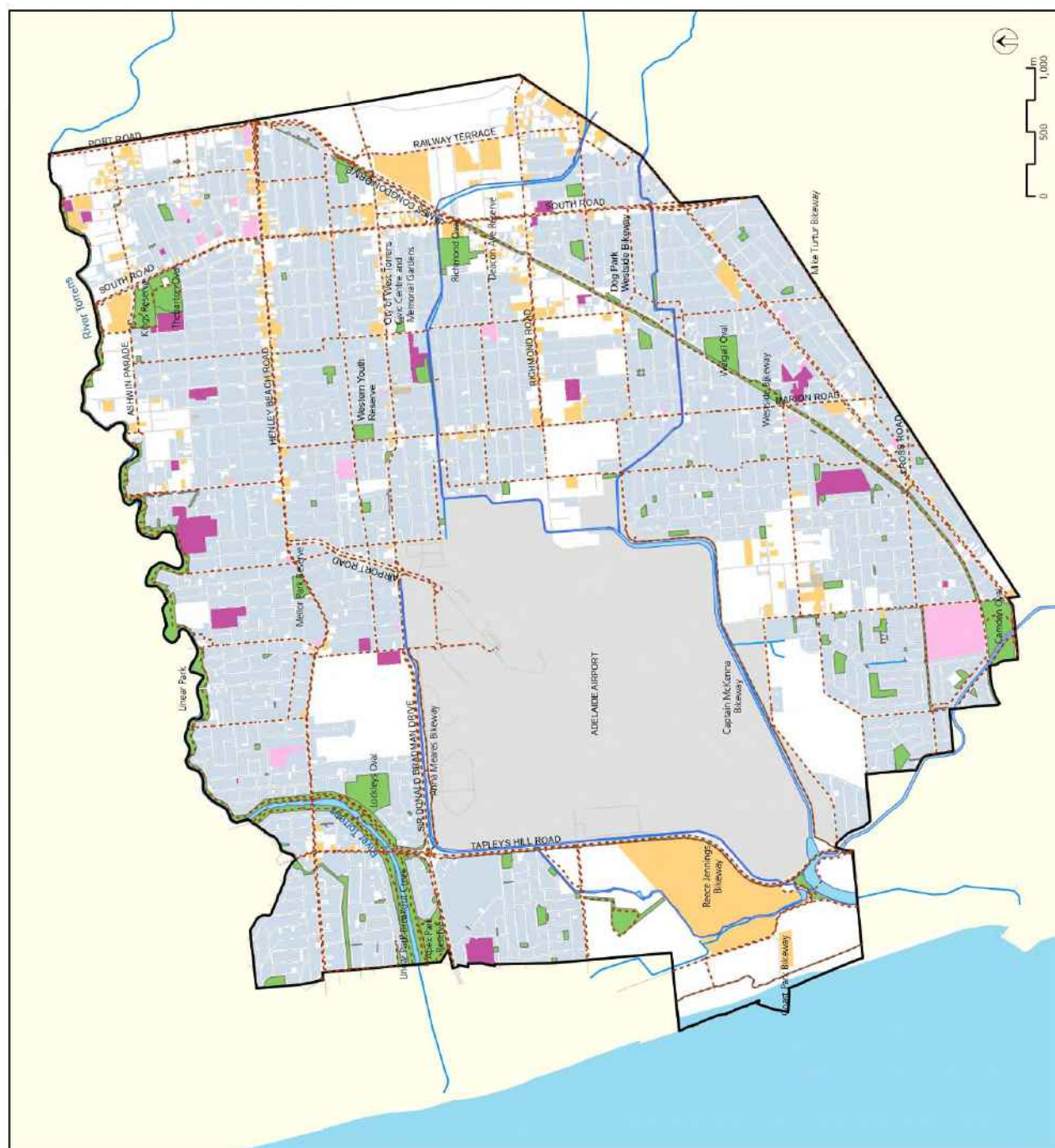
The community enjoys the excellent bikeways established through West Torrens. These provide important connections for the many people who walk and cycle along them. There may be opportunities to extend these bikeways to provide additional access and enjoyment for users. Figure 5 shows existing bike connect routes in the City of West Torrens. There may be opportunities to enhance bikeways by linking in with secondary roads.

Drainage corridors are places that can be redeveloped as linear paths which provide appealing, safe and convenient linkages for people as an alternative to travelling on busy roads, as well as being an attractive destination. There may be opportunities to develop drainage corridors to provide spaces for linear paths, such as along Keswick Creek drain.

There may also be opportunities to modify roads, particularly local roads that are wide, to create a more cycling and pedestrian friendly environment. This will enhance the role of streets in providing green open space as well as provide linkages to parks and other open spaces.

Figure 5 DESTINATIONS AND LINKS

City of West Torrens



6 Open space vision, goals and strategies

6.1 Vision and goals

The City of West Torrens' vision, goals and strategies in this Open Space Plan have been developed in response to emerging issues, community aspirations and the opportunities identified in this Open Space Plan. These are described in the figure below:



Figure 5 Open Space vision, goals and strategies

Goals and strategies have been grouped under three key themes. Under each goal are a number of strategies aimed at enhancing the provision, quality, function and ongoing management of the open space network. Whilst specific actions will be developed through a separate Implementation Plan, some key priorities are highlighted under each Strategy.

Theme 1 – Proximity, provision, connection and access

GOAL 1: DIVERSE OPEN SPACES CLOSE TO PEOPLE

There are social, environmental and economic benefits of open space, especially when these are provided in close proximity to homes. The analysis of open space distribution in this Open Space Plan shows there is a good spread of open spaces across West Torrens, however there are locations where more open space would be desirable in order to enhance the walkability to parks.

As West Torrens experiences urban infill development, population growth and a reduction in private open spaces, there will be an increasing demand on the public open space network. Council has been upgrading numerous parks to better meet the needs of the community, however it will also explore future opportunities when possible to provide more open space to serve the growing population.

Providing a diversity of open spaces will also serve to ensure that the community will have a range of open space experiences now and in the future. The diversity of open spaces was explored in this Open Space Plan by analysing the 'functions' of open spaces (i.e. the type and experience offered in each open space). This indicates that there is a mix of open spaces offered, such as sporting grounds, linear pathways, parks for exercise and relaxation, as well as community gardens. It is important to ensure that the open spaces reflect the needs of the community over time.

Across the City of West Torrens, infill development and population growth are putting pressure on the existing open space network. In some areas there are already deficiencies in provision of open space and increasing population will exacerbate these. More open space is required to serve the needs of the community now and into the future.

The City of West Torrens will need to strategically plan for the delivery of open space that increases the overall open space provision and focuses on meeting future demands in gap areas. Reviewing and managing the hierarchy of open spaces will help ensure there is the right provision in the right place.

Strategies

1.1 Deliver a diversity of quality open space that meets the needs of people of all ages and all abilities.

Priorities:

- Review current open space facilities, landscaping and infrastructure in open spaces to identify any changes that would better meet the needs of the community
- Ensure a spread of open space hierarchies and functions across West Torrens to ensure access and diversity of spaces is provided
- Protect existing Council owned open space
- Identify opportunities to promote active aging in response the changes in community demographics, as well as supporting disability access and inclusion.

Strategies

1.2 Provide open space within walking distance of homes:

Priorities:

- Seek opportunities to provide and/or enhance accessible open space within walking distance of all homes
- Enhance the quality and/or function of open space in areas where there is an undersupply of open space.

1.3 Increase the provision of open space where there is an undersupply in higher population growth and higher demand areas.

Priorities:

- Purchase land and/or repurpose council-owned land for open space purposes, when possible
- Explore opportunities for council to accumulate revenue to purchase land for open space
- Liaise with local schools and other institutions regarding shared usage of playing fields and other opportunities
- Explore opportunities for open spaces associated with North-South Corridor Project.

GOAL 2: CONNECTED OPEN SPACES

Good access to open spaces is just as important as the open spaces themselves. Walking or cycling to open space enhances the health, wellbeing and community connection opportunities.

Connecting parks and reserves to each other, to residential areas and to key destinations will maximise access to open space. Greenways can provide walking and cycling routes along linear open spaces or transport routes with streetscapes improved with landscaping and tree planting. Creating and enhancing linkages will encourage walking and cycling between open space destinations and facilities, enabling connection with district and regional open space.

Strategies

2.1 Enhance linkages between open space and destinations (such as community centres, schools, shops/cafes, retirement and aged care precinct). (MORE CONNECTIONS)

Priorities:

- Seek opportunities to modify roads and verges to improve community access and lower the priority of cars on roads, such as local roads that are wide
- Identify locations along drainage corridors where public pathways can be developed, such as the Keswick Creek corridor and Brownhill Creek corridor
- Enhance the function and amenity of linkages by greening streetscapes (trees and grassed verges), wayfinding, signage, lighting, or other methods
- Explore opportunities to enhance open space and accessibility for an aging population and for people with disabilities.

Strategies

2.2 Strengthen connections, pedestrian and cycle paths and greenways. (BETTER CONNECTIONS)

Priorities:

- Enhance (existing) bicycle and walking paths so they provide an 'all accessible' open space network, such as with signage, design, etc
- Integrate pathways with neighbouring council areas so to reduce barriers such as River Torrens, Port Road, the Tramline and Anzac Highway.

Theme 2 – People, wellbeing, vitality and environment

GOAL 3: VIBRANT AND HEALTHY PLACES FOR PEOPLE AND NATURE

Open space plays an important role in facilitating opportunities for recreation, social interaction and cultural activities, which together underpin active lifestyles and improved physical and mental health and wellbeing. It provides opportunities for people from diverse cultural backgrounds, different ages and differing abilities to meet, be active, enjoy the landscape and spend time outdoors. Open space also provides opportunities for art and cultural expression that recognises and promotes Kaurna culture and values as well as the culture and history of the community.

Open spaces provide places for nature, for natural processes to occur and for people to connect with nature. Within the urban environment, space for nature is limited which means all opportunities to enhance biodiversity and natural processes are extremely important.

As the climate gets warmer and drier and heatwaves become increasingly longer, hotter and more frequent, having green urban environments is increasingly important to provide shading and cooling. Planning for and delivering climate smart open space means the City of West Torrens needs open space that is designed for the future climate, maximises water and energy efficiency and minimises greenhouse gas emissions associated with construction and operation.

Strategies

3.1 Create safe, accessible, well-designed, attractive, multi-function open spaces to encourage community activation and recreation.

Priorities:

- Adopt the 'Principles for Quality Green Public Space' when designing spaces
- Identify improvements to open spaces so they meet the needs of people of all ages and abilities, and incorporate the CWT Disability Access and Inclusion Plan requirements
- Promote the role of sport and active recreation in enhancing diversity, social inclusion, positive health and wellbeing
- Create socially engaging spaces.

Strategies

3.2 Integrate into the open space network the culture, heritage and art of a diverse community and acknowledge Kurna culture.

Priorities:

- Seek opportunities for:
 - Dual naming of open spaces
 - Interpretative signage
 - Public art.

3.3 Develop climate smart² open spaces by integrating green infrastructure, water management, biodiversity, and climate resilient landscape design.

Priorities:

- Seek opportunities in the open space network for:
 - Water Sensitive Urban Design and stormwater management
 - Irrigation management
 - Tree planting in open spaces such as parks, streets and other movement corridors (through Tree Strategy)
 - Cooling and shading (natural and structural)
 - Enhancing and developing biodiversity spaces and corridors
- Raise community awareness and education on climate smart open spaces.

GOAL 4 ENHANCE COMMUNITY PARTICIPATION

Optimising community use of open space is critical to achieving the health, wellbeing and community benefits. Community participation in the planning, design and ongoing use of open space is also important to develop a sense of ownership, encourage care and protection and make sure community needs are being met.

To enhance community participation the City of West Torrens can promote the availability of open spaces and the benefits of being active or connecting with nature, as well as opportunities to participate in planning and design processes, management and monitoring. Demand for open space to host events and activities is expected to continue to increase and it will be increasingly important for Council to promote venues with suitable supporting infrastructure.

² *Climate smart* means taking opportunities to building resilience to climate risk and reducing greenhouse gas emissions. Climate resilience means being able to survive, adapt and thrive as the climate changes and extreme weather events become more frequent and more intense. *Directions for a Climate Smart South Australia* describes the State government's policy directions to adapt and mitigate climate change

Strategies

4.1 Encourage community participation in the planning, design and management of open space.

Priorities:

- Provide opportunities for local communities to participate in the design and/or maintenance of open spaces
- Promote the range of open spaces available to the community.

4.2 Promote events and activities held at open spaces to encourage community participation and attendance.

Priorities:

- Communicate effectively with a diverse population
- Seek input from our multi-cultural community
- Be creative to make it easy for people to participate.

4.3 Support and encourage community participation in sports and recreational activities.

Priorities:

- Facilitate the use of open space / sporting fields for the wider community through adaptive uses which cater to a wide variety of uses
- Overcome barriers and promote enablers to participation for underrepresented groups.

Theme 3 – Delivery, management and operations

GOAL 5: RESPONSIVE AND WELL MANAGED OPEN SPACE

The ongoing management of open space needs to balance the needs and expectations of the community with Council resource availability. Asset management plans and the open space hierarchy provide guidance for management and resource allocation however there is currently no guidance to support land acquisition for open space. A strategic and consistent approach to maintain and improve open space as well as increase provision of open space is needed to support the City of West Torrens to achieve its vision for open space.

Strategies

5.1 Develop a consistent approach to setting maintenance service levels across the open space hierarchy.

Priority:

- Undertake regular review of the open space hierarchy classifications and service levels for each area of open space (coordinate with Strategy 1.1)

Strategies

5.2 Maintain and improve the quality and amenity of open space in line with the Open Space Hierarchy, council budgetary resources and annual work programs

Priority:

- Seek input from the community on desired use of open spaces to help inform budgetary and resourcing requirements

5.3 Acquire land for open space in suitable areas through a transparent and accountable process
In collaboration with Strategy No. 1.2, explore opportunities such as:

- Developing a Policy and a set of procedures and criteria that will enable staff to negotiate the purchase of land

6.2 Implementation Plan

The Goals and Strategies in this Open Space Plan will be delivered through a number of key priorities as described in the table above, over the next 5 years. An internal Implementation Plan will be developed to outline the detailed actions, roles, responsibilities and timeframes of those actions. The progress of these will be reported to Council on an annual basis.

Appendix A – Planning and policy context

The Open Space Plan is informed by and helps support objectives of a range of council and state government documents, as summarised below.

City of West Torrens plans and strategies:

- City of West Torrens Community Plan 2030 (2021)
- Open Space for Higher Density Structure Plan (2019)
- Underdale and Torrensville Urban Renewal DPA Open Space Study (2017)
- Public Realm Design Manual (2019)
- Tree Strategy 2018 – 2025
- Recreation and Open Space Asset Management Plan
- Open Space and Public Place Plan (2013)
- Adapt West Climate Change Adaptation Plan (2016)
- Disability Access and Inclusion Corporate Plan 2019 – 2021 (2019)
- Transport Strategy
- Water Management Action Plan
- Public Health Plan.

Other plans and strategies

- Creating Greener Places for Healthy and Sustainable Communities (2019)
- 30 Year Plan for Greater Adelaide (2017).

City of West Torrens - plans and strategies

City of West Torrens Community Plan 2030 (2021)

The Community Plan is the City of West Torrens's lead strategic document that identifies community aspirations and how Council will achieve the community's vision of *West Torrens – committed to being the best place to live, work and enjoy life*.

The Community Plan contains five focus areas and these contain strategic objectives. The Open Space Plan is informed by, and supports, the key focus areas and strategic objectives of the Community Plan:

Community life - We support diversity, health and well-being, community cohesion and connections, and create opportunities to learn and enjoy the local area. Strategic objectives that are most relevant to the Open Space Plan include the following:

Built environment - We ensure housing, urban development and infrastructure contribute to attractive and safe neighbourhoods, and how we travel in and beyond our area.

Prosperity - We support jobs, businesses and industries to generate local economic growth and activity.

Environment and sustainability - We protect and conserve the natural environment, reuse and recycle resources, support biodiversity and respond to climate change.



Organisational strength - How Council ensures its services lead to quality outcomes and exceptional experiences for our community.

Open Space for Higher Density Structure Plan (2019)

The Open Space for Higher Density Structure Plan is focussed on the provision of open space within the context of medium to high density development within the Urban Corridor Zone and Residential Zone (medium density policy areas). Focussing on the changing densities occurring within the City of West Torrens and pressures on open space within the densifying suburbs, the report identifies strategic areas in which additional open space is required, including Torrensville, Brooklyn Park, Mile End, Marleston, North Plympton, Keswick and Glandore.

The report utilises four key 'themes' for open space planning which have defined opportunities. They are focussed on open space provision, design and maintenance, location and accessibility and funding and governance.

The higher density areas will be likely to see rising demand for open space compared to other residential areas where population is unlikely to increase to such an extent. This report identifies that many of the areas designated as medium density areas are already low in open space provision. It also states there is no typical 'higher density resident' and therefore a diversity of open space types and experiences may be needed in order to cater for a range of needs and interests.

The report identifies that future open space plans need to have a focus on 'other spaces' such as greenways, drainage reserves and streetscapes, which can link or connect existing open spaces. Expanding the network of accessible open space within walking distance of homes is also an important element which should be investigated. Projections within the report found that a significant amount of the higher density areas will have a shortfall of open space within 400 metres of homes by 2027. Council will need to consider innovative ways to deliver of open space in these areas, such as by closing or narrowing low use roads, creating small pocket parks, and exploring open space 'shared use agreements' with schools and other private landowners to enable public access in their open spaces and play facilities.

This report recommends:

- Identify opportunities for open space and public realm provision and enhancement in those priority areas as identified by the Structure Plan
- Develop more detailed 'precinct' plans for open space and public realm provision and enhancement in the identified priority areas
- Review and amend planning policy to ensure it facilitates the achievement of open space and public realm outcomes proposed by this Structure Plan
- Explore opportunities for the provision of/sharing open space with schools.
- Concept of link and place- finding ways to enhance the journey to open space and/or links parcels of open space

Underdale and Torrensville Urban Renewal DPA Open Space Study (ekistics, 2017) recommends:

- A new Local level open space facility within the area to be rezoned in the vicinity of Ashley Street
- A new Local level open space in the vicinity of Carlton Parade



- Potential open space connection through the Symbion site to link the proposed new local level open space and the River Torrens Linear Park
- An upgrade to the cycling and walking facilities along Hardys Road to improve connections between the existing and future retail areas along Henley Beach Road and the River Torrens Linear Park.

Public Realm Design Manual (2019)

The Public Realm Design Manual provides the Council with direction regarding the development of high quality, recognisable and environmentally sustainable streetscapes and public open space. This document balances the needs of the community and presents objectives which will contribute to fostering the Council's 'sense of place'.

The manual sets out approaches to the public realm which can be implemented to meet a wide array of issues such as urban heat, active streets, climate change and flexible open spaces. Including increased tree planting to streets, reclaiming more public spaces along streets, planting targeted canopy cover and increasing quality and provision of open spaces.

The Open Space Plan will seek to identify opportunities for these design approaches as well as identify the areas where additional open space may be needed.

Tree Strategy 2018 – 2025

The City of West Torrens' Tree Strategy recognises the importance of trees within the Council area and the need to improve delivery and management of existing and new trees. This strategy details the importance of trees and the impact they can have on the environment and quality of life for residents. It is noted that urban forests assist in filtering groundwater, reducing the flow of stormwater runoff and absorb air pollution.

Furthermore, increasing trees within Council streets and open spaces can improve the overall amenity of neighbourhoods by providing shade and colour as well as slowing traffic, reducing noise and screening views. Trees and open spaces have been shown to have beneficial impacts on psychological and social aspects of human life and can be related to a reduction in stress levels and increased physical activity.

The vision for the tree strategy is to create a city that recognises the contributions trees make to the character and amenity of neighbourhoods, to biodiversity, to public health and the wellbeing of the community. The strategy contains four objectives:

- Protect the existing urban forest
- Expand the urban forest canopy cover comprising a diverse species mix
- Improve the health and growing conditions of the urban forest
- Inform and engage with the community and stakeholders to help develop Council's urban forest initiatives

Recreation and Open Space Asset Management Plan

Council's Asset Management Plan for Recreation and Open Space describes the investment required to manage open space assets to agreed service levels. It describes these service levels however there is no differentiation of service levels for different hierarchy open space. The Plan also describes future drivers of service delivery and utilisation of assets, including development and associated population change.



The Asset Management Plan only covers the renewal or upgrade of existing assets. The plan does refer to new works that create a new asset that did not previously exist (eg a new playground at a park that did not have one) but does not refer to the acquisition of new property.

Open Space and Public Place Plan (2013)

The 2013 Open Space Plan sets a vision for the equitable distribution of quality and useable public open space which is both accessible and of adequate size to accommodate the increasing population, recognising the correlation between an increase in density and increase in demand for public open space and public places.

Adapt West Climate Change Adaptation Plan (2016)

The Western Adelaide Region will face warmer and drier conditions, with increasing risks from heatwaves, flooding and sea level rise. To build the resilience of the Region, a climate change adaptation plan was developed to provide the foundation for a coordinated and collaborative.

A number of priorities in this plan have links with managing open space, including:

- Increase urban greening;
- Plan and design climate resilient buildings, places and spaces;
- Manage urban runoff to mitigate flood risk and improve water quality and reuse; and
- Embed climate considerations into asset management plans.

The Open Space Plan provides a key mechanism to identify and describe the on-ground actions required to deliver these desired outcomes that will increase the resilience of the City of West Torrens and the region more broadly.

Disability Access and Inclusion Corporate Plan 2019 – 2021 (2019)

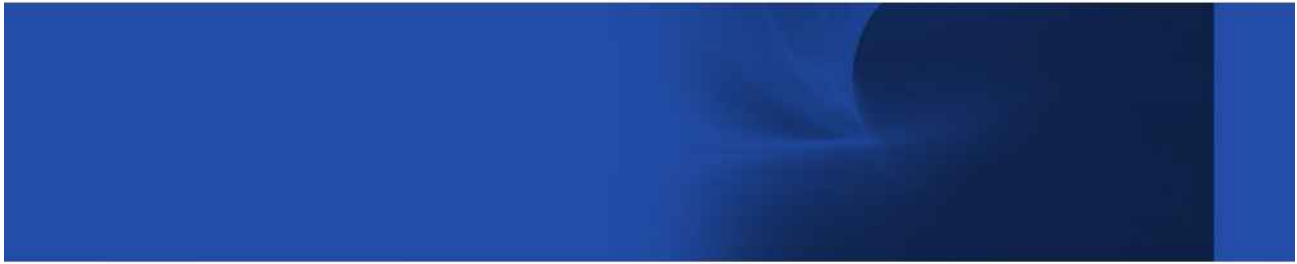
The City of West Torrens Disability Access and Inclusion Corporate Plan identifies opportunities to address 6 key local issues where Council can have an impact. The accessibility of assets issue has the strongest links to open space, and the plan identifies key initiatives including improving the provision of universal design in public spaces including open space and adopting universal design principles when planning for procurement in the public realm.

Transport Strategy

The Transport Strategy guides how Council can best meet the City's traffic and movement needs over the next 20 years, as well as issues relating to promoting active forms of travel such as walking and cycling, and the linkages across the City.

Water Management Action Plan

The Water Management Action Plan aim to enhance the sustainability of our water resources and in doing so influences the way council, and the community, uses and manages its water. A key driver is to minimise the consumption of and dependence on potable (drinking) water for non-potable needs, such as open space irrigation and building service amenities, and to improve the health of watercourses and quality of stormwater discharges to Gulf St Vincent. This has included upgrades to more efficient forms of irrigation, water efficient devices, and the expansion of the pipe network for recycled wastewater irrigation from the Glenelg Wastewater Treatment Plant to Council open spaces (known as the GAP water).



Public Health Plan

The City of West Torrens has a vital role in supporting the health and wellbeing of the community, and the Public Health Plan sets the framework to assist health providers and partners in supporting a healthy and inclusive community.

Council facilitates a healthy community through providing community facilities and libraries; health promotion; safe roads, footpaths and cycle ways; open space and public places that support physical activity and social interaction.

Other plans and strategies

Creating Greener Places for Healthy and Sustainable Communities (2019)

As South Australia moves to a new planning system, the State Government has developed this plan to help recognise and support the role of quality green open spaces in changing neighbourhoods. The plan is not intended as a technical manual, rather a catalyst to promote the importance of open spaces in our neighbourhoods.

The principles set out within this plan are directly related to the Open Space Plan and provide direction on the importance of providing quality green open spaces in the City of West Torrens. The six principles are:

1. Promote community health and wellbeing
2. Connect with nature
3. Build stronger communities
4. Deliver connectivity and access for all
5. Contribute to neighbourhood character
6. Support resilient neighbourhoods

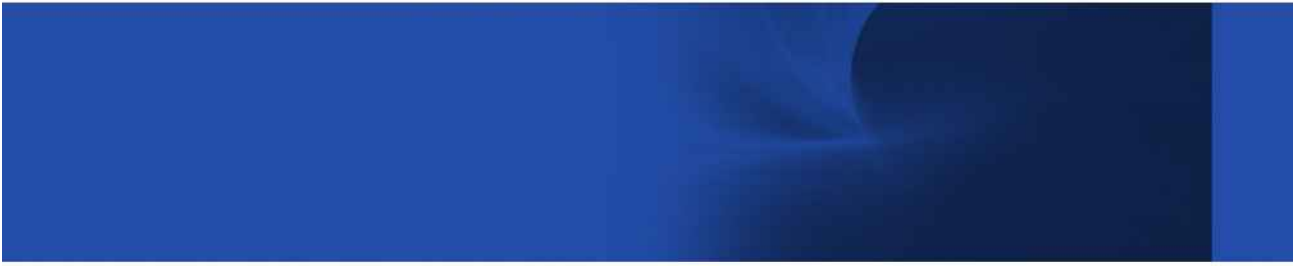
30 Year Plan for Greater Adelaide (2017)

In May 2017, the State Government released the *30-Year Plan for Greater Adelaide – 2017 Update* which sets directions for how Adelaide should grow to become more liveable, competitive and sustainable. The update builds upon the original Plan released in 2010 and refocusses key principles, policies and actions for the region based on the knowledge acquired over the last seven years.

The update continues to emphasise the need for increased urban densities along key transit corridors and infill sites and additional housing mix and highlights the need for this to be supported by healthy walkable neighbourhoods which provide quality public open space and streets. These spaces need to connect people with nature, support social interaction and be walking and cycling friendly. The update supports the increasing role that accessible public open space plays in supporting recreation and social wellbeing as urban densities increase.

When considering the updates alignment with increased population and public open space goals of the City, the following targets are of particular importance:

- **Target 4 - Walkable Neighbourhoods:** Increase the percentage of residents living in walkable neighbourhoods in Inner, Middle and Outer Metropolitan Adelaide by 25% by 2045.
- **Target 5 - A green liveable city:** Urban green cover is increased by 20% in metropolitan Adelaide by 2045.



- Target 6 - Greater housing choice: Increase housing choice by 25% to meet changing household needs in Greater Adelaide by 2045.

The above targets are supported by a number of policy themes, policies and actions that provide the necessary pathways to achieve the targets.

As part of the planning reforms, planning regions were proclaimed in March 2020 and regions now have 3 years to prepare and adopt a Regional Plan. Until these plans are prepared, the existing South Australian Planning Strategies (ie the 30-Year Plan for Greater Adelaide) will apply.

Appendix B - Community profile

Population and age structure

The estimated population of the City of West Torrens in 2019 was 60,842 (profile.id, 2020).

Figure 6 shows the age structure of West Torrens compared to the Greater Adelaide area and Figure 7 shows the change in age structure of the West Torrens community from 2011 to 2016. The graphs shows that there is a greater proportion of people aged between 20 and 39 in West Torrens compared to Greater Adelaide and that the greatest growth in population has been in the 25 to 34 year bracket.

The increase in children aged under ten along with the increases in 25 to 39 year olds suggests there has been an increase in families living in the City of West Torrens. Continued growth in these demographic groups will increase demand for open space as well as an ongoing demand for a sports hub as the demographic mature.

The figures also show the proportion of people aged 85 and over is greater in West Torrens and the number of people in this age group increased from 2011 to 2016. There has also been growth in the 45-69 age groups.

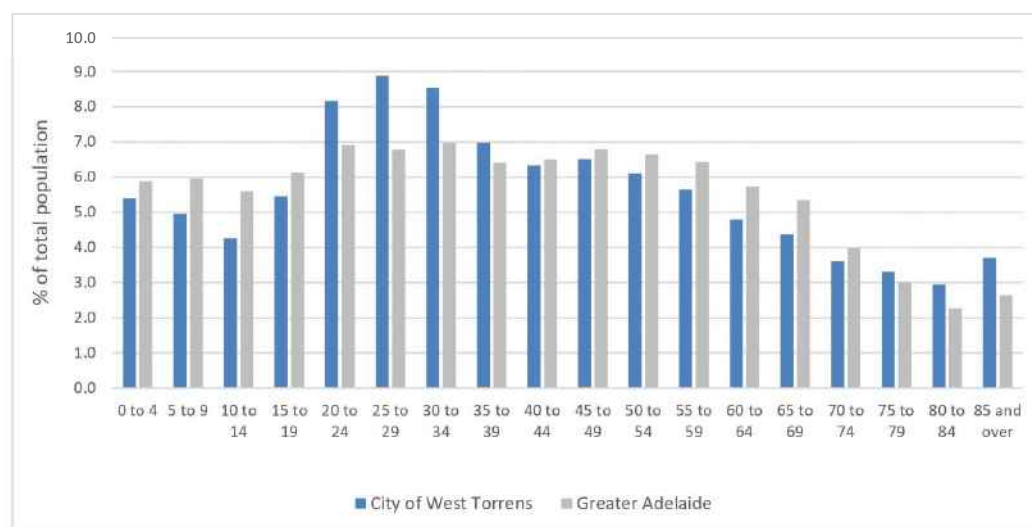


Figure 1 Age structure, 2016 (profile.id, 2020)

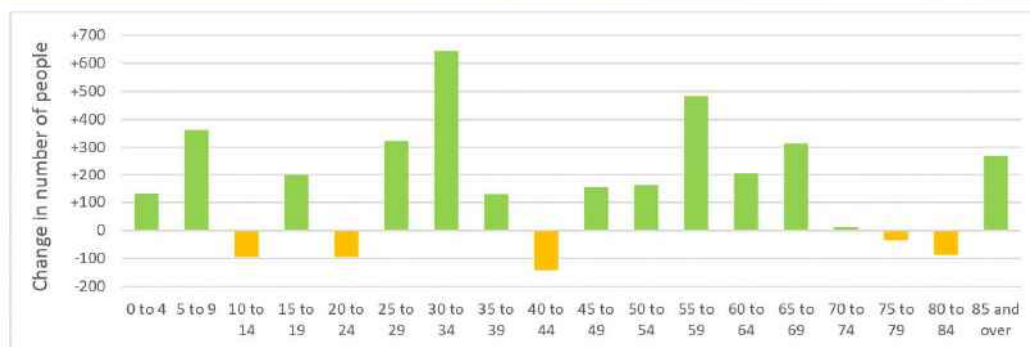


Figure 2 Change in age structure (City of West Torrens) 2011 to 2016 (profile.id, 2020)

Population projections

The Department of Planning, Transport and Infrastructure regularly updates population projections for South Australia. For the purposes of this report, these have been analysed at the SA2 level which is the smallest geographic area projections are prepared for, to understand the future growth within the City of West Torrens. The City of West Torrens is divided in 5 populated SA2 areas as illustrated in Figure 8.

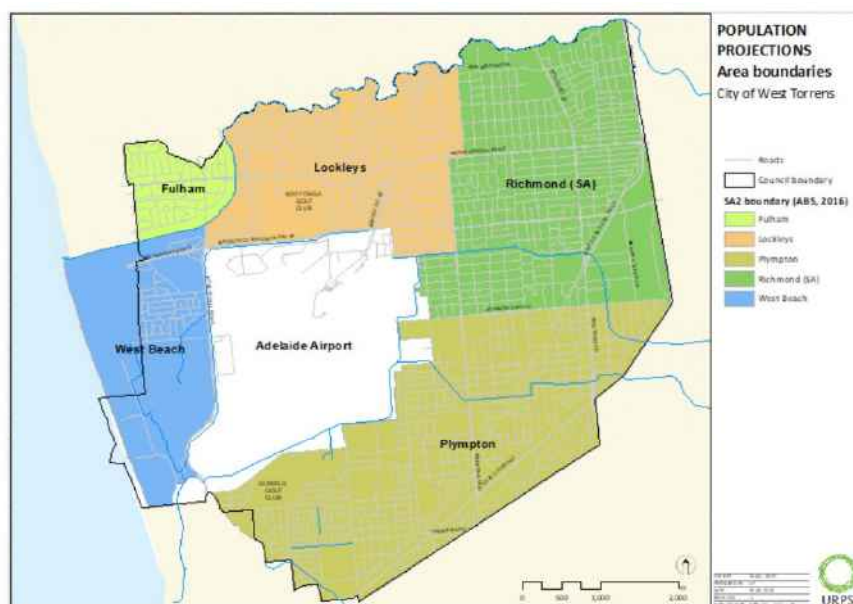


Figure 3 SA2 boundaries

Tables 5 – 7 provides the population projections from 2016 to 2036. The table shows there is limited population growth expected across all five statistical areas within the next five to ten years. The population growth begins to steadily increase from 2031 onwards, with the largest percentage of population growth focussed in Richmond and Plympton (SA2). By 2036, it is expected that the Plympton SA population would have increased by nearly 18%, whilst Richmond SA2 would have increased by nearly 16%. These growth projections offer timeframe for delivery of open space across the council. A focus of the open space strategy will be to capitalise on the timeframe in terms of the planning, delivery and management of open space.

This projected population increase within Plympton and Richmond aligns with the areas designated as Medium Density Policy areas.

Table 1 Population projections 2016 – 2036 (DPTI, 2020)

SA2	Population projection for 30 June 2016	Population projection for 30 June 2021	Population projection for 30 June 2026	Population projection for 30 June 2031	Population projection for 30 June 2036
Fulham	2752	2785	2798	2828	2917
Lockleys	13016	13388	13754	14243	14771
Plympton	24828	25653	26736	28025	29517
Richmond	16975	17259	18171	19188	19820
West Beach – Adelaide Airport	5118	5222	5327	5457	5644

Table 2 Population change 5-year increments (total number) (DPTI, 2020)

SA2	Population Increase 2016-2021 (#)	Population Increase 2021-2026 (#)	Population Increase 2026-2031 (#)	Population Increase 2031-2036 (#)	Population Increase 2016-2036 (#)
Fulham	33	13	40	79	165
Lockleys	372	366	489	528	1755
Plympton	825	1083	1289	1492	4689
Richmond	284	912	1017	632	2845
West Beach – Adelaide Airport	104	105	130	187	526

Table 3 Population change 5-year increments (% change) (DPTI, 2020)

SA2	Percentage Increase 2016-2021 (%)	Percentage Increase 2021-2026 (%)	Percentage Increase 2026-2031 (%)	Percentage Increase 2031-2036 (%)	Percentage Increase 2016-2036 (%)
Fulham	1.19	0.42	1.42	2.78	6
Lockleys	2.86	2.73	3.56	3.70	12.8
Plympton	3.32	4.82	4.82	5.32	17.69
Richmond	1.67	5.28	5.60	3.29	15.84
West Beach – Adelaide Airport	2.0	2.0	2.44	3.42	10

6.2.1 Other demographic characteristics

Other demographic characteristics are described in Table 8. The table shows that the West Torrens community is more culturally diverse than the Greater Adelaide population, with nearly one-third of people speaking a language other than English at home. This suggests that an 'inclusion' approach should be applied to all open space to ensure that the design, planning and upgrades are multicultural, inclusive and highly accessible.

There is a similar proportion of the population living with disability in West Torrens compared to Greater Adelaide, as indicated by the proportion of people requiring assistance with core activities.

Table 4 Demographic characteristics (ABS, 2017)

Characteristic	City of West Torrens 2016 Percentage of total population	Greater Adelaide 2016 Percentage of total population
Born overseas	30.6%	26.3%
Speaks language other than English at home	30.8%	19.6%
Aboriginal or Torres Strait Islander	1.0%	1.4%
Year 12 completion	59.5%	53.5%
University of tertiary education	27.7%	16.2%
Requiring assistance with core activities	5.6%	5.9%

6.2.2 Household, dwelling and transport characteristics

Table 9 shows a number of household characteristics. In 2006, the average household size in the City of West Torrens was 2.17 people. Just over one third of households in the council area include children, and there are similar proportions of lone person households and multiple person no child households. There are a greater proportion of lone person households in the City of West Torrens than for Greater Adelaide however a smaller proportion of households with children.

Table 5 Household characteristics (profile.id, 2020)

Characteristic	City of West Torrens Percentage of total population	Greater Adelaide Percentage of total population
Lone person household	30.2%	26.2%
Multiple person no children household	29.7%	28.5%
Household with children	34.3%	39.7%
Average household size	2.29 persons per dwelling	2.42 persons per dwelling

Table 10 shows the distribution of selected household characteristics across the SA2 areas. This shows that there is a similar distribution of lone person households across Fulham, Lockleys and Richmond, with slightly more lone person households in Plympton and less in West Beach. The distribution of households with no children is relatively similar across all SA2 areas while there are slightly more households with children in Fulham and Lockleys than the other areas.

Table 6 Household characteristics for SA2 areas (ABS, 2017)

Characteristic	Fulham	Lockleys	Plympton	Richmond (SA)	West Beach
	Number (% of households)				
Lone person household	311 (26%)	1588 (27%)	3252 (29%)	2119 (27%)	537 (23%)
Multiple person no children household	296 (25%)	1471 (25%)	3142 (28%)	2045 (26%)	667 (28%)
Household with children	435 (37%)	2053 (35%)	3475 (31%)	2442 (32%)	739 (31%)

Table 11 shows the change in dwelling characteristics between 2006 and 2016. Of particular note is the larger increase in medium density dwellings, which increased by about 80% in 10 years. This indicates both an increase in density and an increase in built form footprints across the cities.

Table 7 Dwelling characteristics (ABS, 2017)

Characteristic	City of West Torrens Number of dwellings 2006	City of West Torrens Number of dwellings 2016	Change 2006-2016
Separate house	14,690	14,909	+219
Semi-detached / townhouse (medium density)	2,804	5,049	+2245
Flat or apartment (high density)	4,842	3,192	-1650
Rented	7,543 (33.7%)	8,470 (36.4%)	+ 927
Owner occupied	13,680 (61.1%)	13,829 (59.4%)	+ 149

Table 12 shows the main method of travel to work of the working population in 2016. Of note is the greater proportion of residents that catch public transport or cycle to work compared to Greater Adelaide.

Table 8 Travel to work (profile.id, 2020)

Main method of travel to work	City of West Torrens 2016 Percentage of employed people	Greater Adelaide 2016 Percentage of employed people
Car (as driver)	61.2%	66.0%
Car (as passenger)	5.0%	4.5%
Bus, train or tram	12.1%	8.5%
Bicycle	2.2%	1.1%
Walk	2.5%	2.2%

6.2.3 Implications for open space planning

Across the council area the mixed aged groups have different demands for open space. For example, families with young children are more likely to want playgrounds near to their homes, young adults may want dedicated sports fields and events to be held in parks, while older people may want nearby spaces that are designed to be age-friendly with good public transport options or places to take their grandchildren. This may require increasing open space provision close to aged care or supported



residential care facilities. The increasingly active retiree cohort may also benefit from active recreation opportunities and walking and cycling trails that connect desirable destinations. Walking and cycling paths that are connected and shaded are required.

Nearly two-thirds of households do not have children and are likely to want open space that provides opportunities to host gatherings with bbq or picnic facilities. Opportunities for open space to host formal and informal events and celebrations are important to support community connection, particularly for lone-person households.

Open spaces and public places provide opportunities for people of different cultural backgrounds to interact with each other in ways specific to their cultural customs/social practices and experience how people from other cultures celebrate special events.

A "successful" multicultural environment is one where various group's sense of comfort is combined with good physical design to create an atmosphere that can nurture many preferences; a place that fosters social interaction while simultaneously creating distinct "spaces" where individual cultures can be emphasized and celebrated (Knapp, 2009)³.

Open space design should not be a barrier to people living with disability from joining opportunities for social participation and interaction. Providing accessible open spaces where people with disabilities can easily move around, use facilities and enjoy the landscape is a priority of council's DAIP.

Projected increases in population mean there is a need to start planning, managing and delivering open space in Plympton and Richmond over the next ten years. This will ensure that when the population comes, there is already the open space provision required to meet their needs. This needs to be undertaken in a strategic manner with progressive updates, development and delivery of open space. Council's Open Space Plan needs to set out opportunities to deliver new open space within these growing areas and establish key landscape and open space infrastructure.

Higher density areas have been shown to support a range of social, environmental and economic benefits, however to be successful, this shift in urban form must be accompanied by associated increases in quality open space and public places. These spaces and places must support the higher concentration of residents, and must also be considered in the context that there is no typical 'higher density resident' which in turn results in different open space and public place needs.

³ Knapp, C (2008) *Making multicultural places*, Project for Public Spaces, <https://www.pps.org/article/multicultural-places>



Appendix C – Open space by suburb

Table 9 Open space by suburb

Suburb	2016 population	Suburb area (ha) (West Torrens only)	Area open space in City of West Torrens (ha)	Population estimate 2036	Key open space areas
Adelaide Airport	0	727.6	3.3	0	Anna Meares Bikeway, captain McKenna bikeway
Ashford (SA)	957	30.8	0.5	1126	
Brooklyn Park	4786	154.9	1.7	5399	College Grove Park, Lyons St Reserve
Camden Park (SA)	3140	122.2	2.8	3696	Westside Bikeway, Cromer St reserve
Cowandilla	1435	52.6	3.2	1662	Western Youth Reserve, Cowandilla Primary School
Fulham (SA)	2702	132.6	20.8	2864	Torrens Linear Park, Coast Watchers Park, East Parkway Reserve
Glandore	1781	44.1	1.2	2096	St Georges Ave Reserve, Jubilee Park
Glenelg North	1251	82.4	2.8	1472	Golflands Reserve, Glenelg baseball club, Patawalonga frontage
Hilton (SA)	838	37.4	0.6	970	West Torrens Memorial Gardens, Civic Centre
Keswick	745	44.8	1.2	877	Kesmond Reserve
Keswick Terminal	0	58.7	0.0	0	
Kurrulta Park	2820	79.9	2.1	3319	Grassmere reserve, Westside Bikeway
Lockleys	5629	314.2	33.1	6350	Torrens Linear Park, Lockleys Oval, Mellor Park Reserve, Noble Ave Reserve
Marleston	1832	97.5	2.6	2156	Westside Bikeway, West Torrens Dog Park, Peake Gardens tennis club
Mile End	4432	182.1	2.7	5132	Mile End Common
Mile End South	26	66.8	0.0	26	
Netley	1770	96.5	2.0	2083	Baroda Avenue reserve, Joe Wells Reserve, Beare Ave reserve
North Plympton	3226	152.3	4.0	3797	Westside Bikeway, Rex Jones Reserve, Sandringham Reserve
Novar Gardens	2505	176.4	16.4	2948	Camden Oval, Cummins House Reserve, Graham Cris reserve, Lindfield Reserve, St Andrews Reserve
Plympton	4752	177.4	12.3	5593	Weigall Oval, Westside Bikeway, Errington St Reserve
Richmond (SA)	3302	140.6	7.9	3824	Hisense Stadium (Richmond Oval), Westside Bikeway
Thebarton	1430	117.4	3.3	1656	Dove St reserve

Suburb	2016 population	Suburb area (ha) (West Torrens only)	Area open space in City of West Torrens (ha)	Population estimate 2036	Key open space areas
Torrensville	4045	206.1	15.9	4684	Kings Reserve, Thebarton Oval, Torrens Linear Park, Frank Norton Reserve
Underdale	2302	102.8	6.6	2597	Torrens Linear Park, Underdale High School
West Beach (SA)*	2483	291	24.9	2731	Torrens Linear Park, Apex Park, University Playing Fields, Pacific Parade Reserve
West Richmond	965	38.1	0.5	1117	Britton St Reserve

* Only refers to part of suburb within the City of West Torrens

17.7 Delegations under the Planning, Development and Infrastructure Act 2016 - Proposed Revisions

Brief

This report seeks the delegation of powers and functions under the *Planning, Development and Infrastructure Act 2016*.

RECOMMENDATION(S)

It is recommended to Council that:

1. Council hereby revokes its previous delegations to the Chief Executive Officer of those powers and functions under the *Planning, Development and Infrastructure Act 2016* and statutory instruments with this revocation to come into effect at 11.59pm on 30 September 2021.
2. In exercise of the power contained in Section 44 of the *Local Government Act 1999*, the powers and functions under the *Planning, Development and Infrastructure Act 2016* and statutory instruments made thereunder contained in the proposed Instrument of Delegation found in **Attachment 1** of the Agenda report are hereby delegated, with commencement of these delegations to come into effect at 12.00am on 1 October 2021, to the person occupying or acting in the office of Chief Executive Officer of the Council subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions in the proposed Instrument of Delegation.
3. Such powers and functions may be further delegated by Chief Executive Officer of the City of West Torrens in accordance with Sections 44 and 101 of the *Local Government Act 1999* and Section 100(2)(c) of the *Planning, Development and Infrastructure Act 2016* as the Chief Executive Officer of the City of West Torrens sees fit, unless otherwise indicated herein or in the proposed Instrument of Delegation.
4. The Chief Executive Officer be authorised to make amendments or formatting changes of a minor nature to the approved *Instrument of Delegation*, if required.

Introduction

The *Planning Development and Infrastructure Act 2016* (Act) came into force on 19 March 2021. The Act introduced a range of new statutory powers and authorities in relation to planning and development functions of a council, a council assessment panel and a council assessment manager.

While the majority of powers and functions contained within the Act are conferred on the Council Assessment Panel and/or the Council Assessment Manager and both have the ability to sub-delegate these powers and functions, there is still a small range of powers and functions within the Act that are conferred on a council in various ways and both the Act and Regulations refer to councils in the following ways:

- Council;
- Designated authority;
- Designated entity; and
- Relevant authority

Councils are among a number of people and entities designated as relevant authorities or designated entities (sections 82 and 83 of the Act).

These names/designations are important distinctions because while the Act contains a delegation provision under section 100, it only provides for the powers of a 'relevant authority' to be delegated.

This means that any powers conferred by the Act on a council, where council is referred to as a council, designated authority or designated entity (rather than a relevant authority) means that if they are to be delegated then they need to be delegated using the general delegation provisions of section 44 of the *Local Government Act 1999* (LG Act).

Instrument A proposes delegations by Council to the Chief Executive Officer, pursuant to the LG Act, relating to compliance action, regional planning, strategic planning and policy planning. It also details a number of powers contained in the Act that the Chief Executive Officer proposes remain under the jurisdiction of Council alone (i.e. not be delegated).

Instrument B proposes delegations by Council to the Chief Executive Officer, pursuant to the Act where Council is the Relevant Authority. These powers relate to building consents and the issuing of final development approval. It also details powers contained in the Act that the Chief Executive Officer proposes remain under the jurisdiction of Council alone (i.e. not be delegated).

This results in the need for Council, in delegating the powers and functions contained in the Act, to do so under both section 100 of the Act and section 44 of the LG Act. To facilitate this unique and complex process, the proposed delegations have been split across two 'instruments of delegation' being 'Instrument A' and 'Instrument B'.

At its meeting on 2 March 2021, Council endorsed the delegation of its powers and functions under the Act. Since this time, as a result of further changes to statutory instruments under the Act, the Local Government Association (LGA) engaged Norman Waterhouse to prepare an update to Instruments in the Planning, Development and Infrastructure Delegations Framework to accommodate the following new/amended statutory instruments:

- Planning, Development and Infrastructure (General) (Home Builder) Variation Regulations 2021;
- Planning, Development and Infrastructure (General) (Site Contamination) Variation Regulations 2021;
- Practice Direction 2 - Preparation and Amendment of Designated Instruments;
- Practice Direction 3 - Notification of Performance Assessed Development Applications 2019;
- Practice Direction 14 - Site Contamination Assessment 2021;
- Practice Direction 16 - Urban Tree Canopy Off-set Scheme 2021;
- Urban Tree Canopy Off-set Scheme;

Since this time the City of West Torrens has also updated its wider delegations framework relating to all legislation that applies to Council. This includes some changes to the wording of some powers in Instrument A and B under the Act.

This report seeks formal approval of changes to the Instrument of Delegation of powers and functions under the Act.

Discussion

The LGA has provided Councils with a suite of Instrument of Delegation to facilitate the delegation of powers and functions of Council, Assessment Panels and Assessment Managers for the efficient operation of the planning and development system.

The key changes to Instruments A and B include:

- Amended provisions to the requirements in relation to preparing an engagement plan and subsequent report;
- Amended section regarding initiating code amendments;
- An additional delegation regarding a statement of site suitability;
- New site contamination delegations have been added in relation to the Planning, Development and Infrastructure (General) Regulations;

- New delegations have been added in relation to Practice Direction 14 - Site Contamination Assessment 2021;
- New delegations have been added in relation to Practice Direction 16 - Urban Tree Canopy Off-set Scheme 2021; and
- Wording of some powers to be consistent with the LGA template; and
- Amendment to the format of Instruments A and B.

There has been no substantive change to Council's power under the Act.

The formatting of the instrument has also changes with the conditions included in the main table rather than in a schedule of conditions at the end of the instrument.

Revised "Instruments A and B" for the Council's delegations has been prepared for the Committee's consideration. The revised Instruments A and B are included as **Attachment 1**.

Both Acts provide the ability for the Chief Executive Officer to sub-delegate all or some of these delegations at his discretion.

It is proposed that the delegations take effect from 1 October 2021 to allow time for the preparation of sub-delegations for all instruments under the Act.

Interpreting the Instrument of Delegation

To assist the Council to understand the tables contained within the Instrument of Delegation, the following information is provided:

- *Column 1 and 2 (Summary of Delegation)*

The summary description of the power delegated under the Act or Regulation is detailed in the first column. This includes a description of the power to be delegated and the section or regulation from which it is derived.

- *Column 3 (Delegate)*

This column denotes to whom the power is intended to be delegated to. The Instrument contains every power of the Council and Chief Executive Officer, and where it is proposed that the power not be delegated this is documented and the row has been greyed out.

- *Column 4 (Conditions and Limitations)*

The detail of recommended conditions or limitations related to the Instrument of Delegation.

Climate Impact Considerations

(Assessment of likely positive or negative implications of this decision will assist Council and the West Torrens Community to build resilience and adapt to the challenges created by a changing climate.)

There is no direct climate impact in relation to this report.

Conclusion

Council has delegated some of its powers as a relevant authority under the *Planning, Development and Infrastructure Act 2016*. This report presents a draft revised Instruments A and B and proposes that Council formally approves the recommendations to adopt the changes to the delegation framework. The updated Delegations and Sub-delegations framework will be made available on Council's website and will be available for public inspection or purchase at the Civic Centre during normal business hours as required by the *Local Government Act 1999*.

Attachments

1. Planning, Development and Infrastructure Act 2016 Delegations - Instruments A and B

Instrument of Delegation (Instrument A)

Under the planning, development and infrastructure act 2016, regulations, planning & design code and practice directions of powers of a council as a council; a designated authority; a designated entity

INSTRUMENT OF DELEGATION (INSTRUMENT A)

under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity

Provision	Item Delegated	Delegate	Conditions & Limitations
s7(5)(b)	<p>1. Environment and Food Production Areas – Greater Adelaide</p> <p>1.1 The power pursuant to Section 7(5)(b) of the Planning, Development and Infrastructure Act 2016 (the PDI Act), in relation to proposed development in an environment and food production area that involves a division of land that would create 1 or more additional allotments to concur in the granting of the development authorisation to the development.</p>	COUNCIL	
s22(4)(a)(i)	<p>2. Functions</p> <p>2.1 The power pursuant to Section 22(4)(a)(i) of the PDI Act to, if an inquiry is conducted by the Commission under Section 22(1)(e) of the PDI Act make submissions or representations.</p>	CEO	
s35(1)(a)	<p>3. Planning Agreements</p> <p>3.1 The power pursuant to Section 35(1)(a) of the PDI Act and subject to Section 35 of the PDI Act to enter into an agreement (a planning agreement) with the Minister relating to a specified area of the State subject to Section 35 of the PDI Act.</p>	COUNCIL	

Instrument of Delegation (Instrument A)

Under the planning, development and infrastructure act 2016, regulations, planning & design code and practice directions of powers of a council as a council; a designated authority; a designated entity

Provision	Item Delegated	Delegate	Conditions & Limitations
s35(3)	<p>3. Planning Agreements</p> <p>3.2 The power pursuant to Section 35(3) of the PDI Act to, in a planning agreement, include provisions that outline the purposes of the agreement and the outcomes that the agreement is intended to achieve and to provide for:</p> <p>3.2.1 the setting of objectives, priorities and targets for the area covered by the agreement; and</p>	COUNCIL	
s35(3)	<p>3. Planning Agreements</p> <p>3.2 The power pursuant to Section 35(3) of the PDI Act to, in a planning agreement, include provisions that outline the purposes of the agreement and the outcomes that the agreement is intended to achieve and to provide for:</p> <p>3.2.2 the constitution of a joint planning board including, in relation to such a board:</p> <p>3.2.2.1 the membership of the board, being between 3 and 7 members (inclusive); and</p> <p>3.2.2.2 subject to Section 35(4) of the PDI Act, the criteria for membership; and</p> <p>3.2.2.3 the procedures to be followed with respect to the appointment of members; and</p> <p>3.2.2.4 the terms of office of members; and</p> <p>3.2.2.5 conditions of appointment of members, or the method by which those conditions will be determined, and the grounds on which, and the procedures by which, a member may be removed from office; and 35.2.2.6 the appointment of deputy members; and</p> <p>3.2.2.7 the procedures of the board; and</p>	COUNCIL	

Instrument of Delegation (Instrument A)

Under the planning, development and infrastructure act 2016, regulations, planning & design code and practice directions of powers of a council as a council; a designated authority; a designated entity

Provision	Item Delegated	Delegate	Conditions & Limitations
s35(3)	<p>3. Planning Agreements</p> <p>3.2 The power pursuant to Section 35(3) of the PDI Act to, in a planning agreement, include provisions that outline the purposes of the agreement and the outcomes that the agreement is intended to achieve and to provide for:</p> <p>3.2.3 the delegation of functions and powers to the joint planning board (including, if appropriate, functions or powers under another Act); and</p>	COUNCIL	
s35(3)	<p>3. Planning Agreements</p> <p>3.2 The power pursuant to Section 35(3) of the PDI Act to, in a planning agreement, include provisions that outline the purposes of the agreement and the outcomes that the agreement is intended to achieve and to provide for:</p> <p>3.2.4 the staffing and other support issues associated with the operations of the joint planning board; and</p>	COUNCIL	
s35(3)	<p>3. Planning Agreements</p> <p>3.2 The power pursuant to Section 35(3) of the PDI Act to, in a planning agreement, include provisions that outline the purposes of the agreement and the outcomes that the agreement is intended to achieve and to provide for:</p> <p>3.2.5 financial and resource issues associated with the operations of the joint planning board, including:</p> <p>3.2.5.1 the formulation and implementation of budgets; and</p>	COUNCIL	

Instrument of Delegation (Instrument A)

Under the planning, development and infrastructure act 2016, regulations, planning & design code and practice directions of powers of a council as a council; a designated authority; a designated entity

Provision	Item Delegated	Delegate	Conditions & Limitations
	3.2.5.2 the proportions in which the parties to the agreement will be responsible for costs and other liabilities associated with the activities of the board; and		
s35(3)	<p>3. Planning Agreements</p> <p>3.2 The power pursuant to Section 35(3) of the PDI Act to, in a planning agreement, include provisions that outline the purposes of the agreement and the outcomes that the agreement is intended to achieve and to provide for:</p> <p>3.2.6 such other matters as the delegate thinks fit.</p>	COUNCIL	
s35(5)(a)	<p>3. Planning Agreements</p> <p>3.3 The power pursuant to Section 35(5)(a) of the PDI Act, at the expiry of a planning agreement, to replace it with a new agreement (in the same or different terms).</p>	COUNCIL	
s35(5)(b)	<p>3. Planning Agreements</p> <p>3.4 The power pursuant to Section 35(5)(b) of the PDI Act, to vary or terminate a planning agreement by agreement between the parties to the agreement.</p>	COUNCIL	
s44(6)(a)	<p>4. Community Engagement Charter</p> <p>4.1 The power pursuant to Section 44(6)(a) of the PDI Act, to make submissions in relation to any proposal to prepare or amend a designated instrument under Part 5 Division 2 Subdivision 5</p>	CEO	

Instrument of Delegation (Instrument A)

Under the planning, development and infrastructure act 2016, regulations, planning & design code and practice directions of powers of a council as a council; a designated authority; a designated entity

Provision	Item Delegated	Delegate	Conditions & Limitations
	of the PDI Act that is relevant to the Council (unless the proposal has been initiated by the Council).		
s44(9)(b)	<p>4. Community Engagement Charter</p> <p>4.2 The power pursuant to Section 44(9)(b) of the PDI Act to the extent that Section 44(9)(a) of the PDI Act does not apply, have regard to, and seek to achieve, any principles or performance outcomes that apply in a relevant case.</p>	CEO	
s44(10)	<p>4. Community Engagement Charter</p> <p>4.3 The power pursuant to Section 44(10) of the PDI Act to:</p> <p>4.3.1 seek the approval of the Commission to adopt an alternative way to achieving compliance with a requirement of the charter; and</p> <p>4.3.2 with the approval of the Commission, adopt an alternative way to achieving compliance with a requirement of the charter.</p>	CEO	
s45(2)(c)	<p>5. Preparation and Amendment of Charter</p> <p>5.1 The power pursuant to Section 45(2)(c) of the PDI Act to make representations (including in writing or via the SA planning portal) on a proposal to prepare or amend the charter.</p>	CEO	
s73(6)	6. Preparation and Amendment	CEO	

Instrument of Delegation (Instrument A)

Under the planning, development and infrastructure act 2016, regulations, planning & design code and practice directions of powers of a council as a council; a designated authority; a designated entity

Provision	Item Delegated	Delegate	Conditions & Limitations
	<p>6.1 The power pursuant to Section 73(6) of the PDI Act where the Council is authorised or approved under Section 73 of the PDI Act, after all of the requirements of Section 73 of the PDI Act have been satisfied:</p> <p>6.1.1 to prepare a draft of the relevant proposal; and</p> <p>6.1.2 to comply with the Community Engagement Charter for the purposes of consultation in relation to the proposal; and</p> <p>6.1.3 to the extent that paragraph (b) of Section 73(6) of the PDI Act does not apply, in the case of a proposed amendment to a regional plan that has been prepared by a joint planning board where the amendment is not being proposed by the joint planning board – consult with the joint planning board; and</p> <p>6.1.4 to the extent that paragraph (b) of Section 73(6) of the PDI Act does not apply, in the case of a proposed amendment to the Planning and Design Code that will have a specific impact on 1 or more particular pieces of land in a particular zone or subzone (rather than more generally) – to take reasonable steps to give:</p> <p>6.1.4.1 an owner or occupier of the land; and</p> <p>6.1.4.2 an owner or occupier of each piece of adjacent land, a notice in accordance with the regulations; and</p> <p>6.1.5 to consult with any person or body specified by the Commission and any other person or body as the delegate thinks fit; and</p> <p>6.1.6 to carry out such investigations and obtain such information specified by the Commission; and</p>		

Instrument of Delegation (Instrument A)

Under the planning, development and infrastructure act 2016, regulations, planning & design code and practice directions of powers of a council as a council; a designated authority; a designated entity

Provision	Item Delegated	Delegate	Conditions & Limitations
	6.1.7 to comply with any requirement prescribed by the regulations.		
s73(8)	<p>6. Preparation and Amendment</p> <p>6.2 The power pursuant to Section 73(8) of the PDI Act, after the Council has furnished a report to the Minister under Section 73(7) of the PDI Act, to ensure that a copy of the report is published on the SA planning portal in accordance with a practice direction that applies for the purposes of Section 73 of the PDI Act.</p>	CEO	
s73(9)	<p>6. Preparation and Amendment</p> <p>6.3 The power pursuant to Section 73(9) of the PDI Act to enter into an agreement with a person for the recovery of costs incurred by the Council in relation to an amendment of the Planning and Design Code or a design standard under Section 73 of the PDI Act (subject to the requirement to charge costs under Section 73(4)(b) of the PDI Act (if relevant)).</p>	CEO	
s74(8)(c)	<p>7. Parliamentary Scrutiny</p> <p>7.1 The power pursuant to Section 74(8)(c) of the PDI Act if the ERD Committee is proposing to suggest an amendment under Section 74(4) of the PDI Act and the amendment is specifically relevant to the Council, to provide a comment and response within the period of 2 weeks.</p>	CEO	
s75(3)	8. Complying Changes – Planning and Design Code	COUNCIL	

Instrument of Delegation (Instrument A)

Under the planning, development and infrastructure act 2016, regulations, planning & design code and practice directions of powers of a council as a council; a designated authority; a designated entity

Provision	Item Delegated	Delegate	Conditions & Limitations
	8.1 The power pursuant to Section 75(3) of the PDI Act to effect an amendment under Section 75 of the PDI Act by an instrument deposited on the SA Planning database (in accordance with requirements established by the Chief Executive).		
s82(d)	9. Entities Constituting Relevant Authorities 9.1 The power pursuant to Section 82(d) of the PDI Act, subject to the PDI Act, to appoint an assessment panel.	COUNCIL	
s83(1)	10. Panels Established by Joint Planning Boards or Councils 10.1 The power pursuant to Section 83(1) of the PDI Act in relation to an assessment panel appointed by the Council under Division 1 of Part 6 of the PDI Act, to: 10.1.1 appoint more than 1 assessment panel and if the delegate does so, to clearly specify which class of development each assessment panel is to assess; 10.1.2 determine: 10.1.2.1 the membership of the assessment panel, being no more than 5 members, only 1 of which may be a member of a council, and, if the delegate thinks fit, on the basis that the assessment panel will be constituted by a different number of members depending on the particular class of development that is being assessed by the assessment panel; and 10.1.2.2 the procedures to be followed with respect to the appointment of members; and 10.1.2.3 the terms of office of members; and	COUNCIL	

Instrument of Delegation (Instrument A)

Under the planning, development and infrastructure act 2016, regulations, planning & design code and practice directions of powers of a council as a council; a designated authority; a designated entity

Provision	Item Delegated	Delegate	Conditions & Limitations
	<p>10.1.2.4 conditions of appointment of members, or the method by which those conditions will be determined, (including as to their remuneration) and the grounds on which, and the procedures by which, a member may be removed from office; and</p> <p>10.1.2.5 the appointment of deputy members; and</p> <p>10.1.2.6 who will act as the presiding member of the panel and the process for appointing an acting presiding member.</p>		
s83(1)(h)	<p>10. Panels Established by Joint Planning Boards or Councils</p> <p>10.2 The power pursuant to Section 83(1)(h) of the PDI Act to arrange the staffing and support required for the purposes of the operations of the panel.</p>	CEO	
s83(1)(i)	<p>10. Panels Established by Joint Planning Boards or Councils</p> <p>10.3 The power pursuant to Section 83(1)(i) of the PDI Act to substitute the existing members of the panel with new members if directed to do so by the Minister acting on recommendation of the Commission under Section 86 of the PDI Act.</p>	COUNCIL	
s83(2)	<p>10. Panels Established by Joint Planning Boards or Councils</p> <p>10.4 The power pursuant to Section 83(2) of the PDI Act to form the opinion and be satisfied that a person to be appointed as a member of an assessment panel who is a member, or former member, of a council is appropriately qualified to act as a member of the assessment panel on account of the person's experience in local government.</p>	COUNCIL	

Instrument of Delegation (Instrument A)

Under the planning, development and infrastructure act 2016, regulations, planning & design code and practice directions of powers of a council as a council; a designated authority; a designated entity

Provision	Item Delegated	Delegate	Conditions & Limitations
s86(2)(a)	<p>11. Substitution of Local Panels</p> <p>11.1 The power pursuant to Section 86(2)(a) of the PDI Act to make submissions to the Commission in relation to an inquiry.</p>	COUNCIL	
s89(b)	<p>12. Notification of Acting</p> <p>12.1 The power pursuant to Section 89(b) of the PDI Act to require an accredited professional to provide such information or documentation as the delegate may require.</p>	CEO	
s102(1)(c)(iv)	<p>13. Matters Against which Development Must be Assessed</p> <p>13.1 The power pursuant to Section 102(1)(c)(iv) of the PDI Act in relation to a proposed division of land (otherwise than under the Community Titles Act 1996 or the Strata Titles Act 1988) where land is to be vested in the Council, to consent to the vesting.</p>	CEO CAP	
s102(1)(d)(iv)	<p>13. Matters Against which Development Must be Assessed</p> <p>13.2 The power pursuant to Section 102(1)(d)(iv) of the PDI Act in relation to a proposed division of land under the Community Titles Act 1996 or the Strata Titles Act 1988 where land is to be vested in the Council, to consent to the vesting.</p>	CEO CAP	
s102(11)(b)	<p>13. Matters Against which Development Must be Assessed</p>	CEO	

Instrument of Delegation (Instrument A)

Under the planning, development and infrastructure act 2016, regulations, planning & design code and practice directions of powers of a council as a council; a designated authority; a designated entity

Provision	Item Delegated	Delegate	Conditions & Limitations
	13.3 The power pursuant to Section 102(11)(b) of the PDI Act to impose a reasonable charge on account of an encroachment over land under the care, control and management of the Council when the relevant development is undertaken.		
s110(2)(b)	14. Restricted Development 14.1 The power pursuant to Section 110(2)(b) of the PDI Act to, in accordance with the regulations and within a period prescribed by the regulations, make representations to the Commission in relation to the granting or refusal of planning consent.	CEO	
s110(2)(c)(ii)	14. Restricted Development 14.2 The power pursuant to Section 110(2)(c)(ii) of the PDI Act to appear personally or by representative before the Commission to be heard in support of the Council's representation.	CEO	
s110(7)	14. Restricted Development 14.3 The power pursuant to Section 110(7) of the PDI Act to appeal against a decision on a development classified as restricted development.	CEO	
s112(b)	15. Level of Detail 15.1 The power pursuant to Section 112(b) of the PDI Act to express views in relation to the level of detail required in relation to an EIS.	CEO	

Instrument of Delegation (Instrument A)

Under the planning, development and infrastructure act 2016, regulations, planning & design code and practice directions of powers of a council as a council; a designated authority; a designated entity

Provision	Item Delegated	Delegate	Conditions & Limitations
s130(6)	16. Essential Infrastructure – Alternative Assessment Process 16.1 The power pursuant to Section 130(6) of the PDI Act to report to the Commission on any matters contained in a notice under Section 130(5) of the PDI Act.	CEO	
s130(14)	16. Essential Infrastructure – Alternative Assessment Process 16.2 The power pursuant to Section 130(14) of the PDI Act to, if the Council has, in relation to any matters referred to the Council under Section 130(5) of the PDI Act, expressed opposition to the proposed development in its report under Section 130(6) of the PDI Act, withdraw the Council's opposition.	CEO	
s131(7)	17. Development Assessment – Crown Development 17.1 The power pursuant to Section 131(7) of the PDI Act to report to the Commission on any matters contained in a notice under Section 131(6) of the PDI Act.	CEO	
s131(15)	17. Development Assessment – Crown Development 17.2 The power pursuant to Section 131(15) of the PDI Act to, if the Council has, in relation to any matters referred to the Council under Section 131(6) of the PDI Act expressed opposition to the proposed development in its report under Section 131(7) of the PDI Act, withdraw the Council's opposition.	CEO	
s138(1)	18. Land Division Certificate	CEO	

Instrument of Delegation (Instrument A)

Under the planning, development and infrastructure act 2016, regulations, planning & design code and practice directions of powers of a council as a council; a designated authority; a designated entity

Provision	Item Delegated	Delegate	Conditions & Limitations
	18.1 The power pursuant to Section 138(1) of the PDI Act to enter into a binding agreement supported by adequate security and if the regulations so require in a form prescribed by the regulations.		
s138(2)	18. Land Division Certificate 18.2 The power pursuant to Section 138(2) of the PDI Act to furnish the Commission with appropriate information as to compliance with a particular condition and to comply with any requirement prescribed by the regulations.	CEO	
s141(1)	19. Action if Development Not Completed 19.1 The power pursuant to Section 141(1) of the PDI Act, if: 19.1.1 an approval is granted under the PDI Act; but 19.1.2 - 19.1.2.1 the development to which the approval relates has been commenced but not substantially completed within the period prescribed by the regulations for the lapse of the approval; or 19.1.2.2 in the case of a development that is envisaged to be undertaken in stages - the development is not undertaken or substantially completed in the manner or within the period contemplated by the approval, to apply to the Court for an order under Section 141 of the PDI Act.	CEO	

Instrument of Delegation (Instrument A)

Under the planning, development and infrastructure act 2016, regulations, planning & design code and practice directions of powers of a council as a council; a designated authority; a designated entity

Provision	Item Delegated	Delegate	Conditions & Limitations
s141(5)	<p>19. Action if Development Not Completed</p> <p>19.1.3 The power pursuant to Section 141(5) of the PDI Act, if the Court makes an order under Section 141(3)(a), (b) or (d) of the PDI Act and a person fails to comply with the order within the period specified by the Court, to cause any work contemplated by the order to be carried out, and to recover the costs of that work, as a debt from the person.</p>	CEO	
s141(6)	<p>19. Action if Development Not Completed</p> <p>19.1.4 The power pursuant to Section 141(6) of the PDI Act, if an amount is recoverable from a person by the Council under Section 141(5) of the PDI Act:</p> <p>19.1.4.1 to, by notice in writing to the person, fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid by the person.</p>	CEO	
s142(1)	<p>20. Completion of Work</p> <p>20.1 The power pursuant to Section 142(1) of the PDI Act, if:</p> <p>20.1.1 an approval is granted under the PDI Act; but</p> <p>20.1.2 the development to which the approval relates has been substantially but not fully completed within the period prescribed by the regulations for the lapse of the approval, to, by notice in writing, require the owner of the relevant land to complete the development within a period specified in the notice.</p>	CEO	

Instrument of Delegation (Instrument A)

Under the planning, development and infrastructure act 2016, regulations, planning & design code and practice directions of powers of a council as a council; a designated authority; a designated entity

Provision	Item Delegated	Delegate	Conditions & Limitations
s142(2)	<p>20. Completion of Work</p> <p>20.2 The power pursuant to Section 142(2) of the PDI Act, if an owner fails to carry out work as required by a notice under Section 142(1) of the PDI Act, to cause the necessary work to be carried out.</p>	CEO	
s142(3)	<p>20. Completion of Work</p> <p>20.3 The power pursuant to Section 142(3) of the PDI Act to recover as a debt due from the owner, the reasonable costs and expenses incurred by the Council (or any person acting on behalf of the Council) under Section 142 of the PDI Act.</p>	CEO	
s142(4)	<p>20. Completion of Work</p> <p>20.4 The power pursuant to Section 142(4) of the PDI Act, if an amount is recoverable from a person by the Council under Section 142 of the PDI Act:</p> <p>20.4.1 to, by notice in writing to the person, fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid by the person.</p>	CEO	
s146(3)	<p>21. Notification During Building</p> <p>21.1 The power pursuant to Section 146(3) of the PDI Act to, subject to Section 146(4) of the PDI Act, direct a person who is carrying out building work to stop building work when a mandatory notification stage has been reached pending an inspection by an authorised officer who holds prescribed qualifications.</p>	CEO	

Instrument of Delegation (Instrument A)

Under the planning, development and infrastructure act 2016, regulations, planning & design code and practice directions of powers of a council as a council; a designated authority; a designated entity

Provision	Item Delegated	Delegate	Conditions & Limitations
s151(2)	22. Classification of Buildings 22.1 The power pursuant to Section 151(2) of the PDI Act to assign to a building erected in the Council's area a classification that conforms with the regulations.	CEO	
s151(3)	22. Classification of Buildings 22.2 The power pursuant to Section 151(3) of the PDI Act, if the Council assigns a classification under Section 151 of the PDI Act, to give notice in writing to the owner of the building to which the classification has been assigned, of the classification assigned to the building.	CEO	
s152(2)	23. Certificates of Occupancy 23.1 The power pursuant to Section 152(2) of the PDI Act to issue a certificate of occupancy.	CEO	
s152(3)(a)	23. Certificates of Occupancy 23.2 The power pursuant to Section 152(3)(a) of the PDI Act to require an application for a certificate of occupancy to include any information required by the delegate.	CEO	
s152(3)(c)	23. Certificates of Occupancy 23.3 The power pursuant to Section 152(3)(c) of the PDI Act to determine the appropriate fee.	CEO	
s152(5)	23. Certificates of Occupancy	CEO	

Instrument of Delegation (Instrument A)

Under the planning, development and infrastructure act 2016, regulations, planning & design code and practice directions of powers of a council as a council; a designated authority; a designated entity

Provision	Item Delegated	Delegate	Conditions & Limitations
	23.4 The power pursuant to Section 152(5) of the PDI Act to consider any report supplied under Section 152(4) of the PDI Act before deciding the application.		
s152(6)	<p>23. Certificates of Occupancy</p> <p>23.5 The power pursuant to Section 152(6) of the PDI Act to issue the certificate if the delegate is satisfied (in accordance with procedures set out in the regulations and on the basis of information provided or obtained under Section 152 of the PDI Act) that the relevant building is suitable for occupation and complies with such requirements as may be prescribed by the regulations for the purposes of Section 152(6) of the PDI Act.</p>	CEO	
s152(10)	<p>23. Certificates of Occupancy</p> <p>23.6 The power pursuant to Section 152(10) of the PDI Act, if the Council refuses an application to notify the applicant in writing of:</p> <p>23.6.1 the refusal; and</p> <p>23.6.2 the reasons for the refusal; and</p> <p>23.6.3 the applicant's right of appeal under the PDI Act.</p>	CEO	
s152(12)	<p>23. Certificates of Occupancy</p> <p>23.7 The power pursuant to Section 152(12) of the PDI Act to issue a certificate of occupancy that applies to the whole or part of a building.</p>	CEO	

Instrument of Delegation (Instrument A)

Under the planning, development and infrastructure act 2016, regulations, planning & design code and practice directions of powers of a council as a council; a designated authority; a designated entity

Provision	Item Delegated	Delegate	Conditions & Limitations
s152(13)	23. Certificates of Occupancy 23.8 The power pursuant to Section 152(13) of the PDI Act to, in accordance with the regulations, revoke a certificate of occupancy in prescribed circumstances.	CEO	
s153(1)	24. Temporary Occupation 24.1 The power pursuant to Section 153(1) of the PDI Act to grant an approval to a person to occupy a building on a temporary basis without a certificate of occupancy.	CEO	
s153(2)	24. Temporary Occupation 24.2 The power pursuant to Section 153(2) of the PDI Act to grant an approval under Section 153(1) of the PDI Act on such conditions (if any) as the delegate thinks fit to impose.	CEO	
s153(3)	24. Temporary Occupation 24.3 The power pursuant to Section 153(3) of the PDI Act if the Council refuses an application to notify the applicant in writing of: 24.3.1 the refusal; and 24.3.2 the reasons for the refusal; and 24.3.3 the applicant's right of appeal under the PDI Act.	CEO	
s155(5)	25. Emergency Orders	CEO	

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Provision	Item Delegated	Delegate	Conditions & Limitations
	25.1 The power pursuant to Section 155(5) of the PDI Act, if an owner fails to carry out work as required by an emergency order, to cause the necessary work to be carried out.		
s155(6)	25. Emergency Orders 25.2 The power pursuant to Section 155(6) of the PDI Act to recover as a debt due from the owner the reasonable costs and expenses incurred by the Council (or any person acting on behalf of the Council) under Section 155 of the PDI Act.	CEO	
s155(7)	25. Emergency Orders 25.3 The power pursuant to Section 155(7) of the PDI Act, if an amount is recoverable from a person by the Council under Section 155 of the PDI Act to, by notice in writing to the person, fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid by the person.	CEO	
s157(16)	26. Fire Safety 26.1 The power pursuant to Section 157(16) of the PDI Act to establish a body and designate it as an appropriate authority under Section 157 of the PDI Act.	COUNCIL	
s157(17)	26. Fire Safety 26.2 The power pursuant to Section 157(17) of the PDI Act to: 26.2.1 appoint to the appropriate authority:	COUNCIL CEO	CEO - limits the delegation to the power pursuant to section 157(17)(a)(iv) of that Act to select and

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Under the planning, development and infrastructure act 2016, regulations, planning & design code and practice directions of powers of a council as a council; a designated authority; a designated entity

Provision	Item Delegated	Delegate	Conditions & Limitations
	26.2.1.1 a person who holds prescribed qualifications in building surveying; and 26.2.1.2 an authorised officer under Part 3 Division 5 or Section 86 of the Fire and Emergency Services Act 2005 who has been approved by the Chief Officer of the relevant fire authority to participate as a member of the appropriate authority; and 26.2.1.3 a person with expertise in the area of fire safety; and 26.2.1.4 if so determined by the delegate, a person selected by the delegate;		appoint City of West Torrens staff members as a member and as deputy members of the City of West Torrens Building Fire Safety Committee
s157(17)	26. Fire Safety 26.2 The power pursuant to Section 157(17) of the PDI Act to: 26.2.2 specify a term of office of a member of the appropriate authority (other than a member under Section 157(17)(a)(ii) of the PDI Act;	COUNCIL CEO	
s157(17)	26. Fire Safety 26.2 The power pursuant to Section 157(17) of the PDI Act to: 26.2.3 remove a member of the appropriate authority from office for any reasonable cause;	CEO	CEO - limits the delegation to the power pursuant to section 157(17)(c)(iv) of that Act to remove any member or deputy member of the City of West Torrens Building Fire Safety Committee that was previously appointed by the

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Provision	Item Delegated	Delegate	Conditions & Limitations
			Chief Executive Officer for any reasonable cause.
s157(17)	26. Fire Safety 26.2 The power pursuant to Section 157(17) of the PDI Act to: 26.2.4 appoint deputy members;	CEO	
s157(17)	26. Fire Safety 26.2 The power pursuant to Section 157(17) of the PDI Act to: 26.2.5 determine the appropriate authority's procedures (including as to quorum).	COUNCIL	
s166(1)(c)	27. Consideration of Proposed Scheme 27.1 The power pursuant to Section 166(1)(c) of the PDI Act to consult with a scheme coordinator in relation to a scheme in accordance with the Community Engagement Charter.	CEO	
s169(2)(b)	28. Funding Arrangements 28.1 The power pursuant to Section 169(2)(b) of the PDI Act in relation to a scheme that provides for the collection of contributions under Subdivision 8 of the PDI Act to apply for any matter to be considered or determined by ESCOSA or some other prescribed person or body as part of a periodic review of the levels and amounts of those contributions.	CEO	

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Provision	Item Delegated	Delegate	Conditions & Limitations
s169(9)	28. Funding Arrangements 28.2 The power pursuant to Section 169(9) of the PDI Act to make submissions to the Commission in relation to a funding arrangement that is specifically relevant to the Council.	CEO	
s180(7)	29. Imposition of Charge by Councils 29.1 The power pursuant to Section 180(7) of the PDI Act, if the Council incurs costs in recovering a charge as a debt, to claim the reimbursement of those costs (insofar as they are reasonable) from the relevant fund established under subdivision 9, Division 1, Part 13 of the PDI Act.	CEO	
s187(1)	30. Authorised Works 30.1 The power pursuant to Section 187(1) of the PDI Act, subject to Section 187(3) of the PDI Act, to carry out any infrastructure works if the Council is authorised to do so by or under the PDI Act or any other Act.	CEO	
s187(5)	30. Authorised Works 30.2 The power pursuant to Section 187(5) of the PDI Act, subject to Section 187(6) of the PDI Act, to in relation to a proposal that involves disturbing the surface of a road, or that otherwise relates to a road to: 30.2.1 inform the relevant road maintenance authority of the proposal at least 28 days before the proposed commencement of any work; and	CEO	

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Provision	Item Delegated	Delegate	Conditions & Limitations
	<p>30.2.2 give the relevant road maintenance authority a reasonable opportunity to consult with the Council in relation to the matter; and</p> <p>30.2.3 ensure that proper consideration is given to the views of the road maintenance authority.</p>		
s187(5)(b)	<p>30. Authorised Works</p> <p>30.3 The power pursuant to Section 187(5)(b) of the PDI Act to make submissions to the designated entity in relation to the matter.</p>	CEO	
s187(6)	<p>30. Authorised Works</p> <p>30.4 The power pursuant to Section 187(6) of the PDI Act, in a case of emergency, to only comply with Section 187(5) of the PDI Act to such extent as is practicable in the circumstances.</p>	CEO	
s188(1)	<p>31. Entry onto Land</p> <p>31.1 The power pursuant to Section 188(1) of the PDI Act to authorise a person for the purpose of undertaking any work or activity in connection with the exercise of a power under Division 2 of Part 13 of the PDI Act to:</p> <p>31.1.1 enter and pass over any land; and</p> <p>31.1.2 bring onto any land any vehicles, plant or equipment; and</p> <p>31.1.3 temporarily occupy land; and</p>	CEO	

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Under the planning, development and infrastructure act 2016, regulations, planning & design code and practice directions of powers of a council as a council; a designated authority; a designated entity

Provision	Item Delegated	Delegate	Conditions & Limitations
	31.1.4 do anything else reasonably required in connection with the exercise of the power.		
s188(4)	31. Entry onto Land 31.2 The power pursuant to Section 188(4) of the PDI Act to pay reasonable compensation on account of any loss or damage caused by the exercise of a power under Section 188(1) of the PDI Act.	CEO	
s192(1)	32. Land Management Agreements 32.1 The power pursuant to Section 192(1) of the PDI Act to enter into an agreement relating to the development, management, preservation or conservation of land with the owner of the land or a designated entity.	CEO	
s192(2)	32. Land Management Agreements 32.2 The power pursuant to Section 192(2) of the PDI Act to enter into an agreement relating to the management, preservation or conservation of the land with a greenway authority.	CEO	
s192(4)	32. Land Management Agreements 32.3 The power pursuant to Section 192(4) of the PDI Act in considering whether to enter into an agreement under Section 192 of the PDI Act which relates to the development of land and, if such an agreement is to be entered into, in considering the terms of the agreement, to have regard to:	CEO	

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Under the planning, development and infrastructure act 2016, regulations, planning & design code and practice directions of powers of a council as a council; a designated authority; a designated entity

Provision	Item Delegated	Delegate	Conditions & Limitations
	<p>32.3.1 the provisions of the Planning and Design Code and to any relevant development authorisation under the PDI Act; and</p> <p>32.3.2 the principle that the entering into of an agreement under Section 192 of the PDI Act by the Council should not be used as a substitute to proceeding with an amendment to the Planning and Design Code under the PDI Act.</p>		
s192(5)	<p>32. Land Management Agreements</p> <p>32.4 The power pursuant to Section 192(5) of the PDI Act to register agreements entered into under Section 192 of the PDI Act in accordance with the regulations.</p>	CEO	
s192(8)	<p>32. Land Management Agreements</p> <p>32.5 The power pursuant to Section 192(8) of the PDI Act to carry out on private land any work for which provision is made by agreement under Section 192 of the PDI Act.</p>	CEO	
s192(9)	<p>32. Land Management Agreements</p> <p>32.6 The power pursuant to Section 192(9) of the PDI Act to include in an agreement under Section 192 of the PDI Act an indemnity from a specified form of liability or right of action, a waiver or exclusion of a specified form of liability or right of action, an acknowledgment of liability, or a disclaimer, on the part of a party to the agreement.</p>	CEO	

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Under the planning, development and infrastructure act 2016, regulations, planning & design code and practice directions of powers of a council as a council; a designated authority; a designated entity

Provision	Item Delegated	Delegate	Conditions & Limitations
s192(10)	32. Land Management Agreements 32.7 The power pursuant to Section 192(10) of the PDI Act to express a provision under Section 192(9) of the PDI Act as extending to, or being for the benefit of, a person or body who or which is not a party to the agreement.	CEO	
s192(11)	32. Land Management Agreements 32.8 The power pursuant to Section 192(11) of the PDI Act to consent to the owner of land entering into an agreement under Section 192 of the PDI Act where the Council has a legal interest in the land.	CEO	
s192(12)	32. Land Management Agreements 32.9 The power pursuant to Section 192(12) of the PDI Act to apply to the Registrar-General, to note the agreement against the relevant instrument of title or, in the case of land not under the provisions of the Real Property Act 1886, against the land.	CEO	
s192(15)	32. Land Management Agreements 32.10 The power pursuant to Section 192(15) of the PDI Act to apply to the Registrar-General in relation to an agreement to which a note has been made under Section 192 of the PDI Act that has been rescinded or amended, to enter a note of the rescission or amendment against the instrument of title, or against the land.	CEO	

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Under the planning, development and infrastructure act 2016, regulations, planning & design code and practice directions of powers of a council as a council; a designated authority; a designated entity

Provision	Item Delegated	Delegate	Conditions & Limitations
s192(16)	32. Land Management Agreements 32.11 The power pursuant to Section 192(16) of the PDI Act to provide in an agreement under Section 192 of the PDI Act for remission of rates or taxes on the land.	CEO	
s192(17)	32. Land Management Agreements 32.12 The power pursuant to Section 192(17) of the PDI Act to consent to an agreement entered into by the Minister under Section 192 of the PDI Act, providing for the remission of rates or taxes payable to the Council.	CEO	
s192(18)	32. Land Management Agreements 32.13 The power pursuant to Section 192(18) of the PDI Act to take into account the existence of an agreement under Section 192 of the PDI Act when assessing an application for a development authorisation under the PDI Act.	CEO	
s193(1)	33. Land Management Agreements – Development Applications 33.1 The power pursuant to Section 193(1) of the PDI Act to, subject to Section 193 of the PDI Act, enter into an agreement under Section 193 of the PDI Act with a person who is applying for a development authorisation under the PDI Act that will, in the event that the relevant development is approved, bind: 33.1.1 the person; and 33.1.2 any other person who has the benefit of the development authorisation; and	CEO	

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Provision	Item Delegated	Delegate	Conditions & Limitations
	33.1.3 the owner of the relevant land (if he or she is not within the ambit of Sections 193(a) or (b) of the PDI Act and if the other requirements of Section 193 of the PDI Act are satisfied).		
s193(2)	33. Land Management Agreements – Development Applications 33.2 The power pursuant to Section 193(2) of the PDI Act to enter into an agreement under Section 193 of the PDI Act in relation to any matter that the delegate agrees is relevant to the proposed development (including a matter that is not necessarily relevant to the assessment of the development under the PDI Act).	CEO	
s193(3)	33. Land Management Agreements – Development Applications 33.3 The power pursuant to Section 193(3) of the PDI Act to have regard to: 33.3.1 the provisions of the Planning and Design Code; and 33.3.2 the principle that the entering into of an agreement under Section 193 of the PDI Act by the Council should not be used as a substitute to proceeding with an amendment to the Planning and Design Code under the PDI Act.	CEO	
s193(5)	33. Land Management Agreements – Development Applications 33.4 The power pursuant to Section 193(5) of the PDI Act to register agreements entered into under Section 193 of the PDI Act in accordance with the regulations.	CEO	

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Provision	Item Delegated	Delegate	Conditions & Limitations
s193(10)	33. Land Management Agreements – Development Applications 33.5 The power pursuant to Section 193(10) of the PDI Act to consent to an application to note the agreement against the relevant instrument of title or the land.	CEO	
s193(11)	33. Land Management Agreements – Development Applications 33.6 The power pursuant to Section 193(11) of the PDI Act to consent to an owner of land entering into an agreement or giving a consent under Section 192(10) of the PDI Act where the Council has a legal interest in the land.	CEO	
s193(13)	33. Land Management Agreements – Development Applications 33.7 The power pursuant to Section 193(13) of the PDI Act to apply to the Registrar-General to note the agreement against the relevant instrument of title or, in the case of land not under the provisions of the Real Property Act 1886, against the land.	CEO	
s193(15)	33. Land Management Agreements – Development Applications 33.8 The power pursuant to Section 193(15) of the PDI Act to apply to the Registrar-General in relation to an agreement under Section 193 that has been rescinded or amended, to enter a note of the rescission or amendment against the instrument of title, or against the land.	CEO	
s193(16)	33. Land Management Agreements – Development Applications	CEO	

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Provision	Item Delegated	Delegate	Conditions & Limitations
	33.9 The power pursuant to Section 193(16) of the PDI Act, if an agreement under Section 193 of the PDI Act does not have effect under Section 193 of the PDI Act within the period prescribed by the regulations, to by notice given in accordance with the regulations, lapse the relevant development approval.		
s197(2)	<p>34. Off-setting Contributions</p> <p>34.1 The power pursuant to Section 197(2) of the PDI Act to establish a scheme under Section 197 of the PDI Act that is designed to support or facilitate:</p> <p>34.1.1 development that may be in the public interest or otherwise considered by the delegate as being appropriate in particular circumstances (including by the provision of facilities at a different site); or</p> <p>34.1.2 planning or development initiatives that will further the objects of the PDI Act or support the principles that relate to the planning system established by the PDI Act; or</p> <p>34.1.3 any other initiative or policy:</p> <p>34.1.3.1 designated by the Planning and Design Code for the purposes of Section 197(2)(c)(i) of the PDI Act;</p> <p>34.1.3.2 prescribed by the regulations for the purposes of Section 197(2)(c)(ii) of the PDI Act.</p>	COUNCIL	
s197(3)	34. Off-setting Contributions	COUNCIL	

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Under the planning, development and infrastructure act 2016, regulations, planning & design code and practice directions of powers of a council as a council; a designated authority; a designated entity

Provision	Item Delegated	Delegate	Conditions & Limitations
	<p>34.2 The power pursuant to Section 197(3) of the PDI Act to include in a scheme established under Section 197 of the PDI Act:</p> <p>34.2.1 an ability or requirement for a person who is proposing to undertake development (or who has the benefit of an approval under the PDI Act):</p> <p>34.2.1.1 to make a contribution to a fund established as part of the scheme; or</p> <p>34.2.1.2 to undertake work or to achieve some other goal or outcome (on an 'in kind' basis); or</p> <p>34.2.1.3 to proceed under a combination of Sections 197(3)(a)(i) and (ii) of the PDI Act, in order to provide for or address a particular matter identified by the scheme; and</p> <p>34.2.2 an ability for a provision of the Planning and Design Code to apply with a specified variation under the terms of the scheme; and</p> <p>34.2.3 an ability for any relevant authority to act under or in connection with Sections 197(3)(a) or (b) of the PDI Act.</p>		
s197(4)(b)	<p>34. Off-setting Contributions</p> <p>34.3 The power pursuant to Section 197(4)(b) of the PDI Act to apply the fund towards the purposes of the scheme in accordance with any directions or approvals of the Treasurer made or given after consultation with the Minister.</p>	CEO	
s197(4)(c)	<p>34. Off-setting Contributions</p>	CEO	

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Under the planning, development and infrastructure act 2016, regulations, planning & design code and practice directions of powers of a council as a council; a designated authority; a designated entity

Provision	Item Delegated	Delegate	Conditions & Limitations
	34.4 The power pursuant to Section 197(4)(c) of the PDI Act to invest money that is not immediately required for the purposes of the fund in accordance with provisions included in the scheme.		
s198(1)	<p>35. Open Space Contribution Scheme</p> <p>35.1 The power pursuant to Section 198(1) of the PDI Act, where an application for a development authorisation provides for the division of land in the Council's area into more than 20 allotments, and 1 or more allotments is less than 1 hectare in area to require:</p> <p>35.1.1 that up to 12.5% in area of the relevant area be vested in the Council to be held as open space; or</p> <p>35.1.2 that the applicant make the contribution prescribed by the regulations in accordance with the requirements of Section 198 of the PDI Act; or</p> <p>35.1.3 that land be vested in the Council under Section 198(1)(c) of the PDI Act and that the applicant make a contribution determined in accordance with Section 198(8) of the PDI Act, according to the determination and specification of the delegate, and to have regard to any relevant provision of the Planning and Design Code that designates land as open space and to seek the concurrence of the Commission to taking any action that is at variance with the Planning and Design Code.</p>	CEO CAP	
s198(3)	35. Open Space Contribution Scheme	CEO	

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Provision	Item Delegated	Delegate	Conditions & Limitations
	35.2 The power pursuant to Section 198(3) of the PDI Act to enter into an agreement referred to in Section 198(2)(d) of the PDI Act.		
s198(4)(a)	35. Open Space Contribution Scheme 35.3 The power pursuant to Section 198(4)(a) of the PDI Act to concur with an area being vested in the Council.	CEO	
s198(11)	35. Open Space Contribution Scheme 35.4 The power pursuant to Section 198(11) of the PDI Act in relation to money received under Section 198 of the PDI Act to immediately pay it into a fund established for the purposes of Section 198 of the PDI Act and apply it for the purpose of acquiring or developing land as open space.	CEO	
s198(12)	35. Open Space Contribution Scheme 35.5 The power pursuant to Section 198(12) of the PDI Act to form the opinion that the division of land is being undertaken in stages.	CEO CAP	
s200(2)	36. Urban Trees Fund 36.1 The power pursuant to Section 200(2) of the PDI Act to effect the establishing of the fund by notice published in the Gazette.	CEO	
s200(3)	36. Urban Trees Fund	COUNCIL	

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Provision	Item Delegated	Delegate	Conditions & Limitations
	36.2 The power pursuant to Section 200(3) of the PDI Act to define a designated area by reference to an area established by the Planning and Design Code.		
s200(5)	36. Urban Trees Fund 36.3 The power pursuant to Section 200(5) of the PDI Act to invest any money in an urban trees fund that is not immediately required for the purpose of the fund and to pay any resultant income into the fund.	CEO	
s200(6)	36. Urban Trees Fund 36.4 The power pursuant to Section 200(6) of the PDI Act to apply money standing to the credit of an urban trees fund: 36.4.1 to maintain or plant trees in the designated area which are or will (when fully grown) constitute significant trees under the PDI Act; or 36.4.2 to purchase land within the designated area in order to maintain or plant trees which are or will (when fully grown) constitute significant trees under the PDI Act.	CEO	
s200(7)	36. Urban Trees Fund 36.5 The power pursuant to Section 200(7) of the PDI Act if, the Council subsequently sells land purchased under Section 200(6)(b) of the PDI Act, to pay the proceeds of sale into an urban trees fund maintained by the Council under Section 200 of the PDI Act, subject to the qualifications in Sections 200(7)(a) and (b).	CEO	

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Provision	Item Delegated	Delegate	Conditions & Limitations
s210(1)	<p>37. Appointment of Authorised Officers</p> <p>37.1 The power pursuant to Section 210(1) of the PDI Act to:</p> <p>37.1.1 appoint a person to be an authorised officer for the purposes of the PDI Act; and</p> <p>37.1.2 appoint a person who holds the qualifications prescribed by the regulations to be an authorised officer for the purposes of the PDI Act if the Council is required to do so by the regulations.</p>	CEO	
s210(2)	<p>37. Appointment of Authorised Officers</p> <p>37.2 The power pursuant to Section 210(2) of the PDI Act to make an appointment of an authorised officer subject to conditions.</p>	CEO	
s210(3)	<p>37. Appointment of Authorised Officers</p> <p>37.3 The power pursuant to Section 210(3) of the PDI Act to issue each authorised officer an identity card:</p> <p>37.3.1 containing a photograph of the authorised officer; and</p> <p>37.3.2 stating any conditions of appointment limiting the authorised officer's appointment.</p>	CEO	
s210(5)	37. Appointment of Authorised Officers	CEO	

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Provision	Item Delegated	Delegate	Conditions & Limitations
	37.4 The power pursuant to Section 210(5) of the PDI Act to, at any time, revoke an appointment which the Council has made, or vary or revoke a condition of such an appointment or impose a further such condition.		
s213(1)	<p>38. Enforcement Notices</p> <p>38.1 The power pursuant to Section 213(1) of the PDI Act, if the delegate has reason to believe on reasonable grounds that a person has breached the PDI Act or the repealed Act, to do such of the following as the delegate considers necessary or appropriate in the circumstances:</p> <p>38.1.1 direct a person to refrain, either for a specified period or until further notice, from the PDI Act, or course of action, that constitutes the breach;</p> <p>38.1.2 direct a person to make good any breach in a manner, and within a period, specified by the delegate;</p> <p>38.1.3 take such urgent action as is required because of any situation resulting from the breach.</p>	CEO	
s213(2)	<p>38. Enforcement Notices</p> <p>38.2 The power pursuant to Section 213(2) of the PDI Act to give a direction under Section 213(1) of the PDI Act by notice in writing unless the delegate considers that the direction is urgently required.</p>	CEO	
s213(5)	38. Enforcement Notices	CEO	

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Provision	Item Delegated	Delegate	Conditions & Limitations
	38.3 The power pursuant to Section 213(5) of the PDI Act, if a person fails to comply with a direction under Section 213(1)(b) of the PDI Act within the time specified in the notice, to cause the necessary action to be taken.		
s213(6)	38. Enforcement Notices 38.4 The power pursuant to Section 213(6) of the PDI Act to recover the reasonable costs and expenses incurred by the Council (or any person acting on behalf of the Council) under Section 213 of the PDI Act, as a debt due from the person whose failure gave rise to the PDI Action	CEO	
s213(7)	38. Enforcement Notices 38.5 The power pursuant to Section 213(7) of the PDI Act, if an amount is recoverable from a person by the Council under Section 213 of the PDI Act to, by notice in writing to the person, fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid by the person.	CEO	
s214(1)	39. Applications to Court 39.1 The power pursuant to Section 214(1) of the PDI Act to apply to the Court for an order to remedy or restrain a breach of the PDI Act or the repealed Act.	CEO	
s214(2)	39. Applications to Court	CEO	

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Provision	Item Delegated	Delegate	Conditions & Limitations
	39.2 The power pursuant to Section 214(2) of the PDI Act to consent to proceedings under Section 214 of the PDI Act being brought in a representative capacity on behalf of the Council.		
s214(4)	39. Applications to Court 39.3 The power pursuant to Section 214(4) of the PDI Act to make an application without notice to any person and to make an application to the Court to serve a summons requiring the respondent to appear before the Court to show cause why an order should not be made under Section 214 of the PDI Act.	CEO	
s214(6)	39. Applications to Court 39.4 The power pursuant to Section 214(6) of the PDI Act to make submissions to the Court on the subject matter of the proceedings.	CEO	
s214(9)	39. Applications to Court 39.5 The power pursuant to Section 214(9) of the PDI Act to appear before a final order is made and be heard in proceedings based on the application.	CEO	
s214(10)	39. Applications to Court 39.6 The power pursuant to Section 214(10) of the PDI Act to make an application to the Court to make an interim order under Section 214 of the PDI Act.	CEO	

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Provision	Item Delegated	Delegate	Conditions & Limitations
s214(11)	39. Applications to Court 39.7 The power pursuant to Section 214(11) of the PDI Act to make an application for an interim order without notice to any person.	CEO	
s214(12)	39. Applications to Court 39.8 The power pursuant to Section 214(12) of the PDI Act, if the Court makes an order under Section 214(6)(d) of the PDI Act and the respondent fails to comply with the order within the period specified by the Court, to cause any work contemplated by the order to be carried out, and recover the costs of that work, as a debt, from the respondent	CEO	
s214(13)	39. Applications to Court 39.9 The power pursuant to Section 214(13) of the PDI Act, if an amount is recoverable from a person by the Council under Section 214(12) of the PDI Act to, by notice in writing to the person, fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid by the person.	CEO	
s214(17)	39. Applications to Court 39.10 The power pursuant to Section 214(17) of the PDI Act to apply to the Court to vary or revoke an order previously made under Section 214 of the PDI Act.	CEO	
s219(1)	40. Proceedings for Offences	CEO	

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Provision	Item Delegated	Delegate	Conditions & Limitations
	40.1 The power pursuant to Section 219(1) of the PDI Act to commence proceedings for an offence against the PDI Act.		
s223(2)	41. Adverse Publicity Orders 41.1 The power pursuant to Section 223(2) of the PDI Act to make an application to the Court for an adverse publicity order.	CEO	
s223(4)	41. Adverse Publicity Orders 41.2 The power pursuant to Section 223(4) of the PDI Act, if the offender fails to give evidence to the Council in accordance with Section 224(1)(b) of the PDI Act to: 41.2.1 take the PDI Action or actions specified in the order; and 41.2.2 authorise a person in writing to take the PDI Action or actions specified in the order.	CEO	
s223(5)	41. Adverse Publicity Orders 41.3 The power pursuant to Section 223(5) of the PDI Act, if: 41.3.1 the offender gives evidence to the Council in accordance with Section 223(1)(b) of the PDI Act; and 41.3.2 despite the evidence, the delegate is not satisfied that the offender has taken the PDI Action or actions specified in the order in accordance with the order,	CEO	

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Provision	Item Delegated	Delegate	Conditions & Limitations
	to apply to the court for an order authorising the Council, or a person authorised in writing by the Council, to take the PDI Action or actions and to authorise a person in writing to take the PDI Action or actions.		
s223(6)	<p>41. Adverse Publicity Orders</p> <p>41.4 The power pursuant to Section 223(6) of the PDI Act, if the Council, or a person authorised in writing by the Council, takes an action or actions in accordance with Section 223(4) of the PDI Act or an order under Section 223(5) of the PDI Act, to recover from the offender an amount in relation to the reasonable expenses of taking the PDI Action or actions, as a debt, due to the Council.</p>	CEO	
s225(1)	<p>42. Civil Penalties</p> <p>42.1 The power pursuant to Section 225(1) of the PDI Act, subject to Section 225 of the PDI Act, if the delegate is satisfied that a person has committed an offence by contravening a provision of the PDI Act, to, as an alternative to criminal proceedings, recover, by negotiation or by application to the Court, an amount as a civil penalty in respect of the contravention.</p>	CEO	
s225(2)	<p>42. Civil Penalties</p> <p>42.2 The power pursuant to Section 225(2) of the PDI Act, in respect of a contravention where the relevant offence does not require proof of intention or some other state of mind, to determine whether to initiate proceedings for an offence or take action under Section 225 of the PDI Act,</p>	CEO	

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Provision	Item Delegated	Delegate	Conditions & Limitations
	having regard to the seriousness of the contravention, the previous record of the offender and any other relevant factors.		
s225(3)	42. Civil Penalties 42.3 The power pursuant to Section 225(3) of the PDI Act to serve on the person a notice in the prescribed form advising the person that the person may, by written notice to the Council, elect to be prosecuted for the contravention.	CEO	
s225(13)	42. Civil Penalties 42.4 The power pursuant to Section 225(13) of the PDI Act to seek the authorisation of the Attorney-General to the commencement of proceedings for an order under Section 225 of the PDI Act.	CEO	
s225(17)	42. Civil Penalties 42.5 The power pursuant to Section 225(17) of the PDI Act to seek an authorisation from the Commission for the Council to act under Section 225 of the PDI Act.	CEO	
s228(7)	43. Make Good Order 43.1 The power pursuant to Section 228(7) of the PDI Act to apply to the Court to vary or revoke an order under Section 228 of the PDI Act.	CEO	

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Provision	Item Delegated	Delegate	Conditions & Limitations
s229(5)	<p>44. Recovery of Economic Benefit</p> <p>44.1 The power pursuant to Section 229(5) of the PDI Act to apply an amount paid to the Council in accordance with an order under Section 229(1) of the PDI Act for the purpose of acquiring or developing land as open space and to hold it in a fund established for the purposes of Section 198 of the PDI Act.</p>	CEO	
s230(1)	<p>45. Enforceable Voluntary Undertakings</p> <p>45.1 The power pursuant to Section 230(1) of the PDI Act to accept (by written notice) a written undertaking given by a person in connection with a matter relating to a contravention or alleged contravention by the person of the PDI Act.</p>	CEO	
s230(4)	<p>45. Enforceable Voluntary Undertakings</p> <p>45.2 The power pursuant to Section 230(4) of the PDI Act if the delegate considers that a person has contravened an undertaking accepted by the Council, to apply to the Court for enforcement of the undertaking.</p>	CEO	
s230(7)	<p>45. Enforceable Voluntary Undertakings</p> <p>45.3 The power pursuant to Section 230(7) of the PDI Act to agree in writing with a person who has made an undertaking to:</p> <p>45.3.1 vary the undertaking; or</p> <p>45.3.2 withdraw the undertaking.</p>	CEO	

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Provision	Item Delegated	Delegate	Conditions & Limitations
s230(11)	<p>45. Enforceable Voluntary Undertakings</p> <p>45.4 The power pursuant to Section 230(11) of the PDI Act to accept an undertaking in respect of a contravention or alleged contravention before proceedings in respect of that contravention have been finalised.</p>	CEO	
s230(12)	<p>45. Enforceable Voluntary Undertakings</p> <p>45.5 The power pursuant to Section 230(12) of the PDI Act if the delegate accepts an undertaking before the proceedings are finalised, to take all reasonable steps to have the proceedings discontinued as soon as possible.</p>	CEO	
s230(14)	<p>45. Enforceable Voluntary Undertakings</p> <p>45.6 The power pursuant to Section 230(14) of the PDI Act to seek an authorisation from the Commission for the Council to act under Section 230 of the PDI Act.</p>	CEO	
s231(1)	<p>46. Advertisements</p> <p>46.1 The power pursuant to Section 231(1) of the PDI Act, if, in the opinion of the delegate, an advertisement or advertising hoarding:</p> <p>46.1.1 disfigures the natural beauty of a locality or otherwise detracts from the amenity of a locality; or</p> <p>46.1.2 is contrary to the character desired for a locality under the Planning and Design Code,</p>	CEO	

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Provision	Item Delegated	Delegate	Conditions & Limitations
	to, by notice served in accordance with the regulations on the advertiser or the owner or occupier of the land on which the advertisement or advertising hoarding is situated, whether or not a development authorisation has been granted in respect of the advertisement or advertising hoarding, order that person to remove or obliterate the advertisement or to remove the advertising hoarding (or both) within a period specified in the notice (of at least 28 days from the date of service of the notice).		
s231(3)	46. Advertisements 46.2 The power pursuant to Section 231(3) of the PDI Act if a person on whom a notice is served under Section 231(1) of the PDI Act fails to comply with a notice within the time allowed in the notice to enter on the land and take the necessary steps for carrying out the requirements of the notice and to recover the costs of so doing, as a debt, from the person on whom the notice was served.	CEO	
s235(1)	47. Professional Advice to be Obtained in Relation to Certain Matters 47.1 The power pursuant to Section 235(1) of the PDI Act, to, in the exercise of a prescribed function, rely on a certificate of a person with prescribed qualifications.	CEO	
s235(2)	47. Professional Advice to be Obtained in Relation to Certain Matters 47.2 The power pursuant to Section 235(2) of the PDI Act to seek and consider the advice of a person with prescribed qualifications, or a person approved by the Minister for that purpose, in	CEO	

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Provision	Item Delegated	Delegate	Conditions & Limitations
	relation to a matter arising under the PDI Act that is declared by regulation to be a matter on which such advice should be sought.		
s239(1)	<p>48. Charges on Land</p> <p>48.1 The power pursuant to Section 239(1) of the PDI Act if a charge on land is created under a provision of the PDI Act in favour of the Council, to deliver to the Registrar-General a notice in a form determined by the Registrar-General, setting out the amount of the charge and the land over which the charge is claimed.</p>	CEO	
s239(6)	<p>48. Charges on Land</p> <p>48.2 The power pursuant to Section 239(6) of the PDI Act if a charge in the Council's favour exists and the amount to which the charge relates is paid, to by notice to the appropriate authority in a form determined by the Registrar-General, apply for the discharge of the charge.</p>	CEO	
s240(1)	<p>49. Registering Authorities to Note Transfer</p> <p>49.1 The power pursuant to Section 240(1) of the PDI Act to apply to the Registrar General or another authority required or authorised under a law of the State to register or record transactions affecting assets, rights or liabilities, or documents relating to such transactions, to register or record in an appropriate manner the transfer to the Council of an asset, right or liability by regulation, proclamation or notice under the PDI Act.</p>	CEO	

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Provision	Item Delegated	Delegate	Conditions & Limitations
c13(3)(b) sch2	50. Reporting 50.1 The power pursuant to Clause 13(3)(b) of Schedule 2 of the PDI Act to require a report under Clause 13(2) of Schedule 2 of the PDI Act to contain any other information or report required by the delegate.	COUNCIL	
c13(16) sch4	51. Review of Performance 51.1 The power pursuant to Clause 3(16) of Schedule 4 of the PDI Act to comply with a direction under Clauses 3(13) or (15) of Schedule 4 of the PDI Act.	CEO	
r11B(1)	52. Mutual Liability Scheme – Rights of Indemnity 52.1 The power pursuant to Regulation 11B(1) of the Planning, Development and Infrastructure (General) Regulations 2019 (the General Regulations) to: 52.1.1 in being responsible under Section 83(1)(h)(ii) of the PDI Act for the costs and other liabilities associated with the activities of an assessment panel appointed by the Council; and 52.1.2 in being responsible for the costs associated with the activities of a regional assessment panel in accordance with a scheme set out in a notice under Section 84(1)(a) and (i) of the PDI Act, have arrangements in place to indemnify the members of any such panel in respect of a claim against a member of the panel arising out of the performance, exercise or discharge (or purported performance, exercise or discharge) in good faith of their functions, powers or duties under the PDI Act in their role as a member of the panel.	CEO	

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Provision	Item Delegated	Delegate	Conditions & Limitations
r11B(5)	<p>52. Mutual Liability Scheme – Rights of Indemnity</p> <p>52.2 The power pursuant to Regulation 11B(5) of the General Regulations to:</p> <p>52.2.1 in being responsible under Section 87(f) of the PDI Act for the costs and other liabilities associated with the activities of an assessment manager for an assessment panel appointed by the Council; and</p> <p>52.2.2 in being responsible for the costs associated with the activities of a regional assessment panel in accordance with a scheme set out in a notice under Section 87(1)(a) and (i) of the PDI Act,</p> <p>have arrangements in place to indemnify an assessment manager for any such panel in respect of a claim against the assessment manager arising out of the performance, exercise or discharge (or purported performance, exercise or discharge) in good faith of their functions, powers or duties under the PDI Act in their role as an assessment manager.</p>	CEO	
r47(4)(d)	<p>53. Performance Assessed Development and Restricted Development</p> <p>53.1 The power pursuant to Regulation 47(4)(d) of the General Regulations to determine the fee payable by the applicant as being appropriate to cover the reasonable costs of placing the notice on the land.</p>	CEO	
r78(1)	54. Underground Main Areas	CEO	

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Provision	Item Delegated	Delegate	Conditions & Limitations
	54.1 The power pursuant to Regulation 78(1) of the General Regulations if the delegate considers an area should be declared an underground mains area to seek a report from the relevant electricity authority in relation to the matter.		
r78(2)	54. Underground Main Areas 54.2 The power pursuant to Regulation 78(2) of the General Regulations after having received and considered a report from the electricity authority to declare the area to be an underground mains area.	CEO	
r81(4)	55. Width of Roads and Thoroughfares 55.1 The power pursuant to Regulation 81(4) of the General Regulations to dispense with a width prescribed by Regulations 81(1) or (3) of the General Regulations (and specify a different width) if the delegate is of the opinion that the width so prescribed is not necessary for the safe and convenient movement of vehicles or pedestrians, or for underground services.	CEO CAP	
r81(5)	55. Width of Roads and Thoroughfares 55.2 The power pursuant to Regulation 81(5) of the General Regulations to subject to Regulation 81(6) of the General Regulations specify the width of the road at the head of every cul-de-sac in such dimensions as may be acceptable to the delegate.	CEO CAP	
r81(6)	55. Width of Roads and Thoroughfares	CEO	

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Provision	Item Delegated	Delegate	Conditions & Limitations
	55.3 The power pursuant to Regulation 81(6) of the General Regulations to dispense with a requirement under Regulation 81(5) of the General Regulations if it appears to the delegate that the cul-de-sac is likely to become a through road.	CAP	
r82(1)	56. Road Widening 56.1 The power pursuant to Regulation 82(1) of the PDI Act, subject to Regulation 82(2) of the General Regulations, if an existing road abuts land which is proposed to be divided, to form the view that the road should be widened in order to provide a road of adequate width having regard to existing and future requirements of the area.	CEO CAP	
r83(1)	57. Requirement as to Forming of Roads 57.1 The power pursuant to Regulation 83(1) of the General Regulations, subject to Regulation 83(2) of the General Regulations, to specify the width and manner of the formation of the roadway of every proposed road on a plan of division.	CEO CAP	
r83(2)	57. Requirement as to Forming of Roads 57.2 The power pursuant to Regulation 83(2) of the General Regulations to form the opinion that it is necessary to specify a width for a roadway to be formed under Regulation 83(1) in excess of 7.4m, in view of the volume or type of traffic that is likely to traverse that road.	CEO CAP	
r83(4)	57. Requirement as to Forming of Roads	CEO	

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Provision	Item Delegated	Delegate	Conditions & Limitations
	57.3 The power pursuant to Regulation 83(4) of the General Regulations, to dispense with the requirements under Regulation 83(3) of the General Regulations, if the delegate is of the opinion that the cul-de-sac is likely to become a through road.	CAP	
r83(5)	57. Requirement as to Forming of Roads 57.4 The power pursuant to Regulation 83(5) of the General Regulations, subject to Regulation 83(6) of the General Regulations to require every footpath, water-table, kerbing, culvert and drain of every proposed road to be formed in a manner satisfactory to the delegate.	CEO CAP	
r83(6)	57. Requirement as to Forming of Roads 57.5 The power pursuant to Regulation 83(6) of the General Regulations, to dispense with a requirement under Regulation 83(5) of the General Regulations.	CEO CAP	
r84(1)	58. Construction of Roads, Bridges, Drains and Services 58.1 The power pursuant to Regulation 84(1) of the General Regulations to require the roadway of every proposed road within the relevant division to be constructed and paved and sealed with bitumen, tar or asphalt or other material approved by the delegate.	CEO CAP	
r85(1)	59. Supplementary Provisions	CEO CAP	

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Provision	Item Delegated	Delegate	Conditions & Limitations
	59.1 The power pursuant to Regulation 85(1) of the General Regulations to approve the road location and grading plan for the manner of forming any proposed road, footpath, water-table, kerbing, culvert or drain required under Division 6 of the General Regulations.		
r85(2)	59. Supplementary Provisions 59.2 The power pursuant to Regulation 85(2) of the General Regulations, subject to Regulation 85(4) of the General Regulations, to require all work referred to in Regulations 83 and 84 of the General Regulations to be carried out in a manner satisfactory to the delegate and in conformity with detailed construction plans and specifications signed by a professional engineer or, at the discretion of the delegate, a licensed surveyor, and approved by the delegate before the commencement of the work.	CEO CAP	
r85(4)	59. Supplementary Provisions 59.3 The power pursuant to Regulation 85(4) of the General Regulations to form the opinion that all connections for water supply and sewerage services to any allotment delineated on the plan which, in the opinion of the Chief Executive of the South Australian Water Corporation are necessary and need to be laid under the surface of the proposed road, have been made.	CEO CAP	
r89(1)	60. General Provisions 60.1 The power pursuant to Regulation 89(1) of the General Regulations to form the opinion that another form of arrangement is satisfactory for the purposes of Section 138(1) of the PDI Act.	CEO	

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Provision	Item Delegated	Delegate	Conditions & Limitations
r89(3)	<p>60. General Provisions</p> <p>60.2 The power pursuant to Regulation 89(3) of the General Regulations to provide a certificate which:</p> <p>60.2.1 evidences the consent of the Council to an encroachment by a building over other land; and</p> <p>60.2.2 sets out:</p> <p>60.2.2.1 the date on which any relevant building was erected (if known); and</p> <p>60.2.2.2 the postal address of the site.</p>	CEO	
r89(6)(b)	<p>60. General Provisions</p> <p>60.3 The power pursuant to Regulation 89(6)(b) of the General Regulations to request a written copy of the certificate and plan (or certificates and plans) referred to in Regulation 89(3) of the General Regulations.</p>	CEO	
r93(1)(b)	<p>61. Notifications During Building Work</p> <p>61.1 The power pursuant to Regulation 93(1)(b) of the General Regulations to specify by notice to the building owner and to the licensed building work contractor responsible for carrying out the relevant building work (if any), when development approval is granted in respect of the work, any stage of the building work to which the periods and stages prescribed for the purposes of Section 146(1) of the PDI Act relate.</p>	CEO	

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Provision	Item Delegated	Delegate	Conditions & Limitations
r93(1)(c)	<p>61. Notifications During Building Work</p> <p>61.2 The power pursuant to Regulation 93(1)(c) of the General Regulations to specify by notice in writing to the building owner on the granting of development approval in respect of the work any stage of the building work to which the periods and stages prescribed for the purposes of Section 146(1) of the PDI Act relate.</p>	CEO	
r94(13)	<p>62. Essential Safety Provisions</p> <p>62.1 The power pursuant to Regulation 94(13) of the General Regulations to require compliance with Regulation 94(10) of the General Regulations if:</p> <p>62.1.1 the essential safety provisions were installed</p> <p>62.1.1.1 under a condition attached to a consent or approval that is expressed to apply by virtue of a variance with the performance requirements of the Building Code; or</p> <p>62.1.1.2 as part of a performance solution under the Building Code; or</p> <p>62.1.2 the building has been the subject of a notice under Section 157 of the PDI Act.</p>	CEO	
r102(3)	<p>63. Classification of Buildings</p> <p>63.1 The power pursuant to Regulation 102(3) of the General Regulations to require an application under Regulation 102(1) or (2) of the General Regulations to be accompanied by:</p>	CEO	

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Provision	Item Delegated	Delegate	Conditions & Limitations
	63.1.1 such details, particulars, plans, drawings, specifications, certificates and other documents as the delegate may reasonably require to determine the building's classification.		
r102(4)	<p>63. Classification of Buildings</p> <p>63.2 The power pursuant to Regulation 102(4) of the General Regulations, to subject to Regulation 102(5) of the General Regulations, assign the appropriate classification under the Building Code to a building if the delegate is satisfied, on the basis of the owner's application, and accompanying documentation, that the building, in respect of the classification applied for, possesses the attributes appropriate to its present or intended use.</p>	CEO	
r102(5)	<p>63. Classification of Buildings</p> <p>63.3 The power pursuant to Regulation 102(5) of the General Regulations, if an application under Regulation 102 of the General Regulations is made in respect of an existing Class 2 to Class 9 building, to require the applicant to satisfy the delegate that the provisions of any relevant Ministerial building standard relating to upgrading health and safety in existing buildings has been complied with (to the extent reasonably applicable to the building and its present or intended use).</p>	CEO	
r102(6)	<p>63. Classification of Buildings</p> <p>63.4 The power pursuant to Regulation 102(6) of the General Regulations, on assigning a classification to a building (or part of a building) to, if relevant, determine and specify in the notice to the owner under Section 151(3) of the PDI Act:</p>	CEO	

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Provision	Item Delegated	Delegate	Conditions & Limitations
	63.4.1 the maximum number of persons who may occupy the building (or part of the building); and 63.4.2 if the building has more than 1 classification—the part or parts of the building to which each classification relates and the classifications currently assigned to the other parts of the building.		
r103(2)	<p>64. Certificates of Occupancy</p> <p>64.1 The power pursuant to Regulation 103(2) of the General Regulations to, require the following documentation:</p> <p>64.1.1 if the development has been approved subject to conditions, such evidence as the delegate may reasonably require to show that the conditions have been satisfied;</p> <p>64.1.2 if the application relates to the construction or alteration of part of a building and further building work is envisaged in respect of the remainder of the building, such evidence as the delegate may reasonably require to show:</p> <p>64.1.2.1 in the case of a building more than 1 storey - that the requirements of any relevant Ministerial building standard have been complied with; or</p> <p>64.1.2.2 in any other case - that the building is suitable for occupation.</p>	CEO	
r103(3)	<p>64. Certificates of Occupancy</p> <p>64.2 The power pursuant to Regulation 103(3) of the General Regulations, to, other than in relation to a designated building on which building work involving the use of a designated building</p>	CEO	

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Provision	Item Delegated	Delegate	Conditions & Limitations
	<p>product is carried out after 12 March 2018, dispense with the requirement to provide a Statement of Compliance under Regulation 103(2)(a) of the General Regulations if:</p> <p>64.2.1 the delegate is satisfied that a person required to complete 1 or both parts of the statement has refused or failed to complete that part and that the person seeking the issuing of the certificate of occupancy has taken reasonable steps to obtain the relevant certification or certifications; and</p> <p>64.2.2 it appears to the delegate, after undertaking an inspection, that the relevant building is suitable for occupation.</p>		
r103(4)	<p>64. Certificates of Occupancy</p> <p>64.3 The power pursuant to Regulation 103(4) of the General Regulations if:</p> <p>64.3.1 a building is:</p> <p>64.3.1.1 to be equipped with a booster assembly for use by a fire authority; or</p> <p>64.3.1.2 to have installed a fire alarm that transmits a signal to a fire station or to a monitoring service approved by the relevant authority; and</p> <p>64.3.2 facilities for fire detection, fire fighting or the control of smoke must be installed in the building pursuant to an approval under the PDI Act,</p> <p>to not grant a certificate of occupancy unless or until the delegate has sought a report from the fire authority as to whether those facilities have been installed and operate satisfactorily and to seek such a report from the fire authority.</p>	CEO	
r103(5)	64. Certificates of Occupancy	CEO	

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Provision	Item Delegated	Delegate	Conditions & Limitations
	64.4 The power pursuant to Regulation 103(5) of the General Regulations if a report is not received from the fire authority within 15 business days, to presume that the fire authority does not desire to make a report.		
r103(6)	64. Certificates of Occupancy 64.5 The power pursuant to Regulation 103(6) of the General Regulations to have regard to any report received from a fire authority under Regulation 103(4) of the General Regulations before the delegate issues a certificate of occupancy.	CEO	
r103(6a)	64. Certificates of Occupancy 64.6 The power pursuant to Regulation 103(6a) of the General Regulations, on receipt of a notification of intended completion of building work under Regulation 93(1)(f) of the General Regulations, to determine that building work will be inspected by an authorised officer.	CEO	
r103(9)	64. Certificates of Occupancy 64.7 The power pursuant to Regulation 103(9) of the General Regulations to revoke a certificate of occupancy: 64.7.1 if: 64.7.1.1 there is a change in the use of the building; or 64.7.1.2 the classification of the building changes; or	CEO	

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Provision	Item Delegated	Delegate	Conditions & Limitations
	<p>64.7.1.3 building work involving an alteration or extension to the building that will increase the floor area of the building by more than 300m² is about to commence, or is being or has been carried out; or</p> <p>64.7.1.4 the building is about to undergo, or is undergoing or has undergone, major refurbishment, and the delegate considers that in the circumstances the certificate should be revoked and a new certificate sought; or</p>		
r103(9)	<p>64. Certificates of Occupancy</p> <p>64.7 The power pursuant to Regulation 103(9) of the General Regulations to revoke a certificate of occupancy:</p> <p>64.7.2 if the delegate considers that the building is no longer suitable for occupation because of building work undertaken, or being undertaken, on the building, or because of some other circumstance; or</p>	CEO	
r103(9)	<p>64. Certificates of Occupancy</p> <p>64.7 The power pursuant to Regulation 103(9) of the General Regulations to revoke a certificate of occupancy:</p>	CEO	

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	64.7.3 if a schedule of essential safety provisions has been issued in relation to the building and the owner of the building has failed to comply with the requirements of Regulation 94(10) of the General Regulations; or		
r103(9)	<p>64. Certificates of Occupancy</p> <p>64.7 The power pursuant to Regulation 103(9) of the General Regulations to revoke a certificate of occupancy:</p> <p>64.7.4 if the delegate considers:</p> <p>64.7.4.1 that a condition attached to a relevant development authorisation has not been met, or has been contravened, and that, in the circumstances, the certificate should be revoked; or</p> <p>64.7.4.2 that a condition attached to the certificate of occupancy has not been met, or has been contravened, or is no longer appropriate.</p>	CEO	
r109(1)(b)	<p>65. Mining Production Tenements</p> <p>65.1 The power pursuant to Regulation 109(1)(b) of the General Regulations to make submissions to the appropriate Authority and object to the granting of the tenement.</p>	COUNCIL	
r111(2)	66. Register of Land Management Agreements (Section 193)	CEO	

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Provision	Item Delegated	Delegate	Conditions & Limitations
	66.1 The power pursuant to Regulation 111(2) of the General Regulations to establish a register of agreements entered into by the Council under Section 193 of the PDI Act.		
r111(3)	66. Register of Land Management Agreements (Section 193) 66.2 The power pursuant to Regulation 111(3) of the General Regulations to include in a register, or provide access to a copy of each agreement entered into by the Council under Section 193 of the PDI Act and such other information the delegate considers appropriate.	CEO	
r112(1)	67. Authorised Officers and Inspections 67.1 The power pursuant to Regulation 112(1) of the General Regulations to appoint at least 1 authorised officer under Section 210(1)(b) of the PDI Act: 67.1.1 who is an accredited professional who is: 67.1.1.1 an Accredited professional - building level 1; or 67.1.1.2 an Accredited professional - building level 2; or 67.1.1.3 an Accredited professional - building level 3; or 67.1.1.4 an Accredited professional - building level 4; or 67.1.2 who holds a current accreditation recognised by the Chief Executive for the purposes of this Regulation; or 67.1.3 who holds an approval from the Chief Executive.	CEO	

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Provision	Item Delegated	Delegate	Conditions & Limitations
r5(1)	<p>68. Calculation of Assessment of Fees</p> <p>68.1 The power pursuant to Regulation 5(1) of the Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019 (the Fees Regulations) in relation to an application which is duly lodged under a related set of regulations (including via the SA planning portal):</p> <p>68.1.1 to require the applicant to provide such information as the delegate may reasonably require to calculate any fee payable under the Fees Regulations or a related set of regulations; and</p> <p>68.1.2 to make any other determination for the purposes of the Fees Regulations or a related set of regulations (even if the Council is not a relevant authority).</p>	CEO	
r5(2)	<p>68. Calculation of Assessment of Fees</p> <p>68.2 The power pursuant to Regulation 5(2) of the Fees Regulations, if the delegate acting under Regulation 5(1) of the Fees Regulations, believes that any information provided by an applicant is incomplete or inaccurate, to calculate any fee on the basis of estimates made by the delegate.</p>	CEO	
r5(3)	68. Calculation or Assessment of Fees	CEO	

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Provision	Item Delegated	Delegate	Conditions & Limitations
	68.3 The power pursuant to Regulation 5(3) of the Fees Regulations to at any time, and despite an earlier calculation or acceptance of an amount in respect of the fee, reassess a fee payable under the Fees Regulations or a related set of Regulations.		
r7	69. Waiver or Refund of Fee 69.1 The power pursuant to Regulation 7 of the Fees Regulations to, as the delegate considers appropriate to do so: 69.1.1 waive the payment of the fee, or the payment of part of the fee; or 69.1.2 refund the whole or a part of the fee.	CEO	
cl5(1)	70. Requirements in Relation to Preparing an Engagement Plan 70.1 The power pursuant to clause 5(1) of the State Planning Commission Practice Direction – 2 Preparation and Amendment of Designated Instruments (PD2), to prepare an engagement plan that: 70.1.1 meets the principles and performance outcomes of the Charter; 70.1.2 describes the persons or bodies to be consulted on the proposed amendment of the Designated Instrument, which must include any persons or bodies: 70.1.2.1 require to be consulted with under a condition imposed by the Minister under Section 73(5) of the PDI Act 70.1.2.2 specified by the Commission under Section 73(6)(e) of the PDI Act;	COUNCIL	

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	<p>70.1.2.3 who must be consulted with under the Charter;</p> <p>70.1.3 outlines any relevant previous engagement undertaken to inform the proposal;</p> <p>70.1.4 describes the evaluation framework for the engagement.</p>		
cl5(2)	<p>70. Requirements in Relation to Preparing an Engagement Plan</p> <p>70.2 The power pursuant to clause 5(2) of PD2 to submit all engagement plans which relate to proposed preparation of or amendment to a State Planning Policy or a Regional Plan to the Commission for approval prior to commencement of formal engagement on the proposal.</p>	COUNCIL	
cl6(2)	<p>71. Preparation of an Engagement Report (Following Consultation)</p> <p>71.1 The power pursuant to clause 6(2) of PD2 to set out in an engagement report:</p> <p>71.1.1 details of the engagement undertaken and how that engagement met the engagement plan, and reasons for variations, if any to the engagement plan;</p> <p>71.1.2 the outcome of the engagement including a summary of the written submission or feedback made;</p> <p>71.1.3 any proposed changes to the proposal to prepare or amend a Designated Instrument (when compared with the proposal that was engaged on) and the reasons for those proposed changes which specifically indicates:</p> <p>71.1.3.1 where changes are proposed to the Designated Instrument based on or as a result of the engagement; and</p>	COUNCIL	

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	71.1.3.2 any other changes which are proposed based on or as a result of additional investigations or information which was not available when the proposal was released for engagement.		
cl6(3)	<p>71. Requirements in Relation to Preparing an Engagement Report Following Consultation</p> <p>71.2 The power pursuant to clause 6(3) of PD2 to, in the engagement report also include an evaluation of the effectiveness of the engagement that considers whether:</p> <p>71.2.1 the principles of the Charter have been achieved; and</p> <p>71.2.2 all mandatory requirements identified in the Charter have been met (where the consultation category is applicable).</p>	COUNCIL	
cl7(1)	<p>72. Initiating a Code Amendment</p> <p>72.1 The power pursuant to clauses 7(1) and (2) of PD2 to lodge a Proposal to initiate with the Department via the SA Planning Portal that sets out:</p> <p>72.1.1 Code Policy – an outline of:</p> <p>72.1.1.1 any overlay, general policy, zone or subzones in the Code being proposed for amendment; and/or</p> <p>72.1.1.2 the intended spatial application of an overlay, general policy, zone or subzone in the Code over an identified area;</p> <p>72.1.2 Affected Area</p> <p>72.1.2.1 a map or description of the Affected Area;</p>	CEO	

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	<p>72.1.3 State Planning Policies</p> <p>72.1.3.1 identification of the relevant principles or objectives of the State Planning Policies and an assessment of the proposed Code Amendment's alignment with those State Planning Policies;</p> <p>72.1.4 Regional Plan</p> <p>72.1.4.1 Identification of relevant regional plans and assessment of how the matters or issues proposed to be addressed by the proposed Code Amendment will relate to the relevant regional plan;</p> <p>72.1.5 Consultation -</p> <p>72.1.5.1 matters raised by the relevant Council and/or a relevant Joint Planning Board on the Proposal to Initiate;</p> <p>72.1.5.2 information regarding any consultation that has already occurred with respect to the proposed Code Amendment</p> <p>72.1.5.3 details of further consultation proposed to be undertaken with respect to the proposed code Amendment;</p> <p>72.1.6 Investigations -</p> <p>72.1.6.1 information regarding any investigations which have already been undertaken with respect to the proposed Code Amendment</p> <p>72.1.6.2 an outline of the further investigations that will be undertaken to support the proposed Code Amendment;</p>		

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	<p>72.1.6.3 details of any infrastructure required to support development arising through proposed Code Amendment and how the infrastructure will be provided;</p> <p>72.1.6.4 details of any infrastructure agreement (or agreements) or infrastructure scheme which will need to be established or entered into in connection with the proposed Code Amendment</p> <p>72.1.7 Timetable</p> <p>72.1.7.1 an outline of the proposed timetable for each step of the Code Amendment process (ensuring that the process is completed within reasonable time limits), and a commitment from the Proponent (where it is also the Designated Entity) that it will take steps to update the timetable and seek approval from the Department if it appears that timeframes will not be met.</p>		
cl7(3)	<p>72. Initiating a Code Amendment</p> <p>The power pursuant to clause 7(3) of PD2, in addition to a Code Amendment which is intended to designate a place as a place of local heritage value, to provide a report which:</p> <p>72.2.1 includes a heritage datasheet for each proposed Local Heritage Place, which includes:</p> <p>72.2.1.1 all relevant property details and descriptions (including images);</p> <p>72.2.1.2 historical background and thematic analysis;</p> <p>72.2.1.3 a statement of heritage value;</p> <p>72.2.1.4 an assessment against the Local Heritage Criteria; and</p>	CEO	

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	<p>72.2.1.5 the extent of listing (including any exclusions);</p> <p>72.2.2 includes an analysis of historic themes of importance to the area;</p> <p>72.2.3 is prepared by a heritage architect, historian or person with similar qualifications, skills or experience; and</p> <p>72.2.4 is otherwise prepared in accordance with any guidelines prepared and published by the Commission under Section 67(2)(c) of the PDI Act.</p>		
cl 7(4)	<p>72. Initiating a Code Amendment</p> <p>72.3 The power pursuant to clause 7(4) of PD2 in relation to a Code Amendment which is intended to designate a tree (or stand of trees) as a significant tree (or trees), to provide a report which:</p> <p>72.3.1 includes relevant details and descriptions of the tree or stand of trees (including images as necessary)</p> <p>72.3.2 includes an assessment of the tree (or stand of trees) against the Significant Tree Criteria;</p> <p>72.3.3 is prepared by an urban planner, arborist or person with qualifications, skills or experience relevant to the assessment in the report.</p>	CEO	
cl8(1)	<p>73. Preparation of a Draft Proposal Code Amendment (Prior to Consultation)</p> <p>73.1 The power pursuant to clause 8(1) of PD 2 to, prior to consultation occurring on a draft Code Amendment, to:</p> <p>73.1.1 carry out investigations and obtain such information:</p>	CEO	

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	<p>73.1.1.1 as provided in the Proposal to Initiate approved by the Minister;</p> <p>73.1.1.2 as required under any conditions imposed by the Minister under Section 73(5)(b) of the PDI Act; and</p> <p>73.1.1.3 as specified by the Commission under Sections 73(6)(e) or 73(6)(f) of the PDI Act;</p> <p>73.1.2 provide the Department with:</p> <p>73.1.2.1 written instructions (in a form acceptable to the Department) that set out the intent of the proposed Code Amendment for the purposes of the Department writing the draft policy for inclusion in the draft Code Amendment; and</p> <p>73.1.2.2 mapping instructions or a description of the Affected Area (in a form acceptable to the Department) in order to enable</p> <p>the Department to prepare and provide to the Designated Entity, mapping which is suitable for inclusion in the draft Code Amendment;</p> <p>73.1.3 prepare the draft Code Amendment in accordance with the approved Proposal to Initiate and any conditions imposed by the Minister under Section 73(5)(b) of the PDI Act and the requirements of this Practice Direction;</p> <p>73.1.4 provide the Department with written instructions (in a form acceptable to the Department) to prepare the SA Planning Portal for consultation on the draft Code Amendment; and</p> <p>73.1.5 provide the Department with the engagement plan prepared (and approved, if required) under these Practice Directions, for the purpose of the Department publishing the engagement plan on the SA Planning Portal.</p>		

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Provision	Item Delegated	Delegate	Conditions & Limitations
cl8(2)	<p>73. Preparation of a Draft Proposal Code Amendment (Prior to Consultation)</p> <p>73.2 The power pursuant to clause 8(2) of PD2, where an engagement plan is amended during any period of consultation or at any time prior to finalisation of the engagement report under the Practice Directions, to provide the Department with the engagement plan (as updated) for the purpose of the Department publishing the updated engagement plan on the SA Planning Portal</p>	CEO	
cl9(1)	<p>74. Requirements For a Draft Code Amendment</p> <p>74.1 The power pursuant to clause 9(1) of PD2 to support a draft Code Amendment by the following information:</p> <p>74.1.1 an explanation of the current code policy as it applies to the Affected Area (at the time of preparation of the draft Code Amendment)</p> <p>74.1.2 an explanation of the amendments to the Code policy proposed for the Affected Area;</p> <p>74.1.3 an assessment of the strategic planning outcomes intended to be achieved through the draft Code Amendment, including an analysis of the consistency of the draft Code Amendment with the relevant provisions of State Planning Policies, the Regional Plan and any other relevant strategic plans;</p> <p>74.1.4 a summary and explanation of the investigations undertaken and how these support the draft Code Amendment; and</p>	CEO	

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	74.1.5 an explanation of any infrastructure or services required to support development facilitated by the proposed Code Amendment, and an explanation of how and when the infrastructure will be provided.		
cl11(1)	<p>75. Complying Changes to the Code</p> <p>75.1 The power pursuant to clause 11(1) of PD2, in relation to a proposal to agree to a complying change to the Code under Section 75 of the PDI Act, to provide the following information to the Department:</p> <p>75.1.1 description of the relevant recommendations in the Regional Plan which relate to the proposed Code Amendment, including any specific maps or other specific information which clearly and expressly identify the changes relevant to the proposed Code Amendment;</p> <p>75.1.2 a summary of any consultation which has occurred in accordance with the Charter in relation to the proposed Code Amendment or the relevant Regional Plan, including a copy of the engagement report prepared for the relevant Regional Plan and any additional consultation that has occurred for the proposed Code Amendment;</p> <p>75.1.3 written instructions (in a form acceptable to the Department) that set out the intent of the proposed Code Amendment for the purposes of the Department writing the draft policy for inclusion in the draft Code Amendment; and</p> <p>75.1.4 mapping instructions or a description of the Affected Area (in a form acceptable to the Department) in order to enable the Department to prepare and provide to the Designated Entity, mapping which is suitable for inclusion in the draft Code Amendment</p>	CEO	

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Provision	Item Delegated	Delegate	Conditions & Limitations
cl12(1)	<p>76. Early Commencement of a Code Amendment</p> <p>76.1 The power pursuant to clause 12(1) of PD2, in relation to a request for early commencement of a Code Amendment under Section 78 of the PDI Act to provide to the Department:</p> <p>76.1.1 explanation, justification and evidence as necessary to demonstrate how early commencement of the Code Amendment is:</p> <p>76.1.1.1 necessary in the interest of the orderly and proper development of an area of the state; and</p> <p>76.1.1.2 required in order to counter applications for undesirable development (which should identify possible future development that would detract from or negate the object of the proposed Code Amendment) ahead of the outcome of consideration of the Code Amendment;</p> <p>76.1.2 written instructions (in a form acceptable to the Department) that set out the intent of the proposed Code Amendment for the purposes of the Department writing the draft policy for inclusion in the draft Code Amendment; and</p> <p>76.1.3 mapping instructions or a description of the Affected Area (in a form acceptable to the Department) in order to enable the Department to prepare and provide to the Designated Entity, mapping which is suitable for inclusion in the draft Code Amendment</p>	COUNCIL	
cl6(3)(b)	<p>77. Responsibility to Undertake Notification</p> <p>77.1 The power pursuant to clause 6(3)(b) of the State Planning Commission Practice Direction – 3 (Notification of Performance Assessed Development Applications) 2019 (PD3) to determine the</p>	CEO	

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	relevant fee as being appropriate to cover the relevant authority's reasonable costs in giving public notice of the application under Section 107(3)(a)(i) of the PDI Act.		
cl2(2)	<p>78. Mandatory Inspections</p> <p>78.1 The power pursuant to clause 2(2) of Part 2 of the State Planning Commission Practice Direction (Council Inspections) 2020 (PD9) to, in carrying out an inspection under PD9, take all reasonable steps to ensure each inspection includes an inspection and assessment of the following elements (elements), as may be present at the time of inspection:</p> <p>78.1.1 primary structural elements;</p> <p>78.1.2 structural framing and roof trusses;</p> <p>78.1.3 wet areas and waterproofing;</p> <p>78.1.4 barriers to prevent falls;</p> <p>78.1.5 cladding;</p> <p>78.1.6 egress provisions;</p> <p>78.1.7 bushfire protection systems;</p> <p>78.1.8 passive and active fire safety elements;</p> <p>78.1.9 private bushfire shelters; and</p> <p>78.1.10 performance solutions.</p>	CEO	

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Provision	Item Delegated	Delegate	Conditions & Limitations
cl3(2)	<p>79. Additional Inspections</p> <p>79.1 The power pursuant to clause 3(2) of Part 2 of PD9 to consider carrying out an inspection in addition to any specified in clause 2 of Part 2 of PD9 (additional inspections) if the delegate has information to indicate that the circumstances warrant it, having regard to the objects of PD9.</p>	CEO	
cl4(3)	<p>80. Inspections Generally</p> <p>80.1 The power pursuant to clause 4(3) of Part 2 of PD9, in relation to building work listed in Schedule 7 of the General Regulations to consider if an additional inspection may be appropriate.</p>	CEO	
cl1(2)	<p>81. General Requirements</p> <p>81.1 The power pursuant to clause 1(2) of Part 3 of PD9 to ensure that an inspection under PD9 and subsequent assessment of each of the applicable elements in clause 2(2) of Part 2 of PD9 is carried out by a person who has the appropriate qualifications, skills, knowledge and experience to carry out an inspection assigned to that officer under PD9.</p>	CEO	
cl5(2)	<p>82. Conditions that Must be Met for the Staged Occupation of a Partially Completed Building</p> <p>82.1 The power pursuant to clause 5(2) of the State Planning Commission Practice Direction 10 (Staged Occupation of Multi-Storey Buildings 2020 (PD10) to, agree to partial occupancy of a partially completed multistorey building.</p>	CEO	
cl 9	83. Use of Money from Fund	CEO	

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	<p>83.1 The power pursuant to clause 9 of the Urban Tree Canopy Off-set Scheme (UTCOS) to use money distributed from the fund for any of the following purposes (and for no other purpose):</p> <p>83.1.1 to provide for the planting, establishment and maintenance of trees within reserves or public land anywhere within a designated local government area; or</p> <p>83.1.2 the purchase of land within a designated local government area to ensure:</p> <p>83.1.2.1 the preservation of trees; or</p> <p>83.1.2.2 that trees can be established in an area with a low urban tree canopy level or a demonstrated urban tree canopy loss.</p>		

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Provision	Item Delegated	Delegate	Conditions & Limitations
s7(5)(a)	<p>1. Environment and Food Production Areas – Greater Adelaide</p> <p>1.1 The power pursuant to Section 7(5)(a) of the Planning, Development and Infrastructure Act 2016 (the PDI Act), in relation to a proposed development in an environment and food production area that involves a division of land that would create 1 or more additional allotments to seek the concurrence of the Commission in the granting of the development authorisation to the development.</p>	COUNCIL	
s7(5)(d)	<p>1. Environment and Food Production Areas – Greater Adelaide</p> <p>1.2 The power pursuant to Section 7(5)(d) of the PDI Act in relation to a proposed development in an environment and food production area that involves a division of land that would create one or more additional allotments, to, if the proposed development will create additional allotments to be used for residential development, refuse to grant development authorisation in relation to the proposed development.</p>	COUNCIL	
s99(2)(b)(ii)	2. Related Provisions	CEO	

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	2.1 The power pursuant to Section 99(2)(b)(ii) of the PDI Act to, if appropriate, grant development approval in the case of Section 99(1)(d) of the PDI Act.		
s99(3)	2. Related Provisions 2.2 The power pursuant to Section 99(3) of the PDI Act where a proposed development is to be undertaken within the area of the Council, to, subject to the regulations, if appropriate, grant the final development approval after all elements of the development have been approved by one or more relevant authorities under Section 99 of the PDI Act.	CEO	
s102(1)	3. Matters Against Which Development Must be Assessed 3.1 The power pursuant to Section 102(1) of the PDI Act to assess a development against and grant or refuse a consent in respect of the relevant provisions of the Building Rules (building consent).	CEO	
s102(8)	3. Matters Against Which Development Must be Assessed 3.2 The power pursuant to Section 102(8) of the PDI Act, when all relevant consents have been granted in relation to a development, to in accordance with the PDI Act, indicate that the development is approved.	CEO	
s118(1)	4. Building Consent	CEO	

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	4.1 The power pursuant to Section 118(1) of the PDI Act, if the Regulations provide that a form of building work complies with the Building Rules, to grant any such building work a building consent (subject to such conditions or exceptions as may be prescribed by the regulations).		
s118(2)(a)	4. Building Consent 4.2 The power pursuant to Section 118(2)(a) of the PDI Act to seek the concurrence of the Commission to grant a building consent in respect of a development that is at variance with the performance requirements of the Building Code or a Ministerial building standard.	CEO	
s118(2)	4. Building Consent 4.3 The power pursuant to Section 118(2) of the PDI Act, subject to Section 118(6) of the PDI Act, to grant a building consent to a development that is at variance with the Building Rules if: 4.3.1 the variance is with a part of the Building Rules other than the Building Code or a Ministerial building standard and the delegate determines that it is appropriate to grant the consent despite the variance on the basis that the delegate is satisfied: 4.3.1.1 that: (a) the provisions of the Building Rules are inappropriate to the particular building or building work, or the proposed building work fails to conform with the Building Rules only in minor respects; and (b) the variance is justifiable having regard to the objects of the Planning and Design Code or the performance requirements of the Building Code or a Ministerial building standard (as the case	CEO	

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	may be) and would achieve the objects of this Act as effectively, or more effectively, than if the variance were not to be allowed; or 4.3.1.2 in a case where the consent is being sought after the development has occurred – that the variance is justifiable in the circumstances of the particular case.		
s118(4)	4. Building Consent 4.4 The power pursuant to Section 118(4) of the PDI Act, to at the request or with the agreement of the applicant, refer proposed building work to the Commission for an opinion on whether or not it complies with the performance requirements of the Building Code or a Ministerial building standard.	CEO	
s118(6)	4. Building Consent 4.5 The power pursuant to Section 118(6) of the PDI Act if an inconsistency exists between the Building Rules and the Planning Rules in relation to a State heritage place or a local heritage place, to, in determining an application for building consent, ensure, so far as is reasonably practicable, that standards of building soundness, occupant safety and amenity are achieved in respect of the development that are as good as can reasonably be achieved in the circumstances.	CEO	
s118(7)	4. Building Consent 4.6 The power pursuant to Section 118(7) of the PDI Act to seek and consider the advice of the Commission before imposing or agreeing to a requirement under Section 18(6) of the PDI Act that would be at variance with the performance requirements of the Building Code or a Ministerial building standard.	CEO	

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s118(8)	<p>4. Building Consent</p> <p>4.7 The power pursuant to Section 118(8) of the PDI Act, to, subject to the PDI Act, accept that proposed building work complies with the Building Rules to the extent that:</p> <p>4.7.1 such compliance is certified by the provision of technical details, particulars, plans, drawings or specifications prepared and certified in accordance with the regulations; or</p> <p>4.7.2 such compliance is certified by a building certifier.</p>	CEO	
s118(10)	<p>4. Building Consent</p> <p>4.8 The power pursuant to Section 118(10) of the PDI Act to refuse to grant a consent in relation to any development if, as a result of that development, the type or standard of construction of a building of a particular classification would cease to conform with the requirements of the Building Rules for a building of that classification</p>	CEO	
s118(11)	<p>4. Building Consent</p> <p>4.9 The power pursuant to Section 118(11) of the PDI Act, if a relevant authority decides to grant building consent in relation to a development that is at variance with the Building Rules, to, subject to the regulations, in giving notice of the relevant authority's decision on the application for that consent, specify (in the notice or in an accompanying document):</p> <p>4.9.1 the variance; and</p> <p>4.9.2 the grounds on which the decision is being made.</p>	CEO	

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Provision	Item Delegated	Delegate	Conditions & Limitations
s119(1)(b)	<p>5. Application and Provision of Information</p> <p>5.1 The power pursuant to Section 119(1)(b) of the PDI Act to require an application to the relevant authority for the purposes of Part 7 of the PDI Act, to include any information as the delegate may reasonably require.</p>	CEO	
s119(3)	<p>5. Application and Provision of Information</p> <p>5.2 The power pursuant to Section 119(3) of the PDI Act to request an applicant:</p> <p>5.2.1 to provide such additional documents, assessments or information (including calculations and technical details) as the delegate may reasonably require to assess the application;</p> <p>5.2.2 to remedy any defect or deficiency in any application or accompanying document or information required by or under the PDI Act;</p> <p>5.2.3 to consult with an authority or body prescribed by the regulations;</p> <p>5.2.4 to comply with any other requirement prescribed by the regulations.</p>	CEO	
s119(6)(b)	<p>5. Application and Provision of Information</p> <p>5.3 The power pursuant to Section 119(6)(b) of the PDI Act if a request is made under Section 119(3) of the PDI Act and the request is not complied with within the time specified by the Regulations, subject to Section 119(6)(b)(ii), to refuse the application.</p>	CEO	
s119(7)	<p>5. Application and Provision of Information</p>	CEO	

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Provision	Item Delegated	Delegate	Conditions & Limitations
	5.4 The power pursuant to Section 119(7) of the PDI Act to, in dealing with an application that relates to a regulated tree, consider that special circumstances apply.		
s119(9)	<p>5. Application and Provision of Information</p> <p>5.5 The power pursuant to Section 119(9) of the PDI Act to:</p> <p>5.5.1 permit an applicant;</p> <p>5.5.1.1 to vary an application;</p> <p>5.5.1.2 to vary any plans, drawings, specifications or other documents that accompanied an application,</p> <p>(provided that the essential nature of the proposed development is not changed);</p>	CEO	
s119(9)	<p>5. Application and Provision of Information</p> <p>5.5 The power pursuant to Section 119(9) of the PDI Act to:</p> <p>5.5.2 permit an applicant to lodge an application without the provision of any information or document required by the regulations;</p>	CEO	
s119(9)	5. Application and Provision of Information	CEO	

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Provision	Item Delegated	Delegate	Conditions & Limitations
	5.5 The power pursuant to Section 119(9) of the PDI Act to: 5.5.3 to the extent that the fee is payable to the relevant authority waive payment of whole or part of the application fee, or refund an application fee (in whole or in part);		
s119(9)	5. Application and Provision of Information 5.5 The power pursuant to Section 119(9) of the PDI Act to: 5.5.4 if there is an inconsistency between any documents lodged with the relevant authority for the purposes of Part 7 of the PDI Act (whether by an applicant or any other person), or between any such document and a development authorisation that has already been given that is relevant in the circumstances, return or forward any document to the applicant or to any other person and determine not to finalise the matter until any specified matter is resolved, rectified or addressed.	CEO	
s119(10)	5. Application and Provision of Information 5.6 The power pursuant to Section 119(10) of the PDI Act to grant a permission under Section 119(9) of the PDI Act unconditionally or subject to such conditions as the delegate thinks fit.	CEO	
s119(12)	5. Application and Provision of Information 5.7 The power pursuant to Section 119(12) of the PDI Act to, in a consent, provide for, or envisage, the undertaking of development in stages, with separate consents or approvals for the various stages.	CEO	
s119(14)	5. Application and Provision of Information	CEO	

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Provision	Item Delegated	Delegate	Conditions & Limitations
	5.8 The power pursuant to Section 119(14) of the PDI Act to if an applicant withdraws an application to determine to refund the application fee.		
s120(1)	6. Outline Consent 6.1 The power pursuant to Section 120(1) of the PDI Act and subject to Section 120 of the PDI Act, to on application, grant a consent in the nature of an outline consent.	CEO	
s120(3)	6. Outline Consent 6.2 The power pursuant to Section 120(3) of the PDI Act if an outline consent is granted and a subsequent application is made with respect to the same development (subject to any variations allowed by a practice direction) to: 6.2.1 grant any consent contemplated by the outline consent; and 6.2.2 not impose a requirement that is inconsistent with the outline consent.	CEO	
s122(1)	7. Referrals to Other Authorities or Agencies 7.1 The power pursuant to Section 122(1) of the PDI Act, where an application for consent to, or approval of, a proposed development of a prescribed class is to be assessed by a relevant authority, to: 7.1.1 refer the application, together with a copy of any relevant information provided by the applicant, to a body prescribed by the regulations (including, if so prescribed, the Commission); and	CEO	

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	7.1.2 not make a decision until the relevant authority has received a response from that prescribed body in relation to the matter or matters for which the referral was made where the regulations so provide, subject to Section 122 of the PDI Act.		
s122(5)(b)	<p>7. Referrals to Other Authorities or Agencies</p> <p>7.2 The power pursuant to Section 122(5)(b) of the PDI Act, acting by direction of a prescribed body:</p> <p>7.2.1 to refuse the application; or</p> <p>7.2.2 consent to or approve the development and impose such conditions as the prescribed body thinks fit, (subject to any specific limitation under another Act as to the conditions that may be imposed by the prescribed body)</p> <p>where the regulations so provide.</p>	CEO	
s122(7)	<p>7. Referrals to Other Authorities or Agencies</p> <p>7.3 The power pursuant to Section 122(7) of the PDI Act, if the relevant authority is directed by a prescribed body to refuse an application and the refusal is the subject of an appeal under the PDI Act, to apply for the relevant authority to be joined as a party to the proceedings.</p>	CEO	
s122(10)	7. Referrals to Other Authorities or Agencies	CEO	

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Provision	Item Delegated	Delegate	Conditions & Limitations
	7.4 The power pursuant to Section 122(10) of the PDI Act to, if requested by an applicant, defer a referral under Section 122 of the PDI Act to a particular stage in the process of assessment.		
s124(1)	8. Proposed Development Involving Creation of Fortifications 8.1 The power pursuant to Section 124(1) of the PDI Act, if the delegate has reason to believe that a proposed development may involve the creation of fortifications, to refer the application for consent to, or approval of, the proposed development to the Commissioner of Police (the Commissioner).	CEO	
s124(5)	8. Proposed Development Involving Creation of Fortifications 8.2 The power pursuant to Section 124(5) of the PDI Act, if the Commissioner determines that the proposed development involves the creation of fortification, to: 8.2.1 if the proposed development consists only of the creation of fortifications – refuse the application; 8.2.2 in any other case – impose conditions in respect of any consent to or approval of the proposed development prohibiting the creation of the fortification.	CEO	
s124(6)	8. Proposed Development Involving Creation of Fortifications 8.3 The power pursuant to Section 124(6) of the PDI Act, if the relevant authority acting on the basis of a determination of the Commissioner under Section 124(2) of the PDI Act refuses an application or imposes conditions in respect of a development authorisation, to notify the applicant	CEO	

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	that the application was refused, or the conditions imposed, on the basis of a determination of the Commissioner under Section 124 of the PDI Act.		
s124(7)	<p>8. Proposed Development Involving Creation of Fortifications</p> <p>8.4 The power pursuant to Section 124(7) of the PDI Act, if a refusal or condition referred to in Section 124(5) of the PDI Act is the subject of an appeal under the PDI Act, to apply to the Court to be joined as a party to the appeal.</p>	CEO	
s126(1)	<p>9. Determination of Application</p> <p>9.1 The power pursuant to Section 126(1) of the PDI Act to, on making a decision on an application under Part 7 of the PDI Act, give notice of the decision in accordance with the regulations (and, in the case of a refusal, to include in the notice the reasons for the refusal and any appeal rights that exist under the PDI Act).</p>	CEO	
s126(3)	<p>9. Determination of Application</p> <p>9.2 The power pursuant to Section 126(3) of the PDI Act to, on the delegate's own initiative or on the application of a person who has the benefit of any relevant development authorisation, extend a period prescribed under Section 126(2) of the PDI Act.</p>	CEO	
s127(1)	<p>10. Conditions</p> <p>10.1 The power pursuant to Section 127(1) of the PDI Act to make a decision subject to such conditions (if any) as the delegate thinks fit to impose in relation to the development.</p>	CEO	

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Provision	Item Delegated	Delegate	Conditions & Limitations
s127(2)(c)	<p>10. Conditions</p> <p>10.2 The power pursuant to Section 127(2)(c) of the PDI Act to vary or revoke a condition in accordance with an application under Part 7 of the PDI Act.</p>	CEO	
s128(2)(d)	<p>11. Variation of Authorisation</p> <p>11.1 The power pursuant to Section 128(2)(d) of the PDI Act to approve an application for a variation to a development authorisation previously given under the PDI Act, which seeks to extend the period for which the relevant authorisation remains operative.</p>	CEO	
s133(3)	<p>12. Saving Provisions</p> <p>12.1 The power pursuant to Section 133(3) of the PDI Act to, in order to avoid or reduce hardship, extend the limitation period referred to in Section 133(2) of the PDI Act.</p>	CEO	
s134(1)	<p>13. Requirement to Up-grade</p> <p>13.1 The power pursuant to Section 134(1) of the PDI Act to form the opinion that the building is unsafe, structurally unsound or in an unhealthy condition.</p>	CEO	
s134(1)	<p>13. Requirement to Up-grade</p> <p>13.2 The power pursuant to Section 134(1) of the PDI Act, if:</p> <p>13.2.1.1 building work in the nature of an alteration to a building constructed before the date prescribed by regulation for the purposes of Section 134(1) of the PDI Act; or</p>	CEO	

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	<p>13.2.1.2 a change of classification of a building; and</p> <p>13.2.2 the building is, in the opinion of the delegate, unsafe, structurally unsound or in an unhealthy condition,</p> <p>to require that building work that conforms with the requirements of the Building Rules be carried out to the extent reasonably necessary to ensure that the building is safe and conforms to proper structural and health standards.</p>		
s134(2)	<p>13. Requirement to Up-grade</p> <p>13.3 The power pursuant to Section 134(2) of the PDI Act, when imposing a requirement under Section 134(1) of the PDI Act, to specify (in reasonable detail) the matters under Section 134(1)(b) of the PDI Act that must, in the opinion of the delegate, be addressed.</p>	CEO	
s134(3)	<p>13. Requirement to Up-grade</p> <p>13.4 The power pursuant to Section 134(3) of the PDI Act to impose a requirement under Section 134(1) of the PDI Act:</p> <p>13.4.1 subject to Section 134(3)(b) of the PDI Act - on the basis that the relevant matters must be addressed as part of the application before the relevant authority will grant building consent; and</p> <p>13.4.2 in cases prescribed by the regulations - as a condition of the building consent that must be complied with within a prescribed period after the building work to which the application for consent relates is completed</p>	CEO	
s134(4)	<p>13. Requirement to Up-grade</p>	CEO	

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Provision	Item Delegated	Delegate	Conditions & Limitations
	<p>13.5 The power pursuant to Section 134(4) of the PDI Act if:</p> <p>13.5.1 an application is made for building consent for building work in the nature of an alteration of a class prescribed by the regulations; and</p> <p>13.5.2 the delegate is of the opinion that the affected part of the building does not comply with the performance requirements of the Building Code or a Ministerial building standard in relation to access to buildings, and facilities and services within buildings, for people with disabilities, to require that building work or other measures be carried out to the extent necessary to ensure that the affected part of the building will comply with those performance requirements of the Building Code or the Ministerial building standard (as the case may be).</p>		
s134(5)	<p>13. Requirement to Up-grade</p> <p>13.6 The power pursuant to Section 134(5) of the PDI Act to impose a requirement under Section 134(4) of the PDI Act:</p> <p>13.6.1 subject to Section 134(5)(b) of the PDI Act - on the basis that the building work or other measures to achieve compliance with the relevant performance requirements must be addressed before the relevant authority will grant building consent; and</p> <p>13.6.2 in cases prescribed by the regulations - as a condition of the building consent that must be complied with within a prescribed period after the building work to which the application for consent relates is completed.</p>	CEO	
s135(2)(d)	<p>14. Urgent Building Work</p> <p>14.1 The power pursuant to Section 135(2)(d) of the PDI Act to issue any direction.</p>	CEO	

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Provision	Item Delegated	Delegate	Conditions & Limitations
s143(1)	<p>15. Cancellation of Development Authorisation</p> <p>15.1 The power pursuant to Section 143(1) of the PDI Act to, on the application of a person who has the benefit of the authorisation, cancel a development authorisation previously given by the relevant authority.</p>	CEO	
s143(2)	<p>15. Cancellation of Development Authorisation</p> <p>15.2 The power pursuant to Section 143(2) of the PDI Act to make a cancellation under Section 143(1) of the PDI Act subject to such conditions (if any) as the delegate thinks fit to impose.</p>	CEO	
s235(1)	<p>16. Professional Advice to be Obtained in Relation to Certain Matters</p> <p>16.1 The power pursuant to Section 235(1) of the PDI Act, to, in the exercise of a prescribed function, rely on a certificate of a person with prescribed qualifications.</p>	CEO	
s235(2)	<p>16. Professional Advice to be Obtained in Relation to Certain Matters</p> <p>16.2 The power pursuant to Section 235(2) of the PDI Act to seek and consider the advice of a person with prescribed qualifications, or a person approved by the Minister for that purpose, in relation to a matter arising under the PDI Act that is declared by regulation to be a matter on which such advice should be sought.</p>	CEO	
cl18(2) sch8	<p>17. Continuation of Processes</p> <p>17.1 The power pursuant to Clause 18(2) of Schedule 8 of the PDI Act, to:</p>	CEO	

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	<p>17.1.1 adopt any findings or determinations of a relevant authority under the repealed Act that may be relevant to an application to which Clause 18(1) of Schedule 8 of the PDI Act applies; and</p> <p>17.1.2 adopt or make any decision (including a decision in the nature of a determination), direction or order in relation to an application to which Clause 18(1) of Schedule 8 of the PDI Act applies; and</p> <p>17.1.3 deal with any matter that is subject to a reserved decision under the repealed Act before the designated day; and</p> <p>17.1.4 deal with any requirement or grant any variation imposed or proposed in connection with an application to which Clause 18(1) of Schedule 8 of the PDI Act applies; and</p> <p>17.1.5 take any other step or make any other determination authorised by the regulations, or that is reasonably necessary to promote or ensure a smooth transition on account of the transfer of functions, powers or duties under Clause 18 of Schedule 8 of the PDI Act.</p>		
r25(7)(c)	<p>18. Accredited Professionals</p> <p>18.1 The power pursuant to Regulation 25(7)(c) of the Planning, Development and Infrastructure (General) Regulations 2017 (the General Regulations) to form the opinion and be satisfied, on the basis of advice received from the accreditation authority under the Planning, Development and Infrastructure (Accredited Professionals) Regulations 2019, a relevant professional association, or other relevant registration or accreditation authority, that a person has engineering or other qualifications that qualify the person to act as a technical expert under Regulation 25 of the General Regulations.</p>	CEO	
r31(1)	19. Verification of Application	CEO	

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Provision	Item Delegated	Delegate	Conditions & Limitations
	<p>19.1 The power pursuant to Regulation 31(1) of the General Regulations, on the receipt of an application under Section 119 of the PDI Act, and in addition to any other requirement under the General Regulations, to, in order to ensure that an application has been correctly lodged and can be assessed in accordance with the PDI Act:</p> <p>19.1.1 determine the nature of the development; and</p>		
r31(1)	<p>19. Verification of Application</p> <p>19.1 The power pursuant to Regulation 31(1) of the General Regulations, on the receipt of an application under Section 119 of the PDI Act, and in addition to any other requirement under the General Regulations, to, in order to ensure that an application has been correctly lodged and can be assessed in accordance with the PDI Act:</p> <p>19.1.2 if the application is for planning consent - determine:</p> <p>19.1.2.1 whether the development involves 2 or more elements and, if so, identify each of those elements for the purposes of assessment against the provisions of the Planning and Design Code; and</p> <p>19.1.2.2 the category or categories of development that apply for the purposes of development assessment; and</p>	CEO	
r31(1)	<p>19. Verification of Application</p> <p>19.1 The power pursuant to Regulation 31(1) of the General Regulations, on the receipt of an application under Section 119 of the PDI Act, and in addition to any other requirement under the</p>	CEO	

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Provision	Item Delegated	Delegate	Conditions & Limitations
	General Regulations, to, in order to ensure that an application has been correctly lodged and can be assessed in accordance with the PDI Act: 19.1.3 determine whether the relevant authority is the correct entity to assess the application under the PDI Act; and		
r31(1)	19. Verification of Application 19.1 The power pursuant to Regulation 31(1) of the General Regulations, on the receipt of an application under Section 119 of the PDI Act, and in addition to any other requirement under the General Regulations, to, in order to ensure that an application has been correctly lodged and can be assessed in accordance with the PDI Act: 19.1.4 if the relevant authority is the correct entity to assess the application (or any part of the application): 19.1.4.1 check that the appropriate documents and information have been lodged with the application; and 19.1.4.2 confirm the fees required to be paid at that point under the Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019; and 19.1.4.3 provide an appropriate notice via the SA planning portal; and	CEO	
r31(1)	19. Verification of Application 19.1 The power pursuant to Regulation 31(1) of the General Regulations, on the receipt of an application under Section 119 of the PDI Act, and in addition to any other requirement under the	CEO	

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Provision	Item Delegated	Delegate	Conditions & Limitations
	<p>General Regulations, to, in order to ensure that an application has been correctly lodged and can be assessed in accordance with the PDI Act:</p> <p>19.1.5 if the relevant authority is not the correct entity to assess the application (or any part of the application):</p> <p>19.1.5.1 provide the application (or any relevant part of the application), and any relevant plans, drawings, specifications and other documents and information in its possession, to the entity that the delegate considers to be the correct relevant authority in accordance with any practice direction; and</p> <p>19.1.5.2 provide an appropriate notice via the SA planning portal.</p>		
r35(3)	<p>20. Amended Applications</p> <p>20.1 The power pursuant to Regulation 35(3) of the General Regulations if an application is varied following referral under Division 2 or giving of notice under Division 3, to, if the variations are not substantial, consider the application without the need to repeat an action otherwise required under Division 2 or Division 3.</p>	CEO	
r35(4)	<p>20. Amended Applications</p> <p>20.2 The power pursuant to Regulation 35(4) of the General Regulations if a variation would change the essential nature of a proposed development (as referred to in Section 119(9)(a) of the PDI Act), to agree with the applicant to proceed with the variation on the basis that the application (as so varied) will be treated as a new application under the General Regulations.</p>	CEO	

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Provision	Item Delegated	Delegate	Conditions & Limitations
r38(1)	<p>21. Withdrawing/Lapsing Applications</p> <p>21.1 The power pursuant to Regulation 38(1) of the General Regulations if an application is withdrawn by the applicant under Section 119(14) of the PDI Act, to notify:</p> <p>21.1.1 any agency to which the application has been referred under Division 2 of the General Regulations; and</p> <p>21.1.2 any person who has made a representation in relation to the application under Division 3 of the General Regulations, of the withdrawal.</p>	CEO	
r38(2)	<p>21. Withdrawing/Lapsing Applications</p> <p>21.2 The power pursuant to Regulation 38(2) of the General Regulations to lapse an application for a development authorisation under Part 7 of the PDI Act if at least one year has passed since the date on which the application was lodged with the relevant authority.</p>	CEO	
r38(3)	<p>21. Withdrawing/Lapsing Applications</p> <p>21.3 The power pursuant to Regulation 38(3) of the General Regulations before taking action to lapse an application under Regulation 38(2) of the General Regulations to:</p> <p>21.3.1 take reasonable steps to notify the applicant of the action under consideration; and</p> <p>21.3.2 allow the applicant a reasonable opportunity to make submissions to the delegate (in a manner and form determined by the delegate) about the proposed course of action.</p>	CEO	
r40	22. Court Proceedings	CEO	

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Provision	Item Delegated	Delegate	Conditions & Limitations
	22.1 The power pursuant to Regulation 40 of the General Regulations to, subject to Section 214(14) of the PDI Act, by notice in writing to the applicant, decline to deal with the application until any proceedings under the PDI Act have been concluded.		
r42(1)	23. Additional Information or Amended Plans 23.1 The power pursuant to Regulation 42(1) of the General Regulations if the relevant authority has referred an application to a prescribed body under Division 1 of the General Regulations and the relevant authority subsequently receives additional information, or an amended plan, drawing or specification, which is materially relevant to the referral, or to any report obtained as part of the referral process, to repeat the referral process.	CEO	
r45(1)	24. Building Matters 24.1 The power pursuant to Regulation 45(1) of the General Regulations to, if, in assessing an application for building consent, the delegate considers that: 24.1.1 a proposed performance solution within the meaning of the Building Code requires assessment against a performance requirement of the Building Code which provides for the intervention of a fire authority; or 24.1.2 the proposed development is at variance with a performance requirement of the Building Code which provides for the intervention of a fire authority; or 24.1.3 special problems for fire fighting could arise due to hazardous conditions of a kind described in Section E of the Building Code,	CEO	

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Provision	Item Delegated	Delegate	Conditions & Limitations
	refer the application to the relevant fire authority for comment and report unless the fire authority indicates to the relevant authority that a referral is not required.		
r45(2)	<p>24. Building Matters</p> <p>24.2 The power pursuant to Regulation 45(2) of the General Regulations, if a report is not received from the fire authority on a referral under Regulation 45(1) of the General Regulations within 20 business days, to presume that the fire authority does not desire to make a report.</p>	CEO	
r45(3)	<p>24. Building Matters</p> <p>24.3 The power pursuant to Regulation 45(3) of the General Regulations to have regard to any report received from a fire authority under Regulation 45 of the General Regulations.</p>	CEO	
r45(4)	<p>24. Building Matters</p> <p>24.4 The power pursuant to Regulation 45(4) of the General Regulations, if, in respect of an application referred to a fire authority under Regulation 45 of the General Regulations, the fire authority:</p> <p>24.4.1 recommends against the granting of building consent; or</p> <p>24.4.2 concurs in the granting of consent on conditions specified in its report,</p> <p>but the delegate:</p>	CEO	

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	<p>24.4.3 proposes to grant building consent despite a recommendation referred to in Regulation 45(4)(a) of the General Regulations; or</p> <p>24.4.4 does not propose to impose the conditions referred to in Regulation 45(b) of the General Regulations, or proposes to impose the conditions in varied form, on the grant of consent, to:</p> <p>24.4.5 refer the application to the Commission; and</p> <p>24.4.6 not grant consent unless the Commission concurs in the granting of the consent.</p>		
r45(5)	<p>24. Building Matters</p> <p>24.5 The power pursuant to Regulation 45(5) of the General Regulations to provide to the Commission a copy of any report received from a fire authority under Regulation 45(1) of the General Regulations that relates to an application that is referred to the Commission under the PDI Act.</p>	CEO	
r57(4)(a)	<p>25. Notice of Decision (Section 126(1))</p> <p>25.1 The power pursuant to Regulation 57(4)(a) of the General Regulations to endorse a set of any approved plans and other relevant documentation with an appropriate form of authentication.</p>	CEO	
r60	<p>26. Consideration of Other Development Authorisations</p> <p>26.1 The power pursuant to Regulation 60 of the General Regulations, to, in deciding whether to grant a development authorisation, take into account any prior development authorisation that</p>	CEO	

INSTRUMENT OF DELEGATION (INSTRUMENT B)

under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Relevant Authority

Provision	Item Delegated	Delegate	Conditions & Limitations
	relates to the same proposed development under the PDI Act, and any conditions that apply in relation to that prior development authorisation.		
r61(4)(c)	<p>27. Certificate of Independent Technical Expert in Certain Cases</p> <p>27.1 The power pursuant to Regulation 61(4)(c) of the General Regulations to form the opinion and be satisfied on the basis of advice received from the accreditation authority under the Planning, Development and Infrastructure (Accredited Professionals) Regulations 2019, a relevant professional association, or another relevant registration or accreditation authority, that a person has engineering or other qualifications, qualify the person to act as a technical expert under this regulation.</p>	CEO	
r63(1)	<p>28. Urgent Work</p> <p>28.1 The power pursuant to Regulation 63(1) of the General Regulations to,</p> <p>28.1.1 determine a telephone number determined for the purposes of Regulation 63(1)(a) of the General Regulations; and</p> <p>28.1.2 determine the email address for the purposes of Regulation 63(1)(b) of the General Regulations.</p>	CEO	
r63(2)	<p>28. Urgent Work</p> <p>28.2 The power pursuant to Regulation 63(2) of the General Regulations to, for the purposes of Section 135(2)(c) of the PDI Act, allow a longer period.</p>	CEO	

INSTRUMENT OF DELEGATION (INSTRUMENT B)

under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Relevant Authority

Provision	Item Delegated	Delegate	Conditions & Limitations
r63(3)	28. Urgent Work 28.3 The power pursuant to Regulation 63(3) of the General Regulations to, for the purposes of Section 135(2)(c) of the PDI Act, allow a longer period.	CEO	
r65(1)(a)	29. Variation of Authorisation (Section 128) 29.1 The power pursuant to Regulation 65(1)(a) of the General Regulations to, for the purposes of Section 128(2)(b) of the PDI Act, if a person requests the variation of a development authorisation previously given under the Act (including by seeking the variation of a condition imposed with respect to the development authorisation) to form the opinion and be satisfied that the variation is minor in nature, and approve the variation.	CEO	
r99(4)	30. Construction Industry Training Fund 30.1 The power pursuant to Regulation 99(4) of the General Regulations, if after assessing a proposed development against the building rules the delegate is yet to be satisfied that the appropriate levy has been paid under the Construction Industry Training Fund Act 1993 or is not payable, to notify the applicant that the delegate cannot issue a building consent until the delegate is satisfied that the levy has been paid or is not payable.	CEO	
r99(5)	30. Construction Industry Training Fund 30.2 The power pursuant to Regulation 99(5) of the General Regulations, if a notification has been given under Regulation 99(4) of the General Regulations and if satisfactory evidence is not	CEO	

INSTRUMENT OF DELEGATION (INSTRUMENT B)

under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Relevant Authority

Provision	Item Delegated	Delegate	Conditions & Limitations
	provided to the delegate within 20 business days after the date of the notification to, if the delegate thinks fit, determine that the application has lapsed.		
cl4(3) sch8	<p>31. Plans for Building Work</p> <p>31.1 The power pursuant to Clause 4(3) of Schedule 8 of the General Regulations, in relation to an application for building consent for development consisting of or involving an alteration to a building if:</p> <p>31.1.1 the applicant is applying for a change in the classification of the building to a classification other than Class 10 under the Building Code; or</p> <p>31.1.2 the building was erected before 1 January 1974 and the applicant is applying for a classification other than Class 10 under the Building Code to be assigned to the building, to require the application to be accompanied by such details, particulars, plans, drawings, specifications and other documents (in addition to the other documents required to accompany the application) as the delegate reasonably requires to show that the entire building will, on completion of the building work, comply with the requirements of the PDI Act and the General Regulations for a building of the classification applied for or with so many of those requirements as will ensure that the building is safe and conforms to a proper structural standard.</p>	CEO	
r5(1)	<p>32. Calculation or Assessment of Fees</p> <p>32.1 The power pursuant to Regulation 5(1) of the PDI (Fees, Charges and Contributions) Regulations 2019 (the Fees Regulations) in relation to an application which is duly lodged with the Council under a related set of regulations (including via the SA planning portal):</p>	CEO	

INSTRUMENT OF DELEGATION (INSTRUMENT B)

under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Relevant Authority

Provision	Item Delegated	Delegate	Conditions & Limitations
	<p>32.1.1 to require the applicant to provide such information as the delegate may reasonably require to calculate any fee payable under the Fees Regulations or a related set of regulations; and</p> <p>32.1.2 to make any other determination for the purposes of the Fees Regulations or a related set of regulations (even if the Council is not a relevant authority).</p>		
r5(2)	<p>32. Calculation or Assessment of Fees</p> <p>32.2 The power pursuant to Regulation 5(2) of the Fees Regulations, if the delegate is acting under Regulation 5(1) of the Fees Regulations, or as the delegate of a relevant authority, believes that any information provided by an applicant is incomplete or inaccurate, to calculate any fee on the basis of estimates made by the delegate.</p>	CEO	
r5(3)	<p>32. Calculation or Assessment of Fees</p> <p>32.3 The power pursuant to Regulation 5(3) of the Fees Regulations to, at any time, and despite an earlier calculation or acceptance of an amount in respect of the fee, reassess a fee payable under the Fees Regulations or a related set of regulations.</p>	CEO	
r7	<p>33. Waiver or Refund of Fee</p> <p>33.1 The power pursuant to Regulation 7 of the Fees Regulations to, as the delegate considers appropriate to do so:</p> <p>33.1.1 waive the payment of the fee, or the payment of part of the fee; or</p> <p>33.1.2 refund the whole or a part of the fee.</p>	CEO	

23 July 2021

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18 LOCAL GOVERNMENT BUSINESS

Nil

19 MEMBER'S BOOKSHELF

Nil

20 CORRESPONDENCE**20.1 Libraries Board Grant Funding Advice 2021-2022**

Correspondence has been received from the Chair of the Libraries Board of South Australia, Bruce Linn AM, regarding the Libraries Board Grant Funding for 2021-2022 (**Attachment 1**).

20.2 Request for review of the private proponent-initiated Code Amendment process

Correspondence has been received from the Deputy Premier, Attorney-General and Minister for Planning and Local Government, the Hon. Vickie Chapman MP, acknowledging Council's letter dated 13 July 2021 in relation to Council's request for a review of the private proponent-initiated Code Amendment process (**Attachment 2**).

20.3 LGA Membership Subscriptions 2021/22

Correspondence has been received from the Acting Chief Executive Officer of the Local Government Association of South Australia, Dr Andrew Johnson, regarding the LGA Membership subscription for 2021/22 (**Attachment 3**).

RECOMMENDATION

That the correspondence be received.

Attachments**20.1 Libraries Board Grant Funding Advice 2021-2022****20.2 Request for review of the private proponent-initiated Code Amendment process****20.3 LGA Membership Subscriptions 2021/22**

OFFICIAL

2 September 2021

Mr Terry Buss
Chief Executive Officer
City of West Torrens
165 Sir Donald Bradman Drive Hilton SA 5033

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Dear Mr Buss

Libraries Board Grant Funding Advise 2021-2022

June 2021 saw the end of a ten-year Memorandum of Agreement (MOA) between State and Local government for public libraries. This agreement included the provision of State Government funding towards the operations of public libraries. Following a series of negotiations between the Libraries Board of SA (Libraries Board), Local Government Association (LGA), Department of the Premier and Cabinet (DPC) and the Premier's office, the Treasurer has advised that the total funds provided to the public library sector will remain at the same amount as 2020-2021– i.e. \$20.71M which is based on the published 2021-2022 budget and the Department Treasury and Finance (DTF) released 'Forward Estimates' for the next four years.

The LGA has informed the Libraries Board of their resolution not to sign a five-year MOA that was offered to them. Although this decision leaves the current State Government grant to public libraries vulnerable to future funding cuts, the Libraries Board received commitment from the State Government for an ongoing grant to public libraries that equates to over \$100M for the current and next four years.

The Libraries Act (1982) authorises the Libraries Board to distribute State Government funds for public libraries without any reference for a need for an MOA or any other such agreement. The purpose of this letter is to inform you of the actions taken by the Libraries Board to ensure the ongoing allocation of State Government grant funding to your Council for 2021-2022.

For 2021-2022 the total funding available for public library services remains consistent with the 2020-2021 allocation at \$20.71M.

The State Government has placed a condition on the public library funding of a 'one-off' \$1M project for the implementation of a state-wide Adult Digital Literacy Program for all public libraries across SA to support the State's digital inclusion agenda. Through this allocation of funding, State Government is acknowledging that public libraries are ideally positioned to provide this service to their communities and views libraries as key partners in achieving digital inclusion outcomes for the communities they serve.

Please note this does not increase the total baseline funding of \$20.71M for the 2021-2022 year. To achieve this outcome a reallocation of a portion of the existing grants was required. On advice from the sector the Board has made a decision that the \$1M required for the digital literacy program will be partly funded through a 'one-off' decrease of 14% in funds available for new library materials (print and digital)

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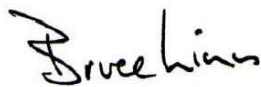
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for 2021-2022 only. The remainder of the funds have been found through internal efficiencies in the delivery of other service to libraries.

The Libraries Board considers that the digital literacy program could be run for a number of years subject to additional funding. It therefore intends making a budget bid for additional funding to continue the program beyond 2021-2022.

Your Council will receive its annual subsidy letter in September 2021, containing information regarding the State Government's contribution to the funding of your library. Subsidies will be paid to your Council in October 2022 as per the standard process.

Yours sincerely,

A handwritten signature in black ink that reads "Bruce Linn". The signature is written in a cursive, flowing style.

Bruce Linn AM
Chair
Libraries Board of South Australia

OFFICIAL

The Hon Vickie Chapman MP



**Government
of South Australia**

Deputy Premier

Attorney-General

**Minister for Planning
and Local Government**

GPO Exchange
10 Franklin Street
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2017/22935/01

13 September 2021

Mr Terry Buss PSM
Chief Executive Officer
City of West Torrens

Dear Mr Buss

Thank you for your letter on behalf of the City of West Torrens (the Council) on 13 July 2021, requesting a review of the private proponent-initiated Code Amendment process. I apologise for the delay in responding to you, the reason being your correspondence required thorough investigation to inform the following advice.

As you are aware, the *Planning, Development and Infrastructure Act 2016* (the Act) has, for the first time, enabled proponents to be the 'designated entity' for Code Amendments. This is a significant change for councils, the community and the development sector.

With this change, new checks and balances have been introduced to ensure transparency and accountability. This includes advice and oversight by the independent State Planning Commission (the Commission), as well as Parliamentary scrutiny through the Environment, Resources and Development (ERD) Committee of the Parliament of South Australia. The Community Engagement Charter also provides strong accountability for a well-considered engagement process.

I am able to provide the following advice in relation to the specific matters raised.

Accreditation Scheme

Thank you for your suggestion that the Accredited Professionals Scheme be expanded to planning professionals preparing Code Amendments on behalf of Designated Entities.

As you are aware, the current Accreditation Scheme is limited to professionals acting as decision-makers in the development assessment process. This ensures they are suitably qualified and experienced, increasing the transparency of decision-making processes and reducing the risk of conflicts of interest.

Nonetheless, as Minister for Planning and Local Government, I am the decision-maker in relation to Code Amendments. As such, unlike Accredited Professionals, neither planning advisors nor Designated Entities are decision-makers under the Act. Therefore, they do not have a 'direct conflict of interest' in relation to the process.

As the new system is in its infancy, I consider that any review of the Accreditation Scheme should occur after a more substantive period of operation to allow the implications to be fully understood, including the need for any legislative change.

The Council may be interested to note the Commission has issued *Practice Direction 2—Preparation and Amendment of Designated Instruments* (the Practice Direction), which requires advisors to be suitably qualified to the equivalent of a Level 1—Planning Professional under the Accreditation Scheme. This ensures advisors are suitably qualified to provide advice on statutory procedures and planning matters.

Engagement on Code Amendments and local infrastructure impacts

As you would be aware, consultation with the Chief Executive Officer of the relevant council prior to initiation is mandated through the Practice Direction. The Attorney-General's Department (the Department) encourages private proponents to engage as early as possible with councils when considering a Code Amendment process. This preliminary consultation is designed to identify local matters relevant to the proposal, including local infrastructure considerations to inform the investigations undertaken to inform a Code Amendment.

The engagement process for all Code Amendments must be undertaken in accordance with the Community Engagement Charter (the Charter). The Charter establishes an outcome-based, measurable approach to engaging communities. It intentionally provides a flexible framework that enables fit-for-purpose engagement, rather than prescriptive minimum standards, such as minimum periods of engagement. The engagement is therefore tailored to the characteristics of the community and the Code Amendment.

Engagement must be undertaken in accordance with an Engagement Plan, which is also a mandatory requirement under the Charter. Measuring, reporting and reviewing the performance of public engagement is also a key requirement of the Charter. Once an Engagement Report is provided by the Designated Entity, the Department will assess compliance against the Charter.

It will be referred to the Commission if there has been a complaint made in relation to the engagement process, or if the Commission's delegate forms the view that the Charter has not been complied with. The Commission will then make a formal determination regarding compliance with the Charter under section 44(12)(a) of the PDI Act and may direct the Designated Entity to undertake additional engagement.

Third-Party Review and Parliamentary Scrutiny of Code Amendments

The Commission, which was established under the Act, plays an important role in:

- providing independent advice to me as Minister for Planning and Local Government, at the initiation stage and in prescribed circumstances at the approval stage;
- exercising powers to direct further action by a Designated Entity in circumstances where the Commission considers the Charter has not been complied with following engagement processes; and
- providing a consultation report to the ERD Committee following approval.

Parliamentary scrutiny of Code Amendments occurs once I have approved the amendment and changes have been given effect in the Code. This process is the same as the former Development Plan Amendment process, in that a review occurred once the amendment was already in operation.

A key point of difference is that, under the new system, the Commission also provides independent advice on Code Amendments, which is then furnished to the ERD Committee for consideration. This provides an additional layer of independence and rigour to the review process. Notwithstanding, there are a number of checks and balances in place to ensure matters are appropriately addressed prior to approval being granted.

In addition, the Act expanded the role of the ERD Committee to scrutinise State Planning Policies and Regional Plans. This was intended to make the role of Parliamentary scrutiny more meaningful and effective by focusing on system-wide and direction-setting planning instruments, in addition to individual zoning changes.

Changes to the final Parliamentary scrutiny process are therefore not considered necessary at this point in time.

I believe that putting existing Code Amendments on hold at this point would not be an appropriate response, as sound checks and balances are in place to ensure processes are completed in an open and transparent manner.

As for all new procedures, it is important to monitor the processes and outcomes achieved. However, at this stage, no Amendments have fully completed the process. As such, there is no evidence that the process warrants a full review this time.

Thank you for taking the time to write to me on behalf of the Council. I trust the information provided is of some assistance.

Yours sincerely



VICKIE CHAPMAN MP
DEPUTY PREMIER
MINISTER FOR PLANNING AND LOCAL GOVERNMENT

13 July 2021

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The Hon Vickie Chapman MP,
Deputy Premier, Minister for Planning and Local Government
GPO Box 464
Adelaide SA 5001
DX 336

Dear Minister Chapman,

RE: Private Proponent Planning and Design Code Amendments

At its meeting held on 6 July 2021, Council passed the following resolution that it:

- 1. Seeks a review of the private proponent led Planning and Design Code Amendment process to ensure appropriate rigour, checks and balance are in place; and; reduce the potential for errors and poorly informed policy changes that may have long term impacts on West Torrens and its community;*
- 2. Requests that Code Amendments be put on hold pending the outcome of this review.*

The introduction of the private proponent led Planning and Design Code Amendment process presents an opportunity for agile consideration of how Code Amendments respond to changing demand and landscapes in a timely manner. However, this process should not be without clear guidance for all stakeholders with regard to their roles, opportunities to participate and capacity for review and/or recourse.

West Torrens Council recently received advice of two separate private proponent led Code Amendments, each to be run by a respective privately appointed designated entity.

This experience has identified that the reality of the requirements for private proponent led Code Amendment lacks rigour, integrity and probity and so gives rise to concern regarding the eventual outcomes and potential long term impact on the West Torrens Council (infrastructure and resourcing) and its community.

Despite refinement to *Practice Direction 2 - Preparation and Amendment of Designated Instruments* and evolving toolkits, the following risks that have been identified with the process, remain problematic:

- Insufficient requirements for investigations to be undertaken to inform suitable policy application.
- Inherent *conflict of interest* during consultation with community and stakeholders (both pre-initiation and post) for the designated entity.
- Capacity for inappropriate development occurring during parliamentary scrutiny process.

Planning policy amendments were previously carried out by public officers (whether Local Government or State Government). The transition to a process that enables *private proponents* to undertake what was previously a public administration function necessitates additional checks and balances in the legislation and process.

This is particularly important when a person who has an interest in the land (private proponent) is able to engage a private and paid planning professional as the designated entity to:

- Initiate the Code amendment, including pre-consultation, identify and undertake investigations;
- Undertake community engagement and consultation (without the need to have the engagement plan approved by Minister, SPC or AGD) and then self-report on the effectiveness of the engagement they developed and undertook;

and, of particular concern;

- The *same designated entity/ies* (generally planning consultancies) can subsequently lodge a development application as soon as the Code amendment is released on the portal **during, and prior to completion of**, the parliamentary scrutiny phase.

As such, the designated entity may be perceived as having a vested interest in the consultation process outcomes which could lead to the process being open to criticism due to a perceived lack of independence.

It is the view of West Torrens Council that **current, and additional private proponent Code Amendments should be put on hold** pending review of the private proponent led Code Amendment process to ensure there are adequate processes and legislation in place that promotes trust and transparency in the process.

The review should address the following:

1. Accreditation requirements for planning professionals who can be engaged to act as a designated entity for the purpose of Code amendments or advise on Code amendments rather than stating that *equivalent experience* is required. Currently the legislation states that a person with qualifications and experience that is equivalent to an Accredited Professional - Planning Level 1 under the Act may fulfil this role (i.e. not that they must *actually be accredited* as per the Accredited Professionals Scheme).
2. Amendments required to the existing Code of Conduct so that planning professionals undertaking functions associated with a Code Amendment are required to abide by it.
3. Implementation of *Regulation 30 PDI (Accredited Professionals Scheme) Regulation 2019, Circumstances in which an accredited professional may not act* (as provided below) so that it extends to planning professionals performing/functioning for the purpose of a private proponent led Code Amendment:
 - An accredited professional must not perform any function of an accredited professional in relation to a development—
 - (a) if the accredited professional has been involved in any aspect of the planning or design of the development (other than through the provision of preliminary advice of a routine or general nature); or

- (b) if the accredited professional has a direct or indirect pecuniary interest in any aspect of the development or any body associated with any aspect of the development; or
 - (c) if the accredited professional is employed by any person or body associated with any aspect of the development.
4. Identification of minimum timeframes for engagement associated with a Code Amendment.
 5. The way in which engagement responses are captured, shared and responded to.
 6. The process for third party review of the Code Amendment process for private proponents.
 7. In instances where a Code Amendment necessitates new infrastructure (e.g. road/s, open space, stormwater) that will be vested to a council, that a private proponent Code Amendment require more extensive engagement and/or partnership with the relevant council.
 8. Consideration of when a Code Amendment becomes active and exploration of this occurring **after** parliamentary scrutiny, particularly in relation to private proponent led Code Amendments.

It is imperative that Council stakeholders are consulted on any suggested improvements resulting from the review **prior to** any formal decisions being made. It is requested that such a review occur as a matter of urgency and **prior to** accepting the initiation of any new private proponent Code Amendments, to ensure clear guidance for all stakeholders with respect to their roles, opportunities to participate and capacity for review and/or recourse.

Council strongly reinforces the suggestion that current, and additional private proponent Code Amendments be **put on hold** pending review of the private proponent led Code Amendment process to ensure there are adequate processes and legislation in place that promote trust, transparency and confidence in the process.

Should you require further information or would like to discuss this matter further, please contact Sue Curran, Manager Business and Strategy on _____ or _____

Yours sincerely



Terry Buss PSM
Chief Executive Officer
City of West Torrens

cc
Anita Allen, Planning and Land Use Services
Stephen Smith, Local Government Association of SA



The voice of local government.

In reply please quote our reference: ECM 765682 MA/AL

14 September 2021

Mr Terry Buss PSM
Chief Executive Officer
City of West Torrens
165 Sir Donald Bradman Drive
Hilton SA 5033

Dear Terry

LGA Membership Subscriptions 2021/22

The Local Government Association of SA's (LGA) membership subscriptions for the 2021/22 financial year are now due. Please find attached an invoice for your membership.

As your association, the LGA remains focused on delivering value for members through advocating for local government, assisting councils, and advancing the sector.

The past year has been an historic one for the LGA with a number of significant and long-term pieces of work nearing finalisation - including changes to the Local Government Act and planning reform implementation – and many projects and programs put in place to help councils and communities manage the impacts of COVID-19.

In June, the Local Government Review Bill passed the Parliament and became the Statutes Amendment (Local Government Review) Act 2021. These reforms reflect many of ideas for change put forward by our sector, and the LGA's advocacy secured over 120 amendments that addressed the feedback we received from our members.

Strong advocacy from the LGA and the Australian Local Government Association resulted in billions of dollars in funding being allocated to local government for stimulus projects. In 2020-21, South Australian councils were allocated an additional \$220 million through the Commonwealth's Local Roads and Community Infrastructure Program, and our State Government's new Local Government Infrastructure Partnership Program.

This allocation of stimulus funding put pressure on the sector to act quickly, and the LGA responded by establishing the 'Shovel Ready' program that brought expert legal, financial, strategy and project delivery advisers together to support councils to develop strong funding applications and delivering projects efficiently.

The LGA's main federal advocacy priority for the past year was securing ongoing supplementary road funding for South Australia, and we were delighted that the collective efforts of our sector resulted in a two-year \$40 million extension.

Libraries funding has been another key priority, with the ten-year state/local government libraries agreement expiring in June 2021. The LGA highlighted the importance of libraries through a "library dollars make sense" campaign, which was supported by many councils and their library users. The LGA

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will continue this campaign, and together we can keep advocating for a long-term funding deal that does not result in less funds and less certainty for councils.

Beyond these highlights, some specific achievements and services provided to members in 2021/21 include:

- Securing and administering a range of grants to councils, with your council specifically receiving the following:
 - Special Local Roads Program grant of \$400,000
 - Youth Grant of \$20,000 for the “Youth-Led Resilience after Lockdown” project.
- Providing leadership, coordination and resources to assist councils respond to COVID-19, including sector briefings with the Premier, Minister, Police Commissioner and SA Health officials.
- Established a number of new programs including:
 - Disability Access and Inclusion Advisory Group to provide strategic access and inclusion advice to councils.
 - Local Government Reconciliation Industry Network Group as a joint initiative between the LGA and Reconciliation SA.
 - Heavy Vehicle Access Program in partnership with the Department of Infrastructure and Transport.
 - Regional Climate Change Partnership with the Department of Environment and Water and Green Adelaide to support the coordination of climate change action.
- Emergency management planning support to all 68 councils through the Council Ready program, delivering tailored and fit-for-purpose emergency management documents for councils.
- Training of 2,160 council staff and elected members through 191 training courses.
- Continuing the Legal Connect partnership with Norman Waterhouse Lawyers, which is delivering councils valuable and timely legal advice, and cost-savings through the process.
- Hosting websites for 53 councils on the Squiz platform.
- Issued 432 latest news items, providing information on state government policies, standardized templates, pressing issues and updates to councils.
- Maintained an extensive library of resources, templates and guides on the LGA website, with more than 150,000 views of the LGA members-only website by council staff and elected members and more than 21,000 file downloads.
- Delivery of 35 President's Updates (distributed to elected members and CEOs), 26 CEO's updates and 59 topic-based eNewsletters.
- Logged over 9,000 issue reports from members of the public through the My Local Services App including graffiti, wandering pets and parking issues, with 50 lodged in your council.

Later this year, the LGA will publish its full 2021 Value of Membership Report, and provide a tailored summary outlining the specific membership benefits received by the City of West Torrens.



The voice of local government.

A key focus for the LGA in 2021-22 will be proactively influencing the policy agenda of state and federal elections for the benefit of councils and their communities, and preparing our sector for the 2022 council elections.

We will also be working hard to support councils with the implementation of local government reforms through the LG Equip program.

The LGA will also have a strong focus on our new Strategic Objective of 'Achieve' to embed best practice governance and operations across the Association to enable the LGA to provide greater value to our members.

Thank you for your ongoing support of the LGA. Should you have any queries regarding your invoice or would like more information about the value of your council's membership please contact us on 8224 2000.

Yours sincerely

Dr Andrew Johnson

Acting Chief Executive Officer

21 CONFIDENTIAL

Nil

22 MEETING CLOSE

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1 MEETING OPENED**2 PRESENT****3 APOLOGIES****4 DISCLOSURE STATEMENTS**

Committee Members are required to:

1. Consider Section 73 and 75 of the *Local Government Act 1999* and determine whether they have a conflict of interest in any matter to be considered in this Agenda; and
2. Disclose these interests in accordance with the requirements of Sections 74 and 75A of the *Local Government Act 1999*.

5 CONFIRMATION OF MINUTES**RECOMMENDATION**

That the Minutes of the meeting of the City Finance and Governance Committee held on 17 August 2021 be confirmed as a true and correct record.

6 COMMUNICATIONS BY THE CHAIRPERSON**7 QUESTIONS WITH NOTICE**

Nil

8 QUESTIONS WITHOUT NOTICE**9 MOTIONS WITH NOTICE**

Nil

10 MOTIONS WITHOUT NOTICE

11 CITY FINANCE & GOVERNANCE REPORT

11.1 Creditor Payments

Brief

This report tables a schedule of creditor payments for August 2021.

RECOMMENDATION

The Committee recommends to Council that the schedule of creditor payments for August 2021 be received.

Discussion

A schedule of creditor payments totalling \$3,304,067.10 (\$4,778,506.19 in July 2021) is attached for the information of Elected Members. Notable items include:

- A payment to Solo Resource Recovery of \$601,065.47 for both waste collection and disposal for July 2021 (refer ref. no. 363);
- A payment to Camco SA Pty Ltd of \$310,452.02 for Daly Street intersection upgrade and roundabout construction works (refer ref. no. 76);
- A payment to Knox Constructions Pty Ltd of \$252,846.56 for Bagot Avenue streetscape upgrade and various road treatments (refer ref. no. 242);
- A payment to the Attorney-General's Department of \$227,481.45 for the 2021/22 valuation roll (refer ref. no. 29);
- A payment to Services SA of \$107,081.90 for the annual registration of all Council plant and motor vehicles (refer ref. no. 357).

Climate Impact Considerations

(Assessment of likely positive or negative implications of this decision will assist Council and the West Torrens Community to build resilience and adapt to the challenges created by a changing climate.)

The report includes creditor payments on projects and initiatives that aim to mitigate Council's impact on the climate.

Conclusion

A schedule of creditor payments for August 2021 is provided for Elected Members' information and review.

Attachments

1. Creditor Payments for the month of August 2021

ACCOUNTS DUE AND SUBMITTED TO THE FINANCE AND GOVERNANCE STANDING COMMITTEE MEETING
21 SEPTEMBER 2021

Ref No.	Cheque/ EFT No.	Payee	Invoice Description	Payment Total
1	EFT69316	Accutemp Services Pty Ltd	Building Maintenance	198.00
2	EFT69114	Ace Rent a Car	Vehicle Hire	2,310.00
3	EFT69196	Active Ageing SA Inc	Membership	187.00
4	EFT69200	Adami's Sand & Metal	Depot Supplies	3,283.75
5	EFT69655	Adelaide Advanced Trees	Trees	7,590.00
6	EFT69192	Adelaide Airport Limited	Depot Rent / Utilities	50,201.47
7	EFT69191	Adelaide EWP Inc SA Diesel & Hydraulics	Depot Supplies	3,607.78
8	EFT69315	Adelaide Safety Supplies Pty Ltd	First Aid Supplies	885.31
9	EFT69773	Adelaide Sri Lankan Students Assoc	Refund Thebarton Community Centre Hire Fees	1,720.00
10	EFT69659	Adelaide Waste & Recycling Centre	Rubbish Disposal	26,344.96
11	EFT69113	Adrian Brien Pty Ltd	Vehicle Maintenance	624.00
12	EFT69309	Adrian Brien Pty Ltd	Vehicle Maintenance	213.92
13	EFT69654	Adtrade - Industrial Supplies	Depot Supplies	648.00
14	EFT69193	Advam Pty Ltd	Transaction Fees	533.02
15	EFT69656	Aerometrex Pty Ltd	Subscription	12,320.00
16	EFT69314	AGL South Australia Pty Ltd	Power	1,939.72
17	EFT69651	Allen Press Pty Ltd	Business Cards	253.00
18	EFT69312	Alsco Pty Ltd	Dry Cleaning	56.83
19	EFT69116	AMC Commercial Cleaning	Cleaning	2,754.48
20	EFT69195	Animal Management Services Pty Ltd	Doggy Bags	1,201.20
21	EFT69308	Animal Welfare League SA	Impound Dogs	1,842.00
22	EFT69310	Aqua Techniques	Install Bore Pump	40,591.81
23	EFT69115	Aquarium Aid	Library Aquarium Maintenance	109.00
24	EFT69198	Arboregreen Landscape Products	Depot Supplies	1,214.20
25	EFT69311	Artcraft Pty Ltd	Depot Supplies	774.90
26	EFT69398	Ashleigh Hocking	Refund Apex Park Hire Fees	295.00
27	EFT69313	ATF Services Pty Ltd	Camera Hire	308.00
28	EFT69394	Athinda Aluthwala	Refund Apex Park Hire Fees	65.00
29	EFT69653	Attorney-General's Department	Valuation Roll	227,481.45
30	EFT69203	Australia Post	Agency Collection Fees	2,488.90
31	EFT69199	Australia Post	Postage	20,931.52
32	EFT69657	Australian Civil and Mining Training	Staff Training	1,700.00
33	EFT69118	Australian Flexible Pavement Association AfPA	Subscription	2,537.70
34	EFT69658	Australian Green Clean	Cleaning	3,488.10
35	EFT69317	Australian Institute of Building Surveyors	Accreditation	800.00
36	EFT69777	Auta Real Estate Trust	Refund Overpaid Rates	494.95
37	EFT69117	AV Integration	Camera System	2,260.50
38	EFT69206	B & H Australia Pty Ltd	Audio Visual Equipment	781.00
39	EFT69661	B & H Australia Pty Ltd	Audio Visual Equipment	1,391.50
40	EFT69261	BA & KA Paterson	Building Maintenance	4,053.50
41	EFT69733	BA & KA Paterson	Building Maintenance	2,778.60
42	EFT69119	Badge A Minit	Name Badges	1,210.00
43	EFT69323	Banh Mi Cafe	Catering	101.20
44	EFT69664	Banh Mi Cafe	Catering	120.30
45	061629	Barossa Hills Fleurieu Local Health Network	Refund Thebarton Community Centre Hire Fees	467.50
46	EFT69662	Battery World Hilton	Batteries	501.90
47	EFT69667	BCE & CJ Electrical	Electrical	9,780.72
48	EFT69669	Bedford Phoenix Inc	Tree Planting	15,481.62
49	EFT69305	Beiersdorf	Refund Thebarton Community Centre Hire Fees	120.00
50	EFT69321	Belair Turf Management Pty Ltd	Depot Supplies	316.80
51	EFT69319	Best Signs	Signage	2,288.00
52	EFT69660	BGC Industrial Cleaning	Cleaning Chemicals	603.02
53	EFT69322	Bianco Hiring Service Pty Ltd	Hire Portable Changerooms	872.96
54	EFT69670	Bianco Walling Pty Ltd	Depot Supplies	1,596.10
55	EFT69665	Bibliotheca Australia Pty Ltd	Library Supplies	785.40
56	EFT69758	BJ Thompson	Reimburse Volunteer Expenses	34.56
57	EFT69688	Blake Escritt	Reimburse Expenses	149.00
58	EFT69120	Bob Baker	Reimburse Volunteer Expenses	50.40
59	EFT69124	Bob Jane T-Mart	Tyres	176.00

ACCOUNTS DUE AND SUBMITTED TO THE FINANCE AND GOVERNANCE STANDING COMMITTEE MEETING
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Ref No.	Cheque/ EFT No.	Payee	Invoice Description	Payment Total
60	EFT69151	Bob May Workplace Emergency Training	Safety Inspection	550.00
61	EFT69318	BOC Limited	Depot Supplies	559.63
62	EFT69209	Body Corporate Physiotherapy Pty Ltd	Physiotherapy	858.06
63	EFT69211	Brendan Fewster Planning and Development	Professional Fees	10,395.00
64	EFT69666	Brendan Fewster Planning and Development	Professional Fees	4,752.00
65	EFT69336	Brenton Gill	Reimburse Volunteer Expenses	43.92
66	EFT69201	Bruce Amos	Reimburse Volunteer Expenses	41.04
67	EFT69719	Bucher Municipal Pty Ltd	Vehicle Maintenance	3,587.25
68	EFT69122	Bundaleer Apiaries	Wasp Removal	186.00
69	EFT69208	Bundaleer Apiaries	Wasp Removal	186.00
70	EFT69204	Bunnings Building Supplies Pty Ltd	Maintenance Supplies	1,180.71
71	EFT69320	Business SA	Staff Training	187.50
72	EFT69205	Buss & Grigg Electrical Services Pty Ltd	Electrical	2,177.27
73	EFT69668	Buzz ER Pty Ltd	Subscription	15,367.00
74	061634	C Furnari	Refund Thebarton Community Centre Hire Fees	450.00
75	EFT69324	CA Technology Pty Ltd	Licence Agreement	40,770.40
76	EFT69671	Camco SA Pty Ltd	Roadworks	310,452.02
77	EFT69212	Camden Community Centre	Partnership Agreement	14,355.00
78	EFT69350	Cancelled		
79	EFT69218	Canon Australia Pty Ltd	Copier Charges	277.13
80	EFT69680	Care Distributors Pty Ltd	Depot Supplies	11,388.01
81	EFT69216	Carvosso Constructions & Building Services	Building Maintenance	6,809.00
82	EFT69125	Cash Security Services Pty Ltd	Banking	520.30
83	061622	Catherine House	Staff Casual Day Donations	75.70
84	EFT69302	Chad Wescombe	Rainwater Tank Rebate	300.00
85	EFT69326	Choose Safety Pty Ltd	Audit	6,435.00
86	061632	Chris Gialouris	Refund Parking Permit Fee	51.00
87	EFT69707	Christine Inkster	Reimburse Expenses	95.99
88	EFT69126	City Circle Newsagents	Library Magazines	50.16
89	EFT69215	City Circle Newsagents	Library Magazines	36.50
90	EFT69673	City Circle Newsagents	Library Magazines	20.90
91	EFT69650	City of Adelaide	Transfer Long Service Leave	894.40
92	061631	City of Onkaparinga	Metropolitan Seaside Council Membership	1,200.00
93	061630	City of West Torrens Petty Cash	Petty Cash	2,560.35
94	EFT69221	Civil Contractors Federation South Aust Ltd	Staff Training	5,120.00
95	EFT69676	Cleanaway Pty Ltd	Rubbish Disposal	842.16
96	EFT69674	Cleanaway Pty Ltd	Rubbish Disposal	682.07
97	EFT69675	Cleanaway Pty Ltd	Rubbish Disposal	1,104.18
98	EFT69129	Click Promos	Promotional Products	1,298.00
99	EFT69327	CMG Adelaide	Vehicle Maintenance	368.00
100	EFT69217	CMI Toyota	Vehicle Maintenance	192.63
101	061623	Coca Cola Amatil (Aust) Pty Ltd	Refund Overpayment	19.00
102	EFT69214	Combo Industries	Vehicle Maintenance	14,135.00
103	EFT69678	Comwide Radio Services	Vehicle Maintenance	330.00
104	EFT69359	Consolidated Landscape Services Pty Ltd	Landscaping	759.00
105	EFT69213	Construction Industry Training Centre	Staff Training	810.00
106	EFT69325	Continuum Care Australia Pty Ltd	Home Support Services	1,127.50
107	EFT69672	Cornes Toyota	Vehicle Maintenance	1,743.25
108	EFT69681	Corporate Clean Property Services	Cleaning	2,800.41
109	EFT69128	Corporate Health Group Pty Ltd	Medical	665.70
110	EFT69677	Corporate Health Group Pty Ltd	Medical	363.20
111	EFT69220	Cowandilla Charcoal Chickens	Catering	237.00
112	EFT69679	Cowandilla Charcoal Chickens	Catering	100.00
113	EFT69250	Cr Anne McKay	Elected Members Allowance	3,085.00
114	EFT69264	Cr Brandon Reynolds	Elected Members Allowance	6,757.00
115	EFT69254	Cr Cindy O'Rielly	Elected Members Allowance	4,054.00
116	EFT69225	Cr Daniel Huggett	Elected Members Allowance	3,243.00
117	EFT69294	Cr David Wilton	Elected Members Allowance	6,757.00
118	EFT69249	Cr Dominic Mugavin	Elected Members Allowance	6,937.00

ACCOUNTS DUE AND SUBMITTED TO THE FINANCE AND GOVERNANCE STANDING COMMITTEE MEETING
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Ref No.	Cheque/ EFT No.	Payee	Invoice Description	Payment Total
119	EFT69258	Cr Elisabeth Papanikolaou	Elected Members Allowance	5,405.00
120	EFT69289	Cr George Vlahos	Elected Members Allowance	6,757.00
121	EFT69252	Cr Graham Nitschke	Elected Members Allowance	5,802.00
122	EFT69293	Cr Jasmine Wood	Elected Members Allowance	6,757.00
123	EFT69291	Cr John Woodward	Elected Members Allowance	6,937.00
124	EFT69245	Cr Kym McKay	Elected Members Allowance	4,757.00
125	EFT69283	Cr S Tsiaparis	Elected Members Allowance	4,572.00
126	EFT69257	Cr Surrender Pal	Elected Members Allowance	5,044.00
127	EFT69222	Credit Clear Credit Solutions	Debt Collection	9,684.80
128	EFT69188	Croydon Cougars Sports & Social Club	Refund Thebarton Community Centre Hire Fees	900.00
129	EFT69686	Dallas Equipment	Contractor	5,280.00
130	EFT69300	Daniel Agent	Rainwater Tank Rebate	50.00
131	EFT69392	Daniela Rech	Refund Apex Park Hire Fees	455.00
132	EFT69328	Datacom Systems (AU) Pty Ltd - SA Division	Computer Equipment	767.56
133	EFT69363	Dean Ottanelli	Reimburse Expenses	180.00
134	EFT69685	Department of Human Services	Screening Checks	36.00
135	EFT69286	Department of Planning, Transport and Infrastructure	Street Lighting	19,396.87
136	EFT69757	Department of Planning, Transport and Infrastructure	Street Lighting / Vehicle Searches	22,824.84
137	EFT69329	Detail Survey & Design	Surveys	1,625.00
138	EFT69396	Developing Minds Pty Ltd	Refund Plympton Community Centre Hire Fees	80.00
139	EFT69684	Dial Before You Dig SA/NT Inc	Monthly Referral Fee	438.78
140	EFT69682	Digital Education Services Pty Ltd	Library Supplies	3,593.80
141	EFT69683	Direct Mix Concrete Sales	Concrete	5,291.37
142	EFT69223	dormakaba Australia Pty Ltd	Building Maintenance	2,519.00
143	EFT69389	Downer EDI Works Pty Ltd	Roadworks	232.65
144	EFT69772	Downer EDI Works Pty Ltd	Roadworks	2,943.56
145	EFT69226	Drakes Supermarket	Active Ageing Program Supplies	285.90
146	EFT69749	DWS Advanced Business Solutions	DBA Support	1,650.00
147	EFT69197	E & S Athanasiadis	Depot Supplies	1,353.18
148	EFT69133	EatFirst	Milk	35.35
149	EFT69230	EatFirst	Milk	35.35
150	EFT69332	EatFirst	Milk	35.35
151	EFT69721	Elizabeth Moran	Audit Committee Allowance	882.00
152	EFT69330	EMA Legal (Lawyers)	Legal Fees	3,655.36
153	061625	Emily Probert	Compost Bin Rebate	50.00
154	EFT69132	Esar Home Care	Home Support Services	468.21
155	EFT69229	Esar Home Care	Home Support Services	157.94
156	EFT69306	Eternity Living Pty Ltd	Refund Overpaid Rates	908.75
157	EFT69130	Evright.Com Pty Ltd	Glass Awards	296.27
158	EFT69131	Exact Cleaning & Maintenance Services Pty Ltd	Cleaning	1,628.00
159	EFT69228	Exact Cleaning & Maintenance Services Pty Ltd	Cleaning	594.00
160	EFT69331	Exact Cleaning & Maintenance Services Pty Ltd	Cleaning	1,795.20
161	EFT69687	Exact Cleaning & Maintenance Services Pty Ltd	Cleaning	4,290.00
162	EFT69689	Finsbury Green	Printing	5,839.76
163	EFT69691	Fleet Complete Australia Pty Ltd	Support	545.93
164	EFT69231	Flick Anticimex Pty Ltd - 501020271	Pest Control	220.00
165	EFT69690	Flightpath Architects Pty Ltd	Heritage Advisory Services	1,897.50
166	EFT69136	Flip Screen Australia Pty Ltd	Equipment Supplies	2,932.60
167	EFT69694	Flowers Everywhere	Floral Tributes	170.00
168	EFT69334	Forpark Australia (SA)	Playground Equipment	68,200.00
169	EFT69137	Fragglerocc Pty Ltd	Roadworks	17,686.90
170	EFT69232	Fragglerocc Pty Ltd	Roadworks	1,993.86
171	EFT69692	Fragglerocc Pty Ltd	Roadworks	5,706.80
172	EFT69652	Frank Annese	Reimburse Expenses	183.00
173	EFT69333	Frank Siow Management Pty Ltd	Traffic Management Consultants	13,094.13
174	EFT69134	Freshford Nurseries Pty Ltd	Trees	31,577.70
175	EFT69135	Fry Library & School Supplies	Library Supplies	121.00
176	EFT69369	Fulham Community Centre	Partnership Agreement	14,729.08
177	EFT69339	Gas Works Findon	Purchase Barbeque	989.00

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Ref No.	Cheque/ EFT No.	Payee	Invoice Description	Payment Total
178	EFT69234	Genpower Australia Pty Ltd	Generator Service	1,829.58
179	061633	Georgia Oatley	Junior Development Grant	100.00
180	EFT69296	Georgios Kremastiotis	Heritage Grant	2,000.00
181	EFT69138	GGC Earthmovers Pty Ltd	Concrete Removal	11,800.81
182	EFT69695	GGC Earthmovers Pty Ltd	Concrete Removal	11,853.18
183	EFT69697	Gilbarco Australia Ltd	Plant Maintenance	1,164.96
184	EFT69141	Gleam Team Domestic Services	Home Support Services	1,076.90
185	EFT69699	Gleam Team Domestic Services	Home Support Services	979.92
186	EFT69140	Glenelg Contract Bridge Club	Equipment Grant	477.00
187	EFT69139	GLG GreenLife Group Pty Ltd	Landscaping	5,470.18
188	EFT69700	Glow Heating Cooling Electrical	Electrical	1,347.04
189	EFT69750	Gordon J Tregoning Pty Ltd	Depot Supplies	184.00
190	EFT69338	GR Phones - Anzac Highway	Mobile Phone Repairs	95.00
191	EFT69236	Grace Records Management (Aust) Pty Ltd	Records Storage	3,650.52
192	EFT69174	Graham Tapscott	Reimburse Volunteer Expenses	426.24
193	EFT69696	Green Steel Supplies Pty Ltd	Depot Supplies	197.82
194	EFT69142	Greenfingers Indoor Plant Hire	Indoor Plant Hire	325.60
195	EFT69335	Greenhill Engineers Pty Ltd	Professional Fees	7,183.00
196	EFT69698	Greenplay Australia Pty Ltd	Oval Maintenance	1,204.50
197	EFT69701	GRH Supplies	Depot Supplies	3,593.00
198	EFT69233	GS Civil	Footpath Works	41,648.00
199	EFT69185	Hannah Kartabani	Refund Thebarton Community Centre Hire Fees	540.00
200	EFT69307	Harcourts VennMillar	Refund Overpaid Rates	463.35
201	EFT69342	Haughton Power Equipment	Depot Supplies	99.00
202	EFT69341	Health & Immunisation Management Services	Immunisation Clinics	6,706.87
203	061628	Hen Vaughan	Junior Development Grant	100.00
204	EFT69146	Hi-Line Hardware Distributors Pty Ltd	Home Support Services	1,519.40
205	EFT69340	Hilton Hemz	Clothing Alterations	60.00
206	EFT69344	HOBAN Recruitment Pty Ltd	Temp Staff	150.12
207	EFT69704	HOBAN Recruitment Pty Ltd	Temp Staff	150.12
208	EFT69345	Hypernet Computer Distribution	Computer Equipment	460.00
209	EFT69148	Iberdrola Australia	Power	74,139.37
210	EFT69189	i-Manage Property Investments	Refund Overpaid Rates	24,165.90
211	EFT69774	Incas Peru Assoc of SA	Refund Thebarton Community Centre Hire Fees	1,900.00
212	EFT69239	Independent Fuels Australia Pty Ltd	Fuel	10,776.62
213	EFT69346	Institute of Public Works Eng Aust (Vic)	Staff Training	1,500.00
214	EFT69347	Internode Pty Ltd	Internet Connection	503.59
215	EFT69706	iSentia Pty Ltd	Media Monitoring	951.50
216	EFT69242	JALM Weed Control & Maintenance	Weed Control	9,365.95
217	EFT69401	JALM Weed Control & Maintenance	Weed Control	13,957.13
218	EFT69144	James Hay	Reimburse Expenses	60.00
219	EFT69400	Janath Wijesuriya	Thebarton Community Centre Bond Return	1,000.00
220	EFT69207	Jason Bury	Reimburse Expenses	60.00
221	EFT69348	Jeffries Garden Soils	Mulch	2,093.40
222	EFT69240	Jet Couriers (Adelaide) Pty Ltd	Couriers	239.76
223	EFT69708	Jet Couriers (Adelaide) Pty Ltd	Couriers	87.07
224	EFT69238	Joe Ielasi	Reimburse Expenses	60.00
225	EFT69705	Joe Ielasi	Reimburse Expenses	219.00
226	EFT69147	John Hastings	Contractor	880.00
227	EFT69237	John Hastings	Contractor	540.00
228	EFT69343	John Hastings	Contractor	900.00
229	EFT69703	John Hastings	Contractor	720.00
230	EFT69304	Joseph Biju	Refund Thebarton Community Centre Hire Fees	810.00
231	061626	Joshua Boundy	Refund Permit Fee	32.00
232	EFT69349	JPE Design Studio Pty Ltd	Professional Fees	20,032.10
233	EFT69241	JPS Lifts	Lift Service	1,265.00
234	EFT69351	Kanopy	Library Services	867.00
235	EFT69395	Kate Utrata	Refund Apex Park Hire Fees	260.00
236	EFT69194	Kathleen Allen	Reimburse Expenses	234.80

ACCOUNTS DUE AND SUBMITTED TO THE FINANCE AND GOVERNANCE STANDING COMMITTEE MEETING
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Ref No.	Cheque/ EFT No.	Payee	Invoice Description	Payment Total
237	EFT69149	Kelley Jones Lawyers	Legal Fees	3,425.40
238	EFT69243	Kelley Jones Lawyers	Legal Fees	3,620.10
239	EFT69710	Kellogg Brown & Root Pty Ltd	Professional Fees	5,396.60
240	EFT69244	Kennards Hire Hendon	Plant Hire	4,144.00
241	EFT69303	Kerry Mowday	Rainwater Tank Rebate	300.00
242	EFT69709	Knox Constructions Pty Ltd	Roadworks	252,846.56
243	EFT69210	Kym Strelan	Home Advantage Program	484.00
244	EFT69663	Kym Strelan	Home Advantage Program	462.00
245	EFT69718	Laevo	User Licences	154.00
246	EFT69715	Land Services Group	Searches	1,521.60
247	EFT69714	Lane Communications	Printing	9,695.43
248	EFT69354	Larrikin House Pty Ltd	Library Supplies	255.00
249	EFT69353	LCS Landscapes	Landscaping	48,006.87
250	EFT69711	LCS Landscapes	Landscaping	6,796.02
251	EFT69246	LCS Maintenance (SA)	Landscaping	10,319.16
252	EFT69717	LCS Maintenance (SA)	Landscaping	36,227.84
253	EFT69121	Les Brazier Special Vehicles	Vehicle Maintenance	198.00
254	EFT69712	LGA Asset Mutual Fund	Insurance Excess	500.00
255	EFT69716	LGA Procurement	Transfer Long Service Leave	4,186.99
256	EFT69297	Lin Andrews	Refund Overpaid Rates	877.00
257	EFT69713	Living Turf	Depot Supplies	1,369.50
258	EFT69190	LJ Hooker West Lakes	Refund Overpaid Rates	729.60
259	EFT69352	Local Government Professionals SA Inc	Staff Training	550.00
260	EFT69745	Luke Steele	Reimburse Expenses	149.00
261	EFT69720	M & B Civil Engineering Pty Ltd	Roadworks	67,008.25
262	EFT69356	M2 Technology Pty Ltd	Message on Hold	402.60
263	EFT69358	Maps Consulting Services Pty Ltd	Transportation Consulting	11,668.80
264	EFT69152	Maxima Group Training	Temp Staff	6,567.81
265	EFT69357	Maxima Group Training	Temp Staff	1,749.83
266	EFT69176	Maxima Tempskill	Temp Staff	19,466.52
267	EFT69285	Maxima Tempskill	Temp Staff	11,412.36
268	EFT69219	Mayor Michael Coxon	Mayoral Allowance	5,585.00
269	EFT69248	Message4U Pty Ltd	Software	241.62
270	EFT69355	Metropolitan Machinery Pty Ltd	Vehicle Maintenance	1,067.00
271	EFT69776	Mobo Group Australia	Thebarton Community Centre Bond Return	452.50
272	EFT69251	Moffat Pty Ltd	Building Maintenance	377.30
273	EFT69182	Mohamed Shanawaz	Refund Apex Park Hire Fees	258.30
274	EFT69397	Mojca Bizjak-Mikic	Refund Apex Park Hire Fees	165.00
275	EFT69153	Moonglow Publishing	Library Books	34.00
276	EFT69247	Mt Compass Sand & Loam	Depot Supplies	2,183.34
277	EFT69722	Murray Street Metro Pty Ltd	Street Sweeping Dumping	3,642.00
278	EFT69253	National Safety Products	Street Signs	1,639.06
279	EFT69725	National Safety Products	Street Signs	3,547.94
280	EFT69154	National Servicemen's Assoc of Australia SA Branch	Community Grant	1,500.00
281	EFT69155	Nature Education Centre	Library Program	300.00
282	EFT69298	Nava Avazpour	Rainwater Tank Rebate	300.00
283	EFT69726	Nelson Locksmiths	Locks	1,776.11
284	EFT69723	News Limited	Advertising	5,941.00
285	EFT69277	Nicola Smith	Reimburse Volunteer Expenses	28.80
286	EFT69379	Nicola Smith	Reimburse Volunteer Expenses	28.80
287	EFT69724	Norman Waterhouse Lawyers	Legal Fees	6,404.20
288	EFT69156	Officeworks Superstores Pty Ltd	Stationery	419.91
289	EFT69727	Officeworks Superstores Pty Ltd	Stationery	585.78
290	EFT69157	Orana Australia Ltd	Home Advantage Program	837.14
291	EFT69360	Orana Australia Ltd	Home Advantage Program	50.00
292	EFT69775	Organisation of Hellene & Hellene Cypriot Women	Thebarton Community Centre Bond Return	400.00
293	EFT69361	Origin Energy Electricity Limited	Power	72.88
294	EFT69158	Origin Energy Services Ltd	Gas Supply	5,845.43
295	EFT69362	Origin Energy Services Ltd	Gas Supply	1,951.95

ACCOUNTS DUE AND SUBMITTED TO THE FINANCE AND GOVERNANCE STANDING COMMITTEE MEETING

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Ref No.	Cheque/ EFT No.	Payee	Invoice Description	Payment Total
296	EFT69728	Ovato Limited	Distribution	1,335.16
297	EFT69255	Packwise	Depot Supplies	436.33
298	EFT69162	Pana Electrical	Electrical	330.00
299	EFT69259	Peats Group Limited	Depot Supplies	1,485.00
300	EFT69365	PelicanCorp (AU) Pty Ltd	PermitAccess Licence	2,340.80
301	EFT69366	Perks People Solutions	Staff Training	1,100.00
302	EFT69150	Peter Lewis	Professional Fees	5,900.00
303	EFT69160	PJ & Sons Building Maintenance	Home Support Services	1,955.50
304	EFT69260	PJ & Sons Building Maintenance	Home Support Services	2,244.27
305	EFT69732	PJ & Sons Building Maintenance	Home Support Services	1,439.29
306	EFT69159	Planning Institute of Australia	Membership	638.00
307	EFT69256	Plumbing & Pipeline Solutions SA Pty Ltd	Stormwater Drain Cleaning	5,675.62
308	EFT69364	Plumbing & Pipeline Solutions SA Pty Ltd	Stormwater Drain Cleaning	3,138.44
309	EFT69730	Plumbing & Pipeline Solutions SA Pty Ltd	Stormwater Drain Cleaning	29,737.00
310	EFT69367	Powerdirect Pty Ltd	Power	539.69
311	EFT69186	Prabhjeet Singh	Refund Thebarton Community Centre Hire Fees	640.00
312	EFT69161	Pro-Clean Cleaning Supplies	Cleaning Products	2,055.90
313	EFT69262	Pro-Clean Cleaning Supplies	Cleaning Products	2,199.46
314	EFT69734	Programmed Property Services Pty Ltd	Verge Mowing	11,900.00
315	EFT69731	Pump Technology Services (SA) Pty Ltd	Pump Maintenance	522.50
316	061624	RAA Group	Refund Overpayment	36.25
317	EFT69370	Rain Bird Australia Pty Ltd	Irrigation	17,072.00
318	EFT69123	Raoul Brideoake	Reimburse Expenses	1,136.00
319	EFT69368	Reece Pty Ltd	Irrigation	368.84
320	EFT69163	Rentokil Initial Pty Ltd	Pest Control	2,102.32
321	EFT69164	Rentokil Tropical Plants	Indoor Plant Hire	236.13
322	EFT69165	Rentokil Tropical Plants	Indoor Plant Hire	94.37
323	EFT69737	Rentokil Tropical Plants	Indoor Plant Hire	94.37
324	EFT69736	Rentokil Tropical Plants	Indoor Plant Hire	236.13
325	EFT69371	Ricoh Australia Ltd	Copy Charges	3,661.53
326	EFT69227	Ritu Datta	Reimburse Expenses	150.00
327	EFT69202	Robert Amos	Reimburse Volunteer Expenses	64.80
328	EFT69299	Rosslyn Taddeo	Rainwater Tank Rebate	50.00
329	EFT69263	Royal Wolf Trading Australia Pty Ltd	Hire Storage Containers	819.12
330	EFT69166	Rundle Mall Plaza Newsagency	Library Magazines	227.66
331	EFT69265	Rundle Mall Plaza Newsagency	Library Magazines	623.46
332	EFT69372	Rundle Mall Plaza Newsagency	Library Magazines	179.22
333	EFT69738	Rundle Mall Plaza Newsagency	Library Magazines	199.26
334	EFT69168	SA Health (Central Office)	Staff Training	356.40
335	EFT69169	SA Irrigation & Landscaping Pty Ltd	Irrigation	13,166.43
336	EFT69272	SA Irrigation & Landscaping Pty Ltd	Irrigation	22,000.00
337	EFT69268	SA Local Govt Financial Management Group	Staff Training	400.00
338	EFT69741	SA Local Govt Financial Management Group	Staff Training	455.00
339	EFT69271	SA Metropolitan Fire Service	Monitor Fire Alarms	4,623.30
340	EFT69742	SA Power Networks	Power	32,167.45
341	EFT69172	SA Water	Water	11,802.37
342	EFT69173	SA Water	Water	51,232.32
343	EFT69280	SA Window Cleaning Pty Ltd	Window Cleaning	4,892.80
344	EFT69167	Sabre Electrical & Security Services	Security	1,024.99
345	EFT69269	Sabre Electrical & Security Services	Security	18,816.80
346	EFT69376	Sam Christodoulou	Valuation	2,750.00
347	EFT69145	Sam Harvey	Reimburse Expenses	435.00
348	EFT69756	Samia Tawadros	Reimburse Volunteer Expenses	69.12
349	EFT69770	Samir Wasif	Reimburse Volunteer Expenses	69.12
350	EFT69373	Sassafras Agencies Pty Ltd	Depot Supplies	165.75
351	EFT69399	Satwant Kaur	Refund Thebarton Community Centre Hire Fees	2,305.00
352	EFT69275	Schneider Electric (Aust) Pty Ltd	Building Maintenance	3,185.60
353	EFT69171	Seek Limited	Advertising	638.00
354	EFT69279	Seek Limited	Advertising	638.00

**ACCOUNTS DUE AND SUBMITTED TO THE FINANCE AND GOVERNANCE STANDING COMMITTEE MEETING
21 SEPTEMBER 2021**

Ref No.	Cheque/ EFT No.	Payee	Invoice Description	Payment Total
355	EFT69748	Seek Limited	Advertising	324.50
356	EFT69374	SEM Utilities Pty Ltd	Roadworks	3,850.00
357	061627	Services SA	Vehicle Registration Renewals	107,081.90
358	EFT69187	Shaunner Rupcic	Refund Apex Park Hire Fees	390.00
359	EFT69274	Shred-X Pty Ltd	Paper Recycling	319.00
360	EFT69170	Solaris Clean	Cleaning	3,011.80
361	EFT69378	Solaris Clean	Cleaning	3,011.80
362	EFT69266	Solo Resource Recovery	Rubbish Removal	760.50
363	EFT69740	Solo Resource Recovery	Garbage Collection & Waste Disposal	601,065.47
364	EFT69337	Sonia Gallarello	Reimburse Expenses	150.00
365	EFT69273	Southern Cross Protection	Patrol Service	9,489.81
366	EFT69380	Space Down Under	Depot Supplies	15,246.00
367	EFT69278	Specsavers Thebarton	Prescription Safety Glasses	917.00
368	EFT69267	St John Ambulance Australia SA Inc	First Aid Training	2,400.00
369	EFT69270	State Theatre Company of SA	Library Program	1,188.00
370	EFT69702	Steffen Helgerod	Reimburse Expenses	180.00
371	EFT69377	Stihl Shop Fulham	Depot Supplies	844.20
372	EFT69747	Streamline Plumbing SA Pty Ltd	Plumbing	9,183.46
373	EFT69276	Stumpy Stumps	Grind Stumps	700.00
374	EFT69746	Stumpy Stumps	Grind Stumps	400.00
375	EFT69744	Suburban Transport Services	Taxi Fares	3,082.18
376	EFT69375	Surfacing Contractors Australia Pty Ltd	Surface Repairs	3,617.90
377	EFT69743	Sync Cabling Solutions Pty Ltd	Lighting	47,919.30
378	EFT69753	Taking Care of Trees	Tree Maintenance	370.00
379	EFT69771	Tayla Weinert	Reimburse Expenses	150.00
380	EFT69759	TCP Training Pty Ltd	Staff Training	49.00
381	EFT69284	Telelink Business Systems Pty Ltd	Communications	3,084.48
382	EFT69385	Telstra	Telephone	9,152.67
383	EFT69179	Terry Voudantas	Reimburse Expenses	85.00
384	EFT69224	The Department for Correctional Services	Litter Collection	1,539.56
385	EFT69693	The Fruit Box Group Pty Ltd	Milk	321.90
386	EFT69143	The Gold Foundation Incorporated	Community Grant	5,500.00
387	EFT69235	The Good Guys	Electrical Goods	443.00
388	EFT69735	The Paper Bahn	Stationery	2,907.17
389	EFT69729	The Personnel Risk Management Group	Security Checks	48.40
390	EFT69383	Thomson Geer	Legal Fees	3,080.00
391	EFT69301	Tim Reynolds	Rainwater Tank Rebate	300.00
392	EFT69282	Tom's Car Wash	Vehicle Maintenance	595.00
393	EFT69281	Tonkin Consulting	Professional Fees	5,043.50
394	EFT69760	Torrens Safety Pty Ltd	Depot Supplies	318.67
395	EFT69751	Total Construction Surveys Pty Ltd	Surveys	21,450.00
396	EFT69381	Total Tools Thebarton	Depot Supplies	224.90
397	EFT69287	Touch Sanitation Solutions	Cleaning Chemicals	292.44
398	EFT69384	Toy Libraries Australia Inc	Library Supplies	95.00
399	EFT69755	TPG Telecom	Telephone/Internet	4,196.04
400	EFT69752	Trims	Clothing	648.75
401	EFT69175	Trinamic Consultants Pty Ltd	Professional Fees	1,100.00
402	EFT69382	Triple Cherry Coffee	Coffee Supplies	250.00
403	EFT69754	Turf Equipment SA Pty Ltd	Plant Maintenance	1,963.68
404	EFT69288	UES (Int'l) Pty Ltd	Depot Supplies	145.53
405	EFT69386	Uniting Care Wesley Bowden Inc	Community Grant	3,750.00
406	EFT69762	Uracast Pty Ltd	Outdoor Furniture	539.00
407	EFT69761	UrbanVirons Group Pty Ltd	Tree Maintenance	4,741.00
408	EFT69763	Utintja Consulting	Audit Committee Allowance	970.42
409	EFT69177	VEHTEC Pty Ltd	Risk Assessment	258.50
410	EFT69290	Veri Fire	Fire Safety	2,948.11
411	EFT69387	Veri Fire	Fire Safety	1,901.23
412	EFT69388	VersaDev Software Solutions Pty Ltd	Software	1,650.00
413	EFT69739	VicRoads	Vehicle Searches	127.40

ACCOUNTS DUE AND SUBMITTED TO THE FINANCE AND GOVERNANCE STANDING COMMITTEE MEETING
21 SEPTEMBER 2021

Ref No.	Cheque/ EFT No.	Payee	Invoice Description	Payment Total
414	EFT69178	Villagehood Australia	Sponsorship Grant	1,233.85
415	EFT69183	Vivian Ebhodaghe	Refund Thebarton Community Centre Hire Fees	1,500.00
416	EFT69764	Volunteering SA and NT Inc	Membership	77.50
417	EFT69127	Watersource Pty Ltd	Annual Data Plan	330.00
418	EFT69295	WC Convenience Management Pty Ltd	Cleaning	8,046.23
419	EFT69767	Web Safety Pty Ltd	Clothing	1,516.69
420	EFT69292	Well Done International	After Hours Contact Centre	927.52
421	EFT69768	Westside Services (SA) Pty Ltd	Airconditioner Maintenance	5,126.70
422	EFT69769	Winc Australia Pty Limited	Stationery	602.19
423	EFT69184	Woodville Christadelphians	Refund Apex Park Hire Fees	260.00
424	EFT69180	Worcomp Pty Ltd	Medical	291.50
425	EFT69766	Word Cafe	Advertising	1,672.00
426	EFT69181	Worlds Best Specialised Cleaning	Graffiti Removal	7,117.00
427	EFT69765	Wurth Australia	Depot Supplies	295.64
428	EFT69391	Xlent Disability Services	Refund Apex Park Hire Fees	50.00
429	EFT69390	X-Treme Towing Service Pty Ltd	Vehicle Tow	110.00
430	EFT69393	Zaki Khan	Refund Apex Park Hire Fees	180.00
				\$ 3,304,067.10

11.2 Local Government Reform - November Commencement

Brief

This reports provides information regarding the commencement of the *Statutes Amendment (Local Government Review) Act 2021*.

RECOMMENDATION

The Committee recommends to Council that the report be received.

Introduction

The *Statutes Amendment (Local Government Review) Act 2021* (Reform Act) contains the most significant reform to the local government system since parliament passed the *Local Government Act 1999* (LG Act) at the end of the last century.

From previous reports and information sessions, Members would be aware that the Act addresses the four (4) overarching reform areas being:

- Stronger Council Member Capacity and Better Conduct;
- Lower Costs and Enhanced Financial Accountability;
- Efficient and Transparent Local Government Representation; and
- Simpler Regulation.

The *Statutes Amendment (Local Government Review) Bill 2021* passed both houses of Parliament and received assent on 22 June 2021, and so has become the Act. The Office of Local Government (OLG) and the Local Government Association (LGA) have released a detailed list of those sections of the Act which were proposed to commence in both August 2021 and November 2021. The remaining sections of the Act will commence at later dates which are also yet to be determined.

A report was presented to the August 2021 meeting of Council detailing those first tranche of amendments that were originally expected to commence in August 2021 but are now expected to commence on 20 September 2021. These included amendments with regard to:

- Informal Gatherings - replaced by Information and Briefing Sessions
- Role of Mayors and Elected Members
- Mobile Food Vending Businesses
- Remuneration of CEO
- Leave of Absence - Council Member contesting election

This report seeks to provide an overview of the second tranche of expected changes to Council's and the Administration's processes, policies, systems and operations as a result of these proposed commencement dates in **November 2021 only**.

Discussion

November Commencement Timeframes

Of the 263 total of amendments to various acts and regulations, there are 73 amendments to be proclaimed in September 2021 and commence in November 2021. A full list of these amendments is attached (**Attachment 1**) and a summary of the key changes is below. A 'marked' version of the LG Act regarding these amendments is also attached (**Attachment 2**).

The key themes of these amendments are:

Minor Administrative Amendments

Several sections of the LG Act have been amended to facilitate more relevant and effective access to information. Several sections of the LG Act previously referred to the same two requirements:

1. Making a document or register available at the Civic Centre; and
2. Providing this document or register to a member of the public for a fee.

The documents referred to include agendas, minutes, policies and notices.

The Reform Act amends the LG Act throughout to require various documents and registers to be available on a website and these requirements have been consolidated into one section of the LG Act (section 132 referencing Schedule 5). The impact on the City of West Torrens (CWT) is minimal as the documents and registers referred to are, in most cases, all already available through the CWT website.

Internal Review of Council Decisions

Currently, the CWT must conduct (with some exceptions) an investigation into a decision of Council, or a Council Officer or others acting on behalf of Council, upon application or request by a member of the public. A number of amendments will commence in November 2021 which will impact on the relevant section of the LG Act (section 270). Most of the amendments clarify when it is acceptable for a council or its delegate to refuse an application or provide minor amendments for relevant policies. It is worth noting that, on average, the CWT receives approximately four (4) of these requests each year.

However, an amendment will commence that allows the CWT to charge an application fee for an Internal Review of a Council Decision. Whilst the amount payable has yet to be prescribed, the amendment brings the process in line with similar legislative processes such as a Freedom of Information application. It is not known if the prescribed fee will be sufficient to cover the resources required to conduct these investigations particularly given the current information is that the fee is likely to be in the region of \$20. Due to the thorough nature of these investigations, they are time consuming and have a significant impact on resources. The amendments allow for the CWT to recoup some of the costs of conducting such an investigation.

Amendments to the Local Government (Elections) Act 1999

Multiple amendments will commence which affect the *Local Government (Elections) Act 1999* (LG Elections Act). These amendments, although numerous, are in the most part highly administrative and seek to resolve issues which have arisen over the last several years as councils apply sections to their individual circumstances. There are very few amendments which will directly affect Elected Members or Candidates during local government elections.

Those which will have a direct impact on candidates or Elected Members include:

- Amendments to s6 which clarifies the provisions of supplementary elections with respect to timeframes and circumstances when they are not required to be held.

Supplementary elections may occur when a position becomes vacant within a council. A vacancy can occur due to death, illness, resignation or any other circumstances according to the LG Act. However, these elections are relatively uncommon.

The new amendments state that supplementary elections will not be held (in addition to current requirements):

- to fill a casual vacancy within 12 months before polling day of a period or general election
- if the council has 9 or more offices (excluding the office of mayor)—there is no more than 1 other vacancy in the office of a member of the council or in any other case—there is no other vacancy in the office of a member of the council
- if it is the policy of the council not to at the time of vacancy/vacancies
- if the vacancy is for an office of a member of the council, other than a mayor or a member who was declared elected unopposed.

The amendments also make minor administrative amendments to allow for multiple vacancies and to ensure the section is consistent with amendments above.

Further amendments provide a process for circumstances when a designated supplementary election has closed for nominations but a subsequent vacancy arises.

- Amendment to s19A which requires candidate profiles to be submitted to the Returning Officer by a certain date and that the returning officer will publish the profile in accordance with the regulations. In recent times, the publishing of profiles has been the responsibility of the LGA. The Returning Officer will continue to be an appointee of the Electoral Commissioner as has been the case in previous elections.
- Amendment to s28 provides further clarification on circumstances and process for the publication of misleading material. The new provisions also provide a process for resolution by the Supreme Court.

This amendment seeks to bring the requirements relating to misleading material into line with similar provisions of the *Electoral Act 1985* with regard to State Government elections.

- A new provision (s81A) will commence which requires candidates for election complete a Large Gifts Return.

This return is in addition to the Campaign Donations Return. The Large Gifts Return will require various details of gifts which exceed a prescribed amount. There is currently no prescribed amount. However, the process is not considered to be onerous as it will be completed in addition to, and at the same time as, the current Campaign Donation Return.

Climate Impact Considerations

(Assessment of likely positive or negative implications of this decision will assist Council and the West Torrens Community to build resilience and adapt to the challenges created by a changing climate.)

There is no direct environmental impact in relation to this report.

Conclusion

It is expected that the provisions listed in this report, with respect to those related to November 2021 commencement, will be proclaimed in September 2021. Further reports will be provided to Council as required and documents to facilitate the implementation of the Act and Regulations will also be presented. Similarly, consultation on proposed regulations or supporting documents will also be presented and reviewed by Council, subject to appropriate timeframes for engagement from the OLG.

Attachments

1. **Statutes Amendment (Local Government Review) Act 2021 - Proposed Sections for Proclamation and Commencement November 2021**
2. **Marked up Legislation for Proposed November Commencement**

Statutes Amendment (Local Government Review) Act 2011

Summary of Proposed Proclamation and Commencement - November 2021

Section in Act	Section in LG Act 1999	Clause	What does the Amendment do?	Impacts
Local Government Act 1999				
12(2)	44(7) & (8)	Amendment of section 44—Delegations	Removes the requirement that a person can inspect the Delegations Register at the Civic Centre and pay for a copy.	No substantive change. The Delegations Register is available on the CWT website.
14	48	Amendment of section 48—Prudential requirements for certain activities	<ul style="list-style-type: none"> Removal of requirement to have prudential reports available for inspection at the Civic Centre Clarification that Council can take steps to prevent the disclosure of specific information in prudential reports. 	Minor administrative clarification only.
15	49	Amendment of section 49—Contracts and tenders policies	Removes the requirement that a person can inspect the Procurement Policy at the Civic Centre and pay for a copy.	No substantive change. The Procurement Policy is available on the CWT website.
18(3)	54(2a)(b)(ii)	Amendment of section 54—Casual vacancies	Clarifies when a casual vacancy arises in relation to when an Elected Member stands for election to an office in the council other than the one presently held by the member.	Minor administrative clarification only.
34	70	Amendment of section 70—Publication of Register	Provides further guidance on the requirements of the Administration to make public certain details from the Ordinary Returns of Elected Members.	Minor administrative clarification only. The LG Act now specifically precludes the CEO publishing certain addresses within this register.

Statutes Amendment (Local Government Review) Act 2011

Summary of Proposed Proclamation and Commencement - November 2021

40	77(3) & (4)	Amendment of section 77—Reimbursement of expenses	Removes the requirement that a person can inspect the Elected Members Allowances, Facilities, Support and Benefits Policy at the Civic Centre and pay for a copy	No substantive change. The Elected Members Allowances, Facilities, Support and Benefits Policy is available on the CWT website.
42	79	Amendment of section 79—Register of allowances and benefits	Removes the requirement that a person can inspect the Elected Member Register of Allowances and Benefits Register at the Civic Centre and pay for a copy.	No substantive change. The Elected Member Register of Allowances and Benefits Register is available on the CWT website.
45(2)	83(8)	Amendment of section 83—Notice of ordinary or special meetings	Removes the requirement that a record of all notices regarding council meetings be maintained.	Minor administrative clarification only.
46	84	Amendment of section 84—Public notice of council meetings	Clarifies that: <ul style="list-style-type: none"> • Notice only needs to be provided on a website and in hard copy at the Civic Centre • Removes a person's entitlement to obtain copy of the notice and agenda upon payment of a fee • Clarifies that the notice must continue to be published and displayed until the completion of the relevant meeting • Agendas, reports and documents can be available on a website 	Minor administrative clarification only. Notices, agenda and minutes are available on the CWT website.

Statutes Amendment (Local Government Review) Act 2011

Summary of Proposed Proclamation and Commencement - November 2021

50	88	Amendment of section 88—Public notice of committee meetings	<p>Clarifies that:</p> <ul style="list-style-type: none"> • Notice only needs to be provided on a website and in hard copy at the Civic Centre • Removes a person's entitlement to obtain a copy of the notice and agenda upon payment of a fee • Clarifies that the notice must continue to be published and displayed until the completion of the relevant meeting • Agendas, reports and documents can be available on a website 	Minor administrative clarification only. Notices, agendas and minutes are available on the CWT website.
53	91	Amendment of section 91—Minutes and release of documents	<p>Removes the requirement that:</p> <ul style="list-style-type: none"> • Minutes are required to be placed on public display within 5 days • A person can inspect the minutes at the Civic Centre • A person can obtain a copy of the minutes upon payment of a fee <p>Clarifies that section 132 does not apply to certain documents.</p>	Minor administrative clarification only. Notices, agendas and minutes are available on the CWT website.
54	92(5)-(7)	Amendment of section 92—Access to meetings and documents—code of practice (Deletes s92(5)-(7))	<p>Removes the requirement that a person can inspect the Code of Practice - Access to Meetings and Documents at the Civic Centre and pay for a copy.</p> <p>Clarifies the public consultation requirements to review the Code.</p>	No substantive change. The Code of Practice - Access to Meetings and Documents is available on the CWT website.

Statutes Amendment (Local Government Review) Act 2011

Summary of Proposed Proclamation and Commencement - November 2021

56	94A	Repeal of section 94A (N/B: Moved to Sch 5 list)	Moves the section relating to placing meeting information on a website to another section of the LG Act	Minor administrative clarification only.
57	97	Amendment of section 97—Vacancy in office	Requires that the council obtain advice from a qualified independent person prior to termination.	No substantive change.
58	98	Amendment of section 98—Appointment procedures	Requires that a council appoint an independent member to a CEO selection panel and obtain and consider the advice of a qualified independent person on the assessment of applications and recommendations on the appointment	No substantive change.
61	102A	Insertion of section 102A - Chief executive officer—performance review	Clarifies responsibilities of councils regrading CEO performance reviews	No substantive change. The CWT reviews the CEO performance annually via a s41 Committee with appropriate Terms of Reference.
62	105	Amendment of section 105—Register of remuneration, salaries and benefits	Removes the requirement that a person can inspect the Employee Salary Register at the Civic Centre and pay for a copy.	No substantive change. The Employee Salary Register is available on the CWT website.
79(7)	122(7)	Amendment of section 122—Strategic management plans	Removes the requirement that a person can inspect a council's strategic management plans at the Civic Centre and pay for a copy.	No substantive change. Strategic management plans available on the CWT website.
80(6)	123(9)(b) & (c)	Amendment of section 123 – Annual business plans and budget	Removes the requirement that a person can inspect a council's annual business plan at the Civic Centre and pay for a copy. Removes requirement to ensure electronic copies are available on a website.	No substantive change. The Annual Business Plan is available on the CWT website.

Statutes Amendment (Local Government Review) Act 2011

Summary of Proposed Proclamation and Commencement - November 2021

86	127	Amendment of section 127—Financial statements	Removes the requirement that a person can inspect a financial statements at the Civic Centre and pay for a copy.	No substantive change. Financial Statements available on the CWT website and in agendas.
90(3)	131(8)	Amendment of section 131—Annual report to be prepared and adopted	Removes the requirement that a person can inspect an annual report at the Civic Centre and pay for a copy.	No substantive change. Annual Reports are available on the CWT website and in agendas.
92	132	Amendment of section 132—Access to documents	Where the LG Reform Act removes the requirement for a document to be available for inspection at the Civic Centre and copies available for a fee, the LG Act now has these requirements in one section (as opposed to scattered throughout the LG Act)	No substantive change. All documents referred to are available on the CWT website and in agendas.
100	188	Amendment of section 188—Fees and charges	Removes the requirement that a person can inspect a list of fees and charges at the Civic Centre	No substantive change. Fees and Charges schedule is available on the CWT website.
105	207	Amendment of section 207—Register	Removes the requirement that a person can inspect the Community Land Register at the Civic Centre and pay for a copy.	No substantive change. The Community Land Register is not currently available on the CWT website.
116	231	Amendment of section 231—Register	Removes the requirement that a person can inspect the Public Roads Register at the Civic Centre and pay for a copy.	No substantive change. The Public Roads Register is not currently available on the CWT website.
124	252	Amendment of section 252—Register of by-laws and certified copies	Removes the requirement that a person can inspect the By Laws Register at the Civic Centre and pay for a copy.	No substantive change. By Laws are currently available on the CWT website.

Statutes Amendment (Local Government Review) Act 2011

Summary of Proposed Proclamation and Commencement - November 2021

125(3)	259(6) and (7)	Amendment of section 259—Councils to develop policies	Removes the requirement that a person can inspect the Order Making Policy at the Civic Centre and pay for a copy.	No substantive change. The Order Making Policy is currently available on the CWT website.
135(1)	270(2a)	Amendment of section 270—Procedures for review of decisions and requests for services	Limits the timeframe to make a review of a council decision to 6 months.	No substantive change. The Internal Review of Council Decisions Policy will be reviewed to include provision in due course.
135(2)	270(3)	Amendment of section 270—Procedures for review of decisions and requests for services	Allows Council to charge an application fee for an internal review.	No substantive change. This brings the process in line with similar actions such as Freedom of Information applications. The Internal Review of Council Decisions Policy will be reviewed to include provision in due course.
135(3)	270(4)	Amendment of section 270—Procedures for review of decisions and requests for services	Provides an additional reason for Council to reuse to consider an internal review of a council decision application: <ul style="list-style-type: none"> Where the subject matter of the application has been or is already the subject of a review by the council or an investigation, inquiry or review by another authority 	No substantive change. The Internal Review of Council Decisions Policy will be reviewed to include provision in due course.
135(4)	270(4a)	Amendment of section 270—Procedures for review of decisions and requests for services	The Internal Review of Council Decisions Policy must not provide for a review of a decision made by the Governor or by the Ombudsman.	No substantive change. The Internal Review of Council Decisions Policy will be reviewed to include provision in due course.

Statutes Amendment (Local Government Review) Act 2011

Summary of Proposed Proclamation and Commencement - November 2021

135(5)	270(5)	Amendment of section 270—Procedures for review of decisions and requests for services	Removes the requirement that a person can inspect the Internal Review of Council Decisions Policy at the Civic Centre and pay for a copy.	No substantive change. The Internal Review of Council Decisions Policy is currently available on the CWT website.
144(2)	Sch 5	Amendment of Schedule 5—Documents to be made available by councils (Meeting papers)	Requires that attachments and any information or material referred to in Meeting papers be made available by councils.	No substantive change. Information and attachments are already available on the CWT website.
144(3)	Sch 5	Amendment of Schedule 5—Documents to be made available by councils (Meeting papers)	Requires schedule of dates, times and places set for meetings of the council or council committee be made available by councils.	No substantive change. Schedule of dates, times and places available on the CWT website.
144(4)	Sch 5	Amendment of Schedule 5—Documents to be made available by councils (Information and briefing sessions)	Requires that information and briefing session records made by council or CEO relating to a confidentiality order be made available by councils.	No substantive change. Current informal gathering information and confidentiality provisions are available on the CWT website.
<i>Local Government (Elections) Act 1999</i>				
-	4(1)	148(2) – 4(1) – registered industrial organisation (delete)	Removes definition of 'registered industrial organisation'	Minor administrative clarification only.
149	5	Substitution of section 5 - Periodic elections	Clarifies when periodic elections will take place and when the voting will close.	Minor administrative clarification only.

Statutes Amendment (Local Government Review) Act 2011

Summary of Proposed Proclamation and Commencement - November 2021

150	6	<p>Amendment of section 6—Supplementary elections</p>	<p>Supplementary elections will not be held (in addition to current requirements):</p> <ul style="list-style-type: none"> • to fill a casual vacancy within 12 months before polling day of a period or general election • if the council has 9 or more offices (excluding the office of mayor)—there is no more than 1 other vacancy in the office of a member of the council or in any other case—there is no other vacancy in the office of a member of the council • if it is the policy of the council not to at the time of vacancy/vacancies • if the vacancy is for an office of a member of the council, other than a mayor or a member who was declared elected under unopposed. <p>Makes minor administrative amendments to allow for multiple vacancies and to ensure the section is consistent with amendments above.</p> <p>Provides process for circumstances where a designated supplementary election has closed for nomination but a subsequent vacancy arises.</p> <p>Gives some flexibility to the close of voting time.</p>	<p>No substantive change. This provision will only affect the CWT in the event of a supplementary election which is not a common occurrence.</p>
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Statutes Amendment (Local Government Review) Act 2011

Summary of Proposed Proclamation and Commencement - November 2021

152	7	Amendment of section 7—Failure of election in certain cases	Provides an additional reason for an election to fail which is where a nominated candidate becomes ineligible to be a candidate for election as a member of a council.	No substantive change. Section which provides the entitlement to stand for election is already contained in the Elections Act so this new provision simply references it.
153	8	Amendment of section 8—Failure or avoidance of supplementary election	Provides an additional clause relating to the failure or avoidance of supplementary election in an uncontested election.	No substantive change. Provides a provision where a gap in the legislation has been identified,
154	9	Amendment of section 9—Council may hold polls	Amends the requirement to providing notice for polling day from a newspaper to the council website and that voting now closes at the time determined by the returning officer rather than designating 5pm.	No substantive change.
156	15	Amendment of section 15—Voters roll	Provides that ECSA can supply the voters roll to the CEO at any time rather than 7 days after the closing date for nomination on the roll.	No substantive change.
157	17	Amendment of section 17—Entitlement to stand for election	Minor amendments to clarify who can stand for election.	Minor administrative clarification only.
158	19A	Amendment of section 19A—Publication of candidate profiles	Candidate profiles must be supplied to the returning officer by a certain date and that the returning officer will publish the profile in accordance with the regulations. Previously this has been the responsibility of the LGA.	No substantive change.
159	21	Substitution of section 21 -Publication etc of valid nominations	Instead of the returning officer causing a copy of the nomination to be displayed in the Civic Centre, a list of all nominations will need to be provided to the CWT and published on the internet.	No substantive change.

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Summary of Proposed Proclamation and Commencement - November 2021

161	27	Amendment of section 27—Publication of electoral material	Clarifies the requirements to publish the name, address and other prescribed information on electoral material.	Minor administrative clarification only.
162	28	Amendment of section 28—Publication of misleading material	Provides further clarification on circumstances and process for the publication of misleading material. The new provisions also provide a process for resolution by the Supreme Court.	Minor administrative clarification only.
163	29	Amendment of section 29—Ballot papers	Provides a process for drawing lots in the case of periodic elections as well as in any other case.	Minor administrative clarification only.
164	31	Amendment of section 31—Special arrangements for issue of voting papers	Clarifies that delivery extends to hard copy delivery or electronic delivery.	Minor administrative clarification only.
165	35	Amendment of section 35—Special arrangements for issue of voting papers	Clarifies that delivery extends to hard copy delivery or electronic delivery.	Minor administrative clarification only.
166		Substitution of heading to Part 9	Amends "Postal Voting" heading to "Voting Generally".	Minor administrative clarification only.
167	37	Amendment of section 37—Postal voting to be used	Facilitates the introduction of a new provision section 41A. Also clarifies that delivery can be personal or otherwise.	Minor administrative clarification only.
168	38	Amendment of section 38—Notice of use of postal voting	Returning officer must provide 28 days' notice rather than 21 days' notice of the election.	Extension of timeframe only. No substantive change.
169	39	Amendment of section 39—Issue of postal voting papers	Clarifies process for postal voting for returning officer.	No substantive change.

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171	43	Amendment of section 43—Issue of fresh postal voting papers	Provides that fresh voting papers can only be reissued up to 7 days before polling day, extending from the 2 nd business day before polling day.	Extension of timeframe only. No substantive change.
172	47	Amendment of section 47—Arranging postal papers	Provides a process for postal papers for periodic and supplementary elections rather than just referring to 'elections'.	Minor administrative clarification only.
173	48	Amendment of section 48—Method of counting and provisional declarations	Clause provides a process for counting the votes in an election to fill 1 vacancy. Also clarifies process for a candidate who has died or become ineligible between the close of nominations and the close of voting.	Minor administrative clarification only.
175	57	Amendment of section 57—Violence, intimidation, bribery etc	Clarifies the definition of bribe to be where the value of food, drink or entertainment is of or above the prescribed value.	Minor administrative clarification only.
176	69A	Insertion of section 69A - Electoral Commissioner may lodge petition	New section which allows ECSA to lodge a petition to the Court disputing the validity of an election.	Facilitates the dispute process regarding an election.
177	70	Amendment of section 70—Procedure upon petition	Amendment to refer to remove the 'entitled' component of the clause.	Minor administrative clarification only.
178	73	Amendment of section 73—Illegal practices and orders that may be made	Provides 2 additional reasons for an election being declared void: <ul style="list-style-type: none"> • defamation of a candidate (where the Court is satisfied that the election was affected) • Publication of misleading material (where the Court is satisfied that the election was affected) 	Provides for 2 additional reasons that an election may be declared void but provides a process for determining this has occurred.

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Summary of Proposed Proclamation and Commencement - November 2021

179	80	Substitution of section 80 - Returns for candidates	Section facilitates the implementation of section 81A and provides clarity regarding the time frames for both the campaign donations return and the large gifts return.	New return is required but very little change to the current process.
180	81	Amendment of section 81—Campaign donations returns	Facilitates the implementation of sections 81A and 81B. Amends only section numbers and facilitates integration of process.	Minor administrative clarification only.
181	81A, 81B	Insertion of sections- 81A - Large gifts returns 81B - Disclosure period etc for returns	Section 81A: <ul style="list-style-type: none"> Provides for a large gifts return that candidates must complete regarding the receipt of gift/s from a person during the disclosure period. Details the inclusions required for this return Section 81B: <ul style="list-style-type: none"> Clarifies the disclosure period which differs depending on the type of candidate 	Clarifies new process provisions.
182	82	Amendment of section 82—Certain gifts not to be received	Deletes reference to a "registered industrial organisation".	Minor administrative clarification only.
183	83	Amendment of section 83—Inability to complete return	Provides minor amendment to process that a person is to notify the returning officer rather than the CEO if they are unable to complete a return.	Minor administrative clarification only.

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Summary of Proposed Proclamation and Commencement - November 2021

184	84	Amendment of section 84—Amendment of return	Provides minor amendment to process that a person is to notify the returning officer rather than the CEO if they need to correct an error or omission on their return.	Minor administrative clarification only.
185	86	Amendment of section 86—Failure to comply with Division	Provides minor amendment to process that the returning officer needs to notify the person that they have failed to complete their return. Minor amendments have also been made to the layout of the section.	Minor administrative clarification only.
186	87	Amendment of section 87—Public inspection of returns	Amends the requirement to keep and public returns from the CEO to the returning officer. Copies of returns are also available on a website maintained by the returning officer, rather than by payment of a fixed fee.	Minor administrative clarification only.
187	89	Amendment of section 89—Requirement to keep proper records	Provides minor amendment that the returning officer rather than the CEO is required to keep proper records.	Minor administrative clarification only.
188	91A	Amendment of section 91A—Conduct of council during election period	Provides that a Caretaker Policy must prohibit the use of council resources for the advantage of a particular candidate or group of candidates, during the election period (although it allow for the use of council resources to benefit all candidates). Provision already exists as a restriction in section 91A but has not been required in the Caretaker Policy.	Minor administrative clarification only. The Caretaker Policy will be updated in due course to accommodate this amendment.

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Summary of Proposed Proclamation and Commencement - November 2021

189	93	Amendment of section 93—Regulations	Provides a broad regulation power to ECSA where a matter or thing is to be determined, dispensed with, regulated or prohibited.	It is difficult to provide commentary on the extent of these powers as ECSA has not ever had such influence. It is presumed that this power has been granted to expedite administrative or straightforward changes to processes.
<i>City of Adelaide Act 1998</i>				
196	Sch 1	Amendment of Schedule 1—Special provisions for elections and polls <i>(excluding the ACC specific - s190, ss196(1),(2), (8), (9), (12), (14),(15), (16) – commencement TBA)</i>	Various sections which are not relevant to the City of West Torrens. This <i>City of Adelaide Act 1998</i> only impacts Adelaide City Council.	NA

Commencement **November 2021**

Local Government Act 1999

44 - Delegations

~~(7) A person is entitled to inspect (without charge) the record of delegations under subsection (6) at the principal office of the council during ordinary office hours.~~

~~(8) A person is entitled, on payment of a fee fixed by the council, to an extract from the record of delegations under subsection (6).~~

48 - Prudential requirements for certain activities

~~(5) A report under subsection (1) must be available for public inspection at the principal office of the council once the council has made a decision on the relevant project (and may be available at an earlier time unless the council orders that the report be kept confidential until that time).~~

~~(6) However, a council may take steps to prevent the disclosure of specific information A council may take steps to prevent the disclosure of specific information in a report under subsection (1) in order to protect its commercial value or to avoid disclosing the financial affairs of a person (other than the council).~~

49 - Contracts and tender policies

~~(4) A person is entitled to inspect (without charge) a policy of a council under this section at the principal office of the council during ordinary office hours.~~

~~(5) A person is entitled, on payment of a fee fixed by the council, to a copy of a policy under this section.~~

54 - Casual vacancies

(2a) Subsection (2) does not apply if -

(a) the member is standing for election to a casual vacancy in the office of mayor but is unsuccessful; or

(b) -

(i) the member is standing for election to a casual vacancy in another office but is unsuccessful; and

(ii) the conclusion of the election falls—

~~(A) on or after 1 January of the year in which a periodic election is due to be held (and before polling day for that periodic election); or~~

~~(B) within 7 months before polling day for a general election (other than a periodic election) (the date of that polling day being known at that time).~~

(ii) the conclusion of the election falls within 12 months before polling day for—

~~(A) a periodic election; or~~

~~(B) a general election (other than a periodic election) if the date of that polling day is known at the time of the occurrence of the vacancy.~~

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70 - **Publication Inspection** of Register

~~(a1) A council must publish, in accordance with the regulations, the following details in relation to each member of the council contained in the Register on a website determined by the chief executive officer (and cause the details on the website to be updated at regular intervals):~~

~~(a) the member's income sources (within the meaning of Schedule 3) or employer;~~

~~(b) the name of any political party, any body or association formed for political purposes or any trade or professional organisation (within the meaning of Schedule 3) of which the member is a member;~~

~~(c) any gifts received by the member that are required to be included in the information entered in the Register in relation to the member.~~

~~(a1) The chief executive officer must publish the Register on a website determined by the chief executive officer.~~

~~(a2) However, the chief executive officer must ensure that the following details are not published under subsection (a1):~~

~~(a) a person's residential address;~~

~~(b) any other address suppressed from the Register under section 68(4)(a).~~

77 - **Reimbursement of Expenses**

~~(3) A person is entitled to inspect (without charge) a policy of a council under subsection (1)(b) at the principal office of the council during ordinary office hours.~~

~~(4) A person is entitled, on payment of a fee fixed by the council, to a copy of a policy under subsection (1)(b).~~

79 - **Register of allowances and benefits**

~~(3) A person is entitled to inspect (without charge) the Register at the principal office of the council during ordinary office hours.~~

~~(4) A person is entitled, on payment of a fee fixed by the council, to an extract from the Register.~~

83 - **Notice of ordinary or special meetings**

~~(8) The chief executive officer must maintain a record of all notices of meetings given under this section to members of the council.~~

84 - **Public notice of council meetings**

~~(1a) The chief executive officer must give the notice required under subsection (1) in the following manner:~~

~~(a) by causing a copy of the notice and the agenda for the meeting to be placed on public display at each office of the council that is open to the public for the general administration of council business within its area; and~~

~~(b) by publishing the notice and the agenda for the meeting on a website determined by the chief executive officer.~~

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~~(1a) The chief executive officer must publicly display the notice required under subsection (1) at the principal office of the council and publish the notice and agenda for the meeting in accordance with section 132(1)(a).~~

~~(3) A person is entitled, on payment of a fee fixed by the council, to obtain a copy of a notice and agenda on display under subsection (1a)(a).~~

~~(4) The notice and agenda must be kept on public display, and continue to be published on the website, under subsection (1a) until the completion of the relevant meeting.~~

~~(3) The notice required under subsection (1) must be kept on public display and continue to be published in accordance with section 132(1)(a) until the completion of the relevant meeting.~~

(5) The chief executive officer must also ensure that a reasonable number of copies of any document or report supplied to members of the council for consideration at a meeting of the council are available for inspection by members of the public—

(a) in the case of a document or report supplied to members of the council before the meeting—~~at the principal office of the council on a website determined by the chief executive officer~~ as soon as practicable after the time when the document or report is supplied to members of the council; or

(b) in the case of a document or report supplied to members of the council at the meeting—at the meeting as soon as practicable after the time when the document or report is supplied to members of the council.

91 - Minutes and release of documents

~~(4) A copy of the minutes of a meeting of the council must be placed on public display in the principal office of the council within five days after the meeting and kept on display for a period of one month.~~

~~(5) A person is entitled to inspect, without payment of a fee, at the principal office of the council—~~

~~(a) minutes kept under this section; and~~

~~(b) reports to the council or a council committee received at a meeting of the council or committee; and~~

~~(c) recommendations presented to the council in writing and adopted by resolution of the council; and~~

~~(d) budgetary or other financial statements adopted by the council.~~

~~(6) A person is entitled, on payment of a fee fixed by the council, to a copy of any documents available for inspection under subsection (5).~~

~~(7) However, subsections (4), (5) and (6) do~~ Section 132(1) does not apply to a document or part of a document if—

(a) the document or part relates to a matter dealt with by the council or council committee on a confidential basis under Part 3; and

(b) the council or council committee orders that the document or part be kept confidential.

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92 - Access to meetings and documents - code of practice

~~(5) Before a council adopts, alters or substitutes a code of practice under this section it must—~~

~~(a) make copies of the proposed code, alterations or substitute code (as the case may be) available for inspection or purchase at the council's principal office and available for inspection on a website determined by the chief executive officer; and~~

~~(b) follow the relevant steps set out in its public consultation policy.~~

~~(6) A person is entitled to inspect (without charge) the code of practice of a council at the principal office of the council during ordinary office hours.~~

~~(7) A person is entitled, on payment of a fee fixed by the council, to a copy of the code of practice.~~

(5) Before a council adopts, alters or substitutes a code of practice under this section it must undertake public consultation on the proposed code, alterations or substitute code (as the case may be).

94A – Meeting information on website

~~The chief executive officer of a council must, so far as is reasonably practicable, make available for inspection on the Internet an up-to-date schedule of the dates, times and places set for meetings of the council and council committees~~

97 - Vacancy in office

(1) A chief executive officer's appointment may be terminated by the council—

(a) on the ground that the chief executive officer—

(i) has ~~been guilty of committed~~ misconduct; or

(ii) has been convicted of an indictable offence punishable by imprisonment; or

(iii) has become bankrupt or has applied to take the benefit of a law for the relief of insolvent debtors; or

(iv) has, for any other reason, failed to carry out duties of the office satisfactorily or to any performance standards specified by the council or in any contract relating to his or her appointment; or

(v) has breached in any other manner any contract relating to his or her appointment; or

~~(3a) Before terminating the appointment of a chief executive officer on a ground referred to in subsection (1)(a)(i), (iv) or (v) or (1)(b), a council must have regard to advice from a qualified independent person.~~

(6) In this section—

qualified independent person means a person who is—

(a) not a member or employee of the council; and

(b) determined by the council to have appropriate qualifications or experience in human resource management.

Commencement **November 2021**

98—Appointment procedures

(3) For the purpose of filling a vacancy, the council must invite applications by advertising ~~in a newspaper circulating throughout the State on a website determined by the council~~, and may take other action as the council thinks appropriate.

(4a) The council must ensure that either or both of the following applies to the process for appointing a chief executive officer under this section:

(a) the council appoints at least 1 person who is not a member or employee of the council to the selection panel;

(b) before making the appointment to the office of chief executive officer, the council obtains and considers the advice of a qualified independent person on the assessment of applications and recommendations on the appointment under subsection (4) (and that advice may include recommendations to the council on the appointment).

(7) In this section—

qualified independent person means a person who is—

(a) not a member or employee of the council; and

(b) determined by the council to have appropriate qualifications or experience in human resource management.

102A—Chief executive officer—performance review

(1) A council must review the performance of its chief executive officer—

(a) at least once in each year that the chief executive officer holds office as chief executive officer; and

(b) if relevant, before reappointment of the chief executive officer.

(2) The council must obtain and consider the advice of a qualified independent person on a review under subsection (1).

(3) In this section—

qualified independent person means a person who is -

(a) not a member or employee of the council; and

(b) determined by the council to have appropriate qualifications or experience in human resource management.

105—Register of remuneration, salaries and benefits

~~(3) A person is entitled to inspect the Register of Salaries at the principal office of the council during ordinary office hours.~~

Commencement **November 2021**

~~(4) A person is entitled, on payment of a fee fixed by the council, to an extract from the Register of Salaries.~~

122— Strategic management plans

~~(7) A council must ensure that copies of its strategic management plans under this section are available for inspection (without charge) and purchase (on payment of a fee fixed by the council) by the public at the principal office of the council.~~

123— Annual business plans and budget

(9) A council must, after adopting an annual business plan and a budget—

(a) ensure—

(i) that a summary of the annual business plan is prepared so as to assist in promoting public awareness of the nature of its services and its rating and financial management policies, taking into account its objectives and activities for the ensuing financial year; and

(ii) that a copy of the summary of the annual business plan accompanies the first rates notice sent to ratepayers after the declaration of its rates for the financial year; and

(b) ensure -

~~(i) that copies of the annual business plan and the budget (as adopted) are available for inspection (without charge) or purchase (on payment of a fee fixed by the council); and~~

~~(ii) that copies of the summary of the annual business plan are available for inspection and to take (without charge);~~

~~At the principal office of the council; and~~

~~(c) ensure that electronic copies of the annual business plan and the budget (as adopted) are published on a website determined by the chief executive officer~~

(10a) Without limiting subsection (10), regulations under that subsection relating to an annual business plan may—

(a) relate to the manner in which matters included in the plan are to be presented (such as, for example, by prescribing the location, style and level of emphasis that must be given to specified matters); and

(b) prescribe requirements relating to the description or explanation of matters included in the plan.

127—Financial statements

~~(5) A council must ensure that copies of its audited statements are available for inspection (without charge) and purchase (on payment of a fee fixed by the council) by the public at the principal office of the council.~~

~~(6) A member of the council is entitled to inspect financial statements and other documents prepared under this section at any reasonable time.~~

Commencement **November 2021**

131 - Annual report to be prepared and adopted

(1a) The annual report must include the amount of legal costs incurred by the council in the relevant financial year.

~~(5) A copy of the annual report must be submitted by the council—~~

~~(a) to the Presiding Members of both Houses of Parliament; and~~

~~(b) to the persons or bodies prescribed by the regulations;~~

~~on or before a day determined under the regulations.~~

~~(6) The Presiding Members of the Houses of Parliament must, within six sitting days after receiving a copy of an annual report under subsection (5), lay the copy before their respective Houses.~~

~~(5) A copy of the annual report must be submitted by the council to the persons or bodies prescribed by the regulations on or before a day determined under the regulations.~~

~~(8) A council must ensure that copies of its annual report are available for inspection (without charge) and purchase (on payment of a fee fixed by the council) by the public at the principal office of the council.~~

132 - Access to documents

~~(1) A member of the public is entitled—~~

~~(a) to inspect a document referred to in Schedule 5 at the principal office of the council during ordinary office hours without charge; and~~

~~(b) to purchase a document referred to in Schedule 5 at the principal office of the council during ordinary office hours for a fee fixed by the council.~~

~~(2) A council may make a document available in electronic form for the purposes of subsection (1)(a).~~

~~(3) A council must make the following documents available for inspection on a website determined by the chief executive officer within a reasonable time after they are available at the principal office of the council:~~

~~(a) agendas for meetings of the council or council committees;~~

~~(b) minutes of meetings of the council or council committees;~~

~~(c) codes of conduct or codes of practice adopted by the council under this Act or the Local Government (Elections) Act 1999;~~

~~(d) the council's contract and tenders policies, public consultation policy and order-making policies;~~

~~(da) the council's draft annual business plan, annual business plan (as adopted by the council) and the summary of the annual business plan required under Part 2 of this Chapter;~~

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- ~~(db) the council's budget (as adopted by the council for a particular year);~~
- ~~(e) a list of fees and charges imposed by the council under this Act;~~
- ~~(f) by laws made by the council and any determination in respect of a by-law made under section 246(3)(e);~~
- ~~(g) procedures for the review of decisions established by the council under Part 2 of Chapter 13;~~
- ~~(h) the audited financial statements of the council;~~
- ~~(i) the annual report of the council;~~
- ~~(j) the council's most recent information statement under the Freedom of Information Act 1991, unless it is provided as part of the annual report of the council.~~

(1) Subject to the regulations, a council must—

- (a) publish a document referred to in Schedule 5 on a website determined by the chief executive officer; and
- (b) on request, provide a person with a printed copy of a document referred to in Schedule 5 (on payment of a fee (if any) fixed by the council).

(3a) To avoid doubt, if an order under section 91(7) expires or ceases to apply in relation to a document or part of a document, the council must ~~make the document or part of the document (as the case requires) available for inspection on the website referred to in subsection (3) within a reasonable time after it is available for inspection under section 91(5) at the principal office of the council~~ ensure that the document or part of the document (as the case requires) is published on the website determined by the chief executive officer (in accordance with subsection (1)(a)).

~~(4a) The Governor may by regulation amend the list of documents contained in subsection (3) from time to time.~~

188—Fees and charges

~~(6) The council must keep a list of fees and charges imposed under this section on public display (during ordinary office hours) at the principal office of the council.~~

(7) If a council—

- (a) fixes a fee or charge under this section; or
- (b) varies a fee or charge under this section,

the council must ~~up-date the list referred to in subsection (6) and~~ take reasonable steps to bring the fee or charge, or the variation of the fee or charge, to the notice of persons who may be affected.

Commencement **November 2021**

207—Register

~~(3) The register must be available for inspection (without charge) by the public at the principal office of the council during ordinary office hours.~~

~~(4) A person is entitled, on payment of a fee fixed by the council, to an extract from the register.~~

231—Register

~~(3) The register must be available for public inspection (without charge) at the principal office of the council during ordinary office hours.~~

~~(4) A person is entitled, on payment of a fee fixed by the council, to an extract from the register.~~

252—Register of by-laws and certified copies

~~(3) A person is entitled to inspect the register at the principal office of the council during ordinary office hours.~~

~~(4) A person is entitled, on payment of a fee fixed by the council, to an extract from the register.~~

259—Councils to develop policies

~~(b) by notice in a newspaper circulating in the area of the council, give notice of the place or places at which copies of the draft are available for inspection (without charge) and purchase (on payment of a fee fixed by the council) and invite interested persons to make written representations on the draft within a period specified by the council (being a period of at least 4 weeks).~~

~~(b) undertake public consultation~~

~~(3) A council must consider any submission made to the council on a proposed policy in response to an invitation during the public consultation under subsection (2).~~

~~(6) A person is entitled to inspect (without charge) a policy at the principal office of the council during ordinary office hours.~~

~~(7) A person is entitled, on payment of a fee fixed by the council, to a copy of the policy.~~

270—Procedures for review of decisions and requests for services

~~(2a) In addition, the procedures must provide that—~~

~~(a) an application for review must be made within 6 months of the making of the decision of which review is sought (the reviewable decision); and~~

~~(b) the council may allow an application to be made more than 6 months after the making of the reviewable decision in appropriate cases.~~

~~(3) An application for review must be accompanied by the prescribed fee.~~

Commencement November 2021

~~(3a) A council may, as the council thinks fit, reduce, waive or refund (in whole or part) the fee under subsection (3)~~

(4) A council, or a person assigned to consider the application, may refuse to consider an application for review if—

(a) the application is made by an employee of the council and relates to an issue concerning his or her employment; or

(b) it appears that the application is frivolous or vexatious; or

(c) the applicant does not have a sufficient interest in the matter; or

~~(d) the council or person (as the case requires) is satisfied that the subject-matter of the application has been or is already the subject of a review by the council or an investigation, inquiry or review by another authority~~

~~(4a) The policies, practices and procedures established under this section must be consistent with any requirement prescribed by the regulations.~~

~~(4a) The policies, practices and procedures established under this section—~~

~~(a) must not provide for a review of a decision of a council—~~

~~(i) to refuse to deal with, or determine to take no further action in relation to, a complaint under Part 1 Division 1 by a person who is dissatisfied with the decision; or~~

~~(ii) relating to a recommendation of the Ombudsman under Part 1; and~~

~~(b) must be consistent with any requirement prescribed by the regulations.~~

~~(5) A council must ensure that copies of a document concerning the policies, practices and procedures that apply under this section are available for inspection (without charge) and purchase (on payment of a fee fixed by the council) by the public at the principal office of the council.~~

Schedule 5—Documents to be made available by councils**Meeting papers**

- Notice and agenda for meetings of the council, council committees and electors
- Minutes of meetings
- Documents and reports ~~(including attachments and any information or material referred to in the documents or reports)~~ supplied to the council or a council committee that are able to be supplied to members of the public
- Schedule of dates, times and places set for meetings of the council or council committee

Information and briefing session papers

- ~~Record made by council or chief executive officer relating to an order under section 90(2) (in accordance with section 90A(4)) made at or in relation to an information or briefing session~~

Commencement **November 2021**

Local Government (Elections) Act 1999

4—Preliminary

~~registered industrial organisation means an industrial association or organisation registered under a law of the State or of the Commonwealth;~~

Division 1 - Elections

5—Periodic elections

~~Elections to determine the membership of each council must be held in accordance with this Act at intervals of 4 years on the basis that voting at the elections will close at 5 p.m. on the last business day before the second Saturday of November in 2006, at 5 p.m. on the last business day before the second Saturday of November in 2010, at 5 p.m. on the last business day before the second Saturday of November in 2014, and so on.~~

5—Periodic elections

Elections to determine the membership of each council must be held in accordance with this Act at intervals of 4 years on the basis that voting at the elections will close at 5 pm on the second to last business day before the second Saturday of November in 2022, at 5 pm on the second to last business day before the second Saturday of November in 2026, and so on.

6—Supplementary elections

(1) Subject to this section, if—

(a) an election (other than a supplementary election) wholly or partially fails or is declared void; or

(b) a casual vacancy occurs in the office of a member of a council, a supplementary election will be held to fill the office or offices not filled by the election, or the office that has become vacant.

(2) A supplementary election will not be held to fill a casual vacancy if—

~~(a) the vacancy occurs—~~

~~(i) on or after 1 January of a year in which a periodic election is due to be held and before the date on which nominations for that election are invited under section 18; or~~

~~(ii) within 7 months before polling day for a general election (other than a periodic election) (the date of that polling day being known at the time of the occurrence of the vacancy); or~~

(a) the vacancy occurs within 12 months before polling day for—

(i) a periodic election; or

(ii) a general election (other than a periodic election) if the date of that

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polling day is known at the time of the occurrence of the vacancy; or

(b) -

(i) the vacancy is for an office other than mayor; and

(ii) the area of the council is not divided into wards; and

~~(iii) there is no other vacancy in the office of a member of the council;~~

And

(iii) -

(A) if the council has 9 or more offices (excluding the office of mayor)—there is no more than 1 other vacancy in the office of a member of the council; or

(B) in any other case—there is no other vacancy in the office of a member of the council; and

(iv) it is a policy of the council ~~at the time the vacancy occurs~~ that it will not fill such a casual vacancy ~~or vacancies~~ until the next general election; or

(c) the vacancy—'

(i) is for an office of a member of the council, other than—

(A) mayor; or

(B) a member who was declared elected under section 25(1); and

(ii) occurs -

(A) within 12 months after the conclusion of a periodic election or a designated supplementary election; or

(B) after the close of nominations for a designated supplementary election and before the conclusion of that election,

(and can be filled in accordance with section 6A) (the **subsequent vacancy**).

(3) However, if—

(a) ~~a vacancy has 1 or more vacancies~~ have not been filled due to the operation of subsection (2)(b); and

(b) another vacancy occurs in the office of a member; and

~~(c) the other vacancy has not occurred—~~

~~(i) on or after 1 January of a year in which a periodic election is due to be held and before the date on which nominations for that election are invited under section 18; or~~

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~~(ii) within 7 months before polling day for a general election (other than a periodic election) (the date of that polling day being known at the time of the occurrence of the vacancy);~~

(c) the other vacancy has not occurred within 12 months before polling day for—

(i) periodic election; or

(ii) general election (other than a periodic election) If the date of that polling day is known at the time of the occurrences of the vacancy,

then a supplementary election must be held to fill the vacant offices.

(4) If—

(a) a casual vacancy has occurred; and

(b) a supplementary election is not to be held by virtue of the operation of subsection (2)(b),

any subsequent revocation or alteration of a policy of the council in force for the purposes of subsection (2)(b) cannot have effect so as to require the casual vacancy to be filled before the next general election.

(4a) If, before the close of nominations for a designated supplementary election, another vacancy (the subsequent vacancy) occurs in the office of a member of the council (other than in the office of mayor), the subsequent vacancy may be filled by the designated supplementary election.

(4b) If the subsequent vacancy is to be filled by the designated supplementary election—

(a) the returning officer must give public notice that the vacancy will be filled by that election; and

(b) the material accompanying the voting papers to be issued under section 39 for the designated supplementary election must advise voters that the vacancy will be filled by that election.

(5) Subject to this Act, a supplementary election must be held as soon as practicable after the occasion for the election arises.

(6) The returning officer must, by public notice, fix a day as polling day for the supplementary election.

~~(7) A notice under subsection (6) must also fix a day for the close of the voters roll for the purposes of the election (the closing date).~~

~~(8) Voting at a supplementary election will close at 12 noon on polling day.~~

(7) A notice under subsection (6) must also fix—

(a) a day for the close of the voters roll for the purposes of the election (the closing date); and

(b) the time at which voting at the election will close on polling day.

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(8) In this section—

Designated supplementary election

- (a) if the area of the council is not divided into wards—a supplementary election held to fill an office or offices of the council; or
- (b) if the area of the council is divided into wards—a supplementary election held to fill an office or offices of the ward in which the subsequent vacancy has occurred.

7—Failure of election in certain cases

(3) If -

~~(a) between the close of nominations and the close of voting a nominated candidate dies; and~~

(a) between the close of nominations and the close of voting—

- (i) a nominated candidate dies; or
- (ii) a nominated candidate becomes ineligible to be a candidate for election as a member of a council in accordance with section 17; and

(b) the election is to fill one vacancy,

the election will be taken to have wholly failed.

(4) If between the close of nominations and the close of voting two or more candidates die ~~or become ineligible to be candidates for election as member of a council in accordance with section 17~~, the election will be taken to have been wholly failed.

8—Failure or avoidance of supplementary election

(1) If a supplementary election wholly or partially fails or is declared void, the council must appoint a person or persons (being an elector or electors for the area) to the office or offices not filled by the supplementary election

~~(1a) If the returning officer declares the nominated candidate or candidates elected under section 25 but not all vacancies are filled, the council must appoint a person or persons (being an elector or electors for the area) to the office or offices that remain unfilled.~~

(2) A council must not appoint a person to an office in pursuance of subsection (1) ~~or (1a)~~ unless the person—

- (a) would, if an election were held to fill the office, be eligible to stand as a candidate for election to the office; and
- (b) has made a declaration of eligibility in the prescribed form.

9—Council may hold polls

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(1) A council may hold a poll whenever the council considers that it is necessary, expedient or appropriate for a poll to be held.

(2) A poll may be held on any matter within the ambit of the council's responsibilities, or as contemplated by the Local Government Act 1999.

~~(3) The council must, by notice in a newspaper circulating in its area, fix a day as polling day for the poll.~~

(3) The council must fix a day as polling day for the poll by notice published on the council website.

(4) A notice under subsection (3) must also fix a day for the close of the voters roll for the purposes of the poll (the closing date).

(5) The returning officer of a council will conduct all polls of the council.

~~(6) Voting at a poll will close—~~

~~(a) subject to paragraph (b) at 12 noon on polling day;~~

~~(b) in a case where the poll is being held in conjunction with an election under this Act and voting at the election closes at 5 p.m.—at 5 p.m. on polling day.~~

(6) Voting at a poll will close at the time determined by the returning officer.

15—The voters roll

(10) The Electoral Commissioner ~~must, within seven days after a closing date, supply the chief executive officer with a list of the persons who are, as at the closing date, enrolled (including those provisionally enrolled) as electors for the House of Assembly in respect of a place of residence within the area.—~~

~~(a) must, within 7 days after a closing date; and~~

~~(b) may, at any other time,~~

~~supply the chief executive officer with a list of the persons who are, as at the closing date or relevant time, enrolled (including those provisionally enrolled) as electors for the House of Assembly in respect of a place of residence within the area.~~

(13) The voters roll must be brought up-to-date in accordance with the requirements of subsection (7) within four weeks after the relevant closing date.

~~• A voters roll will be taken to have been brought up-to-date when copies of the roll are available for public inspection and purchase under this section.~~

(13a) For the purposes of subsection (13), a voters roll will be taken to have been brought up-to-date when copies of the roll are available for public inspection under this section.

(15) At any time between the close of nominations and polling day for an election, a nominated candidate for the election is entitled to obtain from the relevant council a copy of the voters roll ~~in printed form~~ for the area (and he or she may, during that period, obtain

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further copies of the voters roll ~~in printed form~~ from the council on payment of the fees fixed by the council).

(16) The chief executive officer must supply the returning officer with sufficient copies of the voters roll, certified by the chief executive officer, for use at an election or poll.

(17) The chief executive officer is not responsible to check the accuracy of a list supplied by the Electoral Commissioner under this section and is entitled to assume that such a list is accurate.

(18) The validity of a voters roll is not affected by a misdescription or other error in the roll.

(19) A voters roll is conclusive evidence of the entitlement of a person, body corporate or group whose name appears in the roll as an elector to vote at an election or poll at which the roll is used.

(20) If a copy of the voters roll is provided to a person under this section, a person who uses that copy of the roll, or information contained in that copy of the roll, for a purpose other than the distribution of matter calculated to affect the result of a local government election or a purpose related to the holding of such an election is guilty of

an offence.

Maximum penalty: \$10 000

17—Entitlement to stand for election

(1) Subject to this Act and the Local Government Act 1999, a person is eligible to be a candidate for election as a member of a council if—

~~(a) the person is~~

~~(i) an Australian citizen; or~~

~~(ii) a prescribed person; and~~

(a) the person is an Australian citizen; and

(b) -

(i) the person is an elector for the area; or

(ii) the person is the ~~designated person for nominee~~ of a body corporate which has its name on the voters roll for the area; or

(iii) the person is the ~~designated person for nominee~~ of a group which has its name on the voters roll for the area; or

(iv) the person's name has been omitted in error from the voters roll for the area, or the person is the ~~designated person for nominee~~ of a body corporate or group which has had its name omitted in error from the voters roll for the area (and would be eligible for nomination under

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subparagraph (ii) or (iii) (as the case may be) were the name on the roll).

(2) Subclause (1) (b) operates subject to the following qualifications:

- (a) a nominee of a body corporate must be an officer of the body corporate;
- (b) a nominee of a group must be a member of the group, or an officer of a body corporate that is a member of the group;
- (c) a body corporate or group cannot nominate more than 1 person for a particular election;
- (d) a body corporate or group cannot nominate a person who has not attained the age of majority.

~~(5) In this section~~

~~**prescribed person** means a person who has held office as a member of a council at any time between 5 May 1997 and the commencement of this section.~~

19A — Publication of candidate statements etc

~~(1) A nominated candidate may, within 5 business days after the close of nominations, provide to the LGA an electoral statement in accordance with any requirements of the LGA for publication in accordance with this section.~~

~~(2) The LGA must, as soon as is reasonably practicable after the close of nominations (and in any event within 14 days after the close of nominations) cause—~~

~~(a) each candidate's profile supplied under section 19(2)(b); and~~

~~(b) if an electoral statement is provided by a candidate under subsection (1)—the statement,~~

~~to be published, in accordance with any requirements of the regulations, on the Internet.~~

~~(3) The returning officer must, for the purposes of subsection (2)(a), forward a copy of the profile of each candidate to the LGA.~~

(2) The returning officer must, as soon as is reasonably practicable after the close of nominations (and in any event within 14 days after the close of nominations), cause each candidate's profile supplied under section 19(2)(b) to be published, in accordance with any requirements of the regulations, on the Internet.

(4) Despite any other provision of this Act or any other law, a candidate is solely responsible for ~~his or her statement under subsection (1)~~ their profile under section 19(2)(b) and the returning officer, the ~~LGA~~, a council or any person involved (whether as an Internet service provider or otherwise) in the administration of the Internet publication referred to in

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subsection (2) bears no civil or criminal liability with respect to the publication of **a statement a profile** in accordance with this section.

~~(5) A statement published under this section is taken to be authorised in accordance with section 27 and proceedings for an offence against section 27 may not be commenced in respect of a statement published under this section.~~

21—Display of valid nominations

~~The returning officer, must, as soon as practicable after the receipt of a valid nomination, cause a copy of the nomination to be displayed in the principal office of the council.~~

21—Publication etc of valid nominations

The returning officer must, within 24 hours after the close of nominations—

(a) provide a council with a list of all valid nominations relevant to the council's area; and

(b) publish a list of all valid nominations on the Internet

27—Publication if electoral material

(1) A person must not publish electoral material or cause electoral material to be published unless the material contains—

(a) the name and address of the person who authorises publication of the material; and

(b) in the case of printed electoral material—the name and **address prescribed information** of the printer or other person responsible for undertaking its production.

Maximum penalty: \$2 500.

(1a) If -

(a) electoral material is published on the Internet; and

(b) the name and address of the person who authorises publication of the material is immediately accessible on the Internet by viewers of the material in accordance with any requirements prescribed by regulation,

that name and address need not be contained in the electoral material

(2) If electoral material is published in a newspaper that has been published at intervals of one month or less over a period of at least six months immediately preceding the publication of the electoral material, the name and **address prescribed information** of the printer need not be contained in the electoral material.

(3) If electoral material is published in a newspaper as a letter to the editor, it is an offence to publish the material without the name and address (not being a post box) of the writer of the letter.

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Maximum penalty: \$2 500.

(4) If electoral material is published on the Internet by a person other than the person who established or controls the Internet site or other platform (or the relevant part of it), the person who established or controls the Internet site or other platform (or the relevant part of it) is not taken to have published the material or caused the electoral material to be published unless that person authorised, whether directly or indirectly, the publishing of the material on the Internet site or other platform.

(5) In this section—

Prescribed information means -

(a) if the printer or other person responsible for undertaking production of the printed electoral material has a physical address—that address; or

(b) if the printer or other person responsible for undertaking production of the printed electoral material does not have a physical address—the email address or website address of the printer or other person.

28—Publication of misleading material

(1a) A person (the ***relevant person***) is not taken to have authorised, caused or permitted the publication of electoral material if it is published by a person other than the relevant person on an Internet site or other platform established or controlled (or partly established or controlled) by the relevant person unless the relevant person authorised, whether directly or indirectly, the publishing of the material on the Internet site or other platform.

(2b) If the Supreme Court is satisfied beyond reasonable doubt on application by the Electoral Commissioner that published electoral material contains a statement purporting to be a statement of fact that is inaccurate and misleading to a material extent, the Court may order the publisher to do 1 or more of the following:

(a) withdraw the material from further publication;

(b) publish a retraction in specified terms and a specified manner and form.

29— Ballot papers

(1) If an election is to be held for an office, a ballot paper showing the names of all candidates for election to that office must be prepared.

(2) The names of the candidates in a particular election must be arranged on the ballot paper, one under the other, in an order determined by lot.

~~(3) The drawing of lots for the purposes of subsection (2) must be conducted by the returning officer at 4 p.m., or as soon as is reasonably practicable after 4 p.m., on the day of the close of nominations in the presence of 2 persons who are of or above the age of majority and other persons who may wish to be present.~~

(3) The drawing of lots for the purposes of subsection (2) must be conducted by the returning officer—

(a) in the case of a periodic election—at 4 pm, or as soon as is reasonably practicable after 4 pm; or

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(b) in any other case—at 12 noon, or as soon as is reasonably practicable after 12 noon,

on the day of the close of nominations in the presence of 2 persons who are of or above the age of majority and other persons who may wish to be present.

31— Special arrangements for the issue of voting papers

(1) The returning officer may make arrangements for -

(a) the ~~personal delivery of voting papers~~ delivery of voting papers (whether in printed or electronic form) to persons who reside at, or who attend, a specified institution, a specified part of an institution, or a specified place, and who are entitled to voting papers under this Act; and

(b) the attendance of electoral officers at a specified institution, or a specified part of an institution, or a specified place, in order to assist persons in voting and to collect completed voting papers.

35— Special arrangements for issue of voting papers

The returning officer may make arrangements for -

(a) the ~~personal delivery of voting papers~~ delivery of voting papers (whether in printed or electronic form) to persons who reside at, or who attend, a specified institution, or a specified part of an institution, or a specified place, and who are entitled to voting papers under this Act; and

~~Part 9—Postal voting~~

Part 9—Voting generally

37— Postal voting to be used

(1) ~~Voting~~ Subject to section 41A, voting at an election or poll will be conducted on the basis of postal voting.

(2) Subsection (1) does not prevent—

(a) the ~~personal delivery~~ delivery (whether personal or otherwise) and collection of voting papers under Part 8; or

(b) the personal provision and return of voting papers under this Part.

38—Notice of use of postal voting

The returning officer must, at least ~~24~~ 28 days before polling day for an election or poll, by notice including the prescribed information published in a newspaper circulating in the area, inform electors that voting in the election or poll will be conducted entirely by means of postal voting.

39—Issue of postal voting papers

~~(1) The returning officer must, as soon as practicable after the twenty-first day before polling day, and in any event not later than 14 days before polling day, issue to every natural~~

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~~person, body corporate or group who or which has his, her or its name on the voters roll used for the purposes of the election or poll postal voting papers consisting of—~~

~~(a) a ballot paper (or, in an appropriate case, ballot papers) authenticated to the satisfaction of the returning officer; and~~

~~(b) an opaque envelope bearing a declaration (in a form determined by the Electoral Commissioner), to be completed by the voter, declaring the voter's date of birth and—~~

~~that the ballot paper contained in the envelope contains his or her vote; and~~

~~—that he or she has not already voted at the election or poll; and~~

~~if the voting papers are issued to a body corporate or group—that he or she is eligible to vote and is the designated person for the body corporate or group.~~

~~(1) The returning officer must, as soon as practicable after the twenty eighth day before polling day, and in any event not later than 21 days before polling day, issue to every natural person, body corporate or group who or which has their or its name on the voters roll used for the purposes of the election or poll postal voting papers consisting of—~~

~~(a) a ballot paper (or, in an appropriate case, ballot papers) authenticated to the satisfaction of the returning officer; and~~

~~(b) an opaque envelope bearing a declaration (in a form determined by the Electoral Commissioner), to be completed by the voter, declaring the voter's date of birth and—~~

~~(i) that the ballot paper contained in the envelope contains their vote; and~~

~~(ii) that they have not already voted at the election or poll; and~~

~~(iii) if the voting papers are issued to a body corporate or group—that they are eligible to vote and are the designated person for the body corporate or group.~~

~~(4) Postal voting papers must also be issued to any person, body corporate or group of persons whose name does not appear on the voters roll but who claims to be entitled to vote at the election or poll and applies to the returning officer for voting papers not later than—~~

~~(a) in the case of an application made by post—5 p.m. on the second business day before polling day;~~

~~(b) in the case of an application made personally—the close of voting on polling day~~

~~(4) Postal voting papers must also be issued to any person, body corporate or group of persons whose name does not appear on the voters roll but who claims to be entitled to vote at the election or poll and applies to the returning officer for voting papers not later than 5 pm on the seventh day before polling day.~~

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43—Issue of fresh postal voting papers

~~(4) An application for the issue of fresh voting papers must be received by the returning officer not later than—~~

~~(a) in the case of an application made by post—5 p.m. on the second business day before polling day;~~

~~(b) in the case of an application made personally—the close of voting on polling day.~~

(4) An application for the issue of fresh voting papers must be received by the returning officer not later than 5 pm on the seventh day before polling day

47— Arranging postal papers

~~(1) The returning officer will—~~

~~(a) in the case of an election or poll where voting closes at 12 noon—as soon as practicable after the close of voting;~~

~~(b) in the case of an election or poll where voting closes at 5 p.m.—on the day following polling day for the election or poll (at a time determined to be reasonable by the returning officer);~~

~~with the assistance of any other electoral officers who may be present, ensure that all voting papers returned for the purposes of the election or poll in accordance with this Act are made available for the purposes of this section.~~

(1) The returning officer will—

(a) in the case of a supplementary election or a poll held in conjunction with a supplementary election—as soon as is practicable after the close of voting; or

(b) in any other case—on the second day following polling day for the election or poll (at a time determined to be reasonable by the returning officer),

with the assistance of any other electoral officers who may be present, ensure that all voting papers returned for the purposes of the election or poll in accordance with this Act are made available for the purposes of this section.

49— Method of counting and provisional declarations

(1) The returning officer must, with the assistance of any other electoral officers who may be present, and in the presence of any scrutineers who may be present, conduct the counting of the votes in an election **to fill more than 1 vacancy** according to the following method:

(1a) The returning officer must, with the assistance of any other electoral officers who may be present, and in the presence of any scrutineers who may be present, conduct the counting of the votes in an election **to fill 1 vacancy** according to the following method:

(a) carry out the step in the method of counting votes referred to in subsection

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(1)(a);

(b) if, after the counting of first preference votes no candidate has received a number of votes equal to or greater than the quota, the candidate who has received the fewest first preference votes must be excluded, and each ballot paper counted to that candidate that expresses the next available preference for a continuing candidate is to be transferred (at a transfer value of 1) to the continuing candidate;

(c) if, on the completion of a transfer under paragraph (b), no continuing candidate has received a number of votes equal to or greater than the quota, the process of excluding the candidate who has the fewest votes and transferring each ballot paper counted to that candidate that expresses the next available preference for a continuing candidate in accordance with paragraph (b) is to be repeated until—

(i) 1 continuing candidate has received a number of votes equal to or greater than the quota; or

(ii) 2 continuing candidates remain, in which case the returning officer must make a provisional declaration that the continuing candidate who has the larger number of votes has been elected notwithstanding that that number is below the quota and, if those candidates have the same number of votes, the candidate with the larger number of votes at the last preceding count or transfer will be taken to be elected and, if the number of votes at that count or transfer was equal, the returning officer must, in the presence of any scrutineers who may be present, draw lots to determine which of the candidates is to be elected;

(d) if the candidate who has the fewest votes is required to be excluded and 2 or more candidates each have the fewest votes, whichever of those candidates had the fewest votes at the last count or transfer at which each of those candidates had a different number of votes will be excluded but, if there has been no such count or transfer, the returning officer must, in the presence of any scrutineers who may be present, draw lots to determine which candidate will be excluded;

(e) a ballot paper must be set aside as exhausted where on a transfer it is found that the paper expresses no preference for any continuing candidate.

(2) In ~~subsection (1)~~ subsections (1) and (1a) —

(3) In ~~subsection (1)~~ subsections (1) and (1a), a reference to votes of or obtained or received by a candidate includes votes obtained or received by the candidate on any transfer under that subsection.

(4) If a candidate has died ~~or become ineligible to be a candidate for election as a member of a council in accordance with section 17~~ between the close of nominations and close of voting, then (subject to the operation of Part 2) a vote indicated on a ballot paper opposite the name of the deceased ~~or ineligible~~ candidate must be counted to the candidate next in the order of the voter's preference, and the numbers indicating subsequent preferences will be taken to have been altered accordingly.

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57—Violence, intimidation, bribery etc

(3) In this section—

bribe includes any pecuniary sum or material advantage including food, drink or entertainment ~~where the value of the food, drink or entertainment is of or above the prescribed value.~~

69A —Electoral Commissioner may lodge petition

~~(1) The Electoral Commissioner may lodge a petition in the Court disputing the validity of an election under this Act if the Electoral Commissioner considers that it is appropriate to do so on the basis of an error in the recording, scrutiny, counting or recounting of votes in the election.~~

~~(2) Section 70(1)(c) and (2)(b) do not apply to a petition lodged by the Electoral Commissioner disputing the validity of an election, but such a petition must be signed by the Electoral Commissioner.~~

70 — Procedure upon petition

~~(1) A petition to the Court must~~

~~(b) set out the relief to which the petitioner claims to be entitled which the petitioner seeks; and~~

73 — Illegal practices

~~(5) An election may be declared void on the ground of the defamation of a candidate but only if the Court is satisfied, on the balance of probabilities, that the result of the election was affected by the defamation.~~

~~(6) An election may be declared void on the ground of publication of misleading material but only if the Court is satisfied, on the balance of probabilities, that the result of the election was affected by the publication of that material.~~

80 Returns for candidates

~~(1) A person who is a candidate for election to an office of a council must, within 30 days after the conclusion of the election, furnish to the chief executive officer of the council, in accordance with the requirements of this Part, a campaign donations return (see section 81).~~

~~(2) A return must be in the prescribed form and completed in the prescribed manner.~~

80 Returns for candidates

~~(1) A person who is a candidate for election to an office of a council must furnish to the returning officer, in accordance with the requirements of this Part—~~

~~(a) a return under section 81 (a **campaign donations return**) at the prescribed times; and~~

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(b) a return under section 81A (a **large gifts return**) within the period applying under section 81A(1).

(2) A return under this Division must be in the form determined by the returning officer and completed and furnished in the manner determined by the returning officer.

(3) For the purposes of this section, the prescribed times for furnishing a campaign donations return are—

(a) within 7 days of the end of the period commencing from the start of the disclosure period for the election (within the meaning of section 81B(a)) and ending—

(i) in the case of a periodic election—21 days after the close of nominations; or

(ii) in any other case—7 days after the close of nominations; and

(b) within 30 days after the conclusion of the election.

81 - Campaign donations returns

(1) Subject to this section **and section 81B**, a campaign donations return for a candidate for election to an office of a council must set out—

(a) the total amount or value of all gifts received by the candidate during the disclosure period; and

(b) the number of persons who made those gifts; and

(c) the amount or value of each gift; and

(d) the date on which each gift was made; and

(e) in the case of each gift made on behalf of the members of an unincorporated association, **other than a registered industrial organisation—**

(2) A campaign donations return need not set out any details required by subsection (1) in respect of—

(a) a private gift made to the candidate; or

(b) a gift if the amount or value of the gift is less than \$500; **or**

(c) a gift disclosed in a large gifts return under section 81A.

~~(3) For the purposes of this section—~~

~~(a) the disclosure period is the period that commenced—~~

~~(i) in relation to a candidate in an election who was a new candidate (other than a candidate referred to in subparagraph (ii))—on the day on which the person announced that he or she would be a candidate in the election or on the day on~~

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~~which the person's nomination as a candidate was lodged with the returning officer, whichever was the earlier;~~

~~(ii) in relation to a candidate in an election who was a new candidate and when he or she became a candidate in the election was a member of the council by virtue of having been appointed under Chapter 3 of the Local Government Act 1999—on the day on which the person was so appointed as a member of the council;~~

~~(iii) in relation to a candidate in an election who was not a new candidate—at the end of 21 days after polling day for the last preceding election in which the person was a candidate, and that ended, in any of the above cases, at the end of 21 days after polling day for the election;~~

~~and that ended, in any of the above cases, at the end of 21 days after polling day for the election;~~

81A - Large gifts returns

(1) If—

(a) a candidate for election to an office of a council receives a gift or gifts from a person during the disclosure period; and

(b) the total amount or value of the gift or gifts is more than the prescribed amount, the candidate must, within the prescribed period, furnish a return to the returning officer.

(2) A large gifts return must set out—

(a) the amount or value of each gift; and

(b) the date on which each gift was made; and

(c) —

(i) if the gift or gifts were made on behalf of the members of an unincorporated association—

(A) the name of the association; and

(B) the names and addresses of the members of the executive committee (however described) of the association; or

(ii) if the gift or gifts were purportedly made out of trust fund or out of the funds of a foundation—

(A) the names and addresses of the trustees of the fund or of the funds of the foundation; and

(B) the title or other description of the trust fund or the name of the foundation, as the case requires; or

(iii) in any other case—the name and address of the person who made the gift or gifts.

Commencement **November 2021**

(3) A large gifts return need not be furnished in respect of a private gift made to the candidate.

81B—Disclosure period etc for returns

For the purposes of section 81 and 81A

(a) the disclosure period is the period that commenced—

(i) in relation to a candidate in an election who was a new candidate (other than a candidate referred to in subparagraph (ii))—on the day on which the person announced that they would be a candidate in the election or on the day on which the person's nomination as a candidate was lodged with the returning officer, whichever was the earlier; or

(ii) in relation to a candidate in an election who was a new candidate and when they became a candidate in the election was a member of the council by virtue of having been appointed under Chapter 3 of the *Local Government Act 1999*—on the day on which the person was so appointed as a member of the council; or

(iii) in relation to a candidate in an election who was not a new candidate—at the end of 21 days after polling day for the last preceding election in which the person was a candidate,

and that ended, in any of the above cases, at the end of 21 days after polling day for the election; and

(b) a candidate is a new candidate, in relation to an election, if the person had not been a candidate in the last general election of a council and had not been a candidate at a supplementary election held after the last general election of a council; and

(c) 2 or more gifts (excluding private gifts) made by the same person to a candidate during the disclosure period are to be treated as 1 gift; and

(d) a gift made to a candidate is a private gift if it is made in a private capacity to the candidate for their personal use and the candidate has not used, and will not use, the gift solely or substantially for a purpose related to an election.

82—Certain gifts not to be received

(3) for the purposes of this section -

(a) a reference to a gift **made** by a person includes a reference to a gift made on behalf of the members of an unincorporated association;

(b) a reference to the name and address of a person making a gift is—

(i) in the case of a gift made on behalf of the members of an unincorporated association, ~~other than a registered industrial organisation~~—a reference to—

83—Inability to complete return

Commencement **November 2021**

If a person who is required to furnish a return under this Division considers that it is impossible to complete the return because he or she is unable to obtain particulars that are required for the preparation of the return, the person may—

(c) give to the **chief executive returning** officer notice in writing—

(i) identifying the return; and

(ii) stating that the return is incomplete by reason that he or she is unable

to obtain certain particulars; and

(iii) identifying those particulars; and

(iv) setting out the reasons why he or she is unable to obtain those particulars; and

84—Amendment of return

(1) A person who has furnished a return under this Division may request the permission of the **chief executive returning** officer to make a specified amendment of the return for the purpose of correcting an error or omission

(2) A request under subsection (1) must—

(a) be by notice in writing signed by the person making the request; and

(b) be lodged with the **chief executive returning** officer.

(3) If

(a) a request has been made under subsection (1); and

(b) the **chief executive returning** officer is satisfied that there is an error in, or omission from, the return to which the request relates,

the **chief executive returning** officer must amend the return, or permit the person making the request to amend the return, in accordance with the request.

86—Failure to comply with Division

(1) If a person who is required to furnish a return under this Division fails to submit the return within the time required by this Division, the **chief executive returning** officer must as soon as practicable notify the person of that fact.

(3) A failure of a person to comply with a provision of this Division in relation to an election does not invalidate that election. ~~(However, the office of a member of a council who fails to submit a return may become vacant under Chapter 5 Part 2 of the Local Government Act 1999.)~~

Note -

Commencement **November 2021**

The office of a member of a council who fails to submit a return may become vacant under Chapter 5 Part 2 of the *Local Government Act 1999*

87—Public inspection of returns

~~(1) The chief executive officer of a council must keep at the principal office of the council each return furnished to the chief executive officer under Division 1~~

~~(2) Subject to this section, a person is entitled to inspect a copy of a return under Division 1, without charge, during ordinary business hours at the principal office of the council.~~

~~(3) Subject to this section, a person is entitled, on payment of a fee fixed by the council, to obtain a copy of a return under Division 1.~~

~~(4) A person is not entitled to inspect or obtain a copy of a return until the end of eight weeks after the day before which the return was required to be furnished to the chief executive officer.~~

(1) The returning officer must keep at their principal office each return furnished to the returning officer under Division 1.

(2) The returning officer must—

(a) in the case of a large gifts return—within the prescribed period after the return is received by the returning officer; and

(b) in the case of a campaign donations return required to be furnished at the prescribed time applying under section 80(3)(a)—within 7 days after that prescribed time; and

(c) in the case of a campaign donations return required to be furnished at the prescribed time applying under section 80(3)(b)—within 8 weeks after that prescribed time,

make a copy of each return available on a website maintained by the returning officer

(5) The ~~chief executive~~ returning officer is only required to keep a return under this section for a period of 4 years following the election to which the return relates

89—Requirement to keep proper records

(1) A person must take reasonable steps to keep in his or her possession all records relevant to completing a return under this Part.

Maximum penalty: \$5 000.

(2) A person must keep a record under subsection (1) for at least 4 years after the date on which the relevant return is required to be furnished to the ~~chief executive~~ returning officer ~~of the council~~ under this Part.

Maximum penalty: \$5 000.

91A—Conduct of council during election period

Commencement **November 2021**

~~(2) Subject to this section, the caretaker policy must, as a minimum, prohibit the making of a designated decision during the election period.~~

(2) Subject to this section, the caretaker policy must, as a minimum—

(a) prohibit the making of a designated decision; and

(b) prohibit the use of council resources for the advantage of a particular candidate or group of candidates,

during the election period.

(2a) Nothing in subsection (2)(b) prevents a caretaker policy from allowing the equal use of council resources by all candidates for election.

~~(d) allowing the use of council resources for the advantage of a particular candidate or group of candidates (other than a decision that allows the equal use of council resources by all candidates for election);~~

93 - Regulations

(1a) The regulations may provide that a matter or thing is to be determined, dispensed with, regulated or prohibited according to the discretion of the Electoral Commissioner or any prescribed authority

11.3 Legislative Progress Report - September 2021

Brief

This report provides an update on the status of proposed legislative changes affecting local government either dealt with in Parliament, by the Local Government Association, or contained in the Government Gazette between the last meeting of the Committee and 9 September 2021.

RECOMMENDATION

The Committee recommends to Council that the Legislative Progress Report - September 2021 be received.

Introduction

This report provides a monthly update on the progress of Bills through Parliament, using Parliament's defined stages, as well as items contained within the Government Gazette that relate to the City of West Torrens. It also contains information provided by the Local Government Association (LGA) relating to proposed amendments to legislation or other relevant matters.

Information on the status of all Bills and Acts is available on the South Australian Legislative Tracking and the Federal Register of Legislation websites at:

<https://www.parliament.sa.gov.au/Legislation/SALT> and/or <https://www.legislation.gov.au/>

The Parliamentary Library is now releasing Weekly Summaries of each sitting week of the House of Assembly. These summaries will now be attached (where relevant) to each of these reports.

Discussion

New Proposed Amendments to Legislation

Electoral (Regulation of Corflutes) Amendment Bill

Government Bill

The Hon. Vickie Chapman MP introduced the *Electoral (Regulation of Corflutes) Amendment Bill* into the House of Assembly on 24 August 2021.

This Bill aims to amend the *Electoral Act 1985* in order to make a minor amendment to the s226 (Moveable Signs) of the *Local Government Act 1999* to prohibit the exhibition of corflutes on public roads and infrastructure unless permitted by regulations. These regulations have not yet been determined.

The Bill was adjourned at its second reading on 24 August 2021.

Planning, Development and Infrastructure (Design Standards) Amendment Bill

Private Members Bill

The Hon. Andrea Michaels MP introduced a Bill into the House of Assembly on 25 August 2021 to amend s69 of *Planning, Development and Infrastructure Act 2016*.

The Bill seeks to remove the discretion of the State Planning Commission (SPC) to prepare design standards; rather, it will dictate that it is a requirement for the SPC to prepare design standards.

The Bill was negatived in the House of Assembly on 9 September 2021.

Petroleum and Geothermal Energy (Energy Resources) Amendment Bill**Government Bill**

The Hon. D C van Holst Pellekaan MP introduced a Bill to the House of Assembly on 25 August 2021 to amend the *Petroleum and Geothermal Energy Act 2000*.

The proposed amendments aim to enable renewable hydrogen to be transported through existing transmission gas pipelines, and ensure that South Australia is an attractive investment environment for hydrogen projects.

The Bill was adjourned at its second reading on 25 August 2021.

Road Traffic (Work Areas and Work Sites) Amendment Bill 2021**Private Members Bill**

The Hon. Fraser Ellis MP introduced the Bill into the House of Assembly on 8 September 2021.

This Bill aims to amend the *Road Traffic Act 1961* in relation to speed limits around road sites, road work permits and the closure of roads comprising work sites as well as the applicable obligations of Public Authorities (including Council).

The Bill was adjourned at its second reading on 8 September 2021.

COVID-19 Emergency Response (Expiry)(No 3) Amendment Bill 2021**Government Bill**

This *COVID-19 Emergency Response (Expiry)(No 3) Amendment Bill 2021* passed the House of Assembly on 25 August 2021 and passed the Legislative Council on 26 August 2021.

This is a Bill to amend s6 of the *COVID-19 Emergency Response Act 2020* (Act), making the expiry date of that Act, 1 December 2021. This Act provides the State Government powers to override various legislative instruments for various purposes including public health, wellbeing and public safety during the COVID-19 pandemic.

The Bill is awaiting assented.

Bills previously reported on where the status has changed

Nil

Bills previously reported on where the status remains unchanged***Fines Enforcement and Debt Recovery (Miscellaneous) Amendment Bill*****Government Bill**

This Bill was introduced by the Attorney-General on 12 May 2021 and aims to amend the *Fines Enforcement and Debt Recovery Act 2017* and the *Enforcement of Judgements Act 1991*. based on feedback from relevant sectors seeking the creation of a more workable system for the collection of fines.

The Bill was adjourned at second reading.

Further information can be found on the South Australian Legislative Tracking website.

Planning, Development and Infrastructure (Constitution of Commission) Amendment**Private Members Bill**

The *Planning, Development and Infrastructure (Constitution of Commission) Amendment Private Members Bill* was introduced to the House of Assembly on 5 May 2021 by the Hon. T Piccolo MP.

This Bill aims to amend the *Planning, Development and Infrastructure Act 2016*, to include 'rural land use or agriculture' as an area of knowledge, expertise and experience for appointments to the State Planning Commission.

The Bill was adjourned at second reading.

Further information can be found on the South Australian Legislative Tracking website.

Heritage Places (Protection of Heritage Places) Amendment**Private Members Bill**

The *Heritage Places (Protection of Heritage Places) Amendment Private Members Bill* was introduced to the House of Assembly on 5 May 2021 by Mr S Duluk MP.

This Bill aims to amend the *Heritage Places Act 1993* so that the whole (or partial) destruction, or the reduction of the heritage significant of a State Heritage Place requires a resolution of Parliament.

The Bill was adjourned at second reading.

Further information can be found on the South Australian Legislative Tracking website.

Electoral (Ban on Corflutes) Amendment Bill 2020**Private Members Bill**

The Bill was introduced to the House of Assembly by Mr S Duluk MP on 31 March 2021, and seeks to amend the *Electoral Act 1985* and the *Local Government Act 1999*.

The Bill proposes to ban corflutes, limit displays of electoral advertisements and prohibit canvassing near polling booths for State elections. If passed, s 226 of the *Local Government Act 1999*, which relates to moveable signs, will also be amended to reflect this change.

The Bill has been adjourned at second reading.

Further information can be found on the South Australian Legislative Tracking website.

Statutes Amendment (Light Pollution and Nuisance) Bill 2021**Private Members Bill**

The *Statutes Amendment (Light Pollution and Nuisance) Bill 2021*, was introduced to the Legislative Council on 3 March 2021 by the Hon. M C Parnell (MLC).

This Bill seeks amendments to the *Environment Protection Act 1993* and the *Local Nuisance and Litter Control Act 2016* to include artificial light as a form of nuisance into the *Local Nuisance and Litter Control Act 2016*, allowing councils to expiate.

The Bill has been adjourned at second reading.

Further information can be found on the South Australian Legislative Tracking website.

Automated External Defibrillators (Public Access) Bill 2019**Private Members Bill**

The *Automated External Defibrillators (Public Access) Bill 2019* was introduced to the Legislative Council on 16 October 2019 by the Hon. F Pangallo (MLC).

An Automated External Defibrillator is a portable device able to treat cardiac arrest by applying an electric shock to restore normal heart rhythm.

If passed by State Parliament, Automated External Defibrillators will be mandatory in all public buildings (including schools and universities, libraries, sporting facilities, local council offices and swimming pools) which the public have access to.

Privately owned buildings including shopping centres, aged care and retirement villages, commercial properties over 600 square metres in size, and certain residential apartments will also be required to install the devices. It will also be mandatory for the devices to be installed in all emergency services vehicles, including SAPOL, Metropolitan Fire Service, Country Fire Service and State Emergency Service.

A maximum fine of up to \$20,000 would be imposed on those who failed to abide by the new laws.

The Bill passed the Legislative Council on 15 October 2020 and has been received and adjourned at its first reading in the House of Assembly.

Council has installed defibrillators in the Civic Centre, Hamra Centre, Thebarton Community Centre and Plympton Community Centre as well as in a number of its leased facilities including the Hilton RSL, Western Youth Centre, Fulham Community Centre, Airport Over 50s Club etc. In addition, it has provided community grants to other community groups such as the Glenelg Baseball Club and will continue to receive grant applications for the installation of defibrillators in community facilities within West Torrens. As such, if this Bill is passed then it will not result in any major impost on Council.

Further information can be found on the South Australian Legislative Tracking website.

Planning, Development and Infrastructure (Regulated Trees) Amendment Bill 2020**Private Members Bill**

The Hon. M C Parnell (MLC) introduced the *Planning, Development and Infrastructure (Regulated Trees) Amendment Bill 2020* as a Private Members Bill to the Legislative Council on 23 September 2020. It is essentially a duplicate of a Bill that passed the Legislative Council in 2017, with the intent to prevent the unnecessary or premature removal of regulated or significant trees.

The Bill seeks to restrict applications for the removal of a significant or regulated tree until such a time that development approval for a structure is processed, blocking developers from creating a "clean slate" on a block of land.

The Bill was adjourned at its second reading.

Further information can be found on the South Australian Legislative Tracking website.

Freedom of Information (Miscellaneous) Amendment Bill 2020**Government Bill**

This *Freedom of Information (Miscellaneous) Amendment Bill 2020* seeks to amend the definition of public interest, the processes for determining that a document does not exist as well as to definitions relating to the nature and scope of an application. It also seeks to amend the processes for determination of an application.

It was read for the first time in the House of Assembly on the 8 April 2020, and has been referred to Committee for consideration.

Further information can be found on the South Australian Legislative Tracking website.

Local Government (Public Health Emergency) (Rate Relief) Amendment Bill 2020**Private Members Bill**

This *Local Government (Public Health Emergency) (Rate Relief) Amendment Bill 2020* was introduced as a Private Members Bill by the Hon. Tony Piccolo MP on 13 May 2020 with the intent of enforcing a 100 per cent rate rebate for businesses or non-profit organisations who have been forced to close due to COVID-19 for the period that they were required to be closed.

A motion to move the Bill through all stages failed, and it was adjourned at its second reading.

Further information can be found on the South Australian Legislative Tracking website.

Local Government (Fixed Charges) Amendment Bill 2020**Government Bill**

The *Local Government (Fixed Charges) Amendment Bill 2020* was introduced to the Legislative Council and read a first time on 20 February 2020. It was adjourned at its second reading. This Bill seeks to amend s152 of the *Local Government Act 1999*.

The amendment seeks to include each residence in a retirement village (within the meaning of the *Retirement Villages Act 1987*) as a type of allotment to which a fixed charge for rates cannot be applied.

Further information can be found on the South Australian Legislative Tracking website.

Planning, Development and Infrastructure (Carparking Requirements) Amendment Bill 2020**Private Members Bill**

This *Planning, Development and Infrastructure (Carparking Requirements) Amendment Bill 2020*, introduced by the Hon. Tony Piccolo MP to the House of Assembly on 4 March 2020, seeks to amend the Planning, Development and Infrastructure Act 2016 (Act) to provide minimum carpark requirements on all dwellings.

Amendment of section 108 - categorisation:

In the case of a 1 bedroom dwelling, the requirement to provide for at least 1 carpark, and 2 carparks for a dwelling with 2 or more bedrooms. Carparks are required to be on site or on a site within 100 metres of the dwelling.

If the development does not meet these requirements it will be classified as restricted development.

Amendment of section 110 - restricted development:

If the Commission makes an assessment under s110 of the Act in relation to restricted development, the Commission must take into account the relevant provisions of the Planning and Design Code but is not bound by those provisions.

The Bill was adjourned at its second reading on 4 March 2020.

Further information can be found on the South Australian Legislative Tracking website.

Government Gazette Notices***Fire and Emergency Services (Governance) Amendment Bill 2020*****Government Bill**

The *Fire and Emergency Services (Governance) Amendment Bill 2020*, was introduced to the Legislative Council on 3 March 2021.

This Bill seeks to amend the governance provisions in the *Fire and Emergency Services Act 2005*, including the Constitution of the Board, Board proceedings and Annual reports.

The Bill passed in the Legislative Council on 6 May 2021 and received assent on 25 May 2021. This Act commenced on 2 August 2021 as published in the **Government Gazette - Number 50 on 29 July 2021**.

Further information can be found on the South Australian Legislative Tracking website.

City of West Torrens Representation Review

Notice regarding the City of West Torrens Representation Review Report, which details the review process, public consultation undertaken and a proposal for the Council's elected representation, was published in **Government Gazette - Number 51 on 5 August 2021**.

City of West Torrens Adoption of Valuations and Declaration of Rates

Notice regarding the City of West Torrens' exercise of the powers contained in Chapters 8, 9 and 10 of the Local Government Act 1999 and the Landscape South Australia Act 2019, the adoption of valuations and declaration of rates was published in **Government Gazette - Number 48 on 15 July 2021**.

Acts Assented to but Not Yet Commenced***Landscape South Australia (Miscellaneous) Amendment Bill 2021*****Government Bill**

The *Landscape South Australia (Miscellaneous) Amendment Bill 2021* was introduced to the Legislative Council on 16 March 2021 and amends the Landscape South Australia Act 2019.

The Bill seeks to amend provisions in the Act relating to declaration of penalties with regard to unauthorised or unlawful taking of water.

The Bill was passed in the Legislative Council on 6 May 2021 and received assent on 25 May 2021.

Further information can be found on the South Australian Legislative Tracking website.

COVID-19 Emergency Response (Expiry)(No 2) Amendment Bill 2021**Government Bill**

This *COVID-19 Emergency Response (Expiry)(No 2) Amendment Bill 2021* has passed the House of Assembly and was introduced to the Legislative Council and read for the first time on 5 May 2021.

This is a Bill to amend s6 of the *COVID-19 Emergency Response Act 2020* (Act), making the expiry date of that Act, 17 September 2021. This Act provides the State Government powers to override various legislative instruments for various purposes including public health, wellbeing and public safety during the COVID-19 pandemic.

The Bill passed the Legislative Council on 13 May 2021 and assented on the 20 May 2021.

The *COVID-19 Emergency Response (Expiry)(No 3) Amendment Bill 2021* was passed by both Houses on 26 August 2021. This supersedes this Bill by extending the expiry date to 1 December 2021.

Statutes Amendment (Local Government Review) Act 2021**Government Bill**

Introduced and read for the first time on 17 June 2020, this was a Bill to amend the *Local Government Act 1999*, the *Local Government (Elections) Act 1999*, the *City of Adelaide Act 1998* and other related Acts.

The Bill addressed four (4) overarching reform areas being:

- Stronger Council Member Capacity and Better Conduct
- Lower Costs and Enhanced Financial Accountability
- Efficient and Transparent Local Government Representation
- Simpler Regulation

The Bill passed the House of Assembly and was eventually passed by the Legislative Council on 10 June 2021, receiving assent on 22 June 2021.

It is expected that the Act will be proclaimed on 16 September 2021 and commence on 20 September 2021.

Further information on the reforms can be found at on the Department Infrastructure and Transport Website. Further information will be provided to Members as it is released.

Climate Impact Considerations

(Assessment of likely positive or negative implications of this decision will assist Council and the West Torrens Community to build resilience and adapt to the challenges created by a changing climate.)

There is no direct environmental impact in relation to this report.

Conclusion

This report on legislative amendments is current as at 9 September 2021.

Attachments**1. Weekly Summary of the House of Assembly**



Business of the House

Absence of the Speaker

On Tuesday 24 and Wednesday 25 August the Clerk informed the House of the absence of the Speaker. Mr Treloar (Chairman of Committees) took the chair as Deputy Speaker. The Speaker returned to the Chamber on Thursday 26 August.

Standing Order No. 17 provides that whenever the House is informed of the absence of the Speaker, the Chairman of Committees as Deputy Speaker performs the duties and exercises the authority of the Speaker in relation of all proceedings of the House.

COVID-19 Measures

On 24 August, the House agreed to suspend Standing Orders to allow Ministers and Members to speak and conduct business from any seat in the Chamber and the Speaker's gallery, to ensure Members could be in attendance and practice appropriate social distancing.

Under Standing Order No. 65, Ministers and Members can only speak and conduct business (including tabling papers and moving motions) from their designated seats. The Speaker's gallery is usually reserved for guests of the Speaker and Members of the Legislative Council. The House agreed to allow Members to sit in the Speaker's gallery to allow more Members to be in the Chamber while observing social distancing requirements.

Budget 2021-22

On 24 August, the Chair of Estimates Committee B (Mr Matt Cowdrey OAM) tabled the Reports of the Committees A and B on the proposed expenditure set out in the Appropriation Bill 2021. The Estimates Committees sat from 21 August to 28 August to examine the proposed expenditure in detail (see: [Weekly Summary – 28 July - 4 August](#)).

Following debate, the House agreed that the proposed expenditure set out in the Estimates Committees Reports be agreed to. The House then passed the remainder of the Bill and sent it to the Legislative Council for consideration.

The Estimates Committee Reports are available from the [Tabled Papers and Petitions Database](#). The Hansard transcript of the debate is available from the [Parliament's website](#).

Condolence Motion

Condolence Motion - Mr Colin McKee

On 24 August, the House agreed to a motion, moved by the Premier, expressing its deep regret at the passing of Mr Colin David Thomas McKee, and placing on record its appreciation of his meritorious service.

Mr McKee was the Member for Gilles between November 1989 and December 1993. During his term Mr McKee was a member of the Joint Committee on Subordinate Legislation and the Legislative Review Committee.

As a mark of respect, Members rose in their places to observe a minute's silence, and the House suspended for 10 minutes.

The Leader of the Opposition (Mr Malinauskas) also spoke to the condolence motion. The Hansard transcript of the debate is available from the [Parliament's website](#).

Motions

Afghanistan

The House agreed to the following motion, moved by the Leader of the Opposition (Mr Malinauskas) –

- (a) acknowledges the more than 26,000 Australians who served in Afghanistan and mourn the ultimate sacrifice 41 Australian soldiers made while serving our country;
- (b) supports the people of Afghanistan during this difficult time and acknowledges the sacrifices many Afghans made over the last 20 years working with Australian and NATO partners to help free Afghanistan from the Taliban;
- (c) supports and commits to work with the local Afghan community of South Australia and provide assistance where appropriate;
- (d) calls on the Morrison Government to implement the following actions immediately;
 - i. grant all Afghan nationals who are already in Australia on SHEVs and Temporary Protection Visas (TPV) a path to permanent residency and ultimately Australian citizenship;
 - ii. subject to all necessary security and health checks, facilitate migration to Australia of Afghan residents, including their families, who have worked with or assisted Australian Defence Forces or consular personnel in Afghanistan in recognition of their service to Australia;
 - iii. announce a humanitarian refugee visa program for Afghan ethnic minorities such as the Hazaras and advocate for women's and human rights, journalists and other activists at risk due to Taliban rule; and
 - iv. prioritise and increase the number of Australian family reunion visas for Afghan Australians.

A number of Members spoke to the motion which was then agreed to by the House. The Hansard transcript of the debate is available from the [Parliament's website](#).

Vietnam Veteran's Day

The House agreed to the following motion, moved by the Member for Wright (Mr Boyer) –

- (a) acknowledges that the 18th of August 2021 marks Vietnam Veterans Day, and the 55th anniversary of the Battle of Long Tan;
- (b) recognises the courage and sacrifices made by the Australian Defence Force personnel and medical officers who served in the Vietnam conflict; and
- (c) reaffirms South Australia's commitment to recognise the contribution made by our Vietnam Veterans and uphold their welfare through the provision and – advocacy for – appropriate support services.

A number of Members spoke to the motion which was then agreed to by the House. The Hansard transcript of the debate is available from the [Parliament's website](#).

Government Bills

Details on the passage of Bills through the House are available from the [South Australian Legislative Tracking](#) page of the Parliament's website.

Bills passed

Appropriation Bill

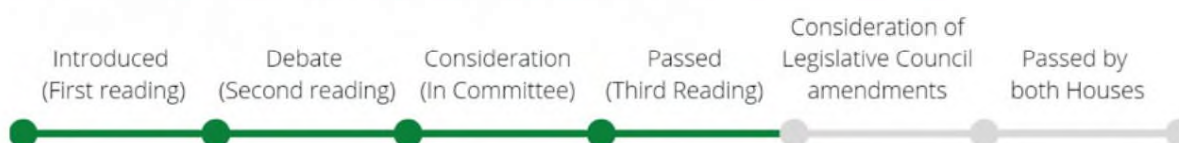


On Tuesday 24 August, the Estimates Committees reported back to the House after considering the proposed expenditure set out in this Bill (see 'Budget 2021-22' above). The House agreed to the proposed expenditure. The House then passed the Bill without amendment and sent it to the Legislative Council for consideration.

The Bill is available from the [Legislation SA website](#).

The Hansard transcript of the debate is available from the [Parliament's website](#).

COVID-19 Emergency Response (Expiry) (No 3) Amendment Bill



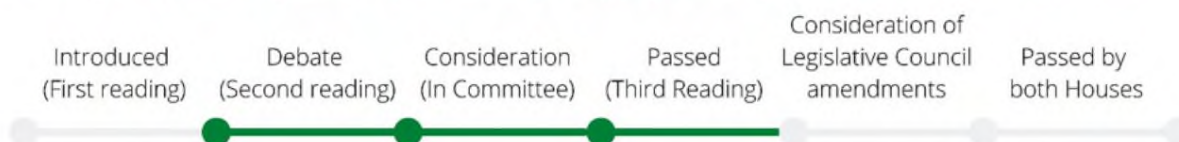
On Tuesday 24 August, the House agreed to suspend Standing Orders to enable the Attorney-General (Hon. V A Chapman) to introduce this Bill without notice. The Bill amends the *COVID-19 Emergency Response Act 2020*. On Wednesday 25 August, the House resumed the second reading debate on this Bill (adjourned on 24 August) and considered the Bill in Committee.

The House passed the Bill with amendments and sent it to the Legislative Council for consideration.

The Bill is available from the [Legislation SA website](#).

The Hansard transcript of the debate is available from the [Parliament's website](#).

Emergency Management (Electricity Supply Emergencies) Amendment Bill



On Wednesday 25 August, the House resumed the second reading debate on this Bill, (adjourned 5 May 2021). The House considered the Bill in Committee, passed the Bill without amendment and sent it to the Legislative Council for consideration.

The Bill is available from the [Legislation SA website](#).

The Hansard transcript of the debate is available from the [Parliament's website](#).

Bills introduced

Electoral (Regulation of Corflutes) Amendment Bill



On Tuesday 24 August, the Attorney-General introduced a Bill for an Act to amend the *Electoral Act 1985* and to make a related amendment to the *Local Government Act 1999*. The second reading debate was adjourned to Wednesday 25 August.

The Bill is available from the [Legislation SA website](#).

The Attorney-General's second reading speech is available from the [Parliament's website](#).

Liquor Licensing (Miscellaneous) Amendment Bill

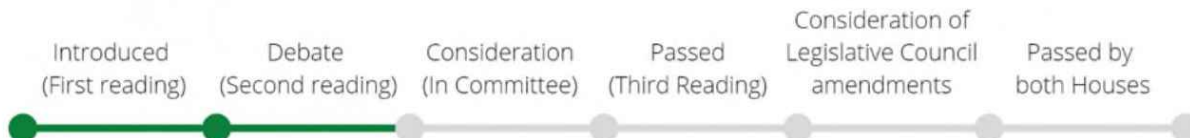


On Tuesday 24 August, the Attorney-General introduced a Bill for an Act to amend the *Liquor Licensing Act 1997* and to make related amendments to the *Gambling Administration Act 2019*, the *Gaming Machines Act 1992*, the *Local Nuisance and Litter Control Act 2016* and the *South Australian Motor Sport Act 1984*. The second reading debate was adjourned to Wednesday 25 August.

The Bill is available from the [Legislation SA website](#).

The Attorney-General's second reading speech is available from the [Parliament's website](#).

Associations Incorporation (Miscellaneous) Amendment Bill

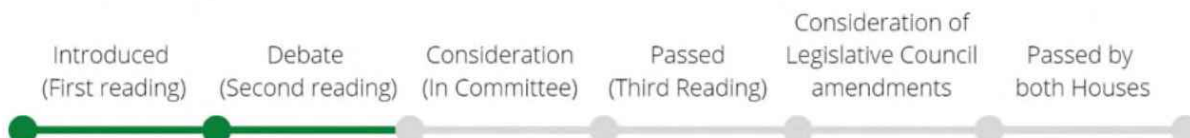


On Tuesday 24 August, the Attorney-General (Hon. V A Chapman) introduced a Bill for an Act to amend the amend the *Associations Incorporation Act 1985*. The second reading debate was adjourned to Wednesday 25 August.

The Bill is available from the [Legislation SA website](#).

The Attorney-General's second reading speech is available from the [Parliament's website](#).

OPCAT Implementation Bill

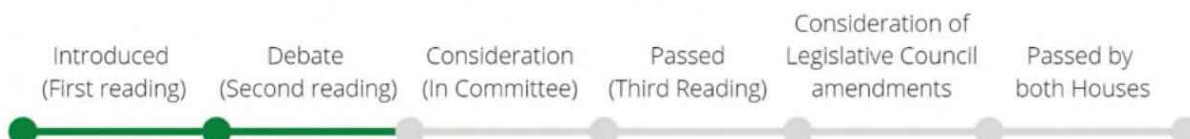


On Tuesday 24 August, the Attorney-General (Hon. V A Chapman) introduced a Bill for an Act to implement the Optional Protocol to the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment in South Australia, and to make related amendments to the *Mental Health Act 2009*, the *Police Act 1998* and the *Youth Justice Administration Act 2016*. The second reading debate was adjourned to Wednesday 25 August.

The Bill is available from the [Legislation SA website](#).

The Attorney-General's second reading speech is available from the [Parliament's website](#).

Statutes Amendment (National Energy Laws) (Regulatory Sandboxing) Bill



On Wednesday 25 August, the Minister for Energy and Mining (Hon. D C van Holst Pellekaan) introduced a Bill for an Act to amend *National Electricity (South Australia) Act 1996*, the *National Energy Retail law (South Australia) Act 2011* and the *National Gas (South Australia) Act 2008*. The second reading debate was adjourned to Thursday 26 August.

The Bill is available from the [Legislation SA website](#).

The Minister's second reading speech is available from the [Parliament's website](#).

Petroleum and Geothermal Energy (Energy Resources) Amendment Bill

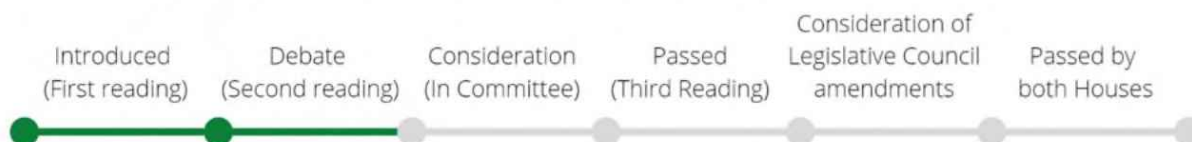


On Wednesday 25 August, the Minister for Energy and Mining (Hon. D C van Holst Pellekaan) introduced a Bill for an Act to amend *Petroleum and Geothermal Energy Act 2000*. The second reading debate was adjourned to Thursday 26 August.

The Bill is available from the [Legislation SA website](#).

The Minister's second reading speech is available from the [Parliament's website](#).

Motor Vehicles (Electricity Vehicle Levy) Amendment Bill



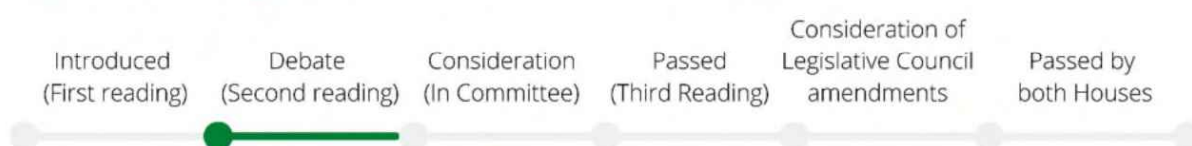
On Thursday 26 August, the Minister for Energy and Mining (Hon. D C van Holst Pellekaan) introduced a Bill for an Act to amend the *Motor Vehicles Act 1959* and to make a related amendment to the *Highways Act 1926*. The second reading debate was adjourned to Tuesday 7 September.

The Bill is available from the [Legislation SA website](#).

The Minister's second reading speech is available from the [Parliament's website](#).

Bills debated

Liquor Licensing (COVID-19 and Other Measures) Amendment Bill

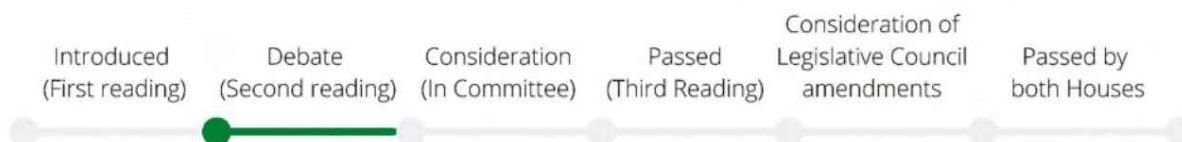


On Tuesday 24 August, following the introduction of the Liquor Licensing (Miscellaneous) Amendment Bill, the Order of the Day was read for the second reading debate on this Bill, (adjourned 25 November 2020). On motion of the Attorney-General (Hon. V A Chapman), the Order of the Day was discharged and the Bill withdrawn as measures proposed in the Bill are duplicated in the new Bill.

The Bill is available from the [Legislation SA website](#).

The Hansard transcript of the debate is available from the [Parliament's website](#).

Electoral (Electronic Documents and Other Matters) Amendment Bill

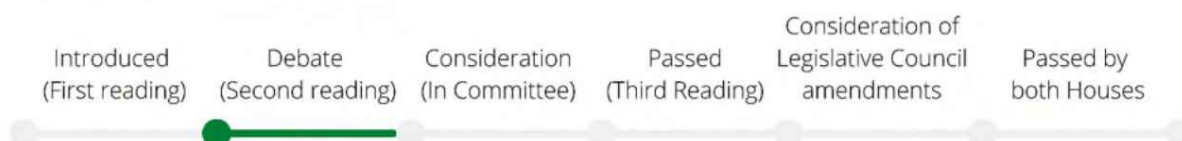


On Wednesday 25 August, the House resumed the second reading debate on this Bill, (adjourned on 10 June). The second reading debate continued on Thursday 26 August and was further adjourned to Tuesday 7 September.

The Bill is available from the [Legislation SA website](#).

The Hansard transcript of the debate is available from the [Parliament's website](#).

Legislation Interpretation Bill



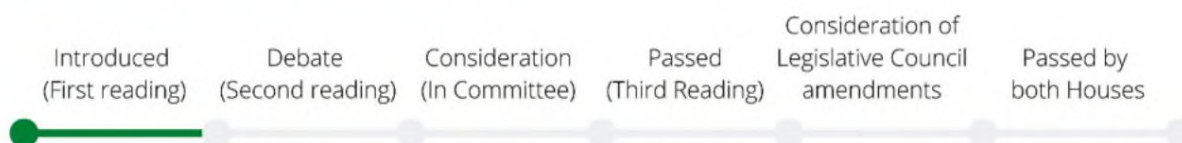
On Thursday 26 August, the Attorney-General moved the second reading of this Bill, (received from the Legislative Council on 24 June). The second reading debate was adjourned until Tuesday 7 September.

The Bill is available from the [Legislation SA website](#).

The Attorney-General's second reading speech is available from the [Parliament's website](#).

Bills received from the Legislative Council

Bills received and introduced



The following Government Bills were passed by the Legislative Council and sent to the House of Assembly for consideration.

- Statutes Amendment (Identity Theft) Bill
- Health Practitioner Regulation National Law Amendment Bill

On Wednesday 25 and Thursday 26 August (respectively) the Bills were read a first time and the second readings were made an Order of the Day for the next day(s) of sitting.

The Bills are available from the [Legislation SA website](#).

Bills returned without amendment



The following Bills were returned from the Legislative Council without amendment:

- Rail Safety National Law (South Australia) (Alcohol and Drug Offence) Amendment Bill
- Oaths (Miscellaneous) Amendment Bill

The Bills are now awaiting Royal Assent and are available from the [Legislation SA website](#).

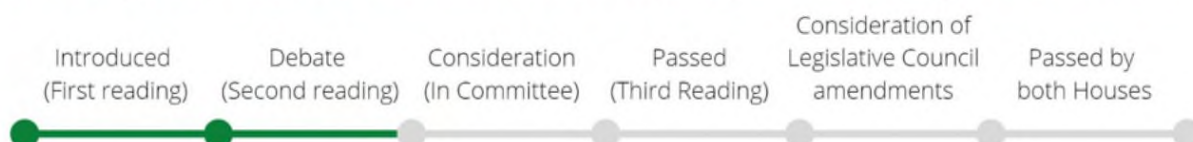
Private Members' Bills

Between 10.30am and 11.30am on each Wednesday of sitting, the House debates Private Members' Bills. These are Bills introduced by Members who are not Government Ministers.

Details on the passage of Bills through the House are available from the [South Australian Legislative Tracking](#) page of the Parliament's website.

Bills introduced

Planning, Development and Infrastructure (Design Standards) Amendment Bill



On Wednesday 25 August, the Member for Enfield (Ms Michaels), introduced a Bill for an Act to amend the *Planning Development and Infrastructure Act 2016*. The second reading debate was adjourned to Wednesday 8 September.

The Bill is available from the [Legislation SA website](#).

Ms Michaels second reading speech is available from the [Parliament's website](#).

Fair Trading (Motor Vehicle Insurers and Repairs) Amendment Bill



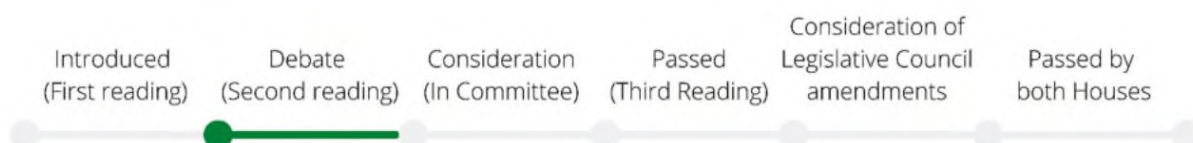
On Wednesday 25 August, the Member for Waite (Mr Duluk), introduced a Bill for an Act to amend the *Fair Trading Act 1987*. The second reading debate was adjourned to Wednesday 22 September.

The Bill is available from the [Legislation SA website](#).

Mr Duluk's second reading speech is available from the [Parliament's website](#).

Bills debated

Environment Protection (Disposal of PFAS Contaminated Substances) Amendment Bill



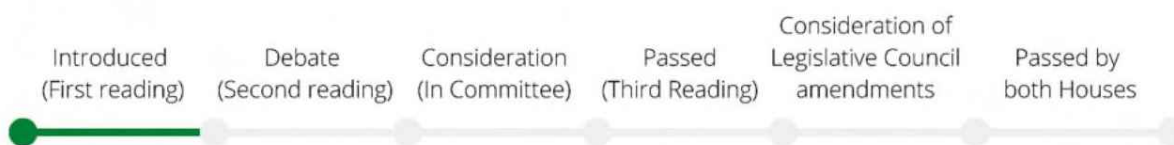
On Wednesday 25 August, the Member for Mawson (Hon. L W Bignell), moved the second reading debate on this Bill (received from the Legislative Council on 4 March 2021) on a point of order the Deputy Speaker ruled that the Bill was out of Order as it contravened the 'same question' rule set out in Standing Order No 159. This Standing Order provides that a question that has already been resolved by the House may not be put again in the same session. On 11 November 2020 an identical Bill was negatived by the House. The Member for Newland (Dr Harvey) moved, that the Order of the Day be discharged to which the House agreed.

The Bill is available from the [Legislation SA website](#).

Mr Bignell's second reading speech is available from the [Parliament's website](#).

Bill received from the Legislative Council

Bill received and introduced



The following Private Members Bill was passed by the Legislative Council and sent to the House of Assembly for consideration:

- Sentencing (Hate Crimes) Amendment Bill

On Thursday 26 August, the Bill was read a first time and the second reading was made an Order of the Day for Wednesday 8 September. The Attorney-General (Hon. V A Chapman) has taken carriage of the Bill as a Private Members Bill.

The Bill is available from the [Legislation SA website](#).

Committees

At 11.00am to 12.00pm on Thursday of each sitting week, the House debates reports of Committees and motions regarding subordinate legislation (regulations). Committee reports may be tabled at 2.00pm each sitting day during routine business.

Details on committees, including inquiries and reports, are available from the Parliament's [website](#).

Committee Membership

The following changes were made to the membership of committees:

- **Crime and Public Integrity Policy Committee** – Hon. H M Girolamo replaced Hon. D W Ridgway, resigned.

Committee Reports tabled

Legislative Review Committee

On Wednesday 25 August, the Member for MacKillop (Mr McBride), on behalf of the Member for Flinders (Mr Treloar), brought up the 42nd Report of the Committee on Subordinate Legislation.

Public Works Committee

On Thursday 26 August, the Member for Kavel (Mr Cregan) tabled the following reports of the Public Works Committee:

- 159th Report – Thomas Foods Facility Supporting Infrastructure Project
- 160th Report – Kangaroo Island Ports (Cape Jervis and Penneshaw) Upgrade Project
- 161st Report – Leigh Creek Phase 1 Demolition Project

Committee Reports noted

Public Works Committee

On Thursday 26 August, the Presiding Member (Mr Cregan) of the Public Works Committee moved that the following reports of the Committee be noted:

- 121st Report – Adelaide Super-Drome Upgrade Project
- 90th Report – Enfield Memorial Park Multi-Function Community Precinct
- 109th Report – Ovingham Level Crossing Grade Separation Project

- 110th Report – Mount Barker Primary School Redevelopment Project
- 111th Report – Urrbrae Agricultural High School Redevelopment Project
- 112th Report – Roxby Downs Area School Redevelopment Project

Economic and Finance Committee

On Thursday 26 August, the Presiding Member (Mr Cowdrey) of the Economic and Finance Committee proceeded to move that the 8th Report of the Committee entitled An Inquiry into the Motor Vehicle Insurance and Repair Industry in South Australia be noted. The motion was adjourned to 9 September.

Petitions

Seven petitions were presented:

- No. 58 Mr Ellis from 458 Residents of Stansbury, Port Vincent and greater South Australia requesting the House to urge the Government to formulate and implement a multi-faceted strategy to manage the impact of an excessive population of pied cormorants on the environment, infrastructure, tourism industry and wider commercial activity in Stansbury and Port Vincent.
- No. 59 Mr Ellis from 905 Residents of South Australia requesting the House to urge the Government to allocate appropriate funding in the 2021-22 Budget and work with the Copper Coast Council to fully upgrade 5.74 km of the Copper Coast Highway between Irwine Street/Owen Terrace and Kadina Road/Bowman Road in Wallaroo.
- No. 60 Ms Bedford from 237 Residents of Adelaide and greater South Australia requesting the House to urge the Government to install appropriate safety measures at the intersection of Reid Avenue and St Bernards Road in Hectorville.
- No. 61 Mr Gee from 658 Residents of residential parks and greater South Australia requesting the House to urge the Government to take immediate action to introduce a Standard Site Lease Agreement for all Residential Parks in South Australia based on the Consumer and Business Services template, and that all lease agreements be registered.
- No. 62 Dr Close from 10,366 Residents of Adelaide and greater South Australia requesting the House to declare that we are facing a Climate Emergency and commit to immediate measures to achieve net-zero carbon emissions in South Australia as quickly as possible and to draw down excess carbon from the atmosphere.
- No. 63 Ms Cook from 355 Residents of the electorates of Hurtle Vale, Davenport and greater South Australia requesting the House to urge the Government to reconsider opening the Happy Valley Reservoir to the public in order to protect the unique ecosystem which supports a range of wildlife, including kangaroos, koalas and black cockatoos.
- No. 64 Hon. L W K Bignell from 393 Residents of and visitors to Kangaroo Island requesting the House to urge the Government to take immediate action to prevent the import and export of freight through the American River wharf and decree that American River is not a commercial port.

Papers

All papers tabled in the House of Assembly are available from the [Tabled Papers and Petitions database](#) on the Parliament's website.

Questions

Questions without notice (Question Time)

77 questions were asked to Ministers during Question Time (47 by Opposition Members, 14 by Government Members and 16 by Independent Members). Pursuant to Standing Order No. 78, Question Time is held after Routine Business from approx. 2.15pm on each sitting day.

The Hansard transcripts of Question Time are available from the Parliament's website. Question Time is live streamed each sitting day via the [Parliament's website](#) and [Facebook page](#).

Matter of Privilege – Minister for Planning and Local Government

On 25 August, the Member for West Torrens (Hon. A Koutsantonis) raised, as a matter of privilege, the alleged misleading of the Parliament by the Minister for Planning and Local Government (Hon. V A Chapman), as her answers to questions in Estimates Committee hearings were contrary to what the Minister had stated to the House.

The Deputy Speaker requested The Member for West Torrens (Hon. A Koutsantonis) to provide him with any further information, and he would refer the matter to the Speaker for his consideration.

On 26 August, the Speaker concluded that the Minister for Planning and Local Government (Hon. V A Chapman) responses in both Estimates hearings and in the House were not inconsistent with the content of the report and her actions to undertake further inquiries and reporting those findings to the House was not consistent with any intention to deliberately and knowingly mislead the House. As such the matter was not given precedence and no further action was taken.

A matter of privilege is defined as a matter that can 'genuinely be regarded as tending to impede or obstruct the House in the discharge of its duties'. Under Standing Order No. 132, a matter of privilege suspends any question before the House, and the Speaker must make a ruling on whether the issue should be considered as a matter of privilege. If the Speaker determines that a *prima facie* case of privilege may exist, the matter is given precedence to be debated and may be referred to a Privileges Committee to investigate.

The Speaker's statement is available from the [Parliament's website](#).

Sitting times and adjournment

Sitting times

The House sat for three days and a total of 23 hours and 42 minutes:

- Tuesday 24 August – 11.00am to 6.45 pm
- Wednesday 25 August – 10.30am to 11.57 pm
- Thursday 26 August – 11.00am to 6.00 pm.

Adjournment

At 6.00pm on Thursday 26 August, the House adjourned until Tuesday 7 September at 11.00am.

Further information

Further information is available from the Parliament of South Australia's website via the following pages:

- [Business of the Assembly](#) – links to Notice Papers and daily programs;
- [Committees](#) – information on the work of parliamentary committees;
- [Standing Orders](#) – the rules of the House of Assembly;
- [SA Legislative Tracking System](#) – information on the progress of bills;
- [Tabled Papers and Petitions](#) – indexes and database of tabled papers;
- [Votes and Proceedings](#) – official record of the House of Assembly;
- [Hansard](#) – transcripts of the proceedings of Parliament; and
- [Glossary](#) – a glossary of Parliamentary terms.

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12 MEETING CLOSE